



**CUPERTINO**

# CITY OF CUPERTINO

## AGENDA

### PLANNING COMMISSION

This will be a teleconference meeting with no physical location  
Thursday, November 10, 2022  
6:45 PM

#### Amended Special Meeting

Amended on 11/9/22 at 12:00 p.m. to correct title of item number 1 under Approval of Minutes to "Approve the October 25 Planning Commission minutes" and upload correct attachment.

#### TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION TO HELP STOP THE SPREAD OF COVID-19

In accordance with Government Code 54953(e), this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.

Members of the public wishing comment on an item on the agenda may do so in the following ways:

1) E-mail comments by 5:00 p.m. on Thursday, November 10 to the Commission at [planningcommission@cupertino.org](mailto:planningcommission@cupertino.org). These e-mail comments will be received by the Commission members before the meeting and posted to the City's website after the meeting.

2) E-mail comments during the times for public comment during the meeting to the Commission at [planningcommission@cupertino.org](mailto:planningcommission@cupertino.org). The staff liaison will read the emails into the record, and display any attachments on the screen, for up to 3 minutes (subject to the Chair's discretion to shorten time for public comments). Members of the public that wish to share a document must email [planningcommission@cupertino.org](mailto:planningcommission@cupertino.org) prior to speaking.

#### 3) Teleconferencing Instructions

Members of the public may observe the teleconference meeting or provide oral public comments as follows:

Oral public comments will be accepted during the teleconference meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the

public comment period for each agenda item.

To address the Commission, click on the link below to register in advance and access the meeting:

#### Online

Please click the link below to join the webinar:

[https://cityofcupertino.zoom.us/webinar/register/WN\\_-nJ4AvpLSM2i4HdFrJQkLQ](https://cityofcupertino.zoom.us/webinar/register/WN_-nJ4AvpLSM2i4HdFrJQkLQ)

#### Phone

Dial: (669) 900 6833 and enter Webinar ID: 922 3593 2002 (Type \*9 to raise hand to speak)

Unregistered participants will be called on by the last four digits of their phone number.

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 922 3593 2002

SIP: 92235932002@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.
2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter "Cupertino Resident" or similar designation.
3. When the Chair calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
4. When called, please limit your remarks to the time allotted and the specific agenda topic.

**NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino Planning Commission is hereby called for Thursday, November 10, 2022 commencing at 6:45 p.m. In accordance with Government Code 54953(e), this will be a teleconference meeting without a physical location to help stop the spread of COVID-19. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

### SPECIAL MEETING

#### ROLL CALL

#### APPROVAL OF MINUTES

1. Subject: Approve the October 25 Planning Commission minutes  
Recommended Action: Approve the October 25 Planning Commission minutes  
[1 - Draft Minutes](#)

#### POSTPONEMENTS

#### ORAL COMMUNICATIONS

*This portion of the meeting is reserved for persons wishing to address the Commission on any matter within the jurisdiction of the Commission and not on the agenda. Speakers are limited to three (3) minutes. In most cases, State law will prohibit the Commission from making any decisions with respect to a matter not on the agenda.*

#### CONSENT CALENDAR

*Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.*

#### PUBLIC HEARINGS

2. Subject: Consider a Development Permit, Tentative Map, and Architectural & Site Approval to consider the demolition of approximately 44,000 sq. ft. of existing commercial and the construction of three mixed-use buildings with approximately 41,268 sq. ft. of commercial space and 206 condominium units and a Tree Removal Permit to allow the removal and replacement of 92 trees. The applicant is also requesting a density bonus, and density bonus waivers for height, setbacks, and common open space; (Application No(s): DP-2022-001, ASA-2022-002, TR-2022-026, TM-2022-003; Applicant(s): Larry Wang (Tectonic Builders Corp.); Location: 10145 N. De Anza Blvd, 10118 Bandlely Dr., APNs 326-34-066, 326-34-043.

Recommended Action: Staff recommends that the Planning Commission adopt the draft resolutions recommending that the City Council:

1. Adopt the First Addendum to a Mitigated Negative Declaration and approve the Development Permit (DP-2022-001) (Attachment 1);
2. Approve the Architectural and Site Approval Permit (ASA-2022-002) (Attachment 2);
3. Approve the Vesting Tentative Map (TM-2022-003) (Attachment 3); and
4. Approve the Tree Removal Permit (TR-2022-026) (Attachment 4).

Staff Report

[1- Draft Resolution for DP-2022-001](#)

[2 - Draft Resolution for ASA-2022-002](#)

[3 - Draft Resolution for TM-2022-003](#)

[4 - Draft Resolution for TR-2022-026](#)

[5 - Project Description](#)

[6 - Letter from Erik Ramakrishnan, Esq. of Berliner Cohen, LLP dated March 23, 2022 and July 18, 2022](#)

[7 - Marina Plaza Project Initial Study and Mitigated Negative Declaration Addendum No. 1](#)

[8 - Public Outreach Summary, dated October 10, 2022](#)

[9 - Project Plans](#)

[10- Public Comment](#)

## **OLD BUSINESS - None**

## **NEW BUSINESS - None**

## **STAFF AND COMMISSION REPORTS**

*This time is reserved for brief announcements from staff or for Commissioners to make a brief report on his or her own activities they have taken part in related to the Planning Commission since the prior regularly scheduled meeting.*

## **FUTURE AGENDA SETTING**

## **ADJOURNMENT**

*If you challenge the action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City of Cupertino at, or prior to, the public hearing. In the event an action taken by the Planning Commission is deemed objectionable, the matter may be officially appealed to the City Council in writing within fourteen (14) days of the date of the Commission's decision. Said appeal is filed with the City Clerk (Ordinance 632).*

*In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and*

writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

Any writings or documents provided to a majority of the Planning Commission after publication of the packet will be made available for public inspection in the Community Development Department located at City Hall, 10300 Torre Avenue, Cupertino, California 95014, during normal business hours; and in Planning packet archives linked from the agenda/minutes page on the Cupertino web site.

**IMPORTANT NOTICE:** Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agendized item. These written communications are accessible to the public through the City's website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.

Members of the public are entitled to address the Planning Commission concerning any item that is described in the notice or agenda for this meeting, before or during consideration of that item. If you wish to address the Planning Commission on any issue that is on this agenda, please complete a speaker request card located in front of the Commission, and deliver it to the City Staff prior to discussion of the item. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Planning Commission on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

For questions on any items in the agenda, or for documents related to any of the items on the agenda, contact the Planning Department at (408) 777-3308 or [planning@cupertino.org](mailto:planning@cupertino.org).