



CITY OF CUPERTINO

AGENDA

PLANNING COMMISSION

This will be a teleconference meeting with no physical location.

Tuesday, January 26, 2021

6:45 PM

Teleconference Meeting

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

In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.

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

- 1) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.
- 2) The meeting will also be streamed live on and online at www.Cupertino.org/youtube and www.Cupertino.org/webcast

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 Tuesday, January 26th 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.
- 2) E-mail comments during the times for public comment during the meeting to the Commission at 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 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_ear78cd9Td6Tx65bSy1SEQ

Phone

Dial 669-900-6833 and enter Webinar ID: 984 1479 4131 (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: 984 1479 4131

SIP: 98414794131@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.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this teleconference 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.

ROLL CALL

APPROVAL OF MINUTES

1. Subject: Draft Minutes of January 12, 2021
Recommended Action: Approve or modify the Draft Minutes of January 12, 2021
[Draft Minutes of January 12, 2021](#)

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.

STUDY SESSION

2. Subject: Study Session to compare standards for mixed-use developments and high density residential guidelines with other cities
Recommended Action: Receive presentation and provide any input to Staff
[Staff Report](#)
[1 - Setbacks & Heights](#)
[2 - Ground Level Design](#)
[3 - FAR & Residential Density](#)
[4 - Open Space](#)
[5 - Parking](#)

PUBLIC HEARINGS

3. Subject: Consider the modification to an existing Use Permit (U-2004-01) to amend the conditions of approval to allow 100% non-retail commercial uses where only 50% are allowed. Application No(s): M-2020-002; Applicant(s): Catherine Chen; Location: 20130 Stevens Creek Blvd., APN(s): 369-56-001
- Recommended Action: That the Planning Commission consider the evidence presented, conduct the public hearing and consider either adopting:
- 1) The Draft Resolution recommending that the City Council approve the Use Permit Modification; or
 - 2) The Alternate Draft Resolution recommending that the City Council deny the Use Permit Modification

Tentative City Council hearing date: February 16, 2021

[Staff Report](#)

[1 – Draft Resolution recommending approval of the Use Permit Modification \(M-2020-002\)](#)

[2 – Alternate Draft Resolution recommending denial of the Use Permit Modification \(M-2020-002\)](#)

[3 – City Council Action Letter for U-2004-01, dated March 3, 2005.](#)

[4 – City Council Action Letter for M-2009-07, dated October 12, 2009.](#)

[5 - Letter by Richard Abdallah, Esq. of Abdallah Law Offices dated October 20, 2020](#)

[6 – Letter by Sean O’Carroll, Senior Managing Director, Newmark Knight Frank, on November 2, 2020](#)

[7 – Floor and Site Plan](#)

[8 – Public Comment](#)

4. Subject: Consider a Municipal Code Amendment as part of the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under the California Environmental Quality Act (CEQA), which is a change required by Senate Bill (SB) 743. Application No(s): MCA-2021-001; Applicant(s): City of Cupertino; Location: citywide
- Recommended Action: Conduct the public hearing and recommend that the City Council;
- 1) Find that the proposed action is exempt from CEQA; and
 - 2) Add Title 17 (currently reserved) to the Cupertino Municipal Code for Environmental Regulations and adopt regulations in a new Chapter 17.08: VMT Standards, which establishes screening criteria, a 14.4% VMT reduction threshold, and a qualified exemption for local-serving retail projects, for purposes of CEQA analysis, per the Draft Resolution

Tentative City Council hearing date: February 16, 2021

[Staff Report](#)

[1 - Draft Resolution](#)

[2 - Draft White Paper SB 743](#)

[3 - SB 743 Summary of Neighboring Communities](#)

OLD BUSINESS

5. Subject: General Plan Annual Review (continued from the January 12, 2021 meeting)
Recommended Action: Receive the report and provide any input to Staff
[Staff Report](#)
[1 - DRAFT GP Annual Report](#)

NEW BUSINESS

STAFF AND COMMISSION REPORTS

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 teleconference 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, 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 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. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.*

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.