

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014

CITY OF CUPERTINO
PLANNING COMMISSION MEETING
APPROVED MINUTES, January 14, 2020

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

CEREMONIAL MATTERS:

1. **Subject:** Elect a Chair, Vice Chair and Committee representatives

Recommended Action: Elect a Planning Commission Chair, Planning Commission Vice Chair, make a recommendation to the City Council for a representative to the Environmental Review Committee, keep or select new representatives to the Housing Commission and Economic Development Committee.

Per the Commissioners' discussion, it was decided that this item would be postponed to the next meeting when all of the Commissioners are in attendance.

APPROVAL OF MINUTES:

2. **Subject:** Draft Minutes of November 12, 2019.

Recommended Action: Approve or modify the Draft Minutes of November 12, 2019

The approval of the Minutes was postponed due to a lack of a quorum

3. **Subject:** Draft Minutes of December 10, 2019.

Recommended Action: Approve or modify the Draft Minutes of December 10, 2019

The approval of the Minutes was postponed due to a lack of a quorum

POSTPONEMENTS/REMOVAL FROM CALENDAR: None

ORAL COMMUNICATIONS: None

WRITTEN COMMUNICATIONS: None

CONSENT CALENDAR: None

PUBLIC HEARINGS

4. Subject: Municipal Code Amendments to regulate Short-Term Rental activity in the City. A new Chapter 5.08 (Short Term Rental Activity) is proposed and amendments are proposed to Chapter 3.12 (Transient Occupancy Tax), Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.20 (Permitted, Conditional and Excluded Use in Agricultural and Residential Zones) and Chapter 19.120 (Home Occupations), of the Cupertino Municipal Code. Application No(s): MCA-2018-02 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 Recommend approval of amending the Municipal Code by adding Chapter 5.08 and amending Chapters 3.12 (Transient Occupancy Tax), Chapter 19.08 (Definitions), Chapter 9.12 (Administration) and Chapter 19.120 (Home Occupations) per the Draft Resolution.

Senior Planner, Erick Serrano, reviewed the proposed new “Short Term Rental Activity” Municipal Code and the other proposed Municipal Code changes. He was asked and answered questions by the Commissioners. The Commissioners made several suggestions for clarity.

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

Jennifer Griffin

Lisa Warren

Vice Chair Saxena closed the public comment period.

The Planning Commissioners discussed the proposed new Chapter at length. There was concern about registry compliance, enforcement costs, traffic impacts and how future State level legislation regarding Accessory Dwelling Units and other Housing Laws could impact this Code.

Motion to: Approve the Draft Resolution; with additional language stating that per AB 68, new ADUs and new JADUs are not eligible for Short Term Rental activities; and that there be a 5% cap on the number of Short Term Rental permits issued.

Moved by Moore, second by Saxena, the motioned failed 2-2-1 (Fung and Takahashi voting no, Wang absent)

The Commissioners approved the Draft Resolution. Per their discussion, they would like the City Council to consider as part of their final approval: the status of ADUs and JADUs; whether existing ADUs can be used for Short Term Rental activities if its already registered; and language clarifications. They would like Staff to more fully explore how other cities are implementing similar Ordinances and include that additional information to the City Council.

Motion to: Approve the Draft Resolution, with the additional language to include JADUs to the Accessory Dwelling Unit exclusion

Moved by Moore, second by Takahashi, the motioned carried 4-0-1 (Wang absent)

OLD BUSINESS:

5. **Subject:** Study Session on General Plan Annual Review/Implementation Plan and consider General Plan Policies and Strategies that could benefit from clarification.

Recommended Action: Provide direction of the format of the General Plan Annual Preview/Implementation Plan; and Consider General Plan Policies and Strategies that could benefit from clarification.

Planning Manager, Piu Ghosh, reviewed the Staff Report and updated the Commissioners on the recent formatting changes that have been incorporated into the document per the Commissioners prior requests. She answered questions from the Commissioners.

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

Lisa Warren

Vice Chair Saxena closed the public comment period.

The discussion continued with the Commissioners providing input and suggestions on pages of the report LU-19.1 through HE-2.3.2. This discussion will continue over the next several meetings.

NEW BUSINESS: None

REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Director Fu reminded the Commissioners to sign up for the Planning Commissioner's Academy.

REPORT OF THE PLANNING COMMISSION:

Commissioner Moore mentioned the Housing Commission meeting she attended.

ADJOURNMENT:

The meeting was adjourned at 9:45 pm to the next regular Planning Commission meeting on January 28, 2020 at 6:45 p.m.

Respectfully Submitted:

 /s/Beth Ebben

Beth Ebben, Deputy Board Clerk