



APPROVED MINUTES
CUPERTINO PLANNING COMMISSION
Tuesday, March 28, 2023

REGULAR MEETING

At 6:45 p.m. Chair Scharf called the Regular Planning Commission meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue.

ROLL CALL

Present: Chair Steven Scharf, Vice Chair Muni Madhhipatla, Commissioners David Fung, Seema Lindskog (via teleconference), Tejesh Mistry. Absent: None.

APPROVAL OF MINUTES

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

Vice Chair Madhhipatla moved and Commissioner Fung seconded to approve the February 14 Planning Commission minutes. Ayes: Scharf, Madhhipatla, Fung, Lindskog. Noes: None. Abstain: Mistry. Absent: None.

ORAL COMMUNICATIONS

Jennifer Griffin spoke about City Council's decision to dissolve the Legislative Review Committee.

Lisa Warren spoke about requiring Municipal Code updates to the sign ordinance and the General Plan.

San R spoke about the City Council's decision to remove R Wang from the Planning Commission.

Rhoda Fry spoke about the City Council's decision to deny an appeal of the Planning Commission's decision regarding sign exceptions of the Public Storage facility on Valley Green Drive.

WRITTEN COMMUNICATIONS - None**PUBLIC HEARINGS**

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).

Commissioners Fung and Lindskog recused themselves; Chair Scharf, Vice Chair Madhahipatla, and Commissioner Mistry constitute an in-person quorum for this item.

Planning Manager Ghosh introduced Senior Planner Gian Martire who gave presentation on the proposed development which includes the construction of a new office building and six-level parking garage. This development falls under the Major Employer allocation within the City's General Plan Compliance guidelines. Site design of building includes a common open space and retail (located on southwest corner of building).

A parking analysis conducted by Apple resulted in the request for an alternative standard similar to the one approved for Apple Park, with 904 proposed on-site parking spaces for the office use and 10 spaces for the retail use.

To accommodate for the construction, 126 trees are proposed for replacement and the addition of 57 new tree plantings.

Environmental review shows the project to be categorically exempt. Staff recommend the project be approved concurrent with staff findings, with an added condition of approval regarding Bird Safe Fenestration, which allows for an alternate compliance method recommended by a qualified biologist and peer review by the City's third party consultant arborist, both subject to Community Development Department Director's approval.

Applicant Gary Chao from Apple Inc.'s development team addressed the Commission to describe the proposal and answered questions from the Commission regarding the total amount of employees that will be in the new building, bike lanes, parking infrastructure, lighting/energy conservation and occupancy sensors, and clarification on the utilization of the proposed retail space.

Written communications were received before and during the meeting and forwarded to the Commission.

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

- Jennifer Griffin spoke in support of keeping the trees on the site closest to the Tantau Avenue site of proposed development, and bicycle-pedestrian safety.
- Connie Cunningham (representing self) requested clarification on the bird-safe and dark-sky conditions of approval and design standards for windows, to which Apple representatives responded.
- Lisa Warren spoke against project and proposed alternative standards.
- San R spoke in support of project.
- Jean Bedord spoke in support of project.
- Steve Kelly spoke in support of project and expressed concern of Apple's efforts to provide affordable housing for their employees, to which Apple representatives responded.
- Rhoda Fry spoke in support of project expressed concern about safety and traffic on proposed site, to which Apple representatives responded.

Chair Scharf closed the public comment period.

Senior Planner Martire, Planning Manager Ghosh, City Attorney Chris Jensen and applicants answered questions from the Commission.

Chair Scharf moved and Vice Chair Madhhipatla seconded to adopt resolutions with added condition of approval for bird-safe fenestration guidelines and approve applications. Ayes: Scharf, Madhhipatla, Mistry. Noes: None. Abstain: None. Absent: None. Recused: Fung, Lindskog.

Commissioners Fung and Lindskog rejoined meeting.

The Commission recessed from 8:15 to 8:21.

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.

Planning Manager Ghosh introduced Capital Improvement Programs (CIP) Manager Susan Michael who gave presentation on the Public Works Capital Improvement projects and 6 proposed new projects that address land use, mobility, energy and sustainability and infrastructure, including:

- Stevens Creek Blvd/Calabazas Creek Storm Drain Repair
- Fiber-optic Expansion at the purchased City Hall Annex at 10455 Torre Avenue for proposed Emergency Operations Center facility
- Bollinger Road Bike Improvements (in collaboration with City of San Jose)
- Civic Center Microgrid
- San Tomas Aquino/Saratoga Creek Trail Extension and Feasibility Study
- Stevens Creek Bridge Repair

In addition to the proposed projects, a 7th, already-existing project would revolve around further City Hall Improvements.

The Commission will only be deciding whether the proposed projects for the upcoming fiscal year are consistent and in conformance with the General Plan, which will be approved by Council for the next fiscal year budget approval.

Written communications were received before and during the meeting.

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

- Jennifer Griffin expressed concern about Bollinger Road bike improvements.
- Rhoda Fry expressed concerns to build new City Hall and requested clarification on Stevens Creek bridge repair.
- San R expressed prioritizing McClellan road bridge repair and Merriman Road storm drain, and removal of bike lane improvement projects, to which Public Works Assistant Director Chad Mosley responded would be an infrastructure project in future years.
- Rahul Vadodkar expressed concern about Bollinger Road bike improvements and suggested improvements to Stevens Creek and Miller Road.

Chair Scharf closed the public comment period.

CIP Manager Michael, Planning Manager Ghosh, Acting Assistant Community

Development Director Luke Connolly, Senior Assistant City Attorney Michael Woo, and Public Works Assistant Director Mosley answered questions from the Commission regarding fiscal impacts with the City Hall renovation project, Civic Center Microgrid, bridge repair recommendations, San Tomas Aquino trail expansion and involvement of other local jurisdictions, and design and funding constraints within the fiscal year.

Commissioner Fung moved and Vice Chair Madhhipatla seconded to adopt resolution with modified language to read "...The Planning Commission of the City of Cupertino finds the proposed...".

Substitute motion by Commission Lindskog to accept all projects to be in conformance with the General Plan except the proposed Civic Center Microgrid project. Substitute motion did not receive a second and failed.

Ayes: Scharf, Madhhipatla, Fung, Lindskog, Mistry. Noes: None. Abstain: None. Absent: None.

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; and
2. Approve the Use Permit (U-2023-001).

Senior Planner Martire gave presentation on proposed existing conditional use permit renewal for existing mono-pine facility, for which an extended-use permit for collocated antenna on mono-pine was renewed in 2022. If approved tonight, the permit would be extended through March 28, 2033.

No written communications were received for this item before and during the meeting.

Applicant John Merritt addressed the Commission and answered questions.

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

- Jennifer Griffin asked about the Telecommunications act of 1996 and its relevance to the mono-pine use permit.
- San R spoke in support of project.

Chair Scharf closed the public comment period.

Vice Chair Madhhipatla moved and Chair Scharf seconded to adopt resolutions and approve applications. Ayes: Scharf, Madhhipatla, Fung, Lindskog, Mistry. Noes: None. Abstain: None. Absent: None.

OLD BUSINESS – None

NEW BUSINESS - None

STAFF AND COMMISSION REPORTS

Chair Scharf and Commissioners Lindskog and Mistry will be attending the League of California Cities Planning Commissioners Academy Conference in Garden Grove from Wednesday, March 29 through Friday, March 31.

FUTURE AGENDA SETTING – None

ADJOURNMENT

At 9:38 p.m., Chair Scharf adjourned the meeting.

/s/Cyrah Caburian
Cyrah Caburian, Administrative Assistant