

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, CA 95014

CITY OF CUPERTINO  
PLANNING COMMISSION MEETING  
APPROVED MINUTES, August 13, 2019

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**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

1. **Subject:** Draft Minutes of July 30, 2019.

**Recommended Action:** Approve or modify the Draft Minutes of July 30, 2019

(Commissioner Moore recused herself)

Commissioner Fung provided corrections for the vote recording and suggested language changes.

Moved by Fung and seconded by Takahashi to: "Approve the minutes as amended". The motion carried 3-0-2 (Wang absent, Moore recused)

(Commissioner Moore returned to the dais)

**ORAL COMMUNICATIONS:**

Jennifer Griffin thanked the Planning Commissioners for discussing a range of topics she felt were valuable to the Community

Jim Moore did not think the minutes should have been deliberated at this meeting

**WRITTEN COMMUNICATIONS:**

Two letters were received regarding agenda item #4 and one letter was received as a general comment regarding the July 30<sup>th</sup> meeting.

**CONSENT CALENDAR:** None

## **STUDY SESSION:**

2. **Subject:** Presentation from City Staff and a Consultant on Green Stormwater Infrastructure (GSI) and the City's Municipal Regional Permit (MRP) requirement to adopt a long term GSI Plan. *Continued from the July 23<sup>rd</sup> cancelled Planning Commission meeting.*

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

Environmental Programs Manager, Cheri Donnelly, Senior Environmental Scientists for EOA, Incorporated, Vashakha Atre and Leisbeth Magna, gave a presentation of the draft Green Stormwater Infrastructure (GSI) to the Planning Commission. They explained the City's Municipal Regional Permit requirement. Staff and the Consultants were asked and answered questions.

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

Lisa Warren

Jennifer Griffin

Vice Chair Saxena closed the public comment period.

The Planning Commissioners provided comments and recommendations to Staff and the consultants about the GSI Plan to forward for consideration by the City Council.

3. **Subject:** Below Market Rate (BMR) Residential Housing Mitigation and Commercial Linkage Fees update for the Cupertino BMR Housing Program, Application No(s): CP-2019-01; Applicant(s): City of Cupertino; Location: citywide. *Continued from the July 23<sup>rd</sup> cancelled Planning Commission meeting.*

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

Housing Manager, Keri Heusler, and Associate Planner, Erick Serrano (City Staff), Eric Phillips, Special Counsel to the City from Goldfarb, Lipman, and Sujatha Srivastava, from Strategic Economics (consulting) provided background, existing conditions and an update on the Below Market Rate (BMR) Residential Housing Mitigation and Commercial Linkage Fees. Staff and the Consultants were asked and answered questions by the Planning Commissioners.

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

Jennifer Griffin

Connie Cunningham

Lisa Warren

Greenie Van Buren

Vice Chair Saxena closed the public comment period.

The Planning Commissioners provided comments and recommendations to Staff and the consultants to forward for consideration by the City Council.

## **PUBLIC HEARINGS:**

4. **Subject:** Hillside Exception to allow the construction of a new 4,076 square foot, two-story, single family residence within the 15% site line of a prominent ridgeline. Application No(s): EXC-2018-07; Applicant(s): Walter Chapman (Barniv residence); Location: 21650 Rainbow Court APN #366-38-007

**Recommended Action:** Conduct the public hearing and find: 1) that the proposed actions are exempt from CEQA; and 2) approve the application per the Draft Resolution

Associate Planner, Gian Martire, presented the Staff Report, provided background information on the lot, explained the Hillside Ordinance, and why an exception is required for this development proposal. The designer, Walter Chapman and the property owner, Zuni Barniv, also made presentations to the Commissioners. Staff and the applicant were asked and answered questions from the Commissioners.

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

Greenie Van Buren

Donald Van Buren

Avi Tepman

Kathryn Nicolino (a written statement was read)

Vice Chair Saxena closed the public comment period.

The project designer reviewed the proposed on-site drainage and sewer plans with the Commissioners. The Commissioners thanked Staff and the property owner for their work to bring a thoughtful design project forward that will be a benefit the neighborhood.

Moved by Fung and seconded by Moore to approve the application per the Draft Resolution. The motion carried 4-0-1 (Wang absent).

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

**REPORT OF THE PLANNING COMMISSION:**

Commissioners Moore mentioned the various public meetings and events she had attended. Commissioners Fung and Saxena, along with others, attended the grand opening of the Verandas Senior Housing Project.

**ADJOURNMENT:**

The meeting was adjourned at 11:05pm to the next regular Planning Commission meeting on August 27, 2019 at 6:45 p.m.

Respectfully Submitted:

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/s/Beth Ebben

Beth Ebben, Deputy Board Clerk