

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

DRAFT RESOLUTION NO. _____

OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
APPROVING AN ARCHITECTURAL AND SITE APPROVAL PERMIT TO ALLOW THE
DEMOLITION OF A 342 UNIT APARTMENT COMPLEX (THE HAMPTONS) AND THE
CONSTRUCTION OF A NEW 942 UNIT APARTMENT DEVELOPMENT ON THE SAME
SITE WITH ASSOCIATED SITE AND LANDSCAPING IMPROVEMENTS IN A PLANNED
DEVELOPMENT ZONE AT 19500 PRUNERIDGE AVENUE

SECTION I: PROJECT DESCRIPTION

Application No.: ASA-2015-13
Applicant: Carlene Matchniff
Property Owner: Irvine Company
Location: 19500 Pruneridge Ave (APN: 369-06-032, 316-06-037)

SECTION II: FINDINGS FOR ARCHITECTURAL AND SITE APPROVAL:

WHEREAS, the City of Cupertino received an application for an Architectural and Site Approval as described in Section I. of this Resolution; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the City Council has held at least one public hearing in regard to the application; and

WHEREAS, the Environmental Review Committee has reviewed the Mitigated Negative Declaration;

WHEREAS, the Planning Commission held a public hearing on May 10, 2016 and recommended that the City Council approve the application, subject to conditions, and adopt the Mitigated Negative Declaration; 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:

1. The proposal, 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 project site is located in an area designated for residential land uses in the General Plan and would contribute to additional improvements to the area, including bicycle and pedestrian linkages. The project is designed to minimize impact upon the surrounding community and the environment. Centrally located amenities and recreation areas promote use of on-site resources, which increases opportunities for a sense of community and reduction of vehicle miles traveled. The spaces between buildings are activated with a series of interior walkways, courtyards on all quadrants, and amenity spaces. These spaces also provide visual relief, gathering places, and walking/biking proximity and accessibility to Apple Campus 2 and other off-site resources. The design elements support the intent of attracting a demographic that prefers to be less dependent on cars and a more active lifestyle, which promotes public health.

2. The proposal is consistent with the purposes of Chapter 19.134, Architectural and Site Review, of the Cupertino Municipal Code, the General Plan, and applicable specific plans, zoning ordinances, conditional use permits, exceptions, subdivision maps, or other entitlements to use which regulate the subject property including, but not limited to, adherence to the following specific criteria:
 - a) Abrupt changes in building scale should be avoided. A gradual transition related to height and bulk should be achieved between new and existing buildings;
The Project avoids abrupt changes and provides a gradual transition by observing the height and setback requirements within the General Plan which specifies a 1:1 slope line drawn from the curb line of Pruneridge Avenue and Wolfe Road, a 75 feet height limit, and a 60 feet height limit within 50 feet of Wolfe Road, Pruneridge Avenue and Apple 2 Campus. Existing perimeter trees, most of which are mature Coast redwoods, are being preserved to provide a landscape buffer zone between city streets, where there are existing buildings, and the proposed new buildings.
 - b) In order to preserve design harmony between new and existing buildings and in order to preserve and enhance property values, the materials, textures and colors of new buildings should harmonize with adjacent development by being consistent or compatible with design and color schemes, and, with the future character of the neighborhood and purposes of the zone in which they are situated. The location, height and materials of walls, fencing, hedges and screen planting should harmonize with adjacent development. Unsightly storage areas, utility installations and unsightly elements of parking lots should be concealed. The planting of ground cover or various types of pavements should be used to prevent dust and erosion, and the unnecessary destruction of existing healthy trees should be avoided. Lighting for development should be adequate to meet safety requirements as specified by the engineering and building departments, and provide shielding to prevent spill-over light to adjoining property owners;
The orientation of residential units, in relation to public and private spaces, preserves harmony by providing a combination of privacy and natural light. Perception of massing is reduced through several design elements:
 - (a) *the bicycle hub's location at the corner of Wolfe and Pruneridge Avenue anchors a pedestrian-oriented frontage including a plaza area;*
 - (b) *articulated walls;*
 - (c) *the preservation of large-scaled property line trees which create a landscape buffer zone at the exterior of the property on all sides, including Wolfe Road and I-280;*

- (d) *community buildings and amenity areas utilize larger glass facades or windows;*
- (e) *the buildings step down along city streets so that the tallest portion of the buildings are within the center of the site.*

The spaces between buildings are activated with a series of interior walkways, courtyards on all quadrants, and amenity spaces. These spaces also provide visual relief, gathering places, and walking/biking proximity and accessibility to Apple Campus 2 and other off-site resources, these site and architectural design elements are consistent with the character of the neighborhood and purposes of the zone in which they are situated, because the North Vallco Gateway special area is envisioned to become a sustainable office and campus environment surrounded by a mix of connected, high-quality and pedestrian-oriented neighborhood center, hotels and residential uses. The Hamptons redevelopment would contribute to the residential component of the special planning area.

Parking lots are below grade or concealed within a podium structure. The landscape plan seeks to create a California native palette, establish a unified identity and conserve water. The site would have no exposed soils as the site plan accommodates the building footprint, landscape area and hardscape area. The applicant would continue the recycled water line extension from the north on Wolfe Road to its project. The demolition of the existing complex would result in the removal of 276 of the 433 existing trees from the center of the site. The majority of redwood trees along the property line perimeter would be preserved to maintain both the character of the site and the buffer between the buildings and city streets. Trees proposed for removal along the perimeter are limited to those not suitable for preservation to those in poor condition. The majority of the species of the trees proposed for removal are Fern pine, Southern magnolia, London plane, Purpleleaf plum, Callery pear, Evergreen pear, Coast redwood, and Chinese elm. While not protected by species as defined by Cupertino Municipal Code Chapter 14.18, these trees are protected under the category of "approved development tree," because they were part of a development plan for the originally-approved Hamptons. Therefore, replacement plantings are required for those proposed for removal. 396 additional trees, within the range of 36"-60" box sizes, are proposed to be planted as part of the new landscape plan.

A preliminary lighting and photometric plan has been provided for the site, and final lighting for the development would be reviewed with the construction documents to meet safety requirements while preventing spill-over light to adjacent properties.

- c) *The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures shall minimize traffic hazards and shall positively affect the general appearance of the neighborhood and harmonize with adjacent development; and*
Signage is not approved with this application. A separate sign program and building permit shall be required prior to the installation of any signage. Signage shall conform to the regulations stipulated in the City's Sign Ordinance, unless otherwise approved with a sign program.
- d) *With respect to new projects within existing residential neighborhoods, new development should be designed to protect residents from noise, traffic, light and visually intrusive effects by use of buffering, setbacks, landscaping, walls and other appropriate design measures.*
The project meets this finding as discussed in Finding #2.b. above.

NOW, THEREFORE, BE IT RESOLVED that after careful consideration of the initial study, maps, facts, exhibits, testimony and other evidence submitted in this matter, subject to the conditions which are enumerated in this Resolution beginning on PAGE 3 thereof:

The application for an Architectural and Site Approval, Application No. ASA-2015-13, is hereby approved, and that the subconclusions upon which the findings and conditions specified in this Resolution are based and contained in the Public Hearing record concerning Application no. ASA-2015-13 as set forth in the Minutes of City Council Meeting of June 21, 2016, and are incorporated by reference as though fully set forth herein.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval recommendation is based on (1) the architectural, civil, landscape and signage plan set dated received January 29, 2016 consisting of ninety (90) sheets labeled "The Hamptons Redevelopment" and prepared by Arquitectonica, BKF, Olin and RSM Design; (2) colors and materials board dated October 13, 2015 and prepared by Arquitectonica; (3) perspective exhibits labeled "Amenity Deck Views" dated July 29, 2015 prepared by Arquitectonica; 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 no. DP-2015-04, TR-2015-21, U-2015-05, DA-2015-01, and EA-2015-03 and 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. FINAL ARCHITECTURAL DETAILS AND EXTERIOR BUILDING MATERIALS

The final building design and exterior treatment plans shall be reviewed and approved by the Director of Community Development prior to issuance of building permits and through an in-field mock-up of colors prior to application. The final building exterior plan shall closely resemble the details shown on the original approved plans. Portland Cement plaster and finish coat cut sheet shall be incorporated into the construction drawings with a "Santa Barbara Finish" or other comparable formula designed to provide a smooth, five-coat stucco finish texture over Portland Cement base coats.

6. 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.

7. INDEMNIFICATION

Except as otherwise prohibited by law, the applicant shall indemnify and hold harmless the City, its City Council, and its officers, employees and agents (collectively, the "indemnified parties") from and against any claim, action, or 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 to attack, set aside, or void this Resolution or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The applicant shall pay such attorneys' fees and costs within 30 days following receipt of invoices from City. Such attorneys' fees and costs shall include amounts paid to counsel not otherwise employed as City staff 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.

8. 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.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Cupertino the 21st day of June 2016, by the following roll call vote:

Vote: Members of the City Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Grace Schmidt
City Clerk

Barry Chang
Mayor, City of Cupertino