

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014

CITY OF CUPERTINO
PLANNING COMMISSION MEETING
ACTION MINUTES, September 22, 2020

At 6:45pm Chair Moore called to order the regular Planning Commission meeting. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Chairperson Moore, Vice Chair R Wang, Commissioners Alan Takahashi, David Fung
Absent: Vikram Saxena

APPROVAL OF MINUTES:

1. **Subject:** Amended Draft Minutes of August 25, 2020.

Recommended Action: Approve or modify the Amended Draft Minutes of August 25, 2020

Moved by Com. Fung and seconded by Chair Moore to: "Approve the minutes". The motion carried 4-0-1 (Saxena absent)

STUDY SESSION:

2. **Subject:** Study Session and presentation on the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under CEQA, a change required by Senate Bill (SB) 743

Recommended Action: Receive the presentation and provide any input to Staff

Chris Corrao, Senior Transit and Transportation Planner in the City's Public Works Department and Dan Rubins, P.E., Senior Associate with Fehr and Peers Traffic Consulting, reviewed the Staff Report and gave a presentation on the methodology to transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) to the Planning Commissioners. They were asked clarifying questions, which they answered.

Chair Moore opened the public comment period and the following individual(s) spoke:

Peggy Griffin

Jennifer Griffin (Staff read an email)

Chair Moore closed the public comment period.

The Commissioners discussed the needs to utilize both forms of measurements when evaluating a new project to get an accurate gauge of the potential traffic impacts and CEQA determination. Staff will be making a presentation to the City Council with proposed threshold levels once they have completed some modeling scenarios. The Planning Commission suggested that a joint study session be set up with the City Council so both hearing bodies

could have a better understanding of how the thresholds of measurement were arrived at, when they should be applied, and how to overlay that with the LOS methodology when evaluating the potential impacts of a development proposal. The Commissioners thanked Staff and Mr. Rubins for their presentation and explanation of such a complex topic.

POSTPONEMENTS:

3. **Subject:** Municipal Code Amendment to Chapter 5.48, Mobile Vendor, to consider updates to definitions and regulations, Application No(s): MCA-2020-004; Applicant(s): City of Cupertino; Location: citywide (Postponed to the October 13, 2020 meeting)

ORAL COMMUNICATIONS: None

WRITTEN COMMUNICATIONS:

An email was received regarding Item #2

PUBLIC HEARING:

4. **Subject:** Consider Municipal Code Amendments to CMC Chapter 10.48, Community Noise Control, to regulate leaf blowers to implement the Fiscal Year 2020/21 City Council Work Program items related to Ordinance updates on gas powered leaf blowers. Application No(s): MCA-2020-002; Applicant(s): City of Cupertino; Location: citywide
Recommended Action: That the Planning Commission conduct the public hearing and adopt the Draft Resolution recommending that the City Council adopt an Ordinance to: 1) find that the proposed actions are exempt from CEQA; and 2) Recommend the approval of amendments to Chapter 10.48, Community Noise Control, for leaf blowers

Tentative City Council hearing: October 20, 2020

Associate Planner Jeff Tsumura, reviewed the Staff Report and the proposed Ordinance changes with the Planning Commissioners. He was asked clarifying questions, which he answered.

Chair Moore opened the public comment period and the following individual(s) spoke:

Peggy Griffin

Chair Moore closed the public comment period.

The Commissioners discussed the various aspects of the proposed regulation, and concluded that the amendments to Municipal Code 10.48, Community Noise Control are unnecessary for the following reasons: 1) the low number of complaints filed against leaf blowers (approximately three per year); 2) Difficulties for Code Enforcement to regulate; 3) The proposed regulations inequitably harm small business owners; 4) The proposal does not merit passage and is not worthy of advancing; and 5) The proposal is considered overregulation.

Moved by Com. Fung and seconded by Vice Chair Wang to consider the recommended action per the Draft Resolution. The motion failed 0-4-1 (Saxena absent).

OLD BUSINESS: None

NEW BUSINESS: None

REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT: None

REPORT OF THE PLANNING COMMISSION:

Chair Moore 'attended' the Mayor's Monthly Meeting.

ADJOURNMENT:

The meeting was adjourned at 9:05 p.m. to the next regular Planning Commission meeting on October 13, 2020 at 6:45 p.m.

Respectfully Submitted:

/s/Beth Ebben

Beth Ebben, Deputy Board Clerk