

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014

CITY OF CUPERTINO
PLANNING COMMISSION MEETING
ACTION MINUTES, May 12, 2020

PLEDGE OF ALLEGIANCE

At 6:45pm Chairperson Moore called to order the regular Planning Commission meeting. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Chairperson Moore, Vice Chair R Wang, Commissioners, David Fung, Vikram Saxena, Alan Takahashi

Absent: none

APPROVAL OF MINUTES:

1. **Subject:** Draft Minutes of April 14, 2020.

Recommended Action: Approve or modify the Draft Minutes of April 14, 2020

Moved by Vice Chair Wang and seconded by Fung to: "Approve the minutes". The motion carried 5-0-0

POSTPONEMENTS/REMOVAL FROM CALENDAR: None

ORAL COMMUNICATIONS:

Emails were received from Jennifer Griffin regarding various proposed/enacted State housing laws and their impacts to Cupertino and neighboring cities

An email was received from Kevin Burke asking for the resignation of Chair Moore

Peggy Griffin addressed the Commission requesting that the City's Density Bonus Law be updated for clarity and objectivity

WRITTEN COMMUNICATIONS:

Several emails were received regarding Item #2

PUBLIC HEARINGS:

2. **Subject:** Consider approving a development proposal to demolish a 71,250 square foot retail center (The Oaks), remove and replace 74 protected trees, and construct a mixed-use development consisting of 294 housing units (88 Rowhouse/Townhomes, 206 senior apartments, which include 48 senior affordable apartments and 27 memory care units) and 20,000 square feet of commercial space. The applicant is requesting a Heart of the City

Exception for retail frontage along Stevens Creek Boulevard. The applicant is also requesting a density bonus and density bonus waivers for height, building plane, and below market rate housing dispersion. City approvals would be certification of the Final Environmental Impact Report, Development Permit, Architectural and Site Approval Permit, Tree Removal Permit, Use Permit, Heart of the City Exception, and Vesting Tentative Map; (Application No(s): DP-2018-05, ASA-2018-05, TM-2018-03, TR-2018-22, U-2019-03, EXC-2019-03, EA-2018-04; Applicant(s): KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN #326-27-042, -043

Recommended Action: Conduct the public hearing and find; 1) that the project is exempt from CEQA; and 2) approve the applications per the Draft Resolutions

Senior Planner, Gian Martire, reviewed the Staff Report and project scope. He was asked and answered questions by the Commissioners. Members from the KT Urban team addressed the Commissioners with a presentation highlighting the project's operation plan. They were asked questions by the Commissioners, which they answered.

Chair Moore opened the public comment period and the following individual(s) spoke:

Anastasia Novozhilova (email)

Peggy Griffin

Luke Lang

Jennifer Griffin

Erik Lindskog

Connie Cunningham

Richard Adler

Muni Madhhdhipatla

David Sterns

Gavin

Henry Sang

John Kimball

Jean Bedord

Roma Ankolekar

Chair Moore closed the public comment period.

The Commissioners discussed at length the various concerns of the project with Staff, the City's legal Representatives and the applicant including the following: applicability of density bonus law to only lot 1 rather than to both parcels; the Senior Housing, BMR units and the Heart of the City Specific Plan Exception for the reduction in retail. The applicant mentioned that they applied for the Heart of the City Exception and Conditional Use permit "under protest". The Commissioners commented on being supportive of the project, but expressed concerns about the 2 parcels being sold separately and the possibility of lot 2 being eligible for a future project with Density Bonus waivers.

There was a motion to approve the Draft Resolutions:

EA-2018-04: The Planning Commission recommends that the City Council certify the Environmental Impact Report, adopt and make conditions of approval the mitigation measures, and adopt the Mitigation Monitoring and Reporting Program, in substantially

similar form to the Draft Resolution attached hereto as Exhibit EA;

DP-2018-05: The Planning Commission recommends that the City Council approve the Development Permit, in substantially similar form to the Draft Resolution attached hereto as Exhibit DP, with the incorporated redlined changes as provide by Staff;

ASA-2018-05: The Planning Commission recommends that the City Council approve the Architectural and Site Approval Permit, in substantially similar form to the Draft Resolution attached hereto as Exhibit ASA, with the incorporated redlined changes as provided by Staff;

U-2019-03: The Planning Commission recommends that the City Council approve the Use Permit, in substantially similar form to the Draft Resolution attached hereto as Exhibit U;

TM-2018-03: The Planning Commission recommends that the City Council approve the Vesting Tentative Map, in substantially similar form to the Draft Resolution attached hereto as Exhibit TM, with the incorporated amendment to have the applicant work with the Public Works staff to relocate the bus stop to a location along Stevens Creek Boulevard such that will not conflict with the intersection of Mary Avenue and Stevens Creek Boulevard;

EXC-2019-03: The Planning Commission recommends that the City Council approve the Heart of the City Exception, in substantially similar form to the Draft Resolution attached hereto as Exhibit EXC;

TR-2018-22: The Planning Commission recommends that the City Council approve the Tree Removal Permit, in substantially similar form to the Draft Resolution attached hereto as Exhibit TR.

Moved by Com Fung, second by Vice Chair Wang, the motioned carried 5-0-0

NEW BUSINESS: None

OLD BUSINESS: None

REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT: None

REPORT OF THE PLANNING COMMISSION:

Vice Chair Wang mentioned that he had been speaking to various organizations regarding the future of urban design (density, safety, health, construction methodology) in planning for future public health emergencies.

He requested that a future agenda item under New Business be a discussion about how to provide and ensure transparency to the public when ministerial projects come to the City for approval.

ADJOURNMENT:

The meeting was adjourned at 11:30 p.m. to the next regular Planning Commission meeting on May 26, 2020 at 6:45 p.m.

Respectfully Submitted:

/s/Beth Ebben

Beth Ebben, Deputy Board Clerk