

## Standards Matrix

### Cupertino General Plan

Reference	General Plan Req.	Consistent?	Comment
<b>Land Use Element</b>			
Land Use Map	General Plan Designation: Residential – Medium/ High Density	Yes	Residential development proposed.
Policy LU-2.2	Require developments to incorporate pedestrian-scaled elements along the street and within the development such as parks, plazas, active uses along the street, active uses, entries, outdoor dining, and public art.	Yes	Project incorporates entry features along Linda Vista Drive and the majority of Evulich Court and will be required to comply with provisions of Chapter 19.148 of the Municipal Code.
Figure LU-2 ( <a href="#">Reso. 24-039</a> )	Minimum Residential Density: 20.01 dwelling units per acre	Yes	51 units on 2.506 acres (20.35 units per acre)
Figure LU-2 ( <a href="#">Reso. 24-039</a> )	Maximum Residential Density: 35 dwelling units per acre	Yes	51 units on 2.506 acres (20.35 units per acre)
Figure LU-2	Maximum Height: 30 feet measured from natural grade	No, Density Bonus waiver requested	Density Bonus waiver requested.
Strategy LU-3.3.9	In multi-family projects where residential uses may front on streets, require pedestrian-scaled elements such as entries, stoops, and porches along the street.	Yes	Project incorporates entry features along Linda Vista Drive.
Strategy LU-3.3.10	Allow construction of buildings taller than 30 feet in Neighborhoods only if the buildings abut an arterial or major collector or if allowed by State law.	No, Density Bonus waiver requested	Density Bonus waiver requested for height in excess of 30 feet.
Policy LU-3.4	...No visible garages shall be permitted along the street frontage....	Yes	No garages visible from Linda Vista Drive.
Strategy LU-3.5.1	... [r]equire new development and other applicable projects to comply with the adopted ordinance standards, which provide Dark Sky regulations to reduce light pollution.	Yes, as conditioned	The project will be conditioned to comply with the Dark Sky requirements of Chapter 19.102.
Strategy LU-3.6.1	Require new development and other applicable projects to comply with the adopted ordinance standards, which provide Bird Safe Design regulations to reduce the potential risk of bird collisions.	Yes	Use of insect screens is proposed as a bird-safe design measure. The project will be conditioned to continue to comply with these requirements at time of Building Permit application.
Policy LU-4.1	Ensure that the design of streets, sidewalks, and pedestrian and bicycle amenities are consistent with the vision for each Planning Area and Complete Streets policies.	Yes	Design of streets, sidewalks, and pedestrian and bicycle amenities are consistent with Public Works requirements.
Strategy LU-4.1.1	Require implementation of sidewalk and streetscape design standards established in any approved Specific Plan, Concept Plan, Zoning, or other area plans.	Yes	The project has been designed in accordance with sidewalk and streetscape design standards.
Policy LU-11.1	Create pedestrian and bicycle access between new developments and community facilities. Review existing neighborhood circulation to improve safety and access for students to walk and bike to schools, parks, and community facilities such as the library.	Yes, as conditioned	<p>The project includes a connection between the proposed development and the existing trail which would provide pedestrian and bicycle access between the proposed development and community facilities.</p> <p>The applicant has proposed this trail connection with a request that the City Council consider the approval of payment of a park land dedication in-lieu fee with the estimated cost of the proposed trail connection applied to this fee up to the amount of \$377,000.</p> <p>The project will be conditioned to maintain the design of approved plans, including the proposed trail connection, unless the request for credit towards the park in-lieu fee is denied.</p>
Strategy LU-27.6.1	Provide outdoor areas, both passive and active, and generous landscaping to enhance the surroundings for multi-family residents. Allow public access to the common outdoor areas whenever possible.	Yes	The project includes outdoor seating and tables and will incorporate bike racks and bicycle repair stations.
Policy LU-27.8	Protect residential neighborhoods from noise, traffic, light, glare, odors and visually intrusive effects from more intense development with landscape buffers, site and building design, setbacks and other appropriate measures	Yes	The provided response addresses the site and building design measures, landscape buffers, and setbacks to protect residential neighborhoods from noise, traffic, light, glare, odors, and visual intrusions.
<b>Housing Element</b>			
Strategy HE-1.3.11	Require replacement housing units subject to the requirements of Government Code, Sections 66300.5, 65583.2, and 65915(c)(3), on all sites in the City when any new development (residential, mixed-use, or nonresidential) occurs on a site that has been occupied by or restricted for the use of lower-income households at any time during the previous five years. This requirement applies to nonvacant sites and vacant sites with previous	Yes	<p>Per applicant, the project will provide replacement housing units in accordance with the applicable Government Code Sections.</p> <p>The project will be conditioned to meet these requirements.</p>

	residential uses that have been vacated or demolished.		
Policy HE-2.1	Ensure that all new developments, including market-rate residential developments, help mitigate project related impacts on affordable housing needs.	Yes	Below Market Rate (BMR) units and in-lieu fees proposed in accordance with the City's BMR Manual.
Strategy HE-2.3.3	Mitigation includes either the payment of the "Housing Mitigation" fee or the provision of a Below Market-Rate (BMR) unit or units. Projects of five or more for-sale units must provide on-site BMR units... For-Sale Residential Developments. Require 20 percent for-sale BMR units in all residential developments where the units can be sold individually (including single-family homes, common interest developments, and condominium conversions) or allow rental BMR units... BMR Term. Require BMR units to remain affordable for a minimum of 99 years; enforce the City's first right of refusal for BMR units and other means to ensure that BMR units remain affordable. Monitor the affordable for-sale inventory by requiring BMR homeowners to submit proof of occupancy, such as utility bills, mortgage loan documentation, homeowner's insurance, and property tax bills.	Yes	20% of 51 units requires a total of 10.2 BMR units. The project provides 10 BMR units and the payment of an in-lieu fee for the remaining 0.2 units. The project will be conditioned to meet the requirements for BMR terms and monitoring.
Strategy HE-4.1.1	Enforce Title 24 requirements for energy conservation and evaluate using some of the other suggestions as identified in the Environmental Resources/Sustainability Element.	Yes	The project will be conditioned to comply with Title 24 requirements at time of application for Building Permits.
<b>Mobility Element</b>			
Policy M-1.2	Evaluate new development and redevelopment projects pursuant to the City's adopted Transportation Study Guidelines evaluation criteria.	Yes	The provided Traffic Analysis and reviewed by third-party consultants. Comments from the peer review have been incorporated into study.
Strategy M-1.2.1	New development and redevelopment projects shall meet the VMT thresholds and reduction strategies described in the Cupertino Municipal Code.	No, Utilizing AB 130	The applicant has proposed the use of AB 130 and therefore is not required to complete a VMT analysis.
Strategy M-2.3.1	Require new development and redevelopment to provide inter-block connectivity to allow improved access to all sites on the block from secondary streets, access to the street network via controlled intersections, minimize conflicts with pedestrian and bicycle traffic on primary streets, and convenient access for service vehicles.	Yes	The project incorporates improvements to Evulich Court, a public road, to serve as the primary access to the site and proposes the use of a controlled intersection.
Policy M-2.5	Ensure all new public and private streets are publicly accessible to improve walkability and reduce impacts on existing streets.	Yes, as conditioned	The project will be conditioned to provide public access along Street A and Evulich Court. This will exclude any paved areas used exclusively as a driveway to residences, with no pedestrian access.
Policy M-3.2	Require new development and redevelopment to increase connectivity through direct and safe pedestrian connection to public amenities, neighborhoods, shopping, and employment destinations throughout the city.	Yes, as conditioned	The project incorporates sidewalk improvements on Evulich Court and Linda Vista Drive which allows for pedestrian connection to the neighborhood.  See comment and condition outlined for LU-11.1 for additional information related to the proposed trail connection.
Policy M-3.3	Enhance pedestrian and bicycle crossings and pathways at key locations across physical barriers such as creeks, highways and road barriers.	Yes	A pedestrian and bicycle crossing (i.e. crosswalk) has been provided across Evulich Court at the Linda Vista Drive intersection.
Policy M-3.5	Minimize the number and the width of driveway openings.	Yes	Buildings have been oriented to make use of a shared street/drive aisle which reduces the total number of driveway openings required along Evulich Court.
Strategy M-3.5.2	Require properties with frontages on major and secondary streets to provide direct pedestrian and vehicular access to driveways from the secondary street.	Yes	Access to private shared roads/driveways is provided from Evulich Court.
Policy M-3.8	Require new development and redevelopment to provide public and private bicycle parking.	Yes	Public bicycle parking is provided in a shared outdoor area and private bicycle parking is provided in each residence's garage.
Policy M-4.4	Work with VTA and/or major developments to ensure all new development projects include amenities to support public transit including bus stop shelters, space for transit vehicles as appropriate and attractive amenities such as trash receptacles, signage, seating and lighting.	Yes	VTA comments received and addressed.  See comment and condition outlined for LU-11.1 for additional information related to the proposed trail connection.
Strategy M-8.2.1	Require new development to include shared amenities that encourage the use of transit, bicycling, or walking as alternative modes of transportation.	Yes	Proposed shared walkways connect to the street sidewalk and shared bicycle parking facilities are provided on site.
Strategy M-8.2.2	Require new development to provide pedestrian pathways to entrances, and orient buildings and entrances to the street, to encourage pedestrian activity.	Yes	Pedestrian pathways to entrances provided and connected to Evulich Court. Buildings along Linda Vista Drive and Evulich Court have entrances oriented to the street.

Strategy M-8.2.4	Require new residential or mixed-use developments to provide shared bicycle parking and bike repair stations at locations close to entrances.	Yes	Bicycle parking and repair stations are provided.
<b><u>Environmental Resources and Sustainability Element</u></b>			
Strategy ES-4.1.1	Review projects for potential generation of toxic air contaminants at the time of approval and confer with Bay Area Air Quality Management District on controls needed if impacts are uncertain.	Yes	An Air Quality Assessment has been provided and was subject to peer review. No uncertain impacts were identified.
Strategy ES-4.1.2	Require water application to non-polluting dust control measures during demolition and the duration of the construction period.	Yes	The project will be conditioned to comply with this requirement.
Strategy ES-4.3.2	Prohibit new wood-burning fireplaces, except EPA certified wood stoves as allowed by the Building Code.	Yes	Applicant has indicated that no wood stoves are proposed and the project will be conditioned to comply with this requirement.
Strategy ES-5.1.2	Ensure that sustainable landscaping design is incorporated in the development of private projects with the inclusion of measures such as tree protection, stormwater treatment, and planting of native, drought tolerant landscaping that is beneficial to the environment.	Yes	The project incorporates stormwater treatment, tree protection, and drought tolerant and native landscaping.
Policy ES-5.6	Provide open space linkages within and between properties for both recreational and wildlife activities, most specifically for the benefit of wildlife that is threatened, endangered or designated as species of special concern.	Yes, as conditioned	The project incorporates recreational linkages on the property and that the property is not an open space linkage for wildlife, as supported by a biological assessment. Additionally, no new barriers will be incorporated into the site which would further restrict any passage of wildlife.  See comment and condition outlined for LU-11.1 for additional information related to the proposed trail connection.
Policy ES-7.1	In public and private development, use Low Impact Development (LID) principles to manage stormwater by mimicking natural hydrology, minimizing grading, and protecting or restoring natural drainage systems.	Yes	Minimal grading and bioretention areas are proposed to address this standard. A condition of approval will be included to ensure the projects compliance with LID principals at time of application for Building Permits.
Strategy ES-7.1.1	Require topographical information; identification of creeks, streams and drainage areas; and grading plans for both public and private development proposals to ensure protection and efficient use of water resources.	Yes	Required information provided on civil plans.
Policy ES-7.2	... Use low impact development (LID) designs to treat stormwater or recharge groundwater.	Yes	Bioretention areas are proposed to address this standard. A condition of approval will be included to ensure the projects compliance with LID principals at time of application for Building Permits.
Strategy ES-7.3.1	Require LID designs such as vegetated stormwater treatment systems and green infrastructure to mitigate pollutant loads and flows.	Yes	Bioretention areas are proposed to address this standard. A condition of approval will be included to ensure the projects compliance with LID principals at time of application for Building Permits.
<b><u>Health and Safety Element</u></b>			
Policy HS-3.2	Involve the Fire Department in the early design stage of all projects requiring public review to assure Fire Department input and modifications as needed.	Yes	The Fire Department has reviewed the projects and provided conditions.
Policy HS-3.7	Require on-site fire suppression materials and equipment.	Yes	Fire hydrants and fire sprinklers are incorporated to the project design.
Strategy HS-4.2.2	Request County Sheriff review and comment on development applications for security and public measures.	Yes	County Sheriff review completed.
Policy HS-5.1	Evaluate new development proposals within mapped potential hazard zones using a formal seismic/geologic review process. Use Table HS-3 of this Element to determine the level of review required.	Yes	Geologic review and peer review completed.
Strategy HS-5.2.1	Require developers to record a covenant to tell future residents in high-risk areas about the risk and inform them that more information is in City Hall records. This is in addition to the State requirement that information on the geological report is recorded on the face of subdivision maps	Yes	The project will be conditioned to comply with this requirement.
Policy HS-8.1	Use the Land Use Compatibility for Community Noise Environments chart, the Future Noise Contour Map (see Figure D-1 in Appendix D) and the City Municipal Code to evaluate land use decisions.	Yes	Noise Assessment provided by applicant and peer reviewed.
Strategy HS-8.2.1	Minimize noise impacts through appropriate building and site design.	Yes	Noise Assessment provided by applicant and peer reviewed.
Policy HS-8.3	Require construction contractors to use the best available technology to minimize excessive noise and vibration	Yes	The project will be conditioned to comply with this requirement.

	from construction equipment such as pile drivers, jack hammers, and vibratory rollers.		
Strategy HS-8.6.1	Modify street design to minimize noise impact to neighbors.	Yes	The applicant has indicated that current street design will minimize noise impacts by located the street through the middle of the development.
<b>Infrastructure Element</b>			
Strategy INF-1.4.1	Require developers to expand or upgrade existing infrastructure to increase capacity, or pay their fair share, as appropriate.	Yes	Expansion and upgrade of existing infrastructure is proposed, based on utility provider requirements and right of way development.
Strategy INF-2.4.2	Require undergrounding of all utility lines in new developments.	Yes	All utility lines to be undergrounded.
Strategy INF-5.1.2	Require developers to pay their fair share of costs for, or in some cases construct, infrastructure upgrades to ensure that service levels are met. – (Wastewater)	Yes	Wastewater expansion and/or upgrades to be addressed as required by Cupertino Sanitary District and included in project conditions of approval.
Policy INF-7.2	Ensure that public and private developments build new and on-site facilities and/or retrofit existing on-site facilities to meet the City's waste diversion requirements.	Yes	Waste management plan reviewed by the Environmental Services Division.
<b>Recreation, Parks, and Community Services Element</b>			
Strategy RPC-2.2.2	Require major developments to incorporate private open space and recreational facilities.	Yes	Private open space with passive recreation facilities provided.
Strategy RPC-3.1.1	Maximize the use of native plants and drought-tolerant planting.	Yes	Native and drought tolerant plants are provided throughout the site and all water treatment areas are proposed with native plants.
<b>Cupertino Municipal Code – Zoning Ordinance (CMC Title 19)</b>			
Reference	Municipal Code Requirement	Consistent?	City Comment
<b>Chapter 19.12 Standards</b>			
<a href="#">Section 19.12.080 (B) (1)</a>	An application for a permit shall contain a complete legal description of the subject property and map showing the location of the property for which the permit is sought.	Yes	Legal description provided in Title Report and map provided.
<a href="#">Section 19.12.080 (B) (2)</a>	An application for a permit shall contain a preliminary title report of the subject property.	Yes	Preliminary Title Report provided.
<a href="#">Section 19.12.080 (B) (3)</a>	An application for a permit shall contain the proposed site development plan indicating: the location of all buildings and structures; the location and types of land uses; paved areas, such as roadways, driveways and walkways; and general landscaping scheme.	Yes	Provided through site plans and landscaping plans.
<a href="#">Section 19.12.080 (B) (4)</a>	An application for a permit shall contain architectural drawings of the proposed development, building additions or other structures. Drawings shall indicate building height, colors, materials, window treatment and other architectural features.	Yes	Architectural drawings indicating height, colors, materials, window treatments, and other architectural features provided.
<a href="#">Section 19.12.080 (B) (5)</a>	An application for a permit shall contain maps showing the locations of buildings.	Yes	Provided on Site Plans.
<a href="#">Section 19.12.080 (B) (6)</a>	An application for a permit shall contain renderings showing building heights and square footages.	Yes	Renderings provided.
<a href="#">Section 19.12.080 (B) (7)</a>	An application for a permit shall contain maps showing the precise location of roads, streets, alleys and access points.	Yes	Site plan showing location of roads, streets, alleys, and access points provided.
<a href="#">Section 19.12.080 (B) (8)</a>	An application for a permit shall contain a traffic analysis.	Yes	Traffic analysis has been provided and shall be reviewed by the selected CEQA consultant
<a href="#">Section 19.12.080 (B) (9)</a>	An application for a permit shall contain a construction plan.	Yes	Construction Plan provided.
<a href="#">Section 19.12.080 (B) (18)</a>	An application for a permit shall contain a grading plan that denotes the location of all nonfruit trees with a trunk diameter as identified in Chapter 14.15, the Protected Tree Ordinance and any special status plant species.	Yes	Grading Plan provided.
<a href="#">Section 19.12.110 (F)</a>	<p>Applicants shall install notice(s) on the subject site that is clearly visible and legible from the right-of-way in accord with the requirements of Table 19.12.030. Applicants must install a site notice in the front yard of the subject site.</p> <p>The notice shall be a weatherproof sign, firmly attached to 5 foot tall posts and shall be at least 4 feet tall and 6 feet wide.</p> <p>The notice shall be placed at least 14 days prior to the decision/public hearing and shall remain in place until an action has been taken on the application and the appeal period, if any, has passed.</p> <p>The notice shall contain:</p> <ol style="list-style-type: none"> <li>The exact address of the property;</li> <li>A brief description of the proposed project, the</li> </ol>	Yes	

	<p>content of which shall be at the sole discretion of the City;</p> <p>c. City contact information for public inquiries;</p> <p>d. A deadline for the submission of public comments;</p> <p>e. A color perspective drawing or three-dimensional (3-D) photographic simulation of the proposed project, in a size deemed appropriate by the Director of Community Development.</p>		
<b>Chapter 19.36 Standards</b>			
Section 19.36.070 (D)	<p>Private Outdoor Space:</p> <p>Minimum Size: 60 square feet per unit</p> <p>Minimum Clearance: 6 feet clear in any dimension</p>	Density Bonus Waiver Requested	Density Bonus Waiver requested to allow for a reduced minimum clearance of less than six feet.
Section 19.36.070 (F)	<p>New multiple-family development of five or more units shall include:</p> <ol style="list-style-type: none"> <li>1. At least one no-step entry point per building and unit;</li> <li>2. Interior and exterior doors with 32 inches of clear passage for each unit; and</li> <li>3. One bathroom for each unit that is able to be maneuvered in a wheelchair per Americans with Disabilities Act standards.</li> </ol>	Yes	The project will be conditioned to meet these minimum requirements.
Section 19.36.070 (J)	No parking shall be permitted in a setback area where the lot adjoins property located in a single-family (R-1) zoning district.	Yes	No parking is proposed within the setback areas adjoining the R1 zoning district.
Section 19.36.070 (L) (1)	Completion/Bonding: Improvement of the common areas shall be completed by the developer and shall be subject to bonding and other procedures in the same manner as required for street improvements by Title 18, Subdivision.	Yes	The project will be conditioned to meet this requirement at the time of application for Building Permits.
Section 19.36.070 (L) (2)	<p>Maintenance:</p> <ol style="list-style-type: none"> <li>a. Shall be the responsibility of the property owner or homeowners association to which the common areas are deeded.</li> <li>b. In the event private roads, driveways, parking areas, walkways, landscaping or buildings are not maintained to applicable City standards, the City may, after notice and advertised public hearing, effect the necessary maintenance, with the cost to be a lien on the property.</li> </ol>	Yes	The project will be conditioned to create a property owner or homeowners association and to meet these requirements.
Section 19.36.070 (L) (3)	<p>Declaration of Covenants, Conditions and Restrictions, where applicable:</p> <ol style="list-style-type: none"> <li>a. Shall include a clause to ensure that the CC&amp;R's shall not be modified unless required to by state law, without review of the City.</li> <li>b. Shall be reviewed by the City Attorney, prior to recordation, to determine its compatibility with the intent and conditions as set forth herein.</li> </ol>	Yes	The project will be conditioned to meet these requirements for CC&Rs.
Section 19.36.070 (L) (4)	<p>Articles of Incorporation and Other Instruments Related to Homeowners' Association, where applicable:</p> <ol style="list-style-type: none"> <li>a. Shall be subject to the review and approval of the City Attorney.</li> <li>b. Shall include a clause to indicate that the Association cannot be dissolved without written approval and authorization from the City.</li> </ol>	Yes	The project will be conditioned to meet these requirements for HOAs.
<b>Chapter 19.46 Standards</b>			
Section 19.46.060 (B)	Maximum Lot or Air Parcel Width for each townhome (measured at front building setback line): 25 feet	Yes	The proposed air parcel widths range between 17 and 24 feet.
Section 19.46.070 (A)	Maximum Lot Coverage – 55% of net lot area prior to development.	Yes	A total lot coverage of 45.5% is proposed.
Section 19.46.070 (B)	Maximum Floor Area Ratio: 85% of net lot area prior to development	Density Bonus Waiver Requested	Density Bonus Waiver requested to allow for a floor area of 136%.
Section 19.46.070 (C)	Maximum Height: Limited to three stories (not to exceed 30 feet)	Density Bonus Waiver Requested	Density Bonus Waiver requested to allow for a maximum height of 40'-7".
Section 19.36.070 (C) (1)	Front Setback (All Floors): 20'	Yes	Front setback exceeding 20 is provided.
Section 19.46.070 (D) (2) (a)	<p>Interior Side Setback (All Floors): 6'*</p> <p>*Additional 10 feet for third floors more than one story higher than any adjacent primary residential structures.</p>	Yes	The project site is located adjacent to properties with two story structures. Six-foot setbacks provided. Additional setback required.
Section 19.46.070 (D) (2) (b)	Street Side Setback (All Floors): 12'	Density Bonus Waiver Requested	Density Bonus Waiver requested to allow for street side setbacks of 3'-7".
Section 19.46.070 (D) (3)	Rear Setback (All Floors): 15'	Yes	Rear setback of at approximately 23 feet provided.

Section 19.46.070 (F)	Design Requirements: 1. Townhome design visible from or fronting the public right of way shall include at least two of the following features: a. Front Architectural Feature (e.g., stoop, front porch). b. Stairway with at least three stairs leading to the front entrance. c. Pitched roof with a slope of at least 3:12. 2. Vehicular parking shall not be located along primary frontage.	Yes	Along Linda Vista Drive and Evulich Court, front architectural features and pitched roof slope of at least 3:12 are provided. Vehicular parking is not located along primary frontage (Linda Vista Drive).
Section 19.46.070 (G)	Corner Triangle and Sidewalk Site Triangle shall remain free and clear of all buildings or portions thereof.	Yes	No buildings proposed within corner or sidewalk sight triangles.
Section 19.46.070 (J)	Access: No more than two vehicular entries/exits per street frontage between the residential development and the public right-of-way.	Yes	No more than two vehicular entries/exits are proposed per frontage of Evulich Court.
<b>Chapter 19.48 Standards</b>			
<a href="#">Section 19.48.020 (2)</a>	Fences shall be designed in a manner to provide for sight visibility at private and public street intersections (i.e. corner triangles or any sidewalk sight triangle).	Yes	No fences are proposed within the required corner or sidewalk sight triangles.
<a href="#">Section 19.48.020 (5)</a>	At no point shall fence height exceed 10 feet without a Fence Exception	Yes	No fences exceeding 10 feet in height are proposed.
Section 19.48.040 (A)	The following fence materials shall be considered "Prohibited Materials" for purposes of this Chapter: 1. Unless required by law or regulation of the City, State or Federal Government, barbed wire, razor wire, chicken wire and similar small-gauge wire or mesh product, and/or electrified fencing are prohibited. 2. Fences made of non-engineered plastic, fabric membranes, cloth, canvas, plywood, uncoated cyclone/chain link, and reed or bamboo with sticks and slats smaller than four inches in width are prohibited, unless located in areas not visible from public areas or adjacent properties.	Yes	No prohibited materials are proposed to be used and the project will be conditioned to avoid use of these materials in the future.
Section 19.48.040 (B)	Allowed fence materials include, but are not limited to wood, engineered plastic, vinyl coated cyclone/chain link, metal (e.g. wrought iron), brick, block, stone, and other comparable (safe and commercially acceptable) materials intended for fence use.	Yes	Proposed fence materials (wood and steel) are consistent with this requirement.
Section 19.48.040 (C)	Fence material colors shall be natural earth tone and/or vegetation colors including natural hues of brown, green and shades of gray and shall have a reflectivity value of 60 or less.	Yes	Proposed fence materials are consistent with this requirement.
<b>Chapter 19.102 Standards</b>			
<a href="#">Section 19.102.030 (A)</a>	All projects that are subject to the bird-safe development requirements shall submit the following: 1. Elevation drawings indicating the bird-safe treatment and how the proposed treatment meets the requirements of Section 19.102.030(B) and (D); 2. Cross sections, if required; 3. Other exhibits indicating consideration and incorporation of the regulations in Section 19.102.030(B), (C), and (D); and 4. Biologist report in support of alternative compliance method pursuant to Section 19.102.030(B)(3), if proposed.	Yes	Information identified on plans and use of insect screens is proposed as a bird-safe design measure. The project will be conditioned to continue to comply with these requirements at time of Building Permit application.
<a href="#">Section 19.102.030 (B)</a>	1. Façades of all projects subject to bird-safe development requirements shall have: a. No more than 10% of the surface area of the façade be untreated glass between the ground and 60 feet above ground. b. No more than 5% of the surface area of the façade be untreated glass between 60 feet above ground and up. 2. Standard Compliance Treatments: The Planning Division may maintain a list of acceptable bird-safe treatments that may be updated from time to time. The list may include, but not be limited to, permanent treatments such as opaque glass, window muntins, exterior insect screens, exterior netting, or special glass treatments such as fritting to provide visual cues and reduce the likelihood of bird collisions. Glass treatments must have high color contrast with the glass and be applied to the outermost surface. Prior to	Yes	Information identified on plans and use of insect screens is proposed as a bird-safe design measure. The project will be conditioned to continue to comply with these requirements at time of Building Permit application.

	<p>publication of the list, the Planning Division may review information available from interest groups, such as the National Audubon Society.</p> <p>3. Alternative Compliance Method: Property owners/applicants may propose an alternate compliance method recommended by a qualified biologist to meet the requirements and intent of this section. The alternate compliance method shall be peer-reviewed by a third-party consultant, paid for by the applicant, and subject to the approval of the Director of Community Development.</p>		
<a href="#">Section 19.102.030 (D)</a>	<p>All projects shall:</p> <ol style="list-style-type: none"> <li>1. Avoid the funneling of flight paths along buildings or trees towards a building façade.</li> <li>2. Avoid use of highly reflective glass or highly transparent glass.</li> <li>3. Not include skyways or walkways, balconies, freestanding walls, or building corners made of untreated glass or other transparent materials, or any other design elements that are untreated and through which trees, landscape areas, water features or the sky are visible from the exterior or from one side of the transparent element to the other.</li> </ol>	Yes	The design meets these bird-safe design requirements.
<a href="#">Section 19.102.040 (A)</a>	<p>Projects subject to outdoor lighting regulations must submit the following information:</p> <ol style="list-style-type: none"> <li>1. A site plan indicating the location of all outdoor lighting fixtures.</li> <li>2. A description of each lighting fixture. This description may include, but not be limited to, manufacturer's catalog cuts and drawings (including sections if requested), lamp types, and lumen outputs.</li> <li>3. Photometric plans, prepared, stamped and signed by a licensed professional engineer qualified in outdoor lighting, depicting the location of all outdoor lighting fixtures and building-mounted lighting fixtures and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site, including any impact on adjacent properties.</li> <li>4. The project lighting plan shall indicate how lighting has been coordinated with any associated landscaping plan to prevent site planning conflicts.</li> </ol>	Yes	Photometric plan provided showing that proposed lighting will not impact adjacent properties.
<a href="#">Section 19.102.040 (B) (1)</a>	<p>All outdoor lighting shall be fully shielded fixtures, directed downward to meet the particular need and away from adjacent properties and rights-of way to avoid light trespass, except:</p> <ol style="list-style-type: none"> <li>a. Low-voltage Landscape Lighting: Low-voltage landscape lighting, such as that used to illuminate fountains, shrubbery, trees, and walkways, do not have to be shielded fixtures and may use uplighting, provided that they use no more than ten (10) watt incandescent bulb or LED equivalent, or a maximum of 150 lumens (whichever is less), and not directed toward the right-of-way.</li> <li>b. Architectural Features: Uplighting may be used to highlight special architectural features.</li> <li>c. Public Art: Alternative lighting standards may be used to illuminate public art or serve as public art subject to the review and approval by the Arts and Culture Commission.</li> <li>d. Historic Lighting Fixtures: Lighting fixtures that are historic or that exhibit a historical period appearance, as determined by the Director of Community Development, need not be fully shielded.</li> <li>e. String Lighting: String Lighting may be used in compliance with Section 19.102.040 (B) (12)</li> </ol>	Yes	Provided plans indicate use of compliant lighting.
<a href="#">Section 19.102.040 (B) (2)</a>	<p>a. No exterior light, combination of exterior lights, or activity shall cast light exceeding zero point one (0.1) foot-candle onto an adjacent or nearby property, with the illumination level measured at the property line between the lot on which the light is located and the adjacent lot, at the point nearest to the light source, except if two adjacent properties are non-residential, or function as a shopping center, and agree to coordinate</p>	Yes, as Conditioned	<p>The applicant has confirmed that the proposed private street lighting and development lighting will comply with these standards. Public street lighting design will be coordinated through the Public Works Department.</p> <p>The project is conditioned to require that all proposed lighting comply with these</p>

	<p>lighting.</p> <p>b. No direct off-site glare from a light source shall be visible above three feet at a public right-of-way.</p> <p>c. The maximum light intensity on a site shall not exceed a maintained value of ten foot-candles, when measured at finished grade.</p> <p>d. Parking lots, sidewalks and other areas accessible to pedestrians and automobiles on properties with four or more units, mixed-use development, and non-residential development shall be illuminated with uniform and adequate intensity. Typical standards to achieve uniform and adequate intensity are:</p> <ol style="list-style-type: none"> <li>i. Average horizontal maintained illumination shall not be more than three foot-candle.</li> <li>ii. Maximum to minimum ratio should be between 6:1 and 10:1, but shall not be more than 10:1.</li> </ol> <p>e. Critical areas of illumination such as stairways, ramps and main walkways may have a higher illumination.</p>		requirements and that, where necessary, additional lighting information, including readings and studies, are provided prior to Building Permit approval or final inspection.
<a href="#">Section 19.102.040 (B) (3)</a>	All light sources shall have a maintained correlated color temperature of 3,000 Kelvin or less	Yes	The project will be conditioned to require that light sources have a color temperature of 3,000 Kelvin or less.
<a href="#">Section 19.102.040 (B) (4)</a>	<p>All outdoor lighting shall be fully extinguished or be motion sensor operated by 11:00 p.m. or when people are no longer present in exterior areas, whichever is later, except for:</p> <ol style="list-style-type: none"> <li>a. Critical lighting pursuant to section 2(e) above;</li> <li>b. Any lighting at building entrances, parking areas, walkways, and driveways area required to remain illuminated after 11:00 p.m. by the California Building Code or state law;</li> <li>c. Lighting of an appropriate intensity, allowed in conjunction with uses that are permitted to operate past 11:00 p.m., with a conditional use permit; and</li> <li>d. Outdoor solar powered pathway lights that are 25 lumens or less.</li> <li>e. Lighting that illuminates a pedestrian pathway (examples include bollard, in-place step, or building mounted), provided that such lighting is a maximum height of four (4) feet above the pathway, fully shielded, and downward directed</li> </ol>	Yes	The project will be conditioned to ensure that, except as outlined in this standard, outdoor lighting is fully extinguished or be motion sensor operated by 11:00 p.m.
<a href="#">Section 19.102.040 (B) (5)</a>	<p>Automated control systems, such as motion sensors and timers, shall be used to meet the outdoor lighting requirements.</p> <ol style="list-style-type: none"> <li>a. Photocells or photocontrols shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available.</li> <li>b. All lighting activated by motion sensors shall extinguish no more than 10 minutes after activation.</li> <li>c. Automated controls shall be full programmable and supported by battery or similar backup</li> </ol>	Yes	Proposed outdoor lighting has automated control systems. A condition of approval will be added to ensure that future lighting meets this requirement.
<a href="#">Section 19.102.040 (B) (6)</a>	<p>Security lighting may be provided when necessary to protect persons and property. When security lighting is utilized only the following standards shall apply:</p> <ol style="list-style-type: none"> <li>a. Security lighting shall be controlled by a programmable motion-sensor device, except where continuous lighting is required by the California Building Code. All lighting activated by motion sensors shall extinguish no more than 10 minutes after activation. Automated controls shall be fully programmable and supported by battery or similar backup.</li> <li>b. Security lighting shall be downward directed, shielded, and not be mounted at a height that exceeds 12 feet, measured from the adjacent grade to the bottom of the fixture.</li> <li>c. Floodlights shall not be permitted.</li> <li>d. Security lights intended to illuminate a perimeter, such as a fence line, are permitted only if such lights do not result in light trespass.</li> <li>e. Motion-activated security lights shall not use lamps that exceed 100 watt incandescent bulb or LED equivalent, or a maximum of 1,600 lumens (whichever is less)</li> </ol>	Yes	No security lighting is proposed.
<a href="#">Section 19.102.040 (B) (7)</a>	<ol style="list-style-type: none"> <li>a. Lighting fixtures must be of a design that complement building and landscaping design.</li> <li>b. Lighting fixtures shall be appropriate in height,</li> </ol>	Yes	Lighting fixtures do not exceed mounting height requirements and are a standard height.

	intensity, and scale to the use they are serving.		
<b>Chapter 19.124 Standards</b>			
<a href="#">Section 19.124.030 (A) (2)</a>	Vehicles may be placed, kept or parked in the front yard, Street side setback area or within 12 feet of a public right-of-way in a rear yard area, provided a minimum clearance of three feet is maintained from any structure.	Yes	No parking within setbacks or within 12 feet of right of way is proposed.
<a href="#">Section 19.124.040 (A)</a>	Townhomes – One space per unit (1 covered or garage) of 9.5' x 20'	Yes	Parking provided at the required rate.
<a href="#">Section 19.124.040 (B)</a>	If no on-street parking is available, two additional off-street spaces are required.	Yes	Street parking is provided on Evulich Court and additional parking spaces are proposed for each unit.
<b>Cupertino Municipal Code – Subdivision Ordinance (CMC Title 18)</b>			
Reference	Municipal Code Requirement	Consistent?	City Comment
<b>Chapter 18.12 Standards</b>			
<a href="#">Section 18.12.020 (A)</a>	A tentative map and final map shall be required for all subdivisions of land creating five or more parcels...	Yes	Vesting Tentative Map (Sheet TM-1) provided.
<b>Chapter 18.16 Standards</b>			
<a href="#">Section 18.16.010</a>	The tentative map ...shall be prepared by a registered civil engineer or licensed surveyor...	Yes	TM-1 prepared by civil engineer.
<a href="#">Section 18.16.030</a>	Public utilities and agencies shall certify that the subdivision can be adequately served.	Yes, as conditioned	Will serve letters provided. Project will be conditioned to address requirements outlined in by the Cupertino Sanitary District.
<b>Chapter 18.32 Standards</b>			
<a href="#">Section 18.32.030</a>	The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, curbs, sidewalks, driveway approaches and transitions.	Yes	To be completed in accordance with Public Works requirements.
<a href="#">Section 18.32.040</a>	Stormwater runoff from the subdivision shall be collected and conveyed by an approved storm drain system. The storm drain system shall be designed for ultimate development of the watershed. The storm drain system shall provide for the protection of abutting and offsite properties that would be adversely affected by any increase in runoff attributed to the development; off-site storm drain improvements may be required to satisfy this requirement.	Yes	To be completed in accordance with Public Works requirements. See Public Works draft conditions.
<a href="#">Section 18.32.050</a>	Each unit or lot within the subdivision shall be served by an approved sanitary sewer system.	Yes	Project will be conditioned to address requirements of Cupertino Sanitary District at the time of application for Building Permits.
<a href="#">Section 18.32.060</a>	Each unit or lot within the subdivision shall be served by an approved domestic water system.	Yes	Will serve letter provided.
<a href="#">Section 18.32.070</a>	<p>A. Each unit or lot within the subdivision shall be served by gas (if required), electric, telephone and cablevision facilities. All utilities within the subdivision and along peripheral streets shall be placed underground in accordance with Chapters 14.20 and 14.24, of this code, except those facilities exempted by the Public Utilities Commission regulations. Undergrounding shall be required for overhead lines on both sides of peripheral streets.</p> <p>B. For subdivisions of five or more parcels, the subdivider may request that the undergrounding requirement along peripheral streets be waived by the Planning Commission. The Planning Commission may, at its discretion, accept a fee in lieu of the undergrounding. The amount of fee shall be determined by the City Engineer and shall be one-half of the normal cost of undergrounding existing utilities on residential streets. The requirement for undergrounding or the acceptance of an in-lieu-of-undergrounding fee shall be made a condition of approval of the tentative map.</p> <p>C. For subdivision of five or more parcels the developer may appeal the undergrounding requirement along peripheral streets to the City Council. Such appeal shall be in accordance with Section 18.20.070 of this title. The appeal shall be accompanied by an estimate from each utility company for the approximate cost per lineal foot and total cost to underground its facilities along the peripheral street.</p> <p>The developer shall pay all fees as may be charged by each utility company to make the required estimate.</p> <p>D. The City Council or City Engineer, as the case may be,</p>	Yes	Undergrounding of utilities is proposed, to the extent feasible. Project will be conditioned to comply with Public Works requirements for new utility lines.

	<p>may, at its discretion, accept a fee in lieu of the undergrounding of existing facilities along peripheral streets. The amount of fee shall not be less than the amount established by the City Engineer for the normal cost of undergrounding of existing utilities along residential streets.</p> <p>E. In-lieu fees shall be deposited in a special undergrounding account to be used as approved by the City Council for future undergrounding of utilities throughout the City.</p>		
<a href="#">Section 18.32.110</a>	<p>A. The design of a subdivision for which a tentative map is required, pursuant to Chapter 18.12 of this title, shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.</p> <p>B. Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.</p> <p>C. Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.</p> <p>D. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.</p> <p>E. The requirements of this section do not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing building when no new structures are added.</p> <p>F. For the purpose of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social and technological factors.</p>	Yes	The proposed subdivision has been designed to provide for future passive or natural heating and/or cooling opportunities as outlined in these standards.
<a href="#">Section 18.32.120 (A)</a>	The subdivision shall abut upon or have an approved access to a public street. Each unit or lot within the subdivision shall have an approved access to a public or private street. Flag lot access shall be a minimum of twenty feet in width unless approved by the City Engineer.	Yes	The proposed subdivision provides access to a public street (Linda Vista Drive and Evulich Court) and each proposed unit has access to a public or private street.
<b>Cupertino Municipal Code – Environmental Regulation Ordinance (CMC Title 17)</b>			
Reference	Municipal Code Requirement	Consistent?	City Comment
<b>Chapter 17.04</b>			
<a href="#">Section 17.04.030 (B) (1)</a>	Compliance with the requirements shall be demonstrated for all residential projects involving the development of four or more residential units, through submittal and implementation of a construction management plan and/or permit plans, as applicable, prior to issuance of an approval to the satisfaction of the City.	Yes	Draft construction management plan provided. Project will be conditioned to meet all applicable requirements of Title 17.
<a href="#">Section 17.04.040 (B) (1)</a>	<p>The following standard environmental protection technical reports are subject to third-party peer review under the direction of the City at the applicant's cost, prior to the approval of the project.</p> <p>Retain the services of a qualified environmental consultant with experience preparing Phase I Environmental Site Assessments (ESAs) to prepare a Phase I ESA in accordance with the American Society for Testing and Materials (ASTM) Standards on Environmental Site Assessments, ASTM E 1527-13 (ASTM 1527-13) and in accordance with the U.S. Environmental Protection Agency's (EPA's) Standards and Practices for All Appropriate Inquiries (40 Code of Federal Regulations 312), published November 2005, as subsequently revised, supplemented, or replaced. The goal of an ASTM Phase I ESA is to evaluate site history, existing observable conditions, current site use, and current and former uses of surrounding properties to identify the potential presence of Recognized</p>	Yes	ESA peer review completed.

	Environmental Conditions (RECs) as defined in ASTM E 1527-13, associated with the site. If the Phase I ESA does not identify any RECs, then no further action is needed. If the Phase I ESA identifies RECs, then a Phase II ESA shall be prepared as described in Section B.2.		
<a href="#">Section 17.04.040 (C)</a>	Project applicants shall prepare a vehicle miles traveled (VMT) analysis, which shall include a comparison of existing VMT and project-generated VMT, for review and approval prior to project approval, indicating that the project meets the standards in Section 17.08.040 (Vehicle Miles Traveled (VMT) Standards).	No, Utilizing AB 130	The applicant has proposed the use of AB 130 and therefore is not required to complete a VMT analysis.
<a href="#">Section 17.04.040 (D)</a>	<p>The project applicant shall provide a vibration study to determine vibration levels due to construction to the City, prior to approval of the project, when the following activities would occur within the screening distance to buildings or structures:</p> <ul style="list-style-type: none"> <li>• pile driving within 100 feet,</li> <li>• vibratory roller within 25 feet, or</li> <li>• other heavy equipment (e.g., bulldozer) within 15 feet;</li> </ul> <p>For historical structures:</p> <ul style="list-style-type: none"> <li>• pile driving within 135 feet,</li> <li>• vibratory roller within 40 feet, or</li> <li>• other heavy equipment within 20 feet</li> </ul> <p>If vibration levels due to construction activities exceeds 0.2 inches per second peak particle velocity (in/sec PPV) at nearby buildings or structures, or 0.12 in/sec PPV at historical structures, the project shall implement the following alternative methods/equipment:</p> <ol style="list-style-type: none"> <li>a. For pile driving, one of the following options shall be used: caisson drilling (drilled piles), vibratory pile drivers, oscillating or rotating pile installation methods, or jetting or partial jetting of piles into place using a water injection at the tip of the pile.</li> <li>b. For paving, use a static roller in lieu of a vibratory roller.</li> <li>c. For grading and earthwork activities, off-road equipment that shall be limited to 100 horsepower or less.</li> </ol>	Yes	Noise Assessment provided by applicant and peer reviewed.

**Cupertino Municipal Code – Building and Construction Regulation Ordinance (CMC Title 16)**

Reference	Municipal Code Requirement	Consistent?	City Comment
<b>Chapter 16.08 Standards</b>			
<a href="#">Section 16.08.100</a>	<p>The plans shall be prepared and signed by a civil engineer, and soils engineer, licensed by the State. Applicant shall provide all the following information on a site map/grading plan:</p> <ol style="list-style-type: none"> <li>A. A vicinity sketch or other data adequately indicating the site location;</li> <li>B. Property lines of the site on which the work is to be performed and easements if such are required;</li> <li>C. Location of any buildings or structures on the property where the work is to be performed, and the location of any building, structure, or retaining wall on adjacent property which is within fifteen feet of the site;</li> <li>D. Existing and proposed topography of the site taken at not more than five-foot contour intervals over the entire site; ninety percent of the contours shall be plotted within one contour interval of the true location;</li> <li>E. Two contour intervals that extend a minimum of one hundred feet off-site, or sufficient distance to show on-site and off-site drainage;</li> <li>F. Location and graphic representation of all existing and proposed natural and manmade drainage facilities;</li> <li>G. Location and graphic representation of proposed excavations and fills, of on-site stockpiling of soil and other earth material, and of on-site disposal;</li> <li>H. Location of surface runoff, erosion and sediment control measures required under proposed interim erosion control plan;</li> <li>I. Location of existing vegetation types and the location and type of vegetation to be left undisturbed;</li> </ol>	Yes	Tentative Map items provided.

	<p>J. Outline of the methods to be used in clearing vegetation, and in storing and disposing of the cleared vegetative matter;</p> <p>K. Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as a part of, the proposed work, together with a plat or sketch showing the drainage area and estimated runoff of the area served by any drains;</p> <p>L. An estimate of the quantity of excavation and fill involved;</p> <p>M. Proposed sequence and schedule of excavation, filling and other land-disturbing and filling activities, and soil or earth material storage and disposal;</p> <p>N. Such additional technical information as is required to clarify the above;</p> <p>O. Site cross-sections as required.</p>		
<a href="#">Section 16.08.110</a>	<p>The applicant shall provide an interim plan, either integrated with the site map/grading plan or separately, at the discretion of the Director. However, at least the location of erosion control measures and erosion control planting shall be shown on the site map/grading plan. The applicant shall provide the following information with respect to conditions existing on the site during land-disturbing or filling activities or stockpiling of soil:</p> <p>A. Maximum surface runoff from the site shall be calculated using a ten year design storm and the City of Cupertino intensity curves as shown in the master storm drain plan;</p> <p>B. The interim plan shall also contain the following information:</p> <ol style="list-style-type: none"> <li>1. A delineation and brief description of the measures to be undertaken to retain sediment on the site, including, but not limited to, the designs and specifications or berms and sediment detention basins, and a schedule for their maintenance and upkeep;</li> <li>2. A delineation and brief description of the surface runoff and erosion control measures to be implemented, including, but not limited, to types and methods of applying mulches, and designs and specifications for diverters, dikes and drains, and a schedule for their maintenance and upkeep;</li> <li>3. A delineation and brief description of the vegetative measures to be undertaken, including, but not limited to, seeding methods, and type, location and extent of preexisting and undisturbed vegetation types, and a schedule for maintenance and upkeep;</li> </ol> <p>C. The location of all the measures listed by the applicant under subsection B above, shall be depicted on a site map;</p> <p>D. An estimate of the cost of implementing and maintaining all interim erosion and sediment control measures must be submitted in a form acceptable to the Director.</p>	Yes	To be completed in accordance with Public Works requirements. See Public Works draft conditions.
<a href="#">Section 16.08.200 (E)</a>	<ol style="list-style-type: none"> <li>3. All swales or ditches on drainage terraces shall be graded to provide suitable drainage and designed to prevent erosion, including a suitable lining as specified by the Director.</li> <li>4. Drainage across lot lines caused by grading is prohibited unless storm drain easements are provided.</li> </ol>	Yes	To be completed in accordance with Public Works requirements. See Public Works draft conditions.
<a href="#">Section 16.08.200 (G) (2)</a>	<p>If the retained height of a wall exceeds three feet, then the following restrictions shall apply:</p> <ol style="list-style-type: none"> <li>a. Any vertical structural member which resists the overturning forces imposed by the retained fill shall be constructed of materials other than wood. If, however, in the opinion of the Director, the use of any wood members is a hazard, then all components shall be constructed of materials other than wood.</li> <li>b. If the retained height of a wall exceeds eight feet, then no wood material may be used in its construction, unless approved by the City Council.</li> </ol>	Yes	To be included as a condition of approval.

<a href="#">Section 16.58.230</a>	<p>Greater than 9 Residential Single Family and Multi-Family homes (Verified by a Third Party GPR or LEED certification as applicable)</p> <p>Alternate Reference Standard: See Section 101.10.2):</p> <ul style="list-style-type: none"> <li>• GPR certified at minimum 50 points or</li> <li>• LEED Silver or</li> <li>• Alternate Reference Standard per Section 101.10.2</li> </ul>	Yes	The project will comply with the Green Point Rated (GPR) requirements and design will be subject to peer review at time of Building Permit review.
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**Cupertino Municipal Code – Landscape Ordinance (CMC Title 14)**

Reference	Municipal Code Requirement	Consistent?	City Comment
<b>Chapter 14.18 Standards</b>			
<a href="#">Section 14.18.110 (A)</a>	<p>An application request to remove a mature specimen tree with a single-trunk DBH of twelve inches to twenty-four inches (multi-trunk twenty-four to forty-eight inches DBH), shall provide the following:</p> <ol style="list-style-type: none"> <li>A drawing outlining the location of the tree(s) and proposed tree replacements.</li> <li>A written explanation of why the tree(s) should be removed.</li> <li>Signature of the property owner and/or homeowner’s association (where applicable) with proof of a vote of the homeowner’s association;</li> <li>Permit fee, where applicable.</li> </ol> <p>An application request to remove a heritage tree, privacy planting tree, approved development tree, or mature specimen tree with single-trunk DBH greater than twenty-four inches or multi-trunk greater than forty-eight inches DBH, require the following in addition to application requirements a. through d. listed above:</p> <ol style="list-style-type: none"> <li>Photograph(s) of the tree(s).</li> <li>An arborist report from an arborist certified by the International Society of Arboriculture.</li> <li>Notice and posting per Section 14.18.130.</li> </ol> <p>Other information deemed necessary by the Director of Community Development to evaluate the tree removal request.</p>	Yes	Tree Removal Application and arborist report submitted. Peer review completed.

**Cupertino Municipal Code – Parks Ordinance (CMC Title 13)**

Reference	Municipal Code Requirement	Consistent?	City Comment
<b>Chapter 13.08 Standards</b>			
<a href="#">Section 13.08.050 (A) - (E)</a>	<p>Where dedication of a park or recreational facility is required pursuant to this Chapter, land shall be dedicated per the formula below.</p> <p>Park land dedication (in acres) = (Average number of persons/DU) x (Park Acreage Standard) x (Number of Dwelling Units)</p> <p>The Park Acreage Standard is three acres of property for each one thousand persons.</p> <p>Table 13.08.050 indicates the average park land dedication required per dwelling unit based on development density per the formula above (Section 13.08.050.A).</p> <p>Average number of persons/DU shall be determined pursuant to Table 13.08.050.</p> <p>The number of dwelling units is calculated consistent with Section 13.08.090.</p>	In-Lieu Fee Requested	In-Lieu Fee Requested with the request for up to \$377,000 for construction of a proposed trail connection to be applied to the in-lieu fee.
<a href="#">Section 13.08.050 (F)</a>	<p>To satisfy this dedication requirement, the park land must be:</p> <ol style="list-style-type: none"> <li>1. Located at ground level and dedicated to the City in fee simple ownership, to the center of the earth;</li> <li>2. At least one contiguous piece of land of at least 0.27 acres in size, excluding hillsides over a ten (10) percent slope, riparian set back areas and environmental mitigation areas;</li> <li>3. At least 0.25 acres of the dedicated land must be gradable to create a flat area of less than five (5) percent slope in any direction;</li> </ol>	In-Lieu Fee Requested	In-Lieu Fee Requested with the request for up to \$377,000 for construction of a proposed trail connection to be applied to the in-lieu fee.

	<p>4. All dedicated land must be at least 50 feet wide in any horizontal dimension and 0.10 acres in contiguous size. The City Council may waive this requirement when doing so facilitates the provision of pocket parks or other desirable park amenities.</p> <p>5. Located adjacent to a street in order to promote public safety and facilitate policing; and</p> <p>Setback areas, private yards, and other open areas required by zoning and/or building ordinances or for streets and improvements that do not serve the park exclusively, shall not be included in the computation of dedicated park or recreational acreage.</p>		
<a href="#">Section 13.08.080 (A)</a>	Where private open space for park and recreational purposes, accessible to all residents in a development, is provided in a proposed development, fifty percent credit shall be given against the requirement of land dedication or payment of fees in lieu thereof, if the approval authority finds that it is in the public interest to do so and that all the standards in Section 13.08.080B are met and findings in Section 13.08.080C can be made.	In-Lieu Fee Requested	In-Lieu Fee Requested with the request for up to \$377,000 for construction of a proposed trail connection to be applied to the in-lieu fee.
<a href="#">Section 13.08.090</a>	When dwelling units exist on the property where development is proposed, a credit shall be given against the requirement of land dedication or payment of fees in lieu thereof for the number of units existing. As used herein, the term "existing" refers to units which exist at the time of approval of the dwelling units or which were demolished within one year prior to the submittal of an application for development of the dwelling units, for which previously park land dedication or fees in lieu thereof have been collected. For credits applicable to existing units included in proposed subdivisions, see section 18.24.110.	In-Lieu Fee Requested	In-Lieu Fee Requested with the request for up to \$377,000 for construction of a proposed trail connection to be applied to the in-lieu fee.

### **Cupertino Housing Mitigation Manual**

Reference	Housing Mitigation Manual Requirement	Consistent?	City Comment
Section 2.3.1	When a development provides Ownership Below-Market-Rate (BMR) units, the affordability requirements for units shall be as follows: 1. Fifty percent (50%) of BMR units as median-income and fifty percent (50%) as moderate-income.	Yes	Five median and five moderate income units provided.
Section 2.3.3 (A) – (C)	For projects that propose BMR units, the applicant shall submit an "Affordable Housing Plan," describing how a development project will comply with the City's BMR requirements, with the application for the first approval of the project.  The plan shall identify the BMR units or parcels in the development.  If alternatives are proposed in compliance with Chapter 7, the plan shall identify how the proposal is equivalent to the BMR requirements of Chapter 4.	Yes	Affordable housing plan provided outlining the required information.
Section 2.3.4 (A)	BMR units shall be comparable to market rate units in terms of unit type, number of bedrooms per unit, quality of exterior appearance and overall quality of construction.	No, Density Bonus Concession Proposed	The provided BMR units each utilize the same unit type and therefore do not comply with this standard.  A Density Bonus Concession is being requested to address this standard.
Section 2.3.4 (D)	The BMR units shall be dispersed throughout the residential project.	Yes	Provided designs disperse the BMR units throughout the project site.
Section 4.3	New ownership projects with five or more units or lots shall provide at least 20% of the units or lots as BMR ownership units or lots per Section 2.3	Yes	20% of the 51 units or 10.2 units will be provided through a combination of 10 BMR units and a fractional BMR in-lieu fee for the remaining 0.2 units.