



# CITY OF CUPERTINO

## AGENDA

### PLANNING COMMISSION

10350 Torre Avenue, Council Chamber and via Teleconference

Tuesday, March 28, 2023

6:45 PM

#### IN-PERSON AND TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Attend in person at Cupertino Community Hall, 10350 Torre Avenue.
- 2) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.
- 3) The meeting will also be streamed live at [www.Cupertino.org/youtube](http://www.Cupertino.org/youtube) and [www.Cupertino.org/webcast](http://www.Cupertino.org/webcast)

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

- 1) Appear in person at Cupertino Community Hall. Members of the audience who address the Commission must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or provide comments.
- 2) E-mail comments by 5:00 p.m. on Tuesday, March 28 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.

Members of the public may provide oral public comments during the meeting as follows:

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

#### Teleconferencing Instructions

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

Online

Register in advance for this webinar:

[https://cityofcupertino.zoom.us/webinar/register/WN\\_vjy0mKJ4TIuK1PJnglOtlQ](https://cityofcupertino.zoom.us/webinar/register/WN_vjy0mKJ4TIuK1PJnglOtlQ)

Phone Dial: 669-900-6833 and enter Webinar ID: 990 4845 2463 (Type \*9 to raise hand to speak, \*6 to unmute yourself). 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: 990 4845 2463

SIP: 99048452463@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," or, if you are calling in, press \*9. 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.

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Subject: Approve the February 14 Planning Commission meeting minutes  
Recommended Action: Approve the February 14 Planning Commission meeting minutes

[1 - Draft Minutes](#)**POSTPONEMENTS - None****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.*

**WRITTEN COMMUNICATIONS****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**

*Effective January 1, 2023, Government Code Section 65103.5 (SB 1214) limits the distribution of copyrighted material associated with the review of development projects. Members of the public wishing to view plans for a project may make an appointment with the Planning Division to view them at City Hall by sending an email to [planning@cupertino.org](mailto:planning@cupertino.org). Plans will also be made available digitally during the hearing to consider the proposal.*

2. Subject: Consider the proposed development of a 282,320-square-foot office building with a detached parking structure and removal and replacement of 113 trees and exemption from the California Environmental Quality Act. (Application No(s): DP-2021-001, ASA-2021-003, TR-2021-020; Applicant(s): Apple, Inc.; Location: 19191 Vallco Parkway; APN #316-20-117)  
Recommended Action: Staff recommends that the Planning Commission adopt the Draft Resolutions (Attachments 1-3) to:
  1. Find the project exempt from CEQA;
  2. Approve the adoption of alternative parking standards pursuant to Municipal Code section 19.124.060(C);
  3. Approve the Development Permit (DP-2021-001);
  4. Approve the Architectural and Site Approval Permit (ASA-2021-003); and
  5. Approve the Tree Removal Permit (TR-2021-020).

[Staff Report](#)[1 – Draft Resolution for DP-2021-001](#)[2 – Draft Resolution for ASA-2021-003](#)[3 – Draft Resolution for TR-2021-020](#)[4 - VP1 Apple Office Project CEQA Guidelines Section 15183 Checklist](#)[5 – Site Plans and Renderings \(Plan sets abridged due to limitations of state law\)](#)[6 – Project Description](#)

3. **Subject:** Review of the Fiscal Year 2023 - 2024 Capital Improvement Program proposal for consistency with the City of Cupertino's General Plan.

**Recommended Action:** Adopt a Resolution finding that the Fiscal Year 2023 - 2024 Capital Improvement Program proposal is consistent with the City's General Plan.

[Staff Report](#)[1 - Draft Resolution](#)[2 - General Plan Conformance Relevant Code Sections to CIP FY 22-23](#)[3 - Proposed FY 23-24 CIP Projects](#)[4 - Matrix of General Plan Consistency for CIP FY 23-24](#)

4. **Subject:** Consider renewal of a Conditional Use Permit and CEQA exemption for an existing mono-pine wireless communications facility (U-2011-07). (Application No: U-2023-001; Applicant: John Merritt; Location: 22475 Rancho Deep Cliff Drive; APN: 356-02-999)

**Recommended Action:** That the Planning Commission adopt the proposed draft resolution to:

1. Find that the approval of the project is exempt from CEQA;
2. Approve the Use Permit (U-2023-001)

[Staff Report](#)[1 - Draft Resolution U-2023-001](#)[2 - Existing Site Photos](#)[3 - Non-Ionizing Electromagnetic Radiation \(NIER\) Study](#)[4 - Planning Commission Resolution 6674](#)[5 - Public Comment](#)[6 - Plan Set \(abridged due to limitations of state law pursuant to SB1214\)](#)

## **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 agenda 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).*

