



**CITY OF CUPERTINO
PLANNING COMMISSION MEETING
ACTION MINUTES, June 22, 2021**

PLEDGE OF ALLEGIANCE

At 6:45 p.m. Chairperson Wang called to order the regular Planning Commission meeting. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Chairperson R Wang, Vice Chairperson Steven Scharf and Commissioner Sanjiv Kapil. Absent: Commissioners Vikram Saxena and Muni Madhhipatla

APPROVAL OF MINUTES

1. **Subject:** Draft Minutes of May 25, 2021.

Recommended Action: Approve or modify the Draft Minutes of May 25, 2021

Moved by Scharf and seconded by Wang to: "Approve the minutes". The motion carried 3-0-2 (Saxena and Madhhipatla absent).

POSTPONEMENTS/REMOVAL FROM CALENDAR: None

ORAL COMMUNICATIONS:

Lisa Warren asked the Commission to hold off on making big decisions until a new City Manager and City Attorney are hired.

Rhoda Fry spoke about the outcome of Santa Clara Board Supervisor meeting and the upcoming Santa Clara County Planning Commission meeting to discuss the Stevens Creek quarry.

WRITTEN COMMUNICATIONS: None

CONSENT CALENDAR: None

PUBLIC HEARINGS:

2. **Subject:** Vesting Tentative Map to replace a previously approved Vesting Tentative Map (TM-2018-03) for the Westport Cupertino development project to create a separate parcel for the age restricted senior below market rate building. City approval would be a

Vesting Tentative Map; (Application No(s): TM-2021-002; Applicant(s): KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN #326-27-042, -043

Recommended Action: That the Planning Commission the public hearing and recommend that the City Council find: 1) Approve the application per the Draft Resolution. *Tentative City Council hearing date: July 20, 2021*

Senior Planner Gian Martire gave a presentation and answered questions from the Commissioners.

The Applicant Mark Tersini addressed and answered questions from the Commissioners.

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

- Peggy Griffin
- Jennifer Griffin
- Lisa Warren
- Larry Dean
- Rhoda Fry

Chair Wang closed the public comment period.

The Planning Commission discussed the following:

- Legal review on the conformance of the parcellation of Building 2 with the General Plan, as well as a justification its decoupling from the Parcel B.
- Removing the requirement for the developer to provide a Class IV bike lane on the southern side of Stevens Creek Boulevard, adjacent to De Anza College.

Wang moved and Scharf seconded to continue this item to a date uncertain.
The motion carried 3-0-2.

3. Subject: Consider an appeal of the Community Development Director's approval of a Two-Story Permit to allow for a new 2,922 square-foot two-story home with a 746 square-foot attached accessory dwelling unit and a Minor Residential Permit to allow for a new second-story balcony. (Application Nos.: R-2020-035, RM-2020-023; Applicant: Smart Lily, LLC.; Property Owners: Tariqul Khan and Chaman Hafiz; Appellants: Jitesh Vadhia and Chih-Lung Lin; Location: 1506 Primrose Way; APN #366-15-018)

Recommended Action: That the Planning Commission adopt the draft resolutions (Attachments 1 and 2) to:

1. Find that the proposed actions are exempt from CEQA; and

2. Deny the appeal and uphold the Director's decision to approve the Two-Story Permit (R-2020-035) and the Minor Residential Permit (RM-2020-023).

Associate Planner Erika Poveda gave a presentation and answered questions from the Commissioners.

Appellants Chih-Lung Lin and Jitesh Vadhia addressed and answered questions from the Commissioners.

Applicants Tariqul Khan and Chaman Hafiz gave a presentation and answered questions from the Commissioners.

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

Lisa Warren

Winston Shiah

Jennifer Griffin

Aliya Shafquat

Rayman

Rima Narayan

Leon Xiao

Jon Freel

Jitesh Vadhia read a letter on behalf of Joan and Greg Malensky

Chair Wang closed the public comment period

The Commission discussed balcony issues and a potential ordinance amendment related to balconies.

Vice Chair Scharf discussed modifying the balcony with the applicants.

Chair Wang asked staff about privacy screening and height of existing foliage.

Commissioner Kapil suggested to relocate the balcony to the side of the house.

Chair Wang moved and Vice Chair Scharf seconded to deny the appeal and uphold the Director's decision to approve the Two-Story Permit (R-2020-035) and the Minor Residential Permit (RM-2020-023).

The motion carried 2-1-2.

OLD BUSINESS: None

NEW BUSINESS: None

REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT: None

REPORT OF THE PLANNING COMMISSION:

Vice Chair Scharf attended the California Alliance of Local Electeds (CALE) meetings.

FUTURE AGENDA SETTING

Vice Chair Scharf would like to discuss an amendment to the City's regulations regarding balconies.

Chair Wang would like to discuss restrictions on 5G antennas based on aesthetics.

ADJOURNMENT:

The meeting was adjourned at 8:45 pm to the next Planning Commission meeting on July 13, 2021, at 6:45 p.m.

Respectfully Submitted:

_____/s/Abby Ayende
Abby Ayende, Management Analyst