

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6802

OF THE PLANNING COMMISSION 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 Planning Commission of 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 Planning Commission has held at least one public hearing in regard to the application; and

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

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

WHEREAS, the Planning Commission 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 Planning Commission Meeting of May 10, 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 this 10th day of May, 2016, at the Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES:	COMMISSIONERS: Chair Takahashi, Vice Chair Gong, Paulsen, Sun
NOES:	COMMISSIONERS: Lee
ABSTAIN:	COMMISSIONERS: none
ABSENT:	COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Aarti Shrivastava
Aarti Shrivastava
Dir. Community Development

/s/Alan Takahashi
Alan Takahashi, Chair
Planning Commission

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6803

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO RECOMMENDING
THAT THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT FOR THE
DEVELOPMENT OF A NEW 942-UNIT APARTMENT DEVELOPMENT IN A PLANNED
RESIDENTIAL ZONING DISTRICT LOCATED AT 19500 PRUNERIDGE AVENUE

SECTION I: PROJECT DESCRIPTION

Application No.: DA-2015-01
Applicant: Carlene Matchniff
Property Owner: Irvine Company
Location: 19500 Pruneridge Ave (APN: 369-06-032, 316-06-037)

SECTION II: FINDINGS FOR DEVELOPMENT AGREEMENT

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

WHEREAS, Government Code Sections 65864 through 68569.5 provide the statutory authority for development agreements between municipalities and parties with a fee or equitable interest in real property; and

WHEREAS, Cupertino Municipal Code § 19.144.010 et seq., establishes additional procedures for review and approval of proposed development agreements by the City of Cupertino; and

WHEREAS, the 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 Environmental Review Committee reviewed a Mitigated Negative Declaration, which is a concurrent recommended approval under a separate resolution for a development permit; and

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

WHEREAS, concurrent applications and recommended conditions of approval are contained in file no. DP-2015-04, ASA-2015-13, TR-2015-21, U-2015-05, and EA-2015-03 and shall be applicable to this approval.

WHEREAS, the terms of the Development Agreement include the following community benefits funded by Irvine Company:

1. Contribution toward civic facilities, \$7,000,000
2. Extend reclaimed water line for potable water conservation, \$1,800,000
3. Wolfe Interchange Assessment District Pro Rata "Fair Share," \$7,000,000
4. Continuing obligation of existing term for 34 below market rate units, valued at \$17,000,000
5. Contribution toward Santa Clara Unified School District, \$2,400,000. In 1997, the property was mapped and recorded in the Santa Clara Unified School District service boundaries.

WHEREAS, the Development Agreement will include additional terms regarding affordable housing and the transportation demand management program; and

WHEREAS, the Planning Commission directed the applicant to work with staff to amend the development agreement to explore the increase of below market rate housing units, such as by extending the term of the existing 34 below market rate units and/or by providing additional below market rate units in lieu of affordable housing fees; and

WHEREAS, approval of the Development Agreement will provide Irvine Company with assurances that its development of the Property in connection with the Project can proceed without disruption caused by a change in City planning and development policies and requirements, which assurance will thereby reduce the actual or perceived risk of planning, financing and proceeding with construction and use of the development and promote the achievement of the private and public objectives of the development; and

WHEREAS, the Planning Commission finds as follows with regard to this application:

A Development Agreement shall be enacted by ordinance by the City Council upon making the following findings:

- A. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
- B. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is or will be located;
- C. Is in conformity with and will promote public convenience, general welfare and good land use practice;
- D. Will not be detrimental to the health, safety and general welfare;
- E. Will not adversely affect the orderly development of property or the preservation of property values; and
- F. Will promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.

The community benefits outlined in the recitals are consistent with the General Plan because these benefits contribute to the quality of life and general livability for those who live and/or work in Cupertino. The proposed contributions can be set aside for the future provision of community amenities including transportation improvements, civic facilities, schools, water conservation,

affordable and/or special needs housing. As Cupertino's resident and worker population increase, additional amenities will be necessary to maintain and improve the livability of the community. The Community Benefit Program is one of the key tools the City will use to help finance and achieve those amenities that maintain and increase our quality of life. In addition to the community benefits through the development agreement, the proposed application does not request any General Plan Amendments and is consistent with the General Plan and Housing Element development standards.

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 the resolutions of concurrent applications:

The application for a Development Agreement, Application no. DA-2015-01 is hereby recommended for approval, 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. DA-2015-01 as set forth in the Minutes of Planning Commission Meeting of May 10, 2016, and are incorporated by reference as though fully set forth herein.

PASSED AND APPROVED this 10th day of May 2016, at a meeting of the Planning Commission of the City of Cupertino by the following roll call vote:

AYES:	COMMISSIONERS: Chair Takahashi, Vice Chair Gong, Paulsen, Sun
NOES:	COMMISSIONERS: Lee
ABSTAIN:	COMMISSIONERS: none
ABSENT:	COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Aarti Shrivastava
Aarti Shrivastava
Dir. Community Development

/s/Alan Takahashi
Alan Takahashi, Chair
Planning Commission

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6804

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO RECOMMENDING APPROVAL
OF A DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF A 342 UNIT APARTMENT
COMPLEX (THE HAMPTONS) AND THE CONSTRUCTION OF A 942 UNIT APARTMENT
COMPLEX IN A PLANNED RESIDENTIAL ZONING DISTRICT LOCATED AT 19500 PRUNERIDGE
AVENUE AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION

SECTION I: PROJECT DESCRIPTION

Application No.: DP-2015-04 and EA-2015-03
Applicant: Carlene Matchniff
Property Owner: Irvine Company
Location: 19500 Pruneridge Ave (APN: 369-06-032, 316-06-037)

SECTION II: FINDINGS FOR DEVELOPMENT PERMIT:

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

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

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

WHEREAS, the Planning Commission 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 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.

- 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 proposed development will be located on parcels identified within the General Plan as part of the North Vallco Gateway, located within North Vallco Park special planning area. The North Vallco Park 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. Taller heights may be allowed in the North Vallco Gateway per the Land Use and Community Design Element and additional residential development may be allowed per the Housing Element. The proposal is consistent with height, setback, density and unit count prescribed within the General Plan.*

The site is within a planned development zoning district that allows multi-family residential development ("P(Res)"). Therefore the residential proposal is consistent with the purpose of the City's zoning ordinance.

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 2 thereof,

1. A **MITIGATED NEGATIVE DECLARATION WITH A MITIGATION MONITORING REPORT** (file no. EA-2015-03) is hereby **RECOMMENDED FOR ADOPTION**; and
2. The application for a **Development Permit**, Application no. DP-2015-04 is hereby **RECOMMENDED FOR APPROVAL**, 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.(s) EA-2015-03 and DP-2015-04 as set forth in the Minutes of Planning Commission Meeting of May 10, 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. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file nos. DP-2015-04, ASA-2015-13, TR-2015-21, U-2015-05, DA-2015-01, and EA-2015-03 shall be applicable to this approval.

3. DEVELOPMENT APPROVAL AND PROJECT AMENDMENTS

Development Permit approval is granted for 942 new apartment units and demolition of the existing 342 unit apartment complex.

The Planning Commission shall review amendments to the project considered major by the Director of Community Development.

4. **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.

4. **ODOR ABATEMENT SYSTEMS**

Odor abatement systems shall be installed for all new eating establishments and common food preparation areas. The design of the odor abatement system will be finalized at the building permit stage. Equipment associated with the odor abatement systems shall be appropriately screened if visible from the public right-of-way.

5. **LOT LINES**

A lot line adjustment shall be processed as a separate application to meet the requirements of the California Building Code and to meet the specific terms of the development agreement regarding a lot tying agreement, which shall be reviewed by the city attorney's office prior to the issuance of a demolition permit.

6. **SIGNAGE AND SIGN PROGRAM**

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.

7. **PUBLIC ART REQUIREMENT**

The final design, display, and location of the public art shall be brought before the Fine Arts Commission for review and approval. The minimum expenditure for the artwork, including but not limited to design, fabrication, and installation, is one-quarter of one percent, with an expenditure cap of one hundred thousand dollars.

8. **HOUSING MITIGATION**

For residential projects, a housing mitigation fee is required and must be paid as defined within the development agreement.

9. **CONDOMINIUMIZATION**

Parcelization/condominiumization of units is not approved as part of this project. Any proposed changes to the map shall require further City review and approval.

10. **CIRCULATION AND PARKING REQUIREMENTS**

The project shall maintain the total amount of proposed parking of 1696 car parking stalls at the ratio of 1.8 spaces per unit and 377 bicycle parking stall. Changes to the number of provided parking stalls will require further City review and approval.

11. **BICYCLE PARKING CLASS**

All provided bicycle parking shall be identified as Class 1 bicycle parking and be consistent with the City's requirements to the satisfaction of Director of Community Development.

12. 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.

13. 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.

14. SCREENING OF UTILITY STRUCTURES

All new utility structures shall be located underground or screened from public view to the satisfaction of the Director of Community Development and the Public Works Department.

15. NOISE LEVELS AND ABATEMENT

Project construction and 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.

16. 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 is defined, and noise and dust control measures are established.

17. CONSTRUCTION HOURS

Construction activities shall be limited to Monday through Friday, 7 am to 8 pm and Saturday and Sunday, 9 am to 6 pm. Construction activities are not allowed on holidays. Maximum noise levels are delineated in the City's Community Noise Control Ordinance.

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

18. 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 issuance of final demolition permits.

19. DUST CONTROL

The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site:

- a) Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- c) Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- e) The applicant shall incorporate the City's construction best management practices into the building permit plan set.

20. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Per the mitigation measures outlined in the Mitigation Monitoring and Reporting Program based on the Initial Study dated April 15, 2016, titled "Initial Study and Mitigated Negative Declaration, The Hamptons Redevelopment Project," prepared by PlaceWorks and adopted as Mitigated Negative Declaration EA-2015-03, the following is an outline of mitigation measures that apply:

- a. Mitigation Measure AQ-1a: The project's construction contractor shall comply with the following Bay Area Air Quality Management District (BAAQMD) Best Management Practices (BMPs) for reducing construction emissions of fugitive dust (PM10 and PM2.5):
 - Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
 - Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
 - Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust.
 - Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
 - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
 - Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - Limit vehicle traffic speeds on unpaved roads to 15 miles per hour (mph).
 - Replant vegetation in disturbed areas as quickly as possible.

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- Install sandbags or other erosion control measures to prevent silt runoff from public roadways
 - b. Mitigation Measure AQ-1b: During construction, the construction contractor(s) shall use construction equipment fitted with engines that meet the United States Environmental Protection Agency (US EPA)-Certified Tier 3 emissions standards for equipment of 50 horsepower or more. The construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or their designee. The construction equipment list shall state the makes, models, and number of construction equipment onsite. Equipment shall properly service and maintain construction equipment in accordance with the manufacturer's recommendations. The construction contractor shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with CARB Rule 2449. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for US EPA Tier 3 or higher emissions standards for construction equipment over 50 horsepower.
 - c. Mitigation Measure BIO-1: Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code. If construction activities and any required tree removal occur during the breeding season (February 1 and August 31), a qualified biologist shall be required to conduct surveys prior to tree removal or construction activities. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and Wildlife. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.
 - d. Mitigation Measure CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find

according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

- e. Mitigation Measure CULT-2: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The excavation plan shall be submitted to the City for review and approval prior to implementation.
- f. Mitigation Measure GEO-1: The project applicant shall adhere to the seismic design criteria for the maximum estimated ground shaking (i.e., peak ground acceleration of 0.58 gravity (g)) as recommended in the recent 2015 geotechnical investigation for the proposed project.
- g. Mitigation Measure GEO-2: Prior to issuing building permits, the City shall require the project applicant to consult with a corrosion protection engineer in order to develop specific recommendations regarding corrosion protection for buried metal pipe or buried metal pipe-fittings. The project applicant shall implement the recommendations during construction to be verified by the City's Building Department.
- h. Mitigation Measure TRAF-1: MM-TRAF-1 requires the City to commit to preparing and implementing a Transportation Mitigation Fee Program (TMFP) to guarantee funding for roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. General Plan EIR Mitigation Measure TRAF-1, which was previously adopted by the City and incorporated into the General Plan, would be implemented by the City; the applicant shall contribute a fair share amount according to specified terms of a development agreement.

21. 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.

22. 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.

23. CONSULTING ARCHITECT REVIEW

The applicant shall incorporate the final comments of the consulting architect dated September 15, 2015 as follows, which shall be reviewed by the City's consulting architect prior to application and issuance of a building permit:

- a. The water feature should be sized appropriately given the severe drought conditions.
- b. A stronger connection between the arrival plaza and the first amenity level should be introduced.
- c. Program elements such as the Bike Hub and Resident Members Club areas should be well grounded with a mix of elements that ensure the vitality of public plaza areas. Site furnishings should be identified to define spaces for interaction.

24. CITY ARBORIST REVIEW

Prior to issuance of a demolition permit, a peer review of the tree management plan shall be conducted to confirm condition of trees slated for preservation or transplant, review replacement plantings, verify installation of tree protection measures prior to demolition, grading or other site work. The project arborist shall provide an installation report prior to final sign-off of the building permit by the Planning Division.

25. TRANSPORTATION DEMAND MANAGEMENT (TDM)

In addition to the proposed TDM as prepared by the applicant, the following shall be added to the program contents:

- Participate in fair-share contribution if and when a Transportation Management Association (TMA) is formed.
- Provide VTA eco passes to residents who have one or no car per residential unit and to employees of Irvine Company.

SECTION IV: CONDITIONS ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT

26. WOLFE ROAD CORRIDOR IMPROVEMENT CONTRIBUTION

The developer will be required to provide a financial contribution to the Wolfe Road Corridor Improvement Project to be established by the City. The contribution will be based on fair-share portion of the improvements as established by the Wolfe Road Corridor Study to be conducted subsequent to the adoption of City's 2040 General Plan. The scope of the improvements may include widening of Wolfe Road, modifications or replacement of the Wolfe Road overcrossing, and modifications to the Hwy 280/Wolfe Road interchange.

27. MEDIAN IMPROVEMENTS

The Developer shall retrofit the street median to be consistent with the recent improvements performed on the Wolfe Rd medians located between Pruneridge Ave and Homestead Rd. The Development Application plans shall show this work, and shall clearly indicate all of the trees that will be removed due to facilitate the median improvements. Planting plans and irrigation plans will be required prior to issuance of permits for the project, unless permitted otherwise by the Director of Public Works.

28. RECLAIMED WATER

As part of Development Agreement, the developer may be required, at the discretion of the Director of Public Works, to extend a reclaimed water main from the intersection of Wolfe Rd and Homestead Rd.

29. LOT MERGER

Prior to approval of the Building permit, a lot merger will be required. Proposed building cannot straddle between parcel lines.

30. STREET WIDENING

Public street widening and dedications shall be provided in accordance with City Standards and specifications and as required by the City Engineer.

31. CURB AND GUTTER IMPROVEMENTS

Curbs and gutters, sidewalks and related structures shall be installed in accordance with grades and standards as specified by the City Engineer. For the proposed emergency access off of Wolfe Rd., Public Works recommends a mountable curb rather than a standard driveway. Details to be addressed at the street improvement plan stage.

32. PEDESTRIAN AND BICYCLE IMPROVEMENTS

Developer shall provide pedestrian and bicycle related improvements consistent with the Cupertino Bicycle Transportation Plan and the Pedestrian Transportation Guidelines, and as approved by the City Engineer.

33. STREET LIGHTING INSTALLATION

Street lighting shall be installed and shall be as approved by the City Engineer. 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.

34. GRADING

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

35. DRAINAGE

Drainage shall be provided to the satisfaction of the City Engineer. 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 City Engineer. 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.

36. 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.

37. **BICYCLE PARKING**

Developer shall provide bicycle parking consistent with the City's requirements to the satisfaction of the City Engineer.

38. **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 (\$2,788.00 or 5%)
- b. Grading Permit: Per current fee schedule (\$2,618.00 or 6%)
- c. Development Maintenance Deposit: \$ 1,000.00
- d. Storm Drainage Fee: TBD
- e. Power Cost: Based on the latest effective PG&E rate schedule approved by the PUC
- f. Map Checking Fees: Per current fee schedule (\$8,831.00)
- g. Park Fees: Per current fee schedule
- h. Street Tree: By Developer

Bonds:

- i. Faithful Performance Bond: 100% of Off-site and On-site Improvements
- j. Labor & Material Bond: 100% of Off-site and On-site Improvement
- k. 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.

39. **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 City Engineer.

40. The project is located in a Hydromodification Management (HM) area and will create and/or replace one acre or more of impervious surface. The project must comply with the Post-Construction Hydromodification Management requirements which entail HM projects to demonstrate that post-project runoff does not exceed estimated pre-project runoff rates and durations.
41. 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.
42. All storm water management plans are required to obtain certification from a City approved third party reviewer.

43. **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, 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)

The following items must be met:

- All three trash compactors must be enclosed by a roof with a minimum of 24' clearance. Roof clearance is needed to service compactors without dragging on pavement from enclosure.
- Compression pad in front of compactors must be reinforced concrete to withstand truck wear and prevent pavement damage.
- Compactor trash enclosure must be sufficiently insulated with sound attenuating materials to meet municipal code sound level thresholds during operation (50 dBA day and 60 dBA night). Environmental Programs staff recommends that Planning Division require an acoustical engineering report to demonstrate code compliance.
- Applicant must install sanitary sewer clean out at all locations where fire sprinkler safety tests are conducted since there will be not be sufficient landscaping to discharge test water. Alternatively, discharged test water may be collected in a tank truck for re-use as landscape irrigation water. If the latter is chosen, written agreement by the property owner must be provided and a copy maintained on-site and filed with the Environmental Programs Division.

44. **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, sidewalk, pavers, and street lights.

45. **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 City Engineer.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. STREET TREES

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

54. FIRE PROTECTION

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

55. 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).

56. FIRE HYDRANT

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

57. 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.

58. DEDICATION OF WATERLINES

Developer shall dedicate to the City all waterlines and appurtenances installed to City Standards and shall reach an agreement with California Water Services Company for water service to the subject development.

59. 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.

60. SANITARY DISTRICT

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

61. 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. AERIAL FIRE APPARATUS ACCESS ROADS**

1. 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. 2. 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. 3. 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. CFC Sec. 503 and SCCFD SD&S A-1

2. FIRE ENGINE ACCESS

1. Minimum clear width: The minimum clear width of fire department access roads shall be 20 feet. Modifications to the design or width of a fire access road, or additional access road(s) may be required when the fire code official determines that access to the site or a portion thereof may become compromised due to emergency operations or nearby natural or manmade hazards (flood prone areas, railway crossings, bridge failures, hazardous material-related incidents, etc.)

2. Access and loading: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road (including bridges and culverts) with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34050 kg) or as otherwise determined by the fire code official.

3. Minimum clear height: Vertical clearance over required vehicular access roads and driveways shall be 13'6".

4. Grade: Maximum grade shall not exceed 15% (6.75 degrees).

5. Turn Radius (circulating): The minimum outside turning radius is 42 feet for required access roadways. Greater radius up to 60 feet may be required where the Fire Department determines that Ladder Truck access is required. Circulating refers to travel along a roadway without dead ends.

6. Turning Radius (Cui-de-sacs): The minimum outside turning radius is 36 feet. Use of cui-de-sacs is not acceptable where it is determined by the Fire Department that Ladder Truck access is required, unless greater turning radius is provided.

7. Turnarounds: Turnarounds are required for all dead end roadways with a length in excess of 150 feet. The turnaround details shown in this document are intended to provide a general design concept only. Modifications or variations of these designs may be approved by the Fire Department on a case-by-case basis. All turnaround designs submitted for Fire Department review shall meet all previously stated requirements. These details are applicable when a 36-foot minimum turning radius for dead ends is specified. These details are not applicable where turning radius greater than 36 feet is specified or when a circulating radius is specified.

8. Dead ends: Dead-end fire apparatus access roads in excess of 150 feet (45720 mm) shall be provided with width and turnaround provisions as determined by the fire code official.

9. Parking: When parking is permitted on streets, in both residential/commercial applications, it shall conform to the following:

- parking is permitted both sides of the street with street widths of 36 feet or more
- parking is permitted on one side of the street with street widths of 28-35 feet
- no parking is permitted when street widths are less than 28 feet

NOTE: Rolled curbs can be part of the curb I sidewalk and used to increase the roadway width with approval from the fire code official. Additional requirements may apply for buildings 30 feet in height or greater. See requirements under AERIAL FIRE APPARTUS ACCESS ROADS.

10. Access to a hydrant: Fire hydrants located on a public or private street, or on-site, shall have an unobstructed clearance of not less than 30 feet (15 feet either side of hydrant), in accordance with California vehicle code 22514. Marking shall be per California vehicle code 22500.1

11. Traffic calming: Traffic calming devices and the design thereof shall be approved by the fire department. CFC Sec. 503 and SCCFD SD&S A-1

3. TIMING OF REQUIRED ROADWAY INSTALLATIONS

Required access roads, up through first lift of asphalt, shall be installed and accepted by the Fire Department prior to the start of combustible construction. During construction, emergency access roads shall be maintained clear and unimpeded. Note that building permit issuance may be withheld until installations are completed. Temporary access roads may be approved on a case by case basis. CFC Sec. 501

4. PRIVATE ON-SITE FIRE HYDRANT(S) REQUIRED

(NOTE: Exact square footage of new residential buildings is not provided) Provide private on-site fire hydrant(s) installed per NFPA Std. #24, at location(s) to be determined by the Fire Department. Maximum hydrant spacing shall be 600 feet, with a minimum acceptable flow of TBD GPM at 20 psi residual pressure. Prior to design, the project civil engineer shall meet with the fire department water supply officer to jointly spot the required fire hydrant locations. CFC Sec. 507, and Appendix B, Table B105.1 and Appendix C

5. 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. An automatic sprinkler system shall be provided throughout all new buildings and structures. Exception: Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area. 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. NOTE: Covered porches, patios, balconies, and attic spaces may require fire sprinkler coverage. 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

6. POTABLE WATER SUPPLIES

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). 2007 CFC Sec. 903.3.5 and Health and Safety Code 13114.7

7. TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS

Installations of required fire service(s) and fire hydrant(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be withheld until required installations are completed, tested, and accepted. CFC Sec. 501

8. CONSTRUCTION SITE FIRE SAFETY

All construction sites must comply with applicable provisions of the CFC Chapter 14 and our Standard Detail and Specification SI-7.

9. EMERGENCY ESCAPE AND RESCUE

Ground-ladder rescue 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. 1029

10. PREMISES IDENTIFICATION

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background. CFC Sec. 505

SECTION VI: CONDITIONS ADMINISTERED BY THE CUPERTINO SANITARY DISTRICT**1. SANITARY SEWER AVAILABILITY**

Sanitary sewer is currently available for the subject parcel.

2. IMPROVEMENT PLANS

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

3. FEES AND PERMITS

Cupertino Sanitary District fees and permits will be required.

PASSED AND ADOPTED this 10th day of May, 2016, Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES:	COMMISSIONERS: Chair Takahashi, Vice Chair Gong, Paulsen, Sun
NOES:	COMMISSIONERS: Lee
ABSTAIN:	COMMISSIONERS: none
ABSENT:	COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Aarti Shrivastava
Aarti Shrivastava
Dir. Community Development

/s/Alan Takahashi
Alan Takahashi, Chair
Planning Commission

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6805

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO RECOMMENDING THAT THE
CITY COUNCIL APPROVES TREE REMOVAL PERMIT TO ALLOW THE REMOVAL AND
REPLACEMENT OF 277 TREES IN CONJUNCTION WITH THE CONSTRUCTION OF A 942-UNIT
APARTMENT COMPLEX LOCATED AT 19500 PRUNERIDGE AVENUE

SECTION I: PROJECT DESCRIPTION

Application No.: TR-2015-21
Applicant: Carlene Matchniff
Property Owner: Irvine Company
Location: 19500 Pruneridge Ave (APN: 369-06-032, 316-06-037)

SECTION II: FINDINGS FOR TREE REMOVAL PERMIT:

WHEREAS, the Planning Commission of the City of Cupertino received an application for a Tree Removal Permit 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 Planning Commission has held at least one public hearing in regard to the application; and

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

WHEREAS, the Planning Commission finds as follows with regard to this application:

- a) That the location of the trees restricts the economic enjoyment of the property by severely limiting the use of property in a manner not typically experienced by owners of similarly zoned and situated property, and the applicant has demonstrated to the satisfaction of the approval authority that there are no reasonable alternatives to preserve the tree(s).

The trees proposed for removal are all in conflict with the proposed new building and site improvements. The demolition of the existing complex would result in the removal of 276 of the 433 existing trees from the center of the site, where new buildings and landscape are proposed. 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 and/or 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 as shown on plan sheet L2.00. The schedule of species, number, size and locations are

additionally detailed in the tree survey within the IS/MND's technical appendix and plan sheets L5.00 and L6.00-L6.11.

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 2 thereof,;

The application for a Tree Removal Permit, Application no. TR-2015-21 is hereby recommended for approval 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. TR-2015-21 as set forth in the Minutes of Planning Commission Meeting of May 10, 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; and (4) Tree Survey dated May 2015 prepared by HortScience, 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. 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.

4. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file no. DP-2015-04, ASA-2015-13, TR-2015-21, U-2015-05, DA-2015-01, and EA-2015-03 and shall be applicable to this approval.

5. TREE PROTECTION

The existing trees to remain or transplanted shall be protected during construction per the City's Protected Tree Ordinance (Chapter 14.18 of the Municipal Code). The City's standard tree protection measures shall be listed on the plans, and protective fencing shall be installed around the trees to remain prior to issuance of building permits. A report ascertaining the good health of these trees shall be provided prior to issuance of final occupancy.

6. REPLACEMENT PLANTING PLAN

The final replacement planting plan shall be reviewed and approved by the Planning Division prior to issuance of building permits. The variety, size, planting distance shall be consistent with the City's requirements. The Director of Community Development shall have the discretion to require additional tree replacements as deemed necessary. An ISA Certified Arborist shall confirm that the replacement trees were planted properly and according to plan prior to final occupancy.

7. 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.

8. INDEMNIFICATION

To the extent permitted by law, the applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against 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 and City shall use best efforts to select mutually agreeable legal counsel to defend such action, and the applicant shall pay all compensation for such legal counsel, following the applicant's receipt of invoices from City, together with reasonable supporting documentation. Such compensation shall include reasonable compensation 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. If the applicant and the City cannot in good faith agree on joint counsel, the City shall have the right to retain counsel of its own choosing, separate from the applicant's litigation counsel.

9. 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 this 10th day May 2016, Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS: Chair Takahashi, Vice Chair Gong, Paulsen, Sun
NOES: COMMISSIONERS: Lee
ABSTAIN: COMMISSIONERS: none
ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Aarti Shrivastava
Aarti Shrivastava
Dir. Community Development

/s/Alan Takahashi
Alan Takahashi, Chair
Planning Commission

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6806

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO
RECOMMENDING THAT THE CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT TO
ALLOW A BICYCLE HUB AND SEPARATE BAR FACILITY WITHIN A CLUB HOUSE LOCATED
IN A 942-UNIT APARTMENT DEVELOPMENT AT 19500 PRUNERIDGE AVENUE

SECTION I: PROJECT DESCRIPTION

Application No.: U-2015-05
Applicant: Carlene Matchniff
Property Owner: Irvine Company
Location: 19500 Pruneridge Ave (APN: 369-06-032, 316-06-037)

SECTION II: FINDINGS FOR CONDITIONAL USE PERMIT:

WHEREAS, the Planning Commission of the City of Cupertino received an application for a Conditional Use Permit 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 Planning Commission has held at least one public hearing in regard to the application; and

WHEREAS, the Environmental Review Committee reviewed a Mitigated Negative Declaration, which is a concurrent recommended approval under a separate resolution for a development permit; and

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

WHEREAS, the Planning Commission finds as follows with regard to this application:

1. The proposed use, 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 bicycle hub provides a location at the corner of Wolfe Road and Pruneridge Avenue that anchors a pedestrian-oriented frontage including a plaza area. The programming would include a gathering space, repair shop, short-term bike rentals, lockers, restrooms and coffee and juice bar. A separate bar facility would be located within the clubhouse designated for residents only. Both amenities provide on-site resources that encourage car trip reduction for residents, which promotes public health, safety, general welfare, and convenience.

2. The proposed use will be located and conducted in a manner in accord with the Cupertino General Plan and the purpose of this title.

The bar facility within the clubhouse is a residential-serving amenity, located on a site designated as a multi-family residential land use, which is consistent with land use policies of the General Plan. The bicycle hub is intended to be both a resident and a community serving amenity, which is consistent with Goal LU-3, to ensure that project site planning and building design enhance the public realm and integrate with adjacent neighborhoods. The bicycle hub improves bicycle access by providing a gathering space, lockers, repair tools and bicycle rentals.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of the maps, facts, exhibits, testimony and other evidence submitted in this matter, subject to the conditions which are enumerated in this Resolution beginning on PAGE 2 thereof;

The application for a Use Permit, Application no. U-2015-05 is hereby recommended for approval 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. U-2015-05 as set forth in the Minutes of Planning Commission Meeting of May 10, 2016, and are incorporated by reference as though fully set forth herein.

SECTION III: CONDITIONS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT

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; and (4) "The Hub Program" as prepared by Irvine Company dated received January 29, 2016, 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. 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

4. **CONCURRENT APPROVAL CONDITIONS**

The conditions of approval contained in file no. DP-2015-04, ASA-2015-13, TR-2015-21, U-2015-05, DA-2015-01, and EA-2015-03 and shall be applicable to this approval.

5. **EXPIRATION**

If the use for which this conditional use permit is granted and utilized has ceased or has been suspended for two year or more, this permit shall be deemed expired and a new use permit application must be applied for and obtained.

6. **RESIDENT-SERVING AMENITY**

The bar facility shall be primarily a resident-serving amenity for residents and their guests and not a commercial use. Any changes to this condition require additional City review and modification to the use permit.

7. **COMMUNITY-SERVING AMENITY**

As stated within the applicant's program materials, the bicycle hub facility shall be an amenity space for Hamptons residents, Apple employees and residents of the surrounding community.

8. **MODIFICATION OF USE PERMIT**

The Director of Community Development is empowered to make or allow adjustments to the operation of the amenities to address any documented problem or nuisance situation that may occur or changes proposed.

9. **REVOCATION OF USE PERMIT**

The Director may initiate proceedings for revocation of the Use Permit in any case where, in the judgment of the Director:

- a. Substantial evidence indicates that the conditions of the conditional use permit have not been implemented, or
- b. Complaints are received related to the tenant under this use permit, and the complaints are not immediately addressed by the property management and/or the tenant, or
- c. Where the permit is being conducted in a manner detrimental to the public health, safety, and welfare, in accord with the requirements of the municipal code.

10. **LAW ENFORCEMENT SUPPORT**

The property owner shall address security concerns in the event that they arise to the satisfaction of the City. The property owner shall pay for any additional Sheriff enforcement time resulting from documented incidents in the development at the City's contracted hourly rate with the Sheriff Department at the time of the incident.

The City reserves the right to require additional security patrols and/or other measures as prescribed by the Sheriff's Office or Code Enforcement.

11. **BUSINESS LICENSE**

The operator shall obtain a City of Cupertino business license prior to building permit issuance.

12. WINDOW DETAILS

The windows for each the respective amenity shall be kept open and transparent to the greatest extent possible. The final floor plan, storefront design and window display shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.

13. SIGNAGE

Signage is not approved with this use permit application. Signage shall conform to the City Sign Code.

14. ODOR ABATEMENT

Applicant shall install an odor abatement system to reduce odor impacts from any common food preparation area to the adjacent community. The odor abatement system shall be installed prior to final occupancy. Detailed plans shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.

15. MECHANICAL AND OTHER EQUIPMENT SCREENING

To the extent possible, unless demonstrated otherwise, to the satisfaction of the Director of Community Development, all mechanical and other equipment shall be placed in areas not visible from the public street areas. In the event that it is not possible to locate such equipment away from the public street areas, 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. Screening materials/colors shall match building features and materials. The height of the screening shall be taller than the height of the mechanical equipment that it is designed to screen. The location of equipment and necessary screening shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.

16. 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.

17. 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.

18. NOTICE OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS

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PASSED AND ADOPTED this 10th day of May, 2016, Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS: Chair Takahashi, Vice Chair Gong, Paulsen, Sun
NOES: COMMISSIONERS: Lee
ABSTAIN: COMMISSIONERS: none
ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Aarti Shrivastava
Aarti Shrivastava
Dir. of Community Development

/s/Alan Takahashi
Alan Takahashi
Chair, Planning Commission