



CUPERTINO

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Community Development Department

To: Mayor and City Council Members
From: Aarti Shrivastava, Assistant City Manager
Date: September 28, 2016
Subj: REPORT OF PLANNING COMMISSION DECISIONS MADE September 29, 2016

**Chapter 19.12.170 of the Cupertino Municipal code provides for
appeal of decisions made by the Planning Commission**

- Application**
ASA-2016-07, TR-2016-38, Brian Lorenz (WD Partners for Target), 20745 Stevens Creek Blvd
Remodel of the existing Target store and parking lot with associated amenities and landscaping

Action

The Planning Commission approved the application(s) on a 5-0-0 vote.

Enclosures: Planning Commission Report September 29, 2016
Planning Commission Resolution (s) 6817



CUPERTINO

COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

(408) 777-3308 • FAX (408) 777-3333

PLANNING COMMISSION STAFF REPORT

Agenda Item No. _____

Agenda Date: September 27, 2016

SUBJECT

Remodel of the existing Target store and parking lot with associated amenities and landscaping.

RECOMMENDATION

Staff recommends that the Planning Commission approve in accordance with the draft resolution (1) Architectural and site approval (ASA-2016-07) to allow remodel of the existing Target store and parking lot with associated amenities and landscaping and (2) Tree removal permit (TR-2016-38) to allow the removal and replacement of 138 trees in conjunction with the remodel.

DESCRIPTION

A. Application Summary

Applications: ASA-2016-07, TR-2016-38

Applicant: Brian Lorenz (WD Partners for Target)

Property owner: PCG Cupertino LLC

Property Location: 20745 Stevens Creek Boulevard (APN: 326-32-055)

B. Project Data Summary

General Plan Designation	Heart of the City Special Area Land Use Designations: Commercial/Office/Residential
Specific Plan	Heart of the City, Crossroads Area
Zoning Designation	P (CG Res), Planned Development, General Commercial/Residential
Environmental Assessment	Categorically Exempt, Sections 15301 and 15302
Lot Size	5.15 acres
Existing Building Area	129,650 square feet
Proposed Building Area	No change
Existing Parking	Car: 528 Bicycle: 8
Proposed Parking	Automobile: 428 Bicycle: 102

BACKGROUND

Target is proposing to remodel the existing store and associated site amenities, including parking and landscaping. Surrounding land uses currently include a mixture of the following:

- To the north on Alves Drive, multi-family residential neighborhood
- To the east on Bandley Drive, restaurant and retail uses
- To the south on Stevens Creek Boulevard, Cupertino Crossroads shopping center
- To the west on Saich Way, Saich Way Station retail center and childcare center

DISCUSSION

General Plan and Zoning

Heart of the City ("HOC"). The property is identified within the General Plan as part of the Heart of the City special plan area, within the Crossroads subarea. As described within the General Plan, the Heart of the City Special Area is a key mixed-use, commercial corridor guided by the Heart of the City Specific Plan which is intended to create more community identity and a positive and memorable experience for residents, workers and visitors of Cupertino.

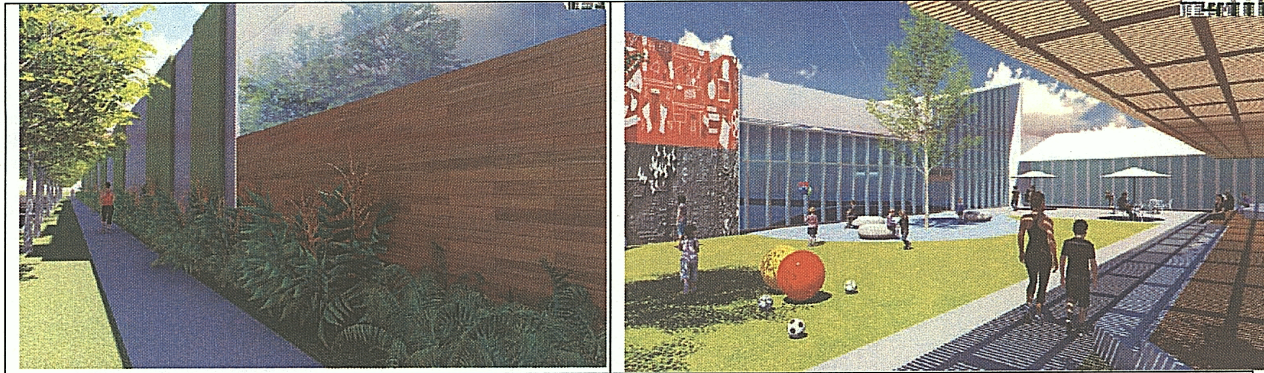
The primary use in this area is commercial/retail, with a height limit of 45 feet. The project is consistent with these requirements and incorporates elements that support these broader vision statements for the special plan area:

- a focus of commerce, community identity, social gathering;
- a tree-lined boulevard that forms a major route for automobiles, but also supports walking, biking and transit;
- contribute distinctive and unique character;
- provide pedestrian and bicycle links to adjacent neighborhoods through side street access, bikeways and pathways.

Planned development (P) zoning district. The site is within a planned development zoning district ("P(CG Res)"), intended to facilitate flexibility in development standards to allow for better design and site planning. As a retail development seeking to create more open spaces for people, the proposal is an allowed use consistent with the P zoning district.

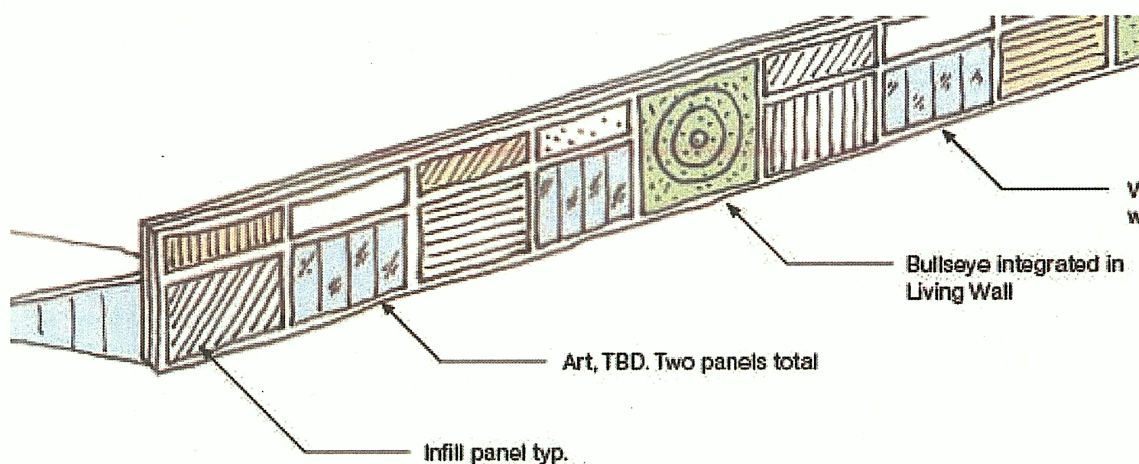
Architecture/Site Plan

The applicant proposes to remodel the existing building with no increase to the square footage of the retail development. Other components of the remodel include front entry relocation, façade changes on all elevations, creation of outdoor plazas, new pavement, new landscaping, solar panels, rainwater catchment systems, and order pick-up area.

*North elevation: view from Alves**East elevation: courtyard area**South elevation: façade from Stevens Creek**West elevation: order pick-up area*

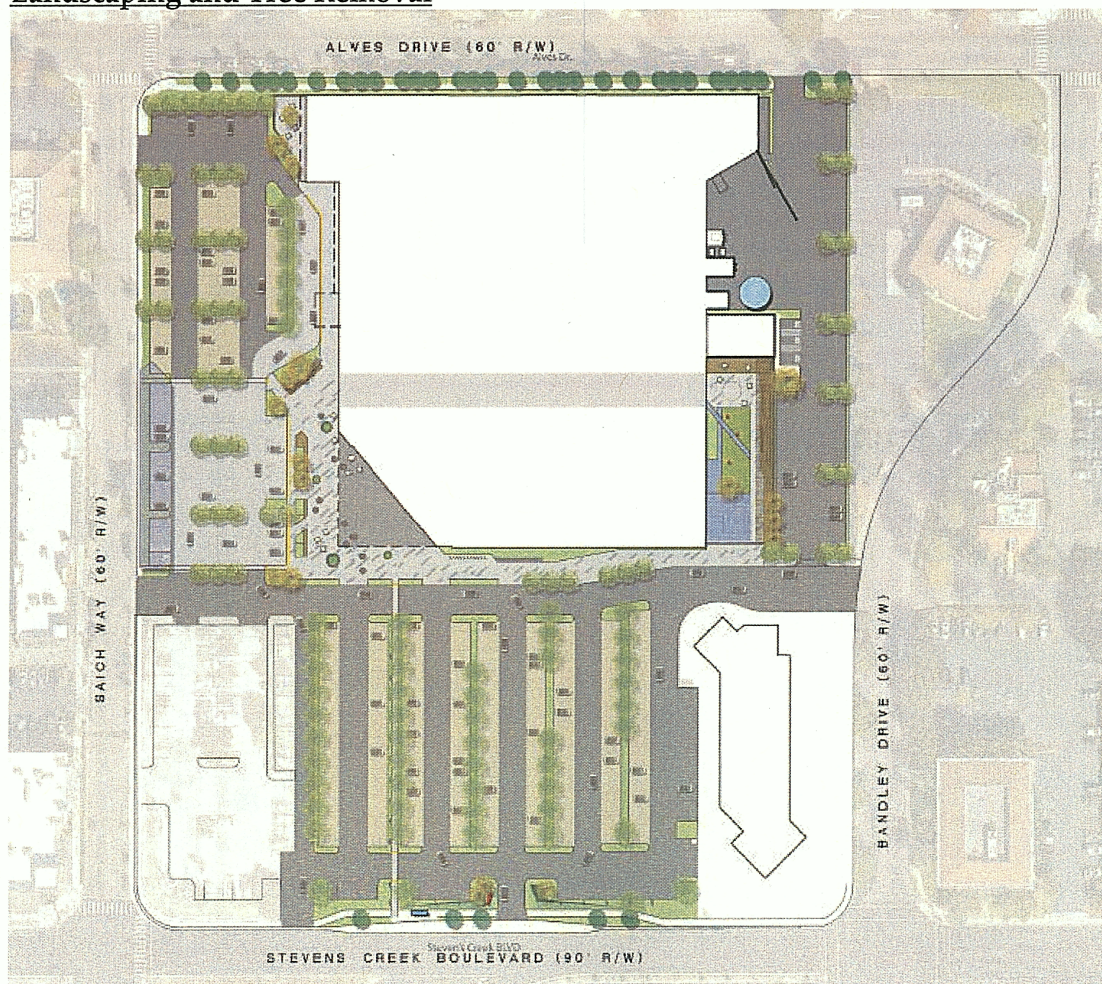
The project incorporated recommendations from staff and the City's consulting architect, whose review is included in Attachment 3. Project goals and revisions included pavers to accentuate the pedestrian link to the entry plaza, windows and panels to increase articulation and transparency to the south elevation, reduction of living wall systems on the south elevation to reduce water use and maintenance concerns, consideration of public art elements, and activation of outdoor spaces through seating and sculpture elements. Green screen systems are proposed for the Alves Drive elevation, which is in its existing condition generally a blank wall that would be improved. Product specifications for living walls and rainwater catchment systems are included in Attachment 5.

The revised south elevation that reduces the living wall system is shown below and, per the applicants' cover letter included in Attachment 6, replaces sheets within the original project plans for the south elevation.



While staff is supportive of the proposal, additional conditions of approval within the staff report section labeled "recommended conditions of approval" discusses refinements suggested to the plan going forward.

Landscaping and Tree Removal



The site improvements, including the restriping and placement of parking spaces and creation of outdoor spaces at the front and side elevations, would result in the removal of 138 parking lot trees. The majority of trees along the perimeter of the site that are in good condition and would not be impacted by construction would be preserved.

The species of the trees proposed for removal include callery pear, silk tree, jacaranda, cherry, raywood ash, and crape myrtle. 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 plan for the original development and are required for parking lots under current standards. Therefore, replacement plantings are required for those proposed for removal consistent with the Central Stevens Creek Boulevard streetscape design policies in the HOC Specific Plan. The schedule of species, number, size and locations are additionally detailed in the tree survey within Attachment 4. Staff recommends an additional peer review be conducted prior to the issuance of demolition permits to confirm condition of trees, confirm installation of tree protection measures, and verify number and completion of replacement plantings.

Parking

Parking study. Parking ratios requested within a Planned Development zone are considered first in context of the existing ratios within the zoning code for the applicable land use. In this case, the standard ratio for general commercial is 1 parking space per 250 square feet (1/250). The applicants' own study of parking demand in other stores of similar-sized square footage and sales volume showed that parking demand was much lower than the commonly-applied 1/250 standard. Therefore, the applicant is requesting to adjust this standard to adapt to the proposed site re-design and reality of demands of the use for a ratio of 1 parking space per 303 square feet (1/303).

Cupertino's standard practice is to require a parking study, which provides data upon which a decision can be made. On behalf of the city, Hexagon, traffic consultants, conducted a parking study surveying existing conditions during peak hours on two Saturdays, with counts taken every 30 minutes from 1:00 p.m. to 5:00 p.m. The report is in Attachment 2 but summarized as follows:

Parking	Spaces occupied – peak hours	Percent excess parking
Existing conditions (616)	319 – 367	28-37%
Current proposal (428)	319 – 367	15-25%

It should be noted that, to establish existing conditions, the parking study counted spaces on all three parcels on which the subject property also has a shared parking and access easement. The application plans noted in the chart above as "current proposal" only take into account one of the three parcels (the most conservative count); the parking study shows excess parking in both scenarios. The planned parking reduction to accommodate other site improvements results in functional parking due to the excess parking that exists on site.

Bicycle parking. The Cupertino 2016 Bicycle Plan establishes the recommended guideline of 8 spaces per 10,000 square feet for commercial developments over 10,000 square feet, while the zoning code requires 5% of auto parking, yielding different numbers outlined below:

Bicycle parking standards	
Cupertino 2016 Bicycle Plan	104
CMC 19.124.040	25 (under shared parking counts) 22 (on "parcel 1" only)
Proposed	102

Municipal Code Chapter 19.124, Parking requirements, is being updated to incorporate the Cupertino 2016 Bicycle Plan recommendations and under consideration by the City Council. Among the added language, the Planning Division is recommending that the likelihood of customers arriving to the site by bicycle be considered based upon the size of the store and type of merchandise. In other words, it is less likely for the majority of customers to complete transactions for stores with bulky merchandise by arriving on bicycle. The ratio of 1/5,000 square feet is recommended for general commercial uses over 50,000 square feet. While this update is not yet in effect, staff supports the proposed 102 spaces which strive to meet the intent of the Cupertino 2016 Bicycle Plan, which in turn seeks to create a network of bicycle friendly connections.

Environmental Review

The project is categorically exempt from the requirements of CEQA, per Sections 15301 (existing facilities), Class 1, consisting of repair, maintenance and minor alteration of existing structures and 15302 (replacement or reconstruction), Class 2, where the resulting structure has substantially the same location, purpose and capacity.

Recommended conditions of approval

Besides standard conditions of approval, staff recommends the following conditions of approval that are included in the draft resolution, to be implemented prior to either issuance of a building permit or building final:

1. **Public art.** Two infill panels along the Stevens Creek Boulevard façade shall be art, with final design to be approved by the Community Development Director. Other sculptures placed on site that are visible in public areas shall be reviewed and considered based on aesthetic considerations and maintenance requirements.
2. **Signs.** No signs are approved with this application. The three Target logos (sculpture at the site entry, sculpture at store entry and living wall) are considered signs and final design, size, placement and lighting shall be considered under a sign exception and/or separate sign application.

3. **Tree maintenance.** The intent of the design standards for landscape within the Heart of the City Specific Plan include the concepts of unifying visual appearance with tree plantings and providing shade. Therefore, the trees on site shall be maintained as trees that are allowed to grow to create a canopy over pedestrians and cars, and shall not be cut or pruned into shrubs.
4. **Landscape strip along Saich Way.** The final landscape and/or tree planting plan shall extend along the Saich Way frontage to include the area around the bus shelter as deemed suitable for aesthetics, safety and visibility in cooperation with Santa Clara Valley Transportation Authority.
5. **Final arborist report.** Final tree inventory, assessment, preservation and construction protection measures shall be reviewed and approved by the City's consulting arborist prior to issuance of demolition permits. Installation of replacement plantings shall be verified prior to building final.
6. **Living wall and green screen maintenance.** The operator shall monitor and maintain the proposed living wall and green screen. Installations that do not survive shall be immediately replaced.

PUBLIC NOTICING & OUTREACH

As of the completion of this report, no public comments have been received. The following is a brief summary of the noticing completed for the project:

Public Notice	Agenda
<ul style="list-style-type: none"> ▪ Legal ad placed in newspaper at least 10 days prior to the hearing ▪ Mailed notice of public hearing to property owners within 300 feet radius ▪ Posted site notice on two property lines abutting street ▪ Project information available on www.cupertino.org 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board at least one week prior to the hearing ▪ Posted on the City of Cupertino's Web site at least one week prior to the hearing

PERMIT STREAMLINING ACT

The application is subject to the Permit Streamlining Act. Staff conducted preliminary reviews of the project in April, 2016 and a formal application was filed on May 24, 2016, which was deemed incomplete. The applicant submitted a revised plan and supplemental information, which was deemed complete on September 9, 2016. The City must take action on the application by November 9, 2016.

Prepared by: Catarina Kidd, Senior Planner

Reviewed/approved by: Benjamin Fu, Assistant Director of Community Development

ATTACHMENTS:

- 1 – Draft resolution
- 2 – Parking demand study, Hexagon, August 15, 2016
- 3 – Consulting architect review, Studios Architecture, June 20, 2016
- 4 – Preliminary tree assessment, HortScience, April 26, 2016
- 5 – Product details
- 6 – Project plans
 - 6.1 Project plans, July 25, 2016
 - 6.2 Supplemental exhibits

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6817

OF THE CUPERTINO PLANNING COMMISSION
APPROVING AN ARCHITECTURAL AND SITE APPROVAL PERMIT TO REMODEL THE
EXISTING TARGET STORE AND PARKING LOT WITH ASSOCIATED AMENITIES AND
LANDSCAPING AND TREE REMOVAL PERMIT FOR THE REMOVAL AND REPLACEMENT
OF 138 PARKING LOT TREES IN CONJUNCTION WITH THE REMODEL

SECTION I: PROJECT DESCRIPTION

Application No.: ASA-2016-07 and TR-2016-38
Applicant: Brian Lorenz (WD Partners for Target)
Property Owner: PCG Cupertino LLC
Location: 20745 Stevens Creek Boulevard (APN: 326-32-0555)

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 project is Categorically Exempt from the requirements of CEQA, per Sections 15301 (existing facilities), Class 1, and 15302 (replacement or reconstruction), Class 2;

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:

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 applicant proposes to remodel the existing building with no increase to the square footage of the retail development. Other components of the remodel include front entry relocation, façade changes on all elevations, creation of outdoor plazas, new pavement, new landscaping, solar panels, rainwater catchment systems, and order pick-up area. These components contribute to either increasing, maintaining or improving public health, safety, general welfare, or convenience by creating more amenities for a diverse community.

2. The proposal is consistent with the purposes of Chapter 19.134, Architectural and Site Review, of the Cupertino Municipal Code, the General Plan, any specific plan, zoning ordinances, applicable planned development permit, conditional use permits, variances, 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 have been avoided. A gradual transition related to height and bulk has been achieved between new and existing buildings.
There are no abrupt changes in building scale. The highest point of the existing building is 35 feet. Changes to the façade work with the existing height and elements such as canopies or roof profiles do not exceed the established 35 feet.
- b) Design harmony between new and existing buildings have been preserved and the materials, textures and colors of new buildings harmonize with adjacent development with design and color schemes, and with the future character of the neighborhood and purposes of the zone in which it is situated. The location, height and materials of walls, fencing, hedges and screen planting harmonize with adjacent development. Unsightly storage areas, utility installations and unsightly elements of parking lots have been concealed. Ground cover or various types of pavements have been used to prevent dust and erosion, and the unnecessary destruction of existing healthy trees have been avoided. Lighting for development is adequate to meet safety requirements as specified by the engineering and building departments, and shielding to adjoining property owners.
The proposal is harmonious with existing and adjacent buildings by working with the general existing footprint, height and building envelope. Improvements are along the façade and ground level improvements such as landscaping. Project elements include pavers to accentuate the pedestrian link to the entry plaza, windows and panels to increase articulation and transparency to the south elevation, reduction of living wall systems on the south elevation to reduce water use and maintenance concerns, consideration of inclusion of public art elements, and activation of outdoor spaces at the front and east elevation through seating and sculpture elements. Green screen systems are proposed for the Alves Drive elevation, which improves an existing blank wall facing the entry points to a residential neighborhood.
- c) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures have been designed to minimize traffic hazard, positively affect the general appearance of the neighborhood and harmonize with adjacent development.
Signage approval is not included in this application.
- d) This new development, within an existing residential development, has been 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 proposal is a remodel to an existing Target store. There is no new or increased capacity in the project and no introduction of new permanent impacts to the existing residential neighborhood off Alves Drive. The proposal maintains the same orientation as the existing building so that the main of activity of the retail use occurs at the front/south elevation facing Stevens Creek Boulevard and/or on the property adjacent to other general commercial users.

SECTION III: FINDINGS FOR TREE REMOVAL PERMIT

WHEREAS, the Planning Commission of the City of Cupertino received a Tree Removal application as described in Section I. of this Resolution; and

WHEREAS, the project is Categorically Exempt from the requirements of CEQA, per Sections 15301 (existing facilities), Class 1, and 15302 (replacement or reconstruction), Class 2;

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 in conflict with the proposed site improvements, including repaving and redesign of parking spaces. 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 include callery pear, silk tree, jacaranda, cherry, raywood ash, and crape myrtle. 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 the original development and function as parking lot trees which are required. Therefore, replacement plantings are required and planned for those proposed for removal consistent with the Central Stevens Creek Boulevard streetscape design policies in the Heart of the City Specific Plan.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of 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.:

1. The application for an Architectural and Site Approval ASA-2016-07 and Tree Removal Permit TR-2016-38 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.(s) ASA-2016-07) and TR-2016-38 as set forth in the Minutes of Planning Commission Meeting of September 27, 2016, and are incorporated by reference as though fully set forth herein.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. EXTERIOR BUILDING MATERIALS/TREATMENTS
Final building exterior treatment plan (including but not limited to details on exterior color, material, architectural treatments and/or embellishments) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits. The final building exterior plan shall closely resemble the details shown on the original approved plans. Any exterior changes determined to be substantial by the Director of Community Development shall require a modification approval with neighborhood input.
2. 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.
3. 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.

4. APPROVED EXHIBITS

Approval recommendation is based on (1) the architectural, civil, and landscape plan set dated received July 25, 2016 consisting of fifty-one (51) sheets labeled "Target" and prepared by WD Partners, SWA and Kier & Wight; (2) revised front/south elevation as prepared by WD Partners received on September 9, 2016 and September 21, 2016; and (3) Tree Survey dated April 2016 prepared by HortScience, except as may be amended by conditions in this resolution.

5. 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.

6. 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.

7. CONCURRENT APPROVAL CONDITIONS

The conditions of approval are contained in file no. ASA-2016-03 and TR-2016-38 and shall be applicable to this approval.

8. 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.

9. 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.

10. 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.

11. PUBLIC ART

Two infill panels along the Stevens Creek Boulevard façade shall be art, with final design to be approved by the Community Development Director. Other sculptures placed on site that are visible in public areas shall be reviewed and considered based on aesthetic considerations and maintenance requirements.

12. SIGNS

No signs are approved with this application. The three Target logos (sculpture at the site entry, sculpture at store entry and living wall) are considered signs and final design, size, placement and lighting shall be considered under a sign exception and/or separate sign application.

13. TREE MAINTENANCE

The intent of the design standards for landscape within the Heart of the City Specific Plan include the concepts of unifying visual appearance with tree plantings and providing shade. Therefore, the trees on site shall be maintained as trees that are allowed to grow to create a canopy over pedestrians and cars, and shall not be cut or pruned into shrubs.

14. LANDSCAPE STRIP ALONG SAICH WAY

The final landscape and/or tree planting plan shall extend along the Saich Way frontage to include the area around the bus shelter as deemed suitable for aesthetics, safety and visibility in cooperation with Santa Clara Valley Transportation Authority.

15. LIVING WALL AND GREEN SCREEN MAINTENANCE

The operator shall monitor and maintain the proposed living wall and green screen. Installations that do not survive shall be immediately replaced.

SECTION IV: CONDITIONS ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT

1. STREET WIDENING

Public street widening and dedications shall be provided in accordance with City Standards and specifications and as required by the City Engineer. All land containing portions of public sidewalk will need to be dedicated in fee to the City. Pavement rehabilitation shall be performed as directed by the City Engineer.

2. SIDEWALK IMPROVEMENTS

Sidewalk along Stevens Creek Blvd and Saich Way shall be replaced in accordance with the Heart of the City guidelines.

3. 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.

4. 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. This will include a contribution of \$75,000 towards the Stevens Creek Blvd Class IV separated bike lane.

5. 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.

6. 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.

7. 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), improvements to impacted portions of the downstream City owned storm drain system, bioretention basins, Low Impact Development treatment facilities, vegetated areas, 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. Any proposed connections to the City storm drain systems shall be designed to connect at manholes.

8. 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.

9. BICYCLE PARKING

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

10. 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

- a. Fees:
- b. Checking & Inspection Fees: \$ Per current fee schedule (\$6,266 or 6%)
- c. Grading Permit: \$ Per current fee schedule (\$2,825.00 or 6%)
- d. Storm Drainage Fee: \$ TBD
- e. Map Checking Fees: \$ Per current fee schedule (N/A)
- f. Park Fees: \$ Per current fee schedule (N/A)
- g. Street Tree By Developer
- h. 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.

- i. 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.

11. 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.

12. **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.

13. **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.

14. **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.

15. **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, on the tentative map, unless an alternative storm water treatment plan, that satisfies C.3 requirements, is approved by the City Engineer.

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.

16. **EROSION CONTROL PLAN**

Developer shall 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.

17. **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.

18. **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.

19. BUS STOP LOCATION

Developer shall improve bus stops along the Stevens Creek Boulevard frontage to the satisfaction of the City Engineer; this may include consistent shelters for the bus stops, but will not include duck outs or relocation of the bus stops.

20. 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.

21. TRAFFIC SIGNS

Traffic control signs shall be placed at locations specified by the City.

22. FULL TRASH CAPTURE SYSTEM

The developer will be responsible for installing a full trash capture system/device to capture trash from the onsite storm drain before the storm water reaches the City owned storm drain system. A full capture system or device is a single device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area (see the Municipal Regional Permit section C.10 for further information/requirements).

23. TRASH, RECYCLING AND COMPOST RECEPTACLES

The developer is required to install public bins (~30 gal) side-by-side for trash, recycling and composting, adjacent to the development to control pedestrian litter at the site. The type and location of the receptacles are subject to the approval of the Environmental Programs Manager. (CMC 9.18.210 P)

24. TRASH, RECYCLING AND COMPOST ENCLOSURES

Trash enclosure plans must be designed in accordance with the City's "Public Works Guidelines for Non-Residential Building Trash & Recycling Enclosures" posted at www.cupertino.org/nowaste, and to the satisfaction of the Environmental Programs Manager. Modifications to existing facilities shall, to the maximum extent practicable, meet the Public Works Guidelines and shall be subject to the approval of the Public Works Director. Clearance by the Public Works Department is required prior to obtaining a building permit. (CMC 9.18.210 H & K)

25. REFUSE TRUCK ACCESS

Developer must obtain clearance from the Environmental Programs Manager in regards to refuse truck access for the proposed development and trash, recycling and compost enclosures. Plans for access must be reviewed and approved by the City's franchised refuse collector.

26. 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.

27. FIRE PROTECTION

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

28. 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).

29. FIRE HYDRANT

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

30. 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.

31. 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.

32. SANITARY DISTRICT

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

33. 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.

PASSED AND ADOPTED this 27th day of September, 2016 a Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following vote:

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

ATTEST:

APPROVED:

/s/Benjamin Fu
Benjamin Fu, Assistant Director
Community Development

/s/Alan Takahashi
Alan Takahashi, Chairperson
Cupertino Planning Commission

wd

September 12, 2016
Ms. Catarina Kidd, AICP
Senior Planner
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014-3255

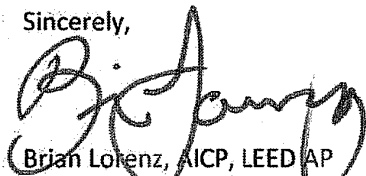
Re: File # ASA-2016-07

Dear Catarina:

Please accept this letter as confirmation that my client has requested to decrease the proposed "living wall" area on the South elevation as presented on the original ASA application. Further, we will not utilize back painted/spandrel glass as previously indicated. Please consider the following series of sketches as the intended design going forward. We feel this revised approach is more sustainable from an environmental standpoint than our previous submission.

Please let me know if there are additional questions.

Sincerely,



Brian Lorenz, AICP, LEED AP
Director of Planning and Permitting

TR-2016-38
APPROVAL ASA-2016-07
Planning Commission 9-27-16
Date
Signature _____
Case Manager

For approved plan sets,
please see

File # *ASA-2016-07*