

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL APPROVING A  
DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A 166,845  
SQUARE FOOT STORAGE FACILITY LOCATED AT 10655 MARY AVE (APN 326-  
06-050)**

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SECTION I: PROJECT DESCRIPTION

Application No.: DP-20019-05  
Applicant: Emilia Samudio (Jordan Architects)  
Property Owner: Bass Cupertino, LLC  
Property Address: 10655 Mary Avenue (APN: 326-06-050)

SECTION II: FINDINGS FOR DEVELOPMENT PERMIT:

WHEREAS, the City Council of the City of Cupertino received an application for a Development Permit as described in Section I. of this Resolution; and

WHEREAS, all necessary public notices having been given as required by the Procedural Ordinance of the City of Cupertino and the Government Code, and the Planning Commission held at least one public hearing in regard to this application, and on January 18, 2022, the City Council held a public hearing to consider the Development Permit; and

WHEREAS, on December 14, 2021 the Planning Commission recommended on a X-X vote that the City Council approve the Development Permit (DP-2019-05) in substantially similar form to the Resolution presented (Resolution No. 6944), approve the Architectural and Site Approval Permit (ASA-2019-05) in substantially similar form to the Resolution presented (Resolution No. 6945), approve the Fence Exception Permit (EXC-2019-04) in substantially similar form to the Resolution presented (Resolution No. 6946), approve the Tree Removal Permit (TR-2019-048) in substantially similar form to the Resolution presented (Resolution No. 6947); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq.) ("CEQA"), together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) (hereinafter, "CEQA Guidelines"), the City staff has independently studied the proposed Project and has determined that the Project is exempt from environmental review pursuant to the categorical exemption in CEQA Guidelines section 15332, and the exemption in CEQA Guidelines section 15183, for the reasons set forth in the staff report dated January 18, 2022 and incorporated herein; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, the City Council finds as follows with regard to this application:

- a) The proposed development, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

*The proposal is an update to an existing storage facility that will demolish s of the seven (7) structures on site to all for a building area totaling 166,845 sq. ft. The project provides new landscaping and improvements along the frontage to screen the project from public view, and to allow for future improvements to accommodate a planned trail in the project vicinity. The building has been designed to blend into the surrounding area by creating an updated building design that incorporates different building materials (i.e. spandrel, glass, metal panels, etc.) and updated landscaping throughout the site. Therefore, the proposal will not be detrimental or injurious to property or improvements in the vicinity.*

- b) The proposed development will be located and conducted in a manner in accord with the Cupertino Comprehensive General Plan and the purpose of the City's zoning ordinances.

*The General Plan land use designation for the property is Industrial/Residential. The existing and proposed use (a storage facility) is consistent with the General Plan. The subject property is zoned as Planned Development with Quasi-Public and Mini Storage intent (BQ, Mini-Stor). The underlying Mini-storage uses allow for the type of use. The proposed development has met the applicable development standards of the general plan and zoning district such as height, setbacks, and parking regulations. The principal building is at 30' or below, and any increase in height is to screen proposed mechanical equipment. Therefore, the proposed development is consistent with the purpose of the City's zoning ordinance; and*

NOW, THEREFORE, BE IT RESOLVED:

The application for a Development Permit, Application No. DP-2019-05, is hereby approved, and that the subconclusions upon which the findings and conditions specified in this Resolution are based are contained in the Public Hearing record concerning Application no. DP-2019-05 as set forth in the Minutes of the City Council Meeting of January 18, 2022, and are incorporated by reference as though fully set forth herein.

1. The City Council exercises its independent judgment and determines that the Project is exempt from CEQA pursuant to CEQA Guidelines section 15332 and the exemption in CEQA Guidelines section 15183. The exemption in CEQA Guidelines section 15332

applies to an infill development project which 1) is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as the applicable Zoning designations and regulations; 2) occurs within the City limits on a site of less than 5 acres in size that is substantially surrounded by urban uses; 3) is located on a site that has no value for endangered, rare or threatened species; 4) would not result in any significant effects related to traffic, noise, air quality or water quality; and 5) can be adequately served by all required utilities and public services. The exemption in CEQA Guidelines section 15183 applies to a project that is consistent with General Plan designations and zoning for the site described in the General Plan, the potential impacts of which would be substantially mitigated by the imposition of uniformly applied standard conditions of approval. The General Plan Amendment, Housing Element Update, and Associated Rezoning Final Environmental Impact Report (SCH No. 2014032007), certified by the City Council on December 4, 2014, was prepared consistent with the requirements for applicability of streamlining under CEQA Guidelines Section 15183(d)(2), and there are no environmental effects that are peculiar to the proposed project or project site that were not analyzed in the General Plan EIR;

2. The application for a Development Permit, Application no. DP-2019-05 is hereby recommended to be approved; and

The subconclusions upon which the findings and conditions specified in this Resolution are based are contained in the Public Hearing record concerning Application no.(s) DP-2019-05 as set forth in the Minutes of the City Council Meeting of January 18, 2022, and are incorporated by reference as though fully set forth herein.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPARTMENT.

1. APPROVED EXHIBITS

Approval is based on the plan set dated January 15, 2021 consisting of 34 sheets titled as Bay Area Self Storage, A.1 – A.16, C0.1-C3.0, and CLP-01 – CLP-03 prepared by Bruce Jordan Architect, Sandis, and Preinaire Design Group, except as may be amended by conditions in this resolution.

2. ACCURACY OF PROJECT PLANS

The applicant/property owner is responsible to verify all pertinent property data including but not limited to property boundary locations, building setbacks, property size, building square footage, any relevant easements and/or

construction records. Any misrepresentation of any property data may invalidate this approval and may require additional review.

3. **CONCURRENT APPROVAL CONDITIONS**

The conditions of approval contained in file nos. ASA-2019-05, EXC-2019-04 and TR-2019-048 shall be applicable to this approval.

4. **ANNOTATION OF THE CONDITIONS OF APPROVAL**

The conditions of approval set forth shall be incorporated into and annotated on the first page of the building plans.

5. **CONSULTATION WITH OTHER DEPARTMENTS**

The applicant is responsible to consult with other departments and/or agencies with regard to the proposed project for additional conditions and requirements. Any misrepresentation of any submitted data may invalidate an approval by the Community Development Department.

6. **PUBLIC ART REQUIREMENT**

Public art shall be provided for the project in accordance with General Plan Policy 2-66 and the City's Public Art Ordinance (Chapter 19.148 of the Cupertino Municipal Code). The minimum expenditure for the artwork, including, but not limited to design, fabrication, and installation is one (1) percent of the construction valuation for the first \$100 million on construction valuation, or 0.9% of construction valuation for valuation in excess of \$100 million. The project pro forma shall be provided to the City to confirm the project budget. The public art plans (including location and design) shall be reviewed by the Fine Arts Commission during the building permit stage, in advance of final occupancy. Once approved by the Fine Arts Commission, the public artwork shall be installed to the satisfaction of the City prior to final occupancy. In the event the developer or property owner determines that the placement of artwork on a particular property may not be feasible, the developer or property owner may apply to the Fine Arts Commission for an in-lieu payment alternative as indicated in Chapter 19.148 of the Cupertino Municipal Code. The in lieu payment shall be 1.25% of the construction valuation.

7. **DEMOLITION REQUIREMENTS**

All demolished building and site materials shall be recycled to the maximum extent feasible subject to the Building Official. The applicant shall provide evidence that materials were recycled prior to occupancy.

8. **PRE-CONSTRUCTION MEETING AND CONSTRUCTION MANAGEMENT PLAN**

A demolition and construction management plan shall be submitted and reviewed prior to building permit issuance. Prior to commencement of construction activities, the applicant shall arrange for a pre-construction meeting with the pertinent departments (Building, Planning, and Public Works) to review the prepared construction management plan, to ensure that construction complies with the conditions of approval, staging of construction equipment is appropriate, tree protection measures are in place, public access routes are identified, and noise and dust control measures are established. The plan shall include but not be limited to the following:

- a. Compliance with CEQA Mitigation Measures
- b. Appropriate construction staging area
- c. Hours of construction
- d. Compliance with the City noise ordinance
- e. Best management practices
- f. Staging of construction equipment shall not occur within \_\_\_ feet of any residential property.
- g. Any other measures as determined to be appropriate by the Director of Community Development

9. **GRADING AND CONSTRUCTION HOURS AND NOISE LIMITS**

The applicant shall indicate compliance with the following grading and construction hours and noise limit requirements on all demolition, construction and grading permits, and in the construction management plan(s), unless otherwise indicated.

- a. All grading activities shall be limited to the dry season (April 15 to October 1), unless permitted otherwise by the Director of Public works.
- b. Construction hours and noise limits shall be compliant with all requirements of Chapter 10.48 of the Cupertino Municipal Code.
- c. Grading, street construction, underground utility and demolition hours for work done more than 750 feet away from residential areas shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Grading, street construction, demolition or underground utility work within 750 feet of residential areas shall not occur on Saturdays, Sundays, holidays, and during nighttime period as defined in Section 10.48.053(b) of the Municipal Code.
- d. Construction activities shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Construction activities are not

allowed on holidays as defined in Chapter 10.48 of the Municipal Code. Nighttime construction is allowed if compliant with nighttime standards of Section 10.48 of the Cupertino Municipal Code.

- e. Rules and regulations pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of an applicant appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
- f. The applicant shall be responsible for educating all contractors and subcontractors of said construction restrictions.

The applicant shall comply with the above grading and construction hours and noise limit requirements unless otherwise indicated.

#### 10. **ACOUSTIC STUDY AND REDUCTION OF INTERIOR NOISE LEVELS**

Prior to the issuance of building permits, the project applicant shall submit an acoustic study to the satisfaction of the City's Community Development Director to demonstrate that unit interiors meet an interior noise level due to exterior noise of 45 dBA CNEL, consistent with State and local noise standards. The study shall be based on precise grading and architectural plans including specific construction method details and materials to calculate the necessary exterior to interior noise reduction of approximately 30 dBA to achieve 45 dBA CNEL. The precise exterior to interior reduction would be determined in the acoustical study when precise grading plans with building elevations, footprints and architectural plans are available. The applicant will be required to incorporate into the project design all required noise insulation features and techniques necessary to reduce interior noise levels to achieve the interior noise standard. To achieve the required interior noise levels, features such as upgraded exterior wall and roof assemblies, upgraded windows, and exterior doors may be required. In addition, a "windows closed" condition will be required with minimum supply of fresh air per UBC requirements.

#### 11. **GREEN BUILDING**

The project shall be constructed in accordance with the City's Green Building Ordinance (Chapter 16.58 of the Cupertino Municipal Code). The applicant shall obtain LEED Silver certification or an alternative reference standard in accordance with the ordinance since the project proposes more than nine (9) homes. Third party LEED certification or alternative reference standard is required per the ordinance criteria.

**12. BUILDING AND FIRE CODE**

The applicant shall apply for and obtain building permits to allow the construction of the approved project. The applicant shall provide information and plans to allow the Building Official and the Fire Marshall or their designee that the proposed plans comply with Building and Fire Codes in effect at the time of application for a building permit.

**13. TRASH AND DELIVERY ACTIVITIES**

A detailed refuse and truck delivery plan shall be prepared by the applicant. The plan shall specify locations of trash facilities, refuse pick up schedules and truck delivery schedules and routes. All trash facilities must be screened and enclosed to the satisfaction of the Public Works Department. The final plan shall be submitted to the City for review and approval prior to issuance of building permits.

**14. EXTERIOR BUILDING MATERIALS/TREATMENTS**

The final building exterior plan shall closely resemble the details shown on the original approved plans. Final building exterior treatment plan (including but not limited to details on exterior color, materials, architectural treatments, doors, windows, lighting fixtures, and/or embellishments) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits to ensure quality and consistency. Any exterior changes determined to be substantial by the Director of Community Development shall either require a modification to this permit or a new permit based on the extent of the change.

Future changes to the exterior building materials/treatments must be reviewed and approved by the Property Owner's Association. However, any changes to the building materials that do not match the approved materials shall require an amendment to this permit or a new permit.

**15. DARK SKY COMPLIANCE AND/OR BIRD SAFE COMPLIANCE**

Prior to issuance of Building Permits, the applicant/property owner shall submit final plans in compliance with the approved lighting plans to comply with development standards of Cupertino Municipal Code Section 19.102.030 Bird-Safe Development Requirements and/or Section 19.102.040 Outdoor Lighting Requirements. In the event changes are proposed from the approved plans, said changes must be reviewed and approved by the Director of Community Development or their designee. The applicant shall provide all documentation required to determine compliance with the Municipal Code. The final lighting

plan (including a detailed photometric plan) shall be reviewed and approved by the Director of Community Development prior to building permit issuance. A report from a licensed lighting engineer may be required to confirm all exterior lighting throughout the site complies with the City's Ordinance.

**16. ROOFTOP EQUIPMENT SCREENING**

All mechanical and other equipment on the building or on the site shall be screened so they are not visible from public street areas or adjoining developments. The height of the screening shall be taller than the height of the mechanical equipment that it is designed to screen. A line of sight plan may be required to demonstrate that the equipment will not be visible from any public right-of-way. The location of the equipment and necessary screening shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.

**17. SIGN PROGRAM**

A sign program is required for this project. The sign program shall be approved by the Director of Community Development prior to issuance of sign permits.

**18. SITE IMPROVEMENTS**

All proposed site improvements shall be completed prior to final occupancy of any structures approved in conjunction with the project.

**19. NOISE LEVELS AND ABATEMENT**

Project uses and all equipment installed on the site shall comply with the City's Community Noise Control Ordinance at all times. Installation of any mechanical or other equipment shall be evaluated to determine that the installation meets the City's Community Noise Control Ordinance. Any documentation or studies required to determine this shall be provided by the applicant as his/her sole expense. Should the project exceed any of the stipulated maximum noise levels outlined in the City's Community Noise Control Ordinance, an acoustical engineer may be required to submit noise attenuation measures to the satisfaction of the Director of Community Development at the applicant's expense.

**20. INDEMNIFICATION**

As part of the application, to the fullest extent permitted by law, the applicant shall agree to indemnify, defend with the attorneys of the City's choice, and hold harmless the City, its City Council, and its officers, employees, and agents (collectively, the "indemnified parties") from and against any liability, claim, action, cause of action, suit, damages, judgment, lien, levy, or proceeding



(collectively referred to as “proceeding”) brought by a third party against one or more of the indemnified parties or one or more of the indemnified parties and the applicant related to any Ordinance, Resolution, or action approving the project, the related entitlements, environmental review documents, finding or determinations, or any other permit or approval authorized for the project. The indemnification shall include but not be limited to damages, fees, and costs awarded against the City, if any, and cost of suit, attorneys’ fees, and other costs, liabilities, and expenses incurred in connection with such proceeding whether incurred by the Applicant, the City, or the parties initiating or bringing such proceeding.

The applicant shall agree to (without limitation) reimburse the City its actual attorneys’ fees and costs incurred in defense of the litigation. Such attorneys’ fees and costs shall include amounts paid to the City’s outside counsel and shall include City Attorney time and overhead costs and other City staff overhead costs and any costs directly related to the litigation reasonably incurred by City. The applicant shall likewise agree to indemnify, defend, and hold harmless the indemnified parties from and against any damages, attorneys’ fees, or costs awards, including attorneys’ fees awarded under Code of Civil Procedure section 1021.5, assessed or awarded against the indemnified parties. The Applicant shall cooperate with the City to enter a Reimbursement Agreement to govern any such reimbursement.

The Applicant shall agree to (without limitation) reimburse the City for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an Environmental Impact Report, negative declaration, specific plan, or general plan amendment) if made necessary by proceedings challenging the project approvals and related environmental review, if the applicant desires to continue to pursue the project.

The Applicant shall agree that the City shall have no liability to the Applicant for business interruption, punitive, speculative, or consequential damages.

**21. NOTICE OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS**

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that

the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

**SECTION IV: CONDITIONS ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT**

**1. VALLEY WATER EASEMENT**

Developer shall work directly with Valley Water to obtain Board approval of the proposed quitclaim of the existing Valley Water ingress and egress easement and dedication of the newly aligned easement. The quitclaim and dedication shall be approved by the Valley Water Board and recorded prior to issuance of building permits.

**2. PUBLIC INFRASTRUCTURE IMPROVEMENTS & DEDICATIONS**

Developer shall offer a 20-foot wide easement to the City for a future multi-use trail facility along the eastside of the property, an ingress and egress easement for trail maintenance access, and a construction access easement. The easement shall be recorded prior to issuance of building permits.

Developer shall install a new wrought iron fence and gate for access between the future easement and the storage facility in areas not lined by building to the satisfaction of the Director of Public Works, and other public improvements and contributions as agreed upon by the Developer and Director of Public Works.

**3. STREAMSIDE PERMIT**

The Project may be subject to applying for a Streamside Modification Permit due to its proximity to the Junipero Serra Channel. The purpose of this permit is to ensure that the project does not adversely impact the adjacent channel.

**4. STREET IMPROVEMENTS & DEDICATIONS**

Roadway dedication in fee title and frontage improvements along the project will be required to the satisfaction of the Director of Public Works. All land containing portions of public sidewalk shall be dedicated in fee to the City. Street improvement plans and grading and drainage plans must be completed and approved prior to issuance of the Building Permit.

Street improvements may include, but not be limited to, new detached sidewalk, new ADA ramp, driveways, storm drain lateral, street tree installations, and street light

and/or pedestrian push button relocation. All improvements must be completed and accepted by the City prior to Building Final Occupancy or Street Improvement Encroachment Permit acceptance whichever comes first.

Additional comments will be provided and shall be incorporated prior to Building Permit approval.

**5. ACCEPTANCE OF PROPERTY RIGHTS**

The Public Works Director, or his/her designee, shall have the authority to accept all offers of dedications, easements, quitclaims and other property rights and interests on behalf of the City.

**6. CURB AND GUTTER IMPROVEMENTS**

Curbs and gutters, sidewalks and related structures shall be installed in accordance with grades and standards as specified by the Director of Public Works. All improvements must be completed and accepted by the City prior to Building Final Occupancy or Street Improvement Encroachment Permit acceptance whichever comes first.

**7. PEDESTRIAN AND BICYCLE IMPROVEMENTS**

Developer shall provide pedestrian and bicycle related improvements (e.g. walkways, bicycle racks, etc.) consistent with the Cupertino Bicycle Transportation Plan and the Pedestrian Transportation Plan, and as approved by the Director of Public Works. All improvements must be completed and accepted by the City prior to Building Final Occupancy or Street Improvement Encroachment Permit acceptance whichever comes first.

**8. STREET LIGHTING INSTALLATION**

Street lighting shall be installed and shall be as approved by the Director of Public Works. Lighting fixtures shall be positioned so as to preclude glare and other forms of visual interference to adjoining properties and shall be no higher than the maximum height permitted by the zone in which the site is located.

**9. GRADING**

Grading shall be as approved and required by the Director of Public Works in accordance with Chapter 16.08 of the Cupertino Municipal Code. 401 Certifications and 404 permits may be required. Please contact Army Corp of Engineers and/or Regional Water Quality Control Board as appropriate.

## **10. DRAINAGE**

Drainage shall be provided to the satisfaction of the Director of Public Works. Hydrology and pre- and post-development hydraulic calculations must be provided to indicate whether additional storm water control measures are to be constructed or renovated. The storm drain system may include, but is not limited to, subsurface storage of peak stormwater flows (as needed), bioretention basins, vegetated swales, and hydrodynamic separators to reduce the amount of runoff from the site and improve water quality. The storm drain system shall be designed to detain water on-site (e.g., via buried pipes, retention systems or other approved systems and improvements) as necessary to avoid an increase of the ten percent flood water surface elevation to the satisfaction of the Director of Public Works. Any storm water overflows or surface sheeting should be directed away from neighboring private properties and to the public right of way as much as reasonably possible.

All storm drain inlets shall be clearly marked with the words “No Dumping – Flows to Creek” using permanently affixed metal medallions or equivalent, as approved by the Environmental Programs Division.

Developer shall provide an evaluation and pictures of the existing 10-inch storm drain pipe and outfall to ensure its existing state is in good condition for the proposed storm reconnection. Additional comments will be provided and shall be incorporated prior to Building Permit approval.

## **11. C.3 REQUIREMENTS**

C.3 regulated improvements are required for all projects creating and/or replacing 10,000 S.F. or more of impervious surface (collectively over the entire project site). The developer shall reserve a minimum of 4% of developable surface area for the placement of low impact development measures, for storm water treatment, unless an alternative storm water treatment plan, that satisfies C.3 requirements, is approved by the Director of Public Works.

The developer must include the use and maintenance of site design, source control and storm water treatment Best Management Practices (BMPs), which must be designed per approved numeric sizing criteria. A Storm Water Management Plan, Storm Water Facilities Easement Agreement, Storm Water Facilities Operation and Maintenance Agreement, and certification of ongoing operation and maintenance of treatment BMPs are each required.

All storm water management plans are required to obtain certification from a City approved third party reviewer.

**12. DEVELOPMENT AGREEMENT**

The project developer shall enter into a development agreement with the City of Cupertino providing for payment of fees, including but not limited to checking and inspection fees, storm drain fees, park dedication fees and fees for under grounding of utilities. Said agreement shall be executed and paid prior to issuance of Building Permit.

Fees:

- a. Checking & Inspection Fees: Per current fee schedule (\$8,668 min or 6% of improvement costs)
- b. Grading Permit: Per current fee schedule (\$3,450 min or 6% of improvement costs)
- c. Storm Drainage Fee: Per current fee schedule (\$10,169 per AC)
- d. Transportation Impact Fee: Per current fee schedule: \$6,695 per new peak-hour trip (\$187,460 based on 28 peakhour trips being generated)
- e. Encroachment Permit Fee: Per current fee schedule (\$1,534)
- f. Storm Management Plan Fee: Per current fee schedule (\$1,484)
- g. Streamside Permit Fee: Per current fee schedule (\$425)

Bonds:

Faithful Performance Bond: 100% of Off-site and On-site

Improvements Labor & Material Bond: 100% of Off-site and On-site Improvement

On-site Grading Bond: 100% of site improvements

The fees described above are imposed based upon the current fee schedule adopted by the City Council. However, the fees imposed herein may be modified at the time of recordation of a final map or issuance of a building permit in the event of said change or changes, the fees changed at that time will reflect the then current fee schedule.

**13. TRANSPORTATION IMPACT FEES**

The Project is subject to the payment of Traffic Impact Fees under City's Transportation Impact Fee Program under (Chapter 14.02 of the Cupertino Municipal Code).

**14. SURVEYS**

A Boundary Survey and a Horizontal Control Plan will be required for all new construction to ensure the proposed building will be set based on the boundary survey and setback requirements.

**15. TRASH, RECYCLING AND COMPOST ENCLOSURES**

Trash enclosure plans must be designed in accordance with the City's "Public Works Guidelines posted at [www.cupertino.org/nowaste](http://www.cupertino.org/nowaste), and to the satisfaction of the Environmental Programs Manager. Clearance by the Public Works Department is required prior to obtaining a building permit. (CMC 9.18.210 H & K)

**16. OPERATIONS & MAINTENANCE AGREEMENT**

Developer shall enter into an Operations & Maintenance Agreement with the City before issuance of a building permit approval. The Agreement shall include the operation and maintenance for non-standard appurtenances in the public right-of-way that may include, but is not limited to, sidewalk, pavers, and street lights.

**17. UNDERGROUND UTILITIES**

Developer shall comply with the requirements of the Underground Utilities Ordinance No. 331 and other related Ordinances and regulations of the City of Cupertino, and shall coordinate with affected utility providers for installation of underground utility devices. Developer shall submit detailed plans showing utility underground provisions. Said plans shall be subject to prior approval of the affected Utility provider and the Director of Public Works.

**18. TRANSFORMERS & CABINETS**

Electrical transformers, telephone cabinets and similar equipment shall be placed in underground vaults. The developer must receive written approval from both the Public Works Department and the Community Development Department prior to installation of any above ground equipment. Should above ground equipment be permitted by the City, equipment and enclosures shall be screened with fencing and landscaping such that said equipment is not visible from public street areas, as determined by the Community Development Department. Transformers shall not be located in the front or side building setback area.

**19. WATER BACKFLOW PREVENTERS**

Domestic and Fire Water Backflow preventers and similar above ground equipment shall be placed away from the public right of way and site driveways to a location approved by the Cupertino Planning Department, Santa Clara County Fire Department and the water company.

**20. BEST MANAGEMENT PRACTICES**

Utilize Best Management Practices (BMPs), as required by the State Water Resources Control Board, for construction activity, which disturbs soil. BMP plans shall be included in grading and street improvement plans.

**21. NPDES CONSTRUCTION GENERAL PERMIT**

When and where it is required by the State Water Resources Control Board (SWRCB), the developer must obtain a Notice of Intent (NOI) from the SWRCB, which encompasses preparation of a Storm Water Pollution Prevention Plan (SWPPP), use of construction Best Management Practices (BMPs) to control storm water runoff quality, and BMP inspection and maintenance.

**22. EROSION CONTROL PLAN**

Developer must provide an approved erosion control plan by a Registered Civil Engineer. This plan should include all erosion control measures used to retain materials on site. Erosion control notes shall be stated on the plans.

**23. WORK SCHEDULE**

Every 6 months, the developer shall submit a work schedule to the City to show the timetable for all grading/erosion control work in conjunction with this project.

**24. TRAFFIC CONTROL PLAN**

The developer must submit a traffic control plan by a Registered Traffic Engineer to be approved by the City. The plan shall include a temporary traffic control plan for work in the right of way as well as a routing plan for all vehicles used during construction. All traffic control signs must be reviewed and approved by the City prior to commencement of work. The City has adopted Manual on Uniform Traffic Control Devices (MUTCD) standards for all signage and striping work throughout the City.

**25. STREET TREES**

Street trees shall be planted within the Public Right of Way to the satisfaction of the Director of Public Works and shall be of a type approved by the City in accordance with Ordinance No. 125.

Tree protection for the existing trees along the Cupertino Service Center northern propertyline shall be provided in accordance with City Standards and specifications and as required by the Director of Public Works.

**26. FIRE PROTECTION**

Fire sprinklers shall be installed in any new construction to the approval of the City.

**27. SANTA CLARA COUNTY FIRE DEPARTMENT**

A letter of clearance for the project shall be obtained from the Santa Clara County Fire Department prior to issuance of building permits. Clearance should include written approval of the location of any proposed Fire Backflow Preventers, Fire Department Connections and Fire Hydrants (typically Backflow Preventers should be located on private property adjacent to the public right of way, and fire department connections must be located within 100' of a Fire Hydrant).

**28. FIRE HYDRANT**

Fire hydrants shall be located as required by the City and Santa Clara County Fire Department as needed.

**29. SAN JOSE WATER COMPANY CLEARANCE**

Provide San Jose Water Company approval for water connection, service capability and location and layout of water lines and backflow preventers before issuance of a building permit approval.

**30. DEDICATION OF UNDERGROUND WATER RIGHTS**

Developer shall "quit claim" to the City all rights to pump, take or otherwise extract water from the underground basin or any underground strata in the Santa Clara Valley.

**31. SANITARY DISTRICT**

A letter of clearance for the project shall be obtained from the Cupertino Sanitary District prior to issuance of building permits.

**32. UTILITY EASEMENTS**

Clearance approvals from the agencies with easements on the property (including PG&E, AT&T, San Jose Water Company, Valley Water, and/or equivalent agencies) will be required prior to issuance of building permits.

**SECTION V: CONDITIONS ADMINISTERED BY THE SANTA CLARA COUNTY FIRE DEPARTMENT**



1. **FIRE SPRINKLERS REQUIRED:**

Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CFC Sec. 903.2 as adopted and amended by CUPMC.

2. **STANDPIPES REQUIRED FOR BUILDING A**

Standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. Standpipes shall be manual wet type. In buildings used for high-piled combustible storage, fire hose protection shall be in accordance with Chapter 32. Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14 as amended in Chapter 47. CFC Sec. 905.

3. **WATER SUPPLY REQUIREMENTS**

Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7

4. **PUBLIC FIRE HYDRANT(S) REQUIRED**

Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1,000 GPM at minimum 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, and Appendix B and associated Tables, and Appendix C.

5. **TIMING OF INSTALLATION**

When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2 CFC Sec. 501.4.

6. **FIRE ALARM REQUIREMENTS**

Refer to CFC Sec. 907 and the currently adopted edition of NFPA 72.

7. **CONSTRUCTION SITE FIRE SAFETY**

All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

8. **ADDRESS IDENTIFICATION**

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1

9. **TWO-WAY COMMUNICATION SYSTEM:**

Two-way communication systems shall be designed and installed in accordance with NFPA 72 (2016 edition), the California Electrical Code (2013 edition), the California Fire Code (2016 edition), the California Building Code (2016 edition), and the city

ordinances where two way system is being installed, policies, and standards. Other standards also contain design/installation criteria for specific life safety related equipment. These other standards are referred to in NFPA 72.

**10. EMERGENCY RADIO RESPONDER COVERAGE**

Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. Refer to CFC Sec. 510 for further requirements. Emergency Radio Responder Coverage requirements apply to Building A.

**11. ENTRANCE/EXIT**

Entrance/exist must be 20' on both sides.

**12. GROUND LADDER ACCESS:**

Ground-ladder rescue from the second floor sleeping rooms shall be made possible for fire department operations. With the climbing angle of seventy five degrees maintained, an approximate walkway width along either side of the building shall be no less than seven feet clear. Landscaping shall not be allowed to interfere with the required access. CFC Sec. 503 and 1029 NFPA 1932 Sec. 5.1.8 through 5.1.9.2. Concrete walkway (7) noted on Sheet A.3 continues around to the North side of the manager's residence to allow ground ladder access to all bedroom egress windows.

**13. EMERGENCY GATE/ACCESS GATE REQUIREMENTS:**

Gate installations shall conform with Fire Department Standard Details and Specification G-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access devices. If the gates are operated electrically, an approved Knox key switch shall be installed; if they are operated manually, then an approved Knox padlock shall be installed. Contact [www.knoxbox.com](http://www.knoxbox.com) to order key switch for gate. CFC Sec. 503.6 and 506. Sheet A.3 - Gate width is noted as 20' clear for NE entrance/exit and that a Knox Key Switch will be provided.

**14. FIRE DEPARTMENT CONNECTIONS:**

The fire department connection (FDC) shall be installed at the street on the street address side of the building. It shall be located within 100 feet of a public fire hydrant

and within ten (10) feet of the main PIV (unless otherwise approved by the Chief due to practical difficulties). FDC's shall be equipped with a minimum of two (2), two-and- one-half (2- 1/2") inch national standard threaded inlet couplings. Exception: FDC's supplying private on-site fire hydrants shall have a minimum four (4) way inlet coupling. Orientation of the FDC shall be such that hose lines may be readily and conveniently attached to the inlets without interference. FDC's shall be painted safety yellow. [SCCFD, SP-2 Standard]. Provide one FDC for each sprinkler system within 100' of the hydrant at the entrance.

SECTION VI: CONDITIONS ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS ENVIRONMENTAL DIVISION

1. The C&D Plan(s) will be required to be submitted at the time of building permit plan submittal (C&D plan shall include both demolition of existing facility and construction of new facility. If a separate permit is issued for demolition/new construction, a separate C&D Plan and Report will be required for each permit);
2. The style and finish details for the trio will be reviewed and require additional information;
3. Acknowledgement of site accessibility be given to the waste hauler by the property owner/facility operator for purposes of servicing waste containers stored within the trash enclosure;
4. Documentation that all power and other utility lines in the waste hauler path of travel be a minimum of 14 feet above grade and 20 feet above grade at the trash enclosure to allow sufficient clearance for lifting and emptying front load bins;
5. The civil drawings will identify the model type of full trash capture devices installed in each storm drain inlet and bioretention overflow;

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 18<sup>th</sup> day of January, 2022, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:	
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<p>_____</p> <p>Darcy Paul, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>