

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, CA 95014

CITY OF CUPERTINO  
PLANNING COMMISSION MEETING  
APPROVED MINUTES, November 14, 2017

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**PLEDGE OF ALLEGIANCE**

At 6:45 p.m Vice Chairperson Paulsen called to order the regular Planning Commission meeting in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue, Cupertino, CA. and led the Pledge of Allegiance.

**ROLL CALL**

Present: Vice Chairperson Geoff Paulsen and Commissioners David Fung, Alan Takahashi, and Jerry Liu. Absent: Chairperson Don Sun

**APPROVAL OF MINUTES:** None

**POSTPONEMENTS/REMOVAL FROM CALENDAR:**

*Item 1. The applicant requested a postponement of their item to a date uncertain after the agenda packet had been published.*

**ORAL COMMUNICATIONS:** None

**WRITTEN COMMUNICATIONS:** None

**CONSENT CALENDAR:** None

**PUBLIC HEARINGS:**

1. **Subject:** Tentative Map application to allow the subdivision of 3 parcels (approximately 1.06 acres) into 5 parcels - 4 residential and 1 common (private street), Tree Removal Permit to allow the removal and replacement of seven (7) protected trees and associated environmental review. (Application No(s): TM-2015-01, TR-2016-28 (EA-2015-04) Applicant: Welkin International (Cai XingXie); Location: 10234 Scenic Blvd., APN#357-08-014, 047)

**Recommended Action:** The applicant requested a postponement with no new hearing date

The following individual(s) spoke:

Christina Armstrong

Nadine Carlton

2. **Subject:** Consider an ordinance to establish regulations regarding adult use (recreational) and medicinal marijuana by adding a new Chapter 10.84, Medicinal and Adult Use of Marijuana, in Title 10, amending Chapter 19.08, Definitions, to repeal definitions related to Marijuana and amending Chapter 19.98, Medical Marijuana, to update and reference the newly established Chapter. (Application No(s): MCA-2017-04; Applicant(s): City of Cupertino; Location: Citywide)

**Recommended Action:** That the Planning Commission adopt the draft resolution recommending that the City Council; 1. Find that the proposed actions are exempt from CEQA; and 2. Adopt an ordinance entitled “An ordinance of the City Council of the City of Cupertino adding Chapter 10.84 titled “Medicinal and Adult Use of Marijuana” to Title 10 of the Cupertino Municipal Code; amending Section 19.08.030 to repeal Definitions related to Marijuana; and amending Chapter 19.98 to reference the newly adopted ordinance”

Principal Planner Piu Ghosh reviewed the Staff Report

Staff answered questions from the Commissioners

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

Captain Rich Urena

Vice Chair Paulsen closed the public comment period

Moved by Liu and seconded by Fung. Motion carried 4-0-1 (Sun absent) to recommend to the City Council approval of Application No. MCA-2017-04, with modifications to the Draft Resolution.

3. **Subject:** Consider an ordinance to amend regulations in Title 19, Zoning of the Municipal Code with regard to Accessory Dwelling Units, including Chapter 19.08, Definitions, and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 zones. Application No(s): MCA-2017-05; Applicant(s): City of Cupertino; Location: Citywide

**Recommended Action:** That the Planning Commission adopt the draft resolution recommending that the City Council; 1. Find that the proposed actions are exempt from CEQA; and 2. Adopt an ordinance entitled “An Ordinance of the City Council of the City of Cupertino amending Chapter 19.08, Definitions and Chapter 19.112, Accessory

Dwelling Units in R-1, RHS, A and A-1 Zones (Residential Zoning Districts) to conform to new state laws.”

Principal Planner Piu Ghosh reviewed the Staff Report

Staff answered questions from the Commissioners

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

Morteza Rahnemoon

Jennifer Griffin

Vice Chair Paulsen closed the public comment period

Moved by Fung and seconded by Liu. Motion carried 4-0-1 (Sun absent) to recommend to the City Council approval of Application No. MCA-2017-05, per the Draft Resolution

#### **OLD BUSINESS:**

4. **Subject:** Two Story Permit and Minor Residential Permit to allow construction of a new single family residence with a second floor balcony. Application No(s): R-2016-28, RM-2016-26. Applicant: Glush Dada (Qi/Juan residence); Location: Lot 1 Lindy Lane APN# 356-25-031

**Recommended Action:** That the Planning Commission adopt the draft resolutions to; 1. Approve a Two Story Permit to allow the construction of a new residence with a Floor Area Ratio of approximately 25%; and 2. Approve a Minor Residential Permit to construct a home with a second story balcony.

(This portion of the development proposal was continued from the September 26, 2017 meeting)

Associate Planner Gian Paolo Martire reviewed the Staff Report

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

Mackenzie Mossing (SCV Audubon Society)

Seema Mittal

Chi-I Lang

Malini Minasandram

Shesha Krishnapura

Larry Wilson

Frank Sun

Charlie Tursi

Jonathan Arzeno

Sara Arzeno

Vice Chair Paulsen closed the public comment period

Staff and the Applicant(s) answered questions from the Commissioners

Moved by Fung and seconded by Paulsen. Motion carried 4-0-1 (Sun absent) to approve the Application(s) No. R-2016-28 and RM-2016-26, per the Draft Resolutions.

**NEW BUSINESS:** None

**REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:** None

**REPORT OF THE PLANNING COMMISSION:** None

**ADJOURNMENT:**

The meeting was adjourned at 9:00p.m. to the next regular Planning Commission meeting on December 12, 2017 at 6:45 p.m.

Respectfully Submitted:

/s/Beth Ebben  
Beth Ebben, Administrative Assistant