



APPROVED MINUTES
CUPERTINO PLANNING COMMISSION
Tuesday, May 23, 2023

REGULAR MEETING

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

ROLL CALL

Present: Chair Steven Scharf, Vice Chair Muni Madhhipatla, and Commissioners David Fung, Seema Lindskog, and Tejesh Mistry. Absent: None.

APPROVAL OF MINUTES

1. Subject: Approve the April 25 Planning Commission minutes
Recommended Action: Approve the April 25 Planning Commission minutes

Lindskog moved and Mistry seconded to approve the April 25 Planning Commission minutes. Ayes: Scharf, Madhhipatla, Fung, Lindskog, and Mistry. Noes: None. Abstain: None. Absent: None.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Jean Bedord noted that participants on Zoom had temporarily experienced a loss of audio.

Jennifer Griffin was concerned about parking impacts from a proposed Costco location in the Westgate West Shopping Center and losing small businesses.

Peggy Griffin was concerned about monitoring the cleanup of contaminants on the former Vallco site and supported a study session on the mitigation planning process steps.

Andrea Martinez, representing California Office of Traffic Safety and California Department of Transportation, supported the "Go Safely, California" education program for following the safety rules of the road.

WRITTEN COMMUNICATIONS – None**CONSENT CALENDAR - None****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)

Written Communications for this item included staff and applicant presentations and emails to the Commission.

Commissioner Fung announced that his property was located within 1000 feet from the proposed development, but, after consultation with the Fair Political Practices Commission, concluded that he did not have a conflict of interest and thus would not need to recuse himself.

Planning Manager Piu Ghosh introduced Senior Planner Gian Martire who gave a presentation on the proposed mixed-use development.

Justin Doull, Senior Planner at DAHLIN Architecture, gave a presentation on behalf of the Applicant.

Chair Scharf opened the public hearing and the following people spoke.

Jennifer Griffin was concerned about maintaining local control, respecting height reductions, and ensuring code compliance with adjacent cities.

Li Feng was concerned about neighbor privacy from the second floor roof deck and gaps in the cypress trees, and supported modifications.

Yu Ning was concerned about neighbor privacy from the second floor roof deck and

supported better protection.

Anuj Sood was concerned about neighbor privacy from the second floor roof deck and supported mitigation measures and guarantees.

Ting Kao was concerned about privacy from the roof deck, full coverage by the cypress trees, privacy monitoring, construction noise and debris, and supported a mitigation plan.

Glenn Serre supported the project but was concerned about privacy and light disturbance and supported regulation measures.

Rhoda Fry was concerned about privacy from the yards and decks and impacts from the solar installation, and supported hazmat screening, park space, and public art.

Peggy Griffin supported advanced soil testing at residential levels and was concerned about the fire access requirements on the north and west sides of the building.

San R requested staff speak more slowly, supported rejecting height waivers, and was concerned about the neighbor's comments, outreach, and public safety access.

Chair Scharf closed the public hearing.

Applicant Carlson Chan of Prospect Venture LLC responded to public comments.

Commissioners asked questions and made comments.

Commissioner Lindskog supported relocating e-bike storage indoors and on the ground floor and closer to the front door, and monitoring and enforcement measures to ensure VMT reduction goals are being met; and mitigating light pollution from the second floor and installing solar, if possible.

Commissioner Mistry disclosed ex parte communications with the developer prior to deliberation in this matter.

Commissioner Fung supported solar and net zero as part of the design, privacy protection measures, bringing back the business parking landscape plan for refinement including neighbor feedback and planting selection; and opposed the need for additional mitigation and monitoring for the e-bike program because of the additional housing offset.

Vice Chair Madhhipatla supported homogeneity of the building design for future developments along Saratoga-Sunnyvale Road, e-bike storage located on the ground floor

instead of the roof top, considering solar on the building, and ensuring privacy and neighbor concerns are addressed.

Chair Scharf supported modifications to the mitigation measures, including requiring e-bikes to meet VMT standards, with UL 2849 certification for the e-bikes, and enforcement mechanisms; and relocating the e-bike storage location to a closer and more visible location.

1. Scharf moved and Lindskog seconded to adopt the Mitigated Negative Declaration (EA-2022-005) as modified.

Modifications:

- Require the e-bikes to be consistent with the UL 2849 standards for the bicycle-bikes;
- Locate secure e-bike storage on the ground floor and indoors;
- Require a VMT Monitoring program; and
- Ensure bike parking is located in front of the retail shops.

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

2. Scharf and Fung Approve the Development Permit (DP-2021-002) as modified.

Modifications:

- Remove condition 13; and
- Amend condition 7 to clarify BMR Unit types and length of BMR restriction.

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

3. Fung moved and Scharf seconded to approve the Architectural and Site Approval Permit (ASA-2021-004) as presented. Ayes: Scharf, Madhhipatla, Fung, Lindskog, and Mistry. Noes: None. Abstain: None. Absent: None;

4. Lindskog moved and Madhhipatla seconded to approve the Use Permit (U-2021-001) as presented. Ayes: Scharf, Madhhipatla, Fung, Lindskog, and Mistry. Noes: None. Abstain: None. Absent: None;

5. Madhhipatla moved and Fung seconded to approve the Tentative Map (TM-2021-003) as presented. Ayes: Scharf, Madhhipatla, Fung, Lindskog, and Mistry. Noes: None. Abstain: None. Absent: None;

6. Mistry moved and Madhhipatla seconded to approve the Tree Removal Permit (TR-2022-006) as presented. Ayes: Scharf, Madhhipatla, Fung, Lindskog, and Mistry. Noes: None. Abstain: None. Absent: None.

OLD BUSINESS - None

NEW BUSINESS - None

STAFF AND COMMISSION REPORTS – None

FUTURE AGENDA SETTING – None

ADJOURNMENT

At 9:10 p.m., Chair Scharf adjourned the Regular Planning Commission Meeting.

Minutes prepared by:

/s/Kirsten Squarcia

Kirsten Squarcia, City Clerk