

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, CA 95014

CITY OF CUPERTINO  
PLANNING COMMISSION MEETING  
APPROVED MINUTES, June 11, 2019

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**PLEDGE OF ALLEGIANCE**

At 6:45 p.m Chairperson Wang 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: Chairperson R Wang, Vice Chair Vikram Saxena, Commissioners Kitty Moore, David Fung. Absent: Alan Takahashi

**APPROVAL OF MINUTES**

1. **Subject:** Draft Minutes of May 23, 2019.

**Recommended Action:** Approve or modify the Draft Minutes of May 23, 2019

Moved by Fung and seconded by Saxena to: "Approve the minutes" with a correction to Item #3 to change the Motion from Wang to Fung. The motion carried 3-0-2 (Wang abstained, Takahashi absent).

**POSTPONEMENTS/REMOVAL FROM CALENDAR:** None

**ORAL COMMUNICATIONS:** None

**STUDY SESSION:**

2. **Subject:** Below Market Rate Housing Program presentation

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

Housing Manager, Kerri Heusler, reviewed the Below Market Rate Housing Program and answered questions from the Commissioners.

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

Kim James

Janet Van Zoeren

Jennifer Griffin

Chair Wang closed the public comment period.

The Planning Commission recommended that Staff compare the various manuals, Municipal Codes, and other legislative guidelines to address and correct discrepancies.

**WRITTEN COMMUNICATIONS:** None

**CONSENT CALENDAR:** None

**PUBLIC MEETINGS:**

**3. Subject:** Consider approving a new 185 room, 5-story hotel (24 hour operation) with underground parking, event meeting rooms, a restaurant with separate bar and rooftop lounge with a separate bar at the Cupertino Village Shopping Center by demolishing two commercial buildings with an area of 13,429 square feet and the removal of 41 trees. City actions would include a General plan Amendment to consider increasing the development allocation of hotel rooms to 185 hotel rooms in the North Vallco Special Area; other permits include: Development and Architectural and Site approval, Tree Removal and Use Permits. A Development Agreement is also proposed. (Application No(s): GPA-2017-05, DP-2018-04, ASA-2017-09, DA-2017-01, TR-2017-46, U-2018-03, EA-2017-06; Applicant(s): Kimco Realty (Michael Strahs); Location: 10801 and 10805 North Wolfe Road APN# 316-45-017, 316-05-056)

**Recommended Action:** Conduct the public hearing and recommend that the City Council adopt a Mitigated Negative Declaration and approve the applications per the Draft Resolutions

Associate Planner, Erick Serrano, reviewed the Staff Report and answered questions from the Commissioners. The Applicant, Michael Strahs, the project's Environmental Consultant, Terri McCracken; the project's Landscape Architect, Cliff Lowe, and the project's Attorney, Kristina Lawson (Law Offices of Hanson Bridgett), reviewed the proposed project for, and answered questions from, the Planning Commission.

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

Keith Warner

Jennifer Griffin

Lisa Warren

Chair Wang closed the public comment period.

The Planning Commissioners discussed the development agreement, landscaping, the results of the environmental site assessment, and traffic control aspects of the project.

Moved by Saxena and seconded by Moore to: "recommend to the City Council the adoption of the Mitigated Negative Declaration (EA-2017-05; Approve the General Plan Amendment (GPA-2017-05), Development Permit (DP-20147-09), Architectural and Site approval (ASA-2017-09), Tree Removal Permit (TR-2017-46), Use Permit (U-2018-03), and Development Agreement (DA-2017-01)." The motion carried 4-0-1 (Takahashi absent). (see video 2:31:36)

Draft resolution ASA-2017-09 will be revised to remove Condition #6, "Closure of Driveway"

**4. Subject:** Municipal Code Amendments to the Cupertino Municipal Code to clarify City Standards for size of Accessory Dwelling Units (Chapter 19.112 – Accessory Dwelling units), for clarifications, and consistency. (Applicant No(s): MCA-218-04; Applicant(s): City of Cupertino; Location: citywide

**Recommended Action:** Conduct the public hearing and recommend that the City Council find that the proposed action is exempt from CEQA and adopt an Ordinance of the City Council, amending Chapter 19.112, Accessory Dwelling Units per the Draft Resolution

Associate Planner, Gian Martire, reviewed the Staff report and answered questions from the Commissioners.

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

Jennifer Griffin

Lisa Warren

Chair Wang closed the public comment period.

The Planning Commissioners discussed the proposed housing bills in the State legislature and the potential impacts those bills may have on the City's Accessory Dwelling Unit Ordinance.

Moved by Fung and seconded by Wang to: Recommend to the City Council that the proposed action is exempt from CEQA and adopt an Ordinance of the City Council of the City of Cupertino amending Chapter 19.112, Accessory Dwelling Units as submitted in the packet".

The motion failed 1-3-1 (Moore, Wang and Saxena voting no, Takahashi absent). **(see video 3:25:15)**

**OLD BUSINESS:** None

**NEW BUSINESS:** None

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

**REPORT OF THE PLANNING COMMISSION:**

The Commissioners each mentioned the various public meetings and events they have attended.

**ADJOURNMENT:**

The meeting was adjourned at 10:25 pm to the next regular Planning Commission meeting on June 25, 2019 at 6:45 p.m.

Respectfully Submitted:

/s/Beth Ebben

Beth Ebben, Deputy Board Clerk