

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, CA 95014

CITY OF CUPERTINO  
PLANNING COMMISSION MEETING  
ACTION MINUTES, January 26, 2021

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

**ROLL CALL**

Present: Vice Chair R Wang, Commissioners David Fung, Alan Takahashi, Sanjiv Kapil  
Absent: Vikram Saxena

**APPROVAL OF MINUTES:**

1. **Subject:** Draft Minutes of January 12, 2021.

**Recommended Action:** Approve or modify the Draft Minutes of January 12, 2021

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

**POSTPONEMENTS:** None

**ORAL COMMUNICATIONS:**

Jennifer Griffin – spoke about High Density Rezoning in the City of San Jose

**WRITTEN COMMUNICATIONS:**

Two emails were received regarding item #3

**STUDY SESSION:**

2. **Subject:** Study Session to compare standards for mixed use developments and high density residential guidelines with other cities

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

Associate Planner, Jeffrey Tsumura, reviewed the comparative study with the Planning Commissioners. He was asked clarifying questions, which he answered.

Vice Chair Wang opened the public comment period and the following individual(s) spoke:  
Jennifer Griffin

Vice Chair Wang closed the public comment period.

The Commissioners thanked Staff for the study. They commented that some areas of the study were not necessarily "apples to apples" comparisons with other cities specifically in terms of setbacks, building heights and the density housing plan along transit corridors.

### **PUBLIC HEARING:**

3. **Subject:** Consider the modification to an existing Use Permit (U-2004-01) to amend the conditions of approval to allow 100% non-retail commercial uses where only 50% are allowed. Application No(s): M-2020-002; Applicant(s): Catherine Chen; Location: 20130 Stevens Creek Blvd APN #369-56-001

**Recommended Action:** That the Planning Commission consider the evidence presented, conduct the public hearing and consider either adopting; 1) the Draft Resolution recommending that the City Council approve the Use Permit modification; or 2) The Alternate Draft Resolution recommending that the City Council deny the Use Permit Modification

Gian Martire, Senior Planner, reviewed the Staff Report with the Planning Commissioners. He was asked clarifying questions, which he answered.

Vice Chair Wang opened the public comment period and the following individual(s) spoke:  
Jennifer Griffin

Rick Kitsen

Vice Chair Wang closed the public comment period.

The applicant, Catherine Chen, also addressed the Commissioners. She would like to convert the space to non-retail uses for several reasons including the lack of parking. Retail uses require more parking spaces than are available on site. The Commissioners agreed that old legislation and old planning methodologies have contributed to the need for these kinds of exception requests.

Moved by Wang and seconded by Fung to: Recommend that the City Council approve the modification to the Use Permit. The motion carried 4-0-1 (Saxena absent)

The Planning Commission took a five minute break at 9:00 p.m.

4. **Subject:** Consider A Municipal Code Amendment as part of the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under the California Environmental Quality Act (CEQA), which is a change required by Senate Bill (SB) 743. Application No(s): MCA-2021-001; Applicant(s): City of Cupertino; Location: citywide

**Recommended Action:** Conduct the public hearing and recommend that the City Council; 1) find that the proposed action is exempt from CEQA; and 2) Add Title 17 (currently reserved) to the Cupertino Municipal Code for Environmental Regulations and adopt regulations in a new Chapter 17.08: VMT Standards, which establishes screen criteria, a 14.4% VMT reduction threshold, and a qualified exemption for local-serving retail projects, for purposes of CEQA analysis, per the Draft Resolution

Chris Corrao, Senior Transit and Transportation Planner in the Public Works Department, reviewed the Staff Report and proposed Ordinance with the Planning Commissioners. He was asked clarifying questions, which he answered.

Vice Chair Wang opened the public comment period and the following individual(s) spoke:  
Jennifer Griffin

Vice Chair Wang closed the public comment period.

The Commissioners discussed the model with Staff and the Consultant to understand the formulas and metrics. They appreciate that the LOS calculations can still be used to determine potential traffic impacts while using the VMT methodology for CEQA purposes when evaluating a development application.

Moved by Fung and seconded by Takahashi to: The Planning Commission hereby finds and declares that each of the recitals and findings are true and correct and are incorporated into this Resolution and hereby recommends that the City Council adopt the Draft Ordinance as attached hereto as Exhibit A, in substantially similar form. The motion carried 4-0-1 (Saxena absent)

### **OLD BUSINESS:**

5. **Subject:** General Plan Annual Review for the year 2020

**Recommended Action:** That the Planning Commission provide input into the General Plan Annual Report for the City Council

Planning Manager Piu Ghosh, reviewed the City Work Program for Fiscal Year 2020/2021 with the Planning Commissioners. She was asked clarifying questions, which she answered.

Vice Chair Wang opened the public comment period and the following individual(s) spoke:  
Jennifer Griffin

Vice Chair Wang closed the public comment period.

The Commissioners discussed the changes made to the report from section LU-30.2 to the end of the report. They provided additional comments and suggestions. The report will be submitted to the City Council in March.

**NEW BUSINESS:** None

### **REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:**

Planning Manager, Piu Ghosh, thanked Commissioners Takahashi and Fung for their service on the Planning Commission. She re-stated that the Draft RHNA number has been adopted by the ABAG Executive Board. Cupertino's Draft RHNA is 4588 units. The RHNA is in draft form until HCD first approves the methodology and the ABAG Executive Board adopts it in final form. Deputy Board Clerk, Beth Ebben, also thanked Commissioners Takahashi and Fung for their service on the Planning Commission.

### **REPORT OF THE PLANNING COMMISSION:**

Vice Chair Wang thanked Commissioners Takahashi and Fung for their service on the Planning Commission

### **ADJOURNMENT:**

The meeting was adjourned at 10:45 pm. to the next regular Planning Commission meeting on February 9, 2021 at 6:45 p.m.

Respectfully Submitted:

/s/Beth Ebben

Beth Ebben, Deputy Board Clerk