



CITY OF CUPERTINO

AGENDA

PLANNING COMMISSION

10350 Torre Avenue, Council Chamber and via Teleconference

Tuesday, May 23, 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 and 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, May 23 to the Commission at 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_sY_4royQQf6vOLK1MF5XMQ

Phone Dial: 669-900-6833 and enter WEBINAR ID: 910 1186 2372 (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)

213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia Sydney)

103.122.167.55 (Australia Melbourne)

69.174.57.160 (Canada Toronto)

65.39.152.160 (Canada Vancouver)

Meeting ID: 910 1186 2372

SIP: 91011862372@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 April 25 Planning Commission minutes
Recommended Action: Approve the April 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.

WRITTEN COMMUNICATIONS**CONSENT CALENDAR - None**

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 proposed mixed-use development with 34 residential units, 7,595 sq. ft. commercial space, and the removal and replacement of 51 development trees. (Application No(s): TM-2021-003, ASA-2021-004, DP-2021-002, U-2021-001, TR-2022-006, EA-2022-005; Applicant(s): Carlson Chan (Prospect Venture LLC); Location: 1655 S. De Anza Blvd., APNs 366-10-061, -126.
Recommended Action: Staff recommends that the Planning Commission adopt the draft resolutions recommending that the City Council:
 1. Adopt the Mitigated Negative Declaration (EA-2022-005);
 2. Approve the Development Permit (DP-2021-002);
 3. Approve the Architectural and Site Approval Permit (ASA-2021-004);
 4. Approve the Use Permit (U-2021-001);
 5. Approve the Tentative Map (TM-2021-003)
 6. Approve the Tree Removal Permit (TR-2022-006)

[Staff Report](#)[1 - Draft Resolution for EA-2022-005](#)[2- Draft Resolution for DP-2021-002](#)[3 - Draft Resolution for ASA-2021-004](#)[4 - Draft Resolution for U-2021-001](#)[5 - Draft Resolution for TM-2021-003](#)[6 - Draft Resolution for TR-2022-006](#)[7 – Letter from Brandon Arioli, of Propriis dated March 9, 2021](#)[8 - BMR Program 1655 S De Anza Blvd Cupertino Project, Brandon Arioli](#)[9 – 1655 South De Anza Boulevard Mixed-Use Project Initial Study, Final Draft, May 2023](#)[10 - Response to Comment Memorandum, Dated May 15, 2023](#)[11 – Site Plan and Renderings](#)[12 – Public Comment](#)**OLD BUSINESS - None****NEW BUSINESS - None****STAFF AND COMMISSION REPORTS****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.