



**APPROVED MINUTES  
CUPERTINO PLANNING COMMISSION  
Thursday, November 10, 2022**

**SPECIAL MEETING**

At 6:45 p.m. Chair Scharf called the special Planning Commission meeting to order. This was a teleconference meeting with no physical location.

**ROLL CALL**

Present: Chair Steven Scharf, Vice Chair Muni Madhhipatla, Commissioners R Wang, Sanjiv Kapil, Vikram Saxena. Absent: None. All Commissioners teleconferenced for the meeting.

**APPROVAL OF MINUTES**

1. Subject: Approve the October 25 Planning Commission minutes  
Recommended Action: Approve the October 25 Planning Commission minutes

Commissioner Madhhipatla moved and Commissioner Kapil seconded to approve the October 25 Planning Commission minutes. Ayes: Scharf, Madhhipatla, Kapil, Saxena. Noes: None. Abstain: Wang. Absent: None.

**POSTPONEMENTS - None**

**ORAL COMMUNICATIONS – None**

**WRITTEN COMMUNICATIONS – None**

**CONSENT CALENDAR – None**

**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).

Planning Manager Piu Ghosh introduced Senior Planner Gian Martire who gave a presentation on the proposal to demolish the existing Marina Plaza center and construct three mixed-used retail and condominium buildings in its place. The site, located within the Heart of the City Specific Plan Special Area, is considered a Priority Housing Site in the Housing Element, with 200 residential units allocated.

The project was previously approved by City Council in 2016 with a five-year development agreement running through September 20, 2021. The new proposal includes an increase in commercial space and number of residential units (including below market rate units) and building area and height, and eliminates the construction of the previously approved 122-room hotel. The applicant is entitled under state law to a 15% Density Bonus above the base density for the site and a reduced parking standard since they are providing 20% of the base units as affordable to moderate- and median-income households. (No incentives or concessions are being requested by the applicant.) The modified project also does not result in any new environmental impacts that were not previously identified in the Mitigated Negative Declaration adopted in 2016. Therefore, the City needs to only adopt an Addendum to the Mitigated Negative Declaration for purposes of the California Environmental Quality Act (CEQA). The project includes a request to allow 206 residential condominiums.

Project Manager Greg Endom of Tectonic Builders Corporation gave a presentation on the modified redevelopment proposal and various design elements of the retail and restaurant space. Principal Jesse Markam, also part of the design team, spoke regarding landscape design incorporating Sister Cities, green roofing, and art and cultural elements.

Written Communications for this item were received before the meeting and sent to the Commission.

Chair Scharf opened the public comment period and the following people spoke:

Lisa Warren requested limit be placed on non-owner-occupied units, and expressed concerns regarding requested height limits, lack of required parking spaces, electric vehicle parking spaces and street planning of oak trees, but supported the design of the parking garage.

Jean Gasperini (representing self) spoke in support of project.

Jean Bedord spoke in support of project.

Connie Cunningham (representing self) spoke in support of project, but questioned tree replacement selection of non-native trees, and asked applicant to confirm project conformance to bird-safe and dark sky ordinances.

San R spoke in support of project and asked Commission to ensure proposed small retail business have the appropriate allocation of parking spaces.

Jennifer Griffin expressed concern about allocated retail parking spaces.

Chair Scharf closed the public comment period.

Staff members Martire and Ghosh, City Engineer Chad Mosely, Senior Assistant City Attorney Michael Woo and members of the project and environmental teams answered questions from the Commission.

Commissioners asked and made comments regarding street tree selection, entrance access points, electric vehicle and bicycle parking, carbon output, potential increase in height of building B to add additional affordable units, the proposed community room with priority for Cupertino non-profit organizations, and concerns about RV parking along Bandlely Drive.

Motion by Chair Scharf and second by Wang to adopt resolutions with conditional approval for use of proposed community room by registered non-profit organizations located in Cupertino, and compliance with appropriate indoor air pollution requirements prior to Building permit issuance.

Friendly amendment by Commissioner Wang to add a condition of approval to amend the tree species being planted on site to be of a native variety, and a request that the applicant consider applying for a general plan amendment to allow increased height for building B to allow the addition of more affordable units to the project.

Ayes: Scharf, Madhhipatla, Kapil, Saxena, Wang. Noes: None. Abstain: None. Absent: None.

**OLD BUSINESS** – None

**NEW BUSINESS** – None

**STAFF AND COMMISSION REPORTS** – None

**FUTURE AGENDA ITEMS**

- School to generational ratio (Saxena)
- 5G aesthetic design standards (Wang)

**ADJOURNMENT**

At 8:58 p.m., Chair Scharf adjourned the meeting.

/s/Cyrah Caburian  
Cyrah Caburian, Administrative Assistant