

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

A RESOLUTION OF THE CUPERTINO CITY COUNCIL  
APPROVING A DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A  
NEW 7-STORY, 155 ROOM HOTEL ON A 1.29-ACRE SITE LOCATED AT 10931  
NORTH DE ANZA BLVD. (APN: 326-10-061)

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SECTION I: PROJECT DESCRIPTION

Application No.: DP-2018-01  
Applicant: Sherly Kwok (De Anza Properties)  
Property Owner: Northwest Properties, LP  
Location: 10931 N De Anza Blvd. (APN #326-10-061)

SECTION II: FINDINGS FOR DEVELOPMENT PERMIT:

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

WHEREAS, the City of Cupertino's Environmental Review Committee at its August 1, 2019 meeting reviewed the Public Draft Initial Study ("Draft IS/MND") for The De Anza Hotel Project ("Project"), received public comments, and voted 5-0 to recommend adoption of a Mitigated Negative Declaration ("MND") with minor modifications, and provided measures that ensure the least impactful development of the proposed hotel; and

WHEREAS, based on substantial evidence in the record, on December 10, 2019, the Planning Commission recommended on a 4-0-1 (Saxena absent) vote that the City Council adopt the MND (EA-2018-03) for the Project, adopt and incorporate into the Project and implement as conditions of approval all of the mitigation measures for the Project within the responsibility and jurisdiction of the City that are identified in the Final IS/MND, and adopt the Mitigation Monitoring and Reporting Program for the Project, prior to taking final action on the Project; and

WHEREAS, on December 10, 2019 the Planning Commission recommended on a 4-0-1 vote (Saxena Absent), that the City Council approve the General Plan Amendment (GPA-2018-01), in substantially similar form to the Resolution presented (Resolution No. 6890), approve the Development Permit (DP-2018-01) in substantially similar form to the Resolution presented (Resolution No. 6892), approve the Architectural and Site Approval Permit (ASA-2018-02) in substantially similar form to the Resolution presented (Resolution No. 6893), approve the Use Permit (U-2018-02) in substantially

similar form to the Resolution presented (Resolution No. 6894), approve and adopt an ordinance to approve a Development Agreement (DA-2018-01) in substantially similar form to the Ordinance presented (Resolution No. 6895); and

WHEREAS, all necessary public notices having been given as required by the procedural ordinances of the City of Cupertino and the Government Code, on January 21, 2020, the City Council held a public hearing to consider the Development Permit; and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Resolution; and

WHEREAS, on January 21, 2020, after consideration of substantial evidence contained in the entire administrative record, and prior to consideration of the Development Permit, the City Council adopted Resolution No. [####] adopting the MND and Resolution No. [####] adopting the General Plan Amendment; and

WHEREAS, the applicant has met the burden of proof required to support the application for a Development Permit.

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

1. 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 project is consistent with the General Plan and Zoning Ordinance and has been designed to be compatible with and respectful of adjoining land uses. Additionally, the relevant mitigation measures will be incorporated as part of the CEQA review process to mitigate potential impacts to a less than significant level. Therefore, the project will not be detrimental or injurious to properties or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.*

2. 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 Commercial/Residential. The proposed use is consistent with the General Plan. The subject property is zoned as General Commercial with special development conditions. As a hotel use in the general commercial zoning district, the project is required to obtain a Conditional Use Permit (CUP), which the project is seeking and subject to approval, see Condition of Approval (COA) #3 in Section III. The proposed development has met the applicable development standards of the general plan (as approved through GPA-2018-01) and zoning district such as height, setbacks, and parking regulations. Therefore, the proposed development is consistent with the purpose of the City's zoning ordinance*

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony and other evidence submitted in this matter and the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project (EA-2018-03), subject to the conditions which are enumerated in this Resolution beginning on PAGE 3 thereof, and those contained in all other Resolutions approved for this Project,

The application for a Development Permit, Application No. DP-2018-01, 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-2018-01 as set forth in the Minutes of the City Council Meeting of July 16, 2019 Meeting, 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 April 19, 2019 consisting of 44 sheets labeled as The De Anza, Table of Contents, A0.00 – A5.15, A11.00-A11.08, C1.0-C3.2, and L1-L4, drawn by Winkleman Designs, JMH Weiss, and The Guzzardo Partnership, Inc. 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. GPA-2018-01, DA-2018-01, ASA-2018-02, U-2018-02 and EA-2018-03 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. **DEVELOPMENT ALLOCATION**

The applicant shall receive an allocation of 155 of the hotel room allocations for the Homestead Special Area.

7. **BICYCLE PARKING**

The applicant shall provide bicycle parking and bike racks for the proposed project in accordance with the City's Parking Regulations under Chapter 19.124 of the Cupertino Municipal Code.

8. **AUTOMOBILE PARKING**

The applicant shall provide at least 183 parking spaces for the proposed project.

9. **HOUSING MITIGATION FEES**

The applicant shall participate in the City's Below Market Rate (BMR) Housing Program by paying the applicable housing mitigation fees prior to issuance of building permits per the Housing Mitigation Manual.

10. **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 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.

11. **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.

12. **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

### **13. 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.

**14. 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 building size is over 50,000 square feet. Third party LEED certification or alternative reference standard is required per the ordinance criteria.

**15. 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.

**16. 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.

**17. 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.

**18. SITE LIGHTING**

All new lighting must conform to the standards in the Parking Regulations Ordinance, and 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.

**19. 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.

**20. SITE IMPROVEMENTS**

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

**21. NOISE LEVELS AND ABATEMENT**

Project use shall comply with the City's Community Noise Control Ordinance at all times. 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.

**22. ONGOING OBLIGATIONS**

The applicant shall be responsible to implement the ongoing obligation as described in the Initial Study/Mitigated Negative Declaration and section 5.1.2 through 5.1.7 of the Development Agreement (DA-2018-01) adopted on February 4, 2020, which includes the following:

- Shuttle Service
- Meeting Rooms
- Reduced Rates

**23. INDEMNIFICATION**

To the fullest extent permitted by law, the applicant shall 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 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 this Resolution/Action Letter, the related entitlements, 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 (thirty) days following receipt of invoices from City. 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 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.

#### **24. 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. TRAFFIC IMPACT FEES**

Project will be subject to a Traffic Impact Analysis and Traffic Impact Fee. If mitigation measures are required, provide preliminary plans for City to review and to determine the feasibility.

##### **2. STREET IMPROVEMENTS & DEDICATION**

Provide dedication and improvements of the public street along the project frontage to the satisfaction of the Director of Public Works. Street improvement design must be completed and approved prior to issuance of Building Permit. Street improvements may include, but not be limited to, detached sidewalk, driveways, storm drain laterals, street trees, and street light. All improvements must be completed and accepted by the City prior to Building Final Occupancy or Street Improvement Encroachment Permit acceptance whichever comes first.

##### **3. PEDESTRIAN AND BICYCLE IMPROVEMENTS**

Developer shall provide pedestrian and bicycle related improvements (e.g. walkways, bicycle racks, etc.) consistent with the 2016 Cupertino Bicycle Transportation Plan and the 2018 Cupertino Pedestrian Transportation Plan, and as approved by the Director of Public Works.



4. **STREET LIGHTING INSTALLATION**

Street lighting shall be installed and shall be as approved by the Director of Public Works. Lighting fixtures shall be positioned 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.

5. **GRADING**

Prior to building permit issuance, 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.

6. **DRAINAGE**

Prior to building permit issuance, 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.

7. **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. Proposed landscape for the stormwater treatment areas shall reflect plants and materials appropriate for stormwater treatment.

#### 8. **IMPROVEMENT 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 prior to issuance of construction permits

Fees:

- |                                |   |
|--------------------------------|---|
| a. Checking & Inspection Fees: | Per current fee schedule (\$7,389.00 or 6% of improvement costs)    |
| b. Grading Permit:             | Per current fee schedule (\$3,059.00 or 6% of improvement costs)    |
| c. Storm Drainage Fee:         | Per current fee schedule (\$9,566 per AC)                           |
| d. Power Cost:                 | **  |
| e. Storm Management Plan Fee:  | Per current fee schedule (\$1,396)                                  |
| f. Traffic Impact Fee          | Per current fee schedule (\$3,421 per room – credit for restaurant) |
| g. Street Tree                 | By Developer  |

\*\* Based on the latest effective PG&E rate schedule approved by the PUC

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.

#### 9. **ENCROACHMENT AGREEMENT**

Subject to City Council approval permitting private improvements encroaching into the public right of way, specifically the building roof and awning overhang over the public sidewalk. Developer shall enter into an encroachment agreement with the City to construct, use, repair, and maintain certain private improvements within the public right of way.

**10. 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. (Sections 9.18.210 H & K of Cupertino Municipal Code)

**11. OPERATIONS & MAINTENANCE AGREEMENT**

Developer shall enter into an Operations & Maintenance Agreement with the City prior to final occupancy. The Agreement shall include the operation and maintenance for non-standard appurtenances in the public road right-of-way that may include, but is not limited to, landscaping, pavers, and streetlights.

**12. 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.

**13. TRANSFORMERS**

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.

**14. 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.

**15. 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.

16. **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.

17. **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.

18. **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.

19. **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.

20. **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.

21. **FIRE PROTECTION**

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

22. **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).

**23. FIRE HYDRANT**

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

**24. CALIFORNIA WATER SERVICE COMPANY CLEARANCE**

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

**25. SANITARY DISTRICT**

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

**26. UTILITY EASEMENTS**

Clearance approvals from the agencies with easements on the property (including PG&E, AT&T, and California Water Company, 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 CMC.

**2. STANDPIPES REQUIRED**

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 /PRIVATE 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 500 GPM at 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. Identify the location of all existing and new fire hydrants to comply with above mentioned code section. All new hydrants to comply with hydrant spacing requirements.

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. **REQUIRED FIRE DEPT. ACCESS**

Commercial and Industrial Developments

- a. Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have a least two means of fire apparatus access for each structure.
- b. Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 mm) shall be provided with two separate and approved fire apparatus access roads.
- c. Exception: Projects having a gross building area of up to 124,000 square feet (11520 mm) that have a single approved fire apparatus access road when all

buildings are equipped throughout with approved automatic sprinkler systems. CFC Sec.903 as adopted and amended by CMC.

**7. REQUIRED AERIAL ACCESS**

- a. Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- b. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.
- c. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official. Aerial access as shown for the Office Building is not adequate. Also, an aerial access roadway must be provided between building A and B and building D. CFC Chp. 5 SCCFD SD&S A-1.

**8. FIRE APPARATUS (ENGINE) ACCESS ROADS REQUIRED:**

Provide access roadways with a paved all weather surface, a minimum width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet and 23 feet inside, and a maximum slope of 15%. For installation guidelines refer to Fire Department Standard Details and Specification sheet A-1. CFC Sec. 503. Include all above required dimensions on the plans.

**9. FIRE DEPARTMENT (ENGINE) ROADWAY TURNAROUND**

Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installation shall conform to Fire Department Standard Details and Specification sheet A-1. Cul-de-sac. CFC Sec. 503 as adopted and amended by CUPMC.

**10. GROUND LADDER ACCESS**

Ground-ladder access rescuer from second and third floor 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.

**11. 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.

**12. FIRE ALARM REQUIREMENTS**

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

**13. 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.

**14. 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.

**15. 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

**SECTION VI: CONDITIONS ADMINISTERED BY THE CUPERTINO SANITARY DISTRICT**

**1. IMPROVEMENT PLANS**

Improvement plans shall be submitted to the District for review and comments.

**2. FEES AND PERMITS**

Cupertino Sanitary District fees and permits will be required.



3. **LATERALS**

The new hotel must upsized from six-inches to eight-inches.

4. **RESTAURANT AND KITCHEN**

Restaurant and Kitchen area must connect to adequately sized grease control device. Grease control devise must be sized by Cupertino Sanitary District.

SECTION VII: This Resolution shall not take effect unless and until General Plan Amendment GPA-2018-01 becomes effective. This Resolution shall take effect on the day that the Ordinance approving the development agreement for the Project takes effect.

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PASSED AND ADOPTED this 21<sup>st</sup> day of January 2020, at a Regular Meeting of the City Council of the City of Cupertino, State of California, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST:  _____ Kirsten Squarcia, Acting City Clerk	_____ Date