

Standards Matrix			
Cupertino General Plan			
Reference	General Plan Req.	Consistent?	City Comment
Land Use Element			
Land Use Map	General Plan Designation: Commercial / Office / Residential	Yes	Residential development proposed.
Strategy LU-1.3.1 (1)	All mixed-use areas with commercial zoning will require retail as a substantial component. The North De Anza Special Area is an exception.	Density Bonus Incentive Requested	Density Bonus incentive requested.
Strategy LU-1.3.1 (4)	Conditional Use Permits will be required [to provide housing] on non-Housing Element mixed-use sites.	Yes	Conditional Use Permit U-2024-007 incorporated into project.
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 Stevens Creek and is required to comply with provisions of Chapter 19.148 of the Municipal Code.
Figure LU-2	Maximum Residential Density: 25 dwelling units per acre	Yes	20.34 dwelling units per acre (59 units across 2.90 acres).
Figure LU-2 HOCSP 1.01.030	Maximum Height: 45 feet measured from sidewalk to top of cornice, parapet, or eave line of a peaked roof.	Density Bonus Waiver Requested	Density Bonus waiver requested to allow a maximum height of 45’-10”.
Strategy LU-3.3.10	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 Stevens Creek.
Policy LU-3.4	No visible garages shall be permitted along the street frontage.	Yes	No garages proposed facing Stevens Creek Boulevard
Policy LU-8.1	Evaluate fiscal impacts of converting office/commercial uses to residential use.	Yes	Fiscal Impact Report provided and peer reviewed by a third-party City consultant.
Table LU-1 Policy LU 13.5	Development Allocation Available (Heart of the City): 18 Units (as of SB330 Preliminary Application date)	Yes	Consistent per requirements of State Law since residential density allows development of a project up to 25 du/ac (72.5 units). Proposal is for a 59 unit development.
Strategy LU-13.7.1	Provide active uses along the street frontage, bike lanes, sidewalks that support pedestrian-oriented activity, improved pedestrian crossings at street intersections, and attractive transit facilities (e.g., bus stops, benches, etc.)	Yes	Design provides a 6’ sidewalk dedication, bike lane contribution, and public art plaza along street frontage. VTA has not required improvements to transit facilities on or adjacent to the site.
Strategy LU-13.7.2	Create a cohesive visual image with street tree plantings along the corridor, but with distinct tree types for each sub-area to support its distinct character and function.	Yes	Proposed street tree plantings are consistent with sub-area type outlined in the Heart of the City Specific Plan.
Strategy LU-13.7.3	Provide pedestrian paths to enhance public access to and through the development.	Yes	Pedestrian paths through the site from sidewalk and neighboring parcel have been provided. Public access easement provided.
Mobility Element			
Policy M-2.5	Ensure all new public and private streets are publicly accessible to improve walkability and reduce impacts on existing streets.	Yes	Proposed streets will be publicly accessible. Public access easement provided.
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	Direct pedestrian connections from the site to the neighboring shopping center to the east are provided.
Policy M-3.5.1	Require driveway access closures, consolidations, or both when a site is remodeled or redeveloped.	Yes	The proposed project incorporates two driveway accesses, consistent with the requirements for fire access and the existing site conditions.
Policy M-3.6	Require parking lots to include clearly defined paths for pedestrians to provide a safe path to building entrances.	Yes	Pathways extend through the parking area.
Policy M-3.8	Require new development and redevelopment to provide public and private bicycle parking.	Yes	Public and private bicycle parking provided.
Policy M-4.4	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	No additional transit improvements requested by VTA.
Environmental Resources and Sustainability Element			
Strategy ES-4.3.2	Prohibit new wood-burning fireplaces, except EPA certified wood stoves as allowed by the Building Code.	Yes	Response and plans indicate that no wood-burning fireplaces are proposed.
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	Sustainable landscaping design is incorporated in the development through the required tree protection (as applicable), stormwater treatment area planted with native plant species, and the use of drought tolerant plant species including beneficial native plant species.
Policy ES-7.2	... Use low impact development (LID) designs to treat stormwater or recharge groundwater.	Yes	LID designs incorporated into project design.

Strategy ES-7.3.1	Require LID designs such as vegetated stormwater treatment systems and green infrastructure to mitigate pollutant loads and flows.	Yes	LID designs incorporated into project design.
Health and Safety Element			
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	Fire Department review completed.
Policy HS-3.7	Require on-site fire suppression materials and equipment.	Yes	On-site fire suppression systems will be provided as required by Santa Clara County Fire.
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-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.
Infrastructure Element			
Strategy INF-2.4.2	Require undergrounding of all utility lines in new developments.	Yes, as Conditioned	Undergrounding of utilities is proposed, to the extent feasible. Project is conditioned to comply with Public Works requirements for new utility lines.
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.	Yes, as Conditioned	Project is conditioned to meet Sanitary District requirements based on District comments.
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	Environmental and Sustainability Division review of waste diversion requirements completed.
Recreation, Parks, and Community Services Element			
Strategy RPC-2.2.2	Require major developments to incorporate private open space and recreational facilities.	Yes	Private open space provided.
Strategy RPC-3.1.1	Maximize the use of native plants and drought-tolerant planting.	Yes	Planting plans incorporate use of native and drought tolerant plantings.
<u>Heart of the City Specific Plan</u>			
Reference	Specific Plan Requirement	Consistent?	City Comment
Land Use and Zoning – Permitted and Conditional Uses			
Section 1.01.020 (B)	Residential density shall be per the General Plan Land Use and zoning maps	Yes	Density is consistent with General Plan.
Section 1.01.020 (B)	On sites with a mixed-use residential designation, residential is a permitted use only on Housing Element sites. Conditional use permits will be required for residential units on... Non-Housing Element mixed-use sites.	Yes	Conditional Use Permit U-2024-007 incorporated into project.
Section 1.01.020 (B)	The amount of building space devoted to retail/commercial uses shall have a viable and substantial retail component.	Density Bonus Incentive Requested	No retail provided. Density Bonus incentive requested.
Building Height, Setbacks, and Orientation			
Section 1.01.030 (A) (3)	Mechanical equipment and utility structures shall be screened from public view.	Yes	Screening plan provided.
Section 1.01.030 (B) (1) and (3)	Minimum setback for new development shall be 35 feet from the edge of curb (nine (9) feet from the required Boulevard Landscape Easement; See section 1.01.040(D)). Special Architectural Features – subject to City review: entrance porticoes, canopies, and or other features may extend up to four (4) feet into the front setback area.	Density Bonus Waiver Requested	Density Bonus waiver requested.
Section 1.01.030 (C) (1) and (3)	Minimum side setback for new development shall be one-half (1/2) the height of the building, or ten (10) feet, whichever is greater. Uninhabitable building elements – such as chimneys and projecting eaves may encroach up to three (3) feet in to a required setback.	Density Bonus Waiver Requested	Density Bonus waiver requested.
Section 1.01.030 (C) (2) and (3)	For new development along developed or zoned residential properties the rear setback shall be equal to one and one-half (1.5) times the height of the building with a minimum setback of 20 feet. Uninhabitable building elements – such as chimneys and projecting eaves may encroach up to three (3) feet in to a required setback.	Density Bonus Waiver Requested	Density Bonus waiver requested.
Section 1.01.030 (D)	The main building entrance to all buildings shall be located on the front building facade, a fronting building corner, or a side-facing facade visible from the street frontage. Other orientations may be permitted subject to City review.	Yes	Buildings are oriented to have entrances along Stevens Creek Blvd where possible.
Site Development and Parking			
Section 1.01.040 (A) (1)	Direct pedestrian access in the form of a walkway shall be provided from the Stevens Creek Boulevard sidewalk to	Yes	Buildings are oriented to have entrances along Stevens Creek Blvd where possible and

	the main building entrance, i.e., pedestrian access to building entrances shall not require walking between parking spaces.		pathways are provided from Stevens Creek sidewalk to fronting residences.
Section 1.01.040 (A) (2) (a)	Maximum number of curb cuts shall be one (1) two-way curb cut or two (2) one-way curb cuts on Stevens Creek Boulevard. Additional curb cuts may be allowed upon review and approval by the Public Works Department.	Yes	The proposed project incorporates two driveway accesses, consistent with the requirements for fire access and the existing site conditions.
Section 1.01.040 (A) (2) (d)	Service access shall be from rear parking areas.	Density Bonus Waiver Requested	Density Bonus waiver requested.
Section 1.01.040 (B) (2)	No visible parking garages shall be permitted along Stevens Creek Boulevard.	Yes	No garages proposed to be facing Stevens Creek Boulevard.
Section 1.01.040 (C) (2) (a)	Common, usable outdoor space shall be provided for all multi-unit buildings. A minimum of one hundred fifty (150) square feet shall be provided for each unit excluding required setback areas; see Design Guidelines.	Yes	Provided plans show calculations for common open space in all landscaped areas excluding the area within required setbacks.
Section 1.01.040 (C) (2) (b)	Private outdoor space shall also be provided with at least sixty (60) square feet for each unit. Private space shall be in the form of a patio or deck attached to the unit, not less than six (6) feet clear in any dimension.	Density Bonus Waiver Requested	Minimum of 60 square feet of private outdoor space provided per unit. Density Bonus Waiver requested to reduce the minimum clearance.
Section 1.01.040 (D) (1)	All new development shall establish an easement twenty-six (26) feet in width along the Stevens Creek Boulevard frontage. The easement shall consist of: (i) a curbside planting strip ten (10) feet in width, (ii) a sidewalk six (6) feet in width, and (iii) a back-of-walk planting strip ten (10) feet in width. Planting strip areas shall contain low growing groundcover and street trees in accordance with the policies of the Streetscape Element.	Yes	Easement and dedication will be required as a condition of approval of the Final Map.
Section 1.01.040 (D) (2)	Adjacent to designated or developed residential properties attractive screen fencing or walls shall be provided along the side or rear property lines to screen buildings, service areas, and parking areas; a minimum five (5) foot planting area shall be established within and adjacent to the fence or wall with evergreen trees planted at a minimum spacing of twenty-five (25) feet on center. Lighting from commercial uses shall be screened from adjacent residential properties.	Yes	The project provides landscaping areas with trees adjacent to the southern property line bordering the existing single-family neighborhood. The project is conditioned to ensure that these landscaped areas remain clear of accessory structures.
Section 1.01.040 (D) (3)	Shade trees at a spacing of approximately twenty-five (25) feet on center shall be planted within required curbside planting strips.	Yes	Shade trees are provided to the extent feasible based on the existing traffic requirements.
Section 1.01.040 (D) (4)	Screen Fences and Walls – Where the fence or wall is not adjacent to residential property, streets and sidewalks, the fence or wall shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Where a commercial and residential property share a common property line, the sound wall separating the uses shall have a minimum height of eight (8) feet. The sound wall may be taller than eight (8) feet subject to approval as part of a development plan.	Yes	Existing ten-foot walls to remain and eight-foot fences are proposed.
Section 1.01.040 (E) (1)	Variety in the Design of Building Facades – shall be required so that block frontages are varied and attractive.	Yes	Variation in the design of building facades has been provided.
Section 1.01.040 (E) (2)	Building forms shall be such that buildings adjacent to residentially developed parcels shall be stepped back or terraced or have adequate setback so that privacy is maintained. Buildings requiring terracing shall have a 1.5:1 setback to height ratio.	Density Bonus Waiver Requested	Density Bonus waiver requested.
Site Improvements and Landscaping Guidelines			
Section 2.01.040 (C)	Chain link, barbed wire and razor wire fencing are not allowed.	Yes	No chain link, barbed wire, or razor wire fencing is proposed.
Street Plantings	The planting theme is a “Flowering Orchard.” It features a formal planting of Flowering Pear (Pyrus callieriana “Chanticleer”) and low growing groundcover in curbside planting strips.	Yes	Proposed street tree type and planting complies.
<u>Cupertino Municipal Code – Zoning Ordinance (CMC Title 19)</u>			
Reference	Municipal Code Requirement	Consistent?	City Comment
Chapter 19.36 Standards			
Section 19.36.070 (A)	Maximum Lot Coverage – 40% of net lot area	Density Bonus Waiver Requested	Density Bonus waiver requested.
Section 19.36.070 (G)	Minimize privacy intrusion into all or a significant portion of private outdoor spaces, or interior spaces through the use of windowless walls, atria, enclosed courtyards, and buildings oriented to public and private streets, or other techniques which rely upon structural design rather than mitigation relying solely upon a landscaping solution.	Yes	Privacy intrusion measures, including building design and privacy screening have been incorporated to minimize privacy intrusion into neighboring residential properties.

Section 19.36.070 (I)	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 in the setback area adjacent to a single-family (R-1) zoning district.
Chapter 19.48 Standards			
Section 19.48.020	<p>Fences and walls separating commercial, industrial, offices, and institutional zones from residential zones shall be constructed at a height and with materials designed to:</p> <ol style="list-style-type: none"> Acoustically isolate part of or all noise emitted by future uses within the commercial, industrial, offices, or institutional zones. The degree of acoustical isolation shall be determined during the design review process. Ensure visual privacy for adjoining residential dwelling units. 	Yes	Sound attenuation fencing is not required between commercial and mixed-use sites. The applicant has proposed an 8’ sound attenuation fence to address potential noise impacts and an existing 10’ wall will address privacy impacts.
Chapter 19.102 Standards			
Section 19.102.030 (A)	<p>All projects that are subject to the bird-safe development requirements shall submit the following:</p> <ol style="list-style-type: none"> Elevation drawings indicating the bird-safe treatment and how the proposed treatment meets the requirements of Section 19.102.030(B) and (D); Cross sections, if required; Other exhibits indicating consideration and incorporation of the regulations in Section 19.102.030(B), (C), and (D); and Biologist report in support of alternative compliance method pursuant to Section 19.102.030(B)(3), if proposed. 	Yes	Insect netting is proposed to meet requirements.
Section 19.102.030 (B)	<ol style="list-style-type: none"> Façades of all projects subject to bird-safe development requirements shall have: <ol style="list-style-type: none"> No more than 10% of the surface area of the façade be untreated glass between the ground and 60 feet above ground. No more than 5% of the surface area of the façade be untreated glass between 60 feet above ground and up. 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 publication of the list, the Planning Division may review information available from interest groups, such as the National Audubon Society. 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. 	Yes	Insect netting is proposed to meet requirements and no more than 10% of the surface area of each façade will be untreated glass.
Section 19.102.030 (D)	<p>All projects shall:</p> <ol style="list-style-type: none"> Avoid the funneling of flight paths along buildings or trees towards a building façade. Avoid use of highly reflective glass or highly transparent glass. 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. 	Yes	Proposed design complies with these requirements.
Section 19.102.040 (A)	<p>Projects subject to outdoor lighting regulations must submit the following information:</p> <ol style="list-style-type: none"> A site plan indicating the location of all outdoor lighting fixtures. A description of each lighting fixture. This description may include, but not be limited to, manufacturer’s catalog cuts and drawings 	Yes, as Conditioned	The project has been conditioned to provide all required information and meet all dark sky lighting requirements prior to issuance of Building Permits.

	<p>(including sections if requested), lamp types, and lumen outputs.</p> <p>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.</p> <p>4. The project lighting plan shall indicate how lighting has been coordinated with any associated landscaping plan to prevent site planning conflicts.</p>		
Section 19.102.040 (B) (1)	<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> <p>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.</p> <p>b. Architectural Features: Uplighting may be used to highlight special architectural features.</p> <p>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.</p> <p>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.</p> <p>e. String Lighting: String Lighting may be used in compliance with Section 19.102.040 (B) (12)</p>	Yes, as Conditioned	The project is conditioned to provide compliant light fixtures, prior to Building Permit issuance.
Section 19.102.040 (B) (2)	<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 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> <p>i. Average horizontal maintained illumination shall not be more than three foot-candle.</p> <p>ii. Maximum to minimum ratio should be between 6:1 and 10:1, but shall not be more than 10:1.</p> <p>e. Critical areas of illumination such as stairways, ramps and main walkways may have a higher illumination.</p>	Yes, as Conditioned	The project has been conditioned to provide all required information and meet all dark sky lighting requirements prior to issuance of Building Permits.
Section 19.102.040 (B) (3)	<p>All light sources shall have a maintained correlated color temperature of 3,000 Kelvin or less</p>	Yes, as Conditioned	The project has been conditioned to provide all required information and meet all dark sky lighting requirements prior to issuance of Building Permits.
Section 19.102.040 (B) (4)	<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> <p>a. Critical lighting pursuant to section 2(e) above;</p> <p>b. Any lighting at building entrances, parking areas, walkways, and driveways area required to remain illuminated after 11:00 p.m. by the California</p>	Yes	Only critical areas of illumination are to remain illuminated after 11 p.m., consistent with CBC requirements.

	<p>Building Code or state law;</p> <p>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</p> <p>d. Outdoor solar powered pathway lights that are 25 lumens or less.</p> <p>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</p>		
Section 19.102.040 (B) (5)	<p>Automated control systems, such as motion sensors and timers, shall be used to meet the outdoor lighting requirements.</p> <p>a. Photocells or photocontrols shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available.</p> <p>b. All lighting activated by motion sensors shall extinguish no more than 10 minutes after activation.</p> <p>c. Automated controls shall be full programmable and supported by battery or similar backup</p>	Yes, as Conditioned	A condition of approval is included to ensure that any proposed lighting will remain in compliance with this standard.
Section 19.102.040 (B) (6)	<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> <p>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.</p> <p>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.</p> <p>c. Floodlights shall not be permitted.</p> <p>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.</p> <p>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)</p>	Yes, as Conditioned	A condition of approval is included to ensure that any proposed lighting will remain in compliance with this standard.
Section 19.102.040 (B) (7)	<p>a. Lighting fixtures must be of a design that complements building and landscaping design.</p> <p>b. Lighting fixtures shall be appropriate in height, intensity, and scale to the use they are serving.</p> <p>c. Parking lot lights in non-residential zones shall not exceed a height of 21 feet, and any wall-mounted lights shall not exceed a height of 12 feet, measured from the adjacent grade to the bottom of the fixture.</p>	Yes	Proposed lights do not exceed the height limitations of this standard and are designs that complement the building and landscaping design.
Chapter 19.124 Standards			
Section 19.124.030 (A) (2)	Vehicles may be placed, kept or parked these areas, provided a minimum clearance of three feet is maintained from any structure.	Yes	Clearance is maintained for unenclosed parking areas.
Section 19.124.040 (A)	Multi-Family Use – Two spaces per unit (1 covered and 1 open) of 10’ x 20’ each	Yes	118 parking spaces provided for the proposed 59 units.
Section 19.124.040 (K)	The accessible parking requirement for the disabled is embodied in Section 1129 B of the California Building Code, as amended, is hereby incorporated into this chapter by reference.	Yes	Accessible parking provided.
Section 19.124.040 (N) (1)	5% of total parking area shall be provided as landscaping.	Yes	Planting area adjacent to parking exceeds 5% of parking area.
Section 19.124.040 (N) (2)	<p>Parking lot trees:</p> <p>i. Shall be planted or exist at a rate of one tree for every five parking stalls for every ten spaces in a single row.</p> <p>ii. Only fifty percent of the trees located along the perimeter of the parking area may count towards the required number of trees.</p> <p>iii. A parking facility with larger trees with high canopies may be allowed to increase the number of parking stalls (up to 10 parking stalls per tree) depending on the size of the tree and canopy size.</p>	Yes	Less than 10 spaces proposed, no trees required.

Section 19.124.040 (N) (3)	Landscape Planter Strip shall be at least three feet wide by the length of the parking space.	Density Bonus Waiver Requested	Density Bonus waiver requested.
Section 19.124.040 (N) (4)	Trees shall be offset to prevent vehicles from bumping into them.	Yes	No trees are provided in parking areas.
Section 19.124.040 (N) (5)	When parking is provided adjacent to a side or rear property line, landscape buffer (inclusive of curbing and vehicle overhang allowance) shall be five feet wide.	Density Bonus Waiver Requested	Density Bonus waiver requested.
Section 19.124.040 (N) (6)	<ul style="list-style-type: none"> a. Landscape areas shall be enclosed by a six-inch wide continuous flat curb allowing parking lot run off into landscaping area, infiltration islands or swales. b. Concrete wheel stops shall be placed on top of the flat curb and shall be provided at a rate of one per two stalls. c. Landscape planter strips at the end of the parking aisles adjacent to a driveway shall be enclosed by a six-inch raised concrete curb with drainage outlets to help delineate the driveways or aisles. d. Parking stall length may be decreased by up to two feet but must provide an equivalent vehicle overhang into landscaped areas. 	Yes	Parking area details show that parking area landscaping meets these requirements.
Section 19.124.040 (N) (7)	Curbed planter strips shall be provided at the end of each parking aisle. Landscape planter strip shall be at least three feet wide and the length of a parking stall.	Yes	Parking aisle are bordered by landscape areas.
Section 19.124.040 (N) (9)	Trees required to meet any section of this title shall be a minimum of fifteen-gallon size.	Yes	No parking lot trees required.
Section 19.124.040 (N) (10)	All trees shall be protected by wheel stops, curbing, bollards or other similar barriers as appropriate.	Yes	All trees are located behind curbs, wheel stops, and other similar barriers.
Section 19.124.040 (O) (1)	<p>In order to reduce urban runoff and provide water quality benefits in parking lots, all new parking lots shall incorporate bio-swales in the required landscaping buffers meeting the following standards:</p> <ul style="list-style-type: none"> i. Longitudinal slope of the swale shall be between one percent and five percent. ii. Swales of greater than three percent may be required to install check dams to reduce velocity through swale. iii. Side slope shall not exceed 3:1 (horizontal : vertical). iv. All swales shall be required to provide an adequate under-drain system to prevent ponding. Swales shall be designed to eliminate any ponding of water for more than forty-eight hours 	Yes	Plans include bio-swales in accordance with this standard.
Section 19.124.040 (O) (2)	Use permeable or semi-permeable materials for the parking stalls.	Yes	Design includes use of pervious and/or semi-pervious paving in parking stalls.
Section 19.124.040 (P)	<p>Bicycle parking shall be provided in multi-family residential developments at a rate of one Class I space per two residential units.</p> <p>These facilities are intended for long-term parking and are intended to protect the entire bicycle or its individual components and accessories from theft. The facility also protects the cycle from inclement weather, including wind driven rain. The three design alternatives for Class I facilities are as follows:</p> <ul style="list-style-type: none"> a. Bicycle Locker b. Restricted Access c. Enclosed Cages 	Yes	Long term bicycle parking is provided within the parking garages of each individual unit and short-term bicycle parking is provided throughout the project site.
Section 19.124.040 (Q) (1)	All lighting in parking areas shall be 3,000 Kelvin or less unless otherwise approved as part of a development plan for uniformity, not allowing any dark areas in the parking lot.	Yes	The proposed lighting temperature is 3000K.
Section 19.124.040 (Q) (2)	<ul style="list-style-type: none"> i. The light fixtures shall be oriented and designed to preclude any light and direct glare to adjacent residential properties. ii. No direct off-site glare from a light source shall be visible above three feet at a public right-of-way. 	Yes, as Conditioned	The project has been conditioned to comply with the City’s lighting requirements prior to issuance of Building Permits.
Section 19.124.040 (Q) (3)	<p>Parking lots, sidewalks and other areas accessible to pedestrians and automobiles shall be illuminated with a uniform and adequate intensity. Typical standards to achieve uniform and adequate intensity are:</p> <ul style="list-style-type: none"> a. Average Horizontal Maintained Illumination – Between one and three foot-candles b. Average Maximum to Minimum Ratio – Should be generally between six and ten to one c. Minimum Intensity Above Parking Lot Surface – Minimum three foot-candles vertically above the parking lot surface shall be maintained. 	Yes, as Conditioned	The project has been conditioned to comply with the City’s lighting requirements prior to issuance of Building Permits.

Section 19.124.040 (Q)(4)	Critical areas such as stairways, ramps and main walkways may have a higher illumination.	Yes	Higher illumination is proposed for primary walkway.
Section 19.124.040 (Q)(5)	Shatter resistant lenses shall be placed over the light to deter vandalism	Yes	Proposed lights include shatter resistant lenses.
<u>Cupertino Municipal Code – Subdivision Ordinance (CMC Title 18)</u>			
Reference	Municipal Code Requirement	Consistent?	City Comment
Chapter 18.12 Standards			
Section 18.12.020 (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.
Chapter 18.16 Standards			
Section 18.16.010	The tentative map ...shall be prepared by a registered civil engineer or licensed surveyor...	Yes	The provided Tentative Map was prepared by a registered civil engineer.
Section 18.16.030	Public utilities and agencies shall certify that the subdivision can be adequately served.	Yes	Will serve letters from applicable utility services were provided.
Chapter 18.32 Standards			
Section 18.32.030	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, as Conditioned	To be completed in accordance with Public Works’ conditions of approval.
Section 18.32.040	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, as Conditioned	To be completed in accordance with Public Works’ conditions of approval.
Section 18.32.050	Each unit or lot within the subdivision shall be served by an approved sanitary sewer system.	Yes, as Conditioned	Project is conditioned to meet Sanitary District requirements based on District comments.
Section 18.32.060	Each unit or lot within the subdivision shall be served by an approved domestic water system.	Yes	Will serve from Cal Water provided.
Section 18.32.070	<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, 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>	Yes	Undergrounding of utilities is proposed, to the extent feasible. Project is conditioned to comply with Public Works requirements for new utility lines.

Section 18.32.110	<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>	<p>Yes</p>	<p>Buildings are oriented in the east-west alignment to the extent feasible.</p>
Section 18.32.120 (A)	<p>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.</p>	<p>Yes</p>	<p>Proposed subdivision provides access to public street (Stevens Creek Boulevard) and each proposed unit has access to a public or private street.</p>
<p><u>Cupertino Municipal Code – Environmental Regulation Ordinance (CMC Title 17)</u></p>			
<p>Reference</p>	<p>Municipal Code Requirement</p>	<p>Consistent?</p>	<p>City Comment</p>
<p>Chapter 17.04</p>			
<p>Section 17.04.030 (B) (1)</p>	<p>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.</p>	<p>Yes, as Conditioned</p>	<p>Draft construction management plan provided. Project will be conditioned to meet all applicable requirements of Title 17.</p>
<p>Section 17.04.040 (B) (1)</p>	<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 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.</p>	<p>Yes, as Conditioned</p>	<p>The project has been peer reviewed for compliance with the City’s requirements and recommended conditions of approval have been incorporated into the proposed resolutions.</p>
<p>Section 17.04.040 (C)</p>	<p>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</p>	<p>Yes</p>	<p>VMT memo provided and peer reviewed.</p>

	Miles Traveled (VMT) Standards).		
Section 17.04.040 (D)	<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">• pile driving within 100 feet,• vibratory roller within 25 feet, or• other heavy equipment (e.g., bulldozer) within 15 feet; <p>For historical structures:</p> <ul style="list-style-type: none">• pile driving within 135 feet,• vibratory roller within 40 feet, or• other heavy equipment within 20 feet <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">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.b. For paving, use a static roller in lieu of a vibratory roller.c. For grading and earthwork activities, off-road equipment that shall be limited to 100 horsepower or less.	Yes	Per the applicant’s acoustic study, none of the activities listed are proposed within the screening distances for the project and potential construction vibration levels will meet City standards.
<u>Cupertino Municipal Code – Building and Construction Regulation Ordinance (CMC Title 16)</u>			
Reference	Municipal Code Requirement	Consistent?	City Comment
Section 16.08.200 (E)	<p>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.</p> <p>4. Drainage across lot lines caused by grading is prohibited unless storm drain easements are provided.</p>	Yes	To be completed in accordance with Public Works’ conditions of approval.
Chapter 16.58 Standards			
Section 16.58.230	<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">• GPR certified at minimum 50 points or• LEED Silver or• Alternate Reference Standard per Section 101.10.2	Yes, as Conditioned	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.
<u>Cupertino Municipal Code – Landscape Ordinance (CMC Title 14)</u>			
Reference	Municipal Code Requirement	Consistent?	City Comment
Chapter 14.18 Standards			

Section 14.18.110 (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">A drawing outlining the location of the tree(s) and proposed tree replacements.A written explanation of why the tree(s) should be removed.Signature of the property owner and/or homeowner’s association (where applicable) with proof of a vote of the homeowner’s association;Permit fee, where applicable. <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">Photograph(s) of the tree(s).An arborist report from an arborist certified by the International Society of Arboriculture.Notice and posting per Section 14.18.130. <p>Other information deemed necessary by the Director of Community Development to evaluate the tree removal request.</p>	Yes	Replacement trees provided on site.
<u>Cupertino Municipal Code – Parks Ordinance (CMC Title 13)</u>			
Reference	Municipal Code Requirement	Consistent?	City Comment
Chapter 13.08 Standards			
Section 13.08.050 (A) - (E)	<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>	Yes	In-lieu fee payment requested.
<u>Cupertino Housing Mitigation Manual</u>			
Reference	Housing Mitigation Manual Requirement	Consistent?	City Comment
Section 2.3.1	<p>When a development provides Ownership Below-Market-Rate (BMR) units, the affordability requirements for units shall be as follows:</p> <p>1. Fifty percent (50%) of BMR units as median-income and fifty percent (50%) as moderate-income.</p>	Yes	Six median and six moderate income units provided.
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.	Yes	Proposed BMR units are comparable to market rate units.
Section 2.3.4 (D)	The BMR units shall be dispersed throughout the residential project.	Yes	BMR units dispersed throughout project.
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	12 BMR units proposed.