



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber
Wednesday, September 18, 2019
5:30 PM

Televised Special Meeting Study Session

NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Wednesday, September 18, 2019, commencing at 5:30 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California 95014. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING

PLEDGE OF ALLEGIANCE

ROLL CALL

POSTPONEMENTS

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda.

ORDINANCES AND ACTION ITEMS

1. Subject: Study Session regarding status of the Objective Standards Update to General Plan and Zoning Ordinance FY-2019-2020 Work Program Item (Application No.: CP-2019-03; Applicant: City of Cupertino; Location: City-wide), provide direction to staff.
Recommended Action: That the City Council receive this report, staff presentation, and public comment, and provide direction to staff.

[Staff Report](#)

[A - Phase 1 Objective Standards Review](#)

[A.1 - LU-2 As Amended by Resolution 19-110](#)

[B - Recommended Phase 1.5 Items](#)

[C - Recommended Phase 2 Items](#)

[D - Other Comments - summarized](#)

ADJOURNMENT

The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law.

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/index.aspx?page=125> for a reconsideration petition form.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend the next City Council meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.

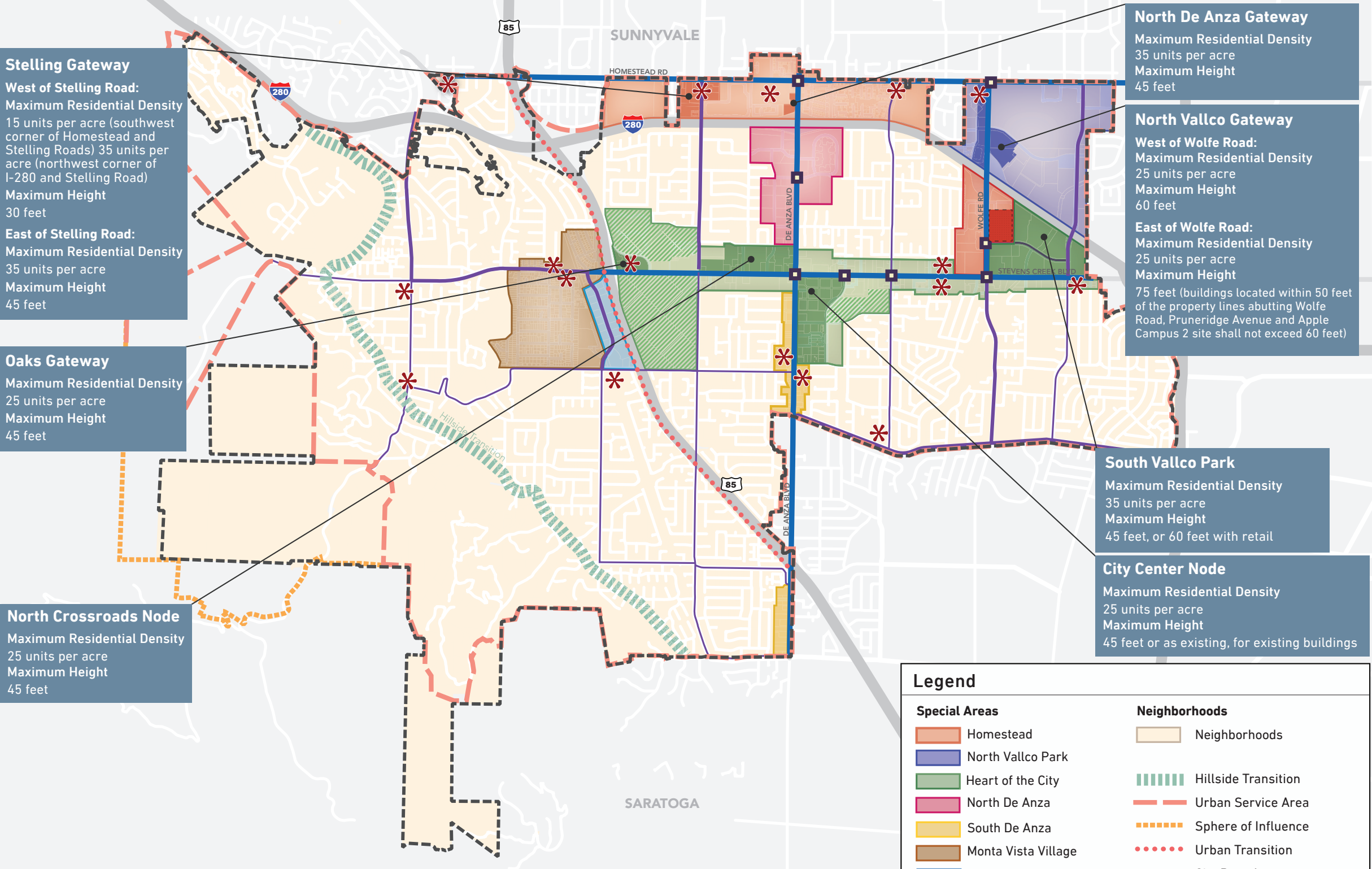
Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, during normal business hours and in Council packet archives linked from the agenda/minutes page on the Cupertino web site.

IMPORTANT NOTICE: *Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.*

Members of the public are entitled to address the City Council concerning any item that is described in the notice or agenda for this meeting, before or during consideration of that item. If you wish to address

the Council on any issue that is on this agenda, please complete a speaker request card located in front of the Council, and deliver it to the Clerk prior to discussion of the item. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Figure LU-2
COMMUNITY FORM DIAGRAM



Building Planes:

- Maintain the primary building bulk below a 1:1 slope line drawn from the arterial/boulevard curb line or lines except for the Crossroads Area.
- For the Crossroads area, see the Crossroads Streetscape Plan.
- For projects outside of the Vallco Shopping District Special Area that are adjacent to residential areas: Heights and setbacks adjacent to residential areas will be determined during project review.
- For projects within the Vallco Shopping District Special Area that are adjacent to the North Blaney/Portal neighborhood: Maintain the primary building bulk below a 2:1 slope line drawn from the adjacent residential property line.
- For the North and South Vallco Park areas: Maintain the primary building bulk below a 1.5:1 (i.e., 1.5 feet of setback for every 1 foot of building height) slope line drawn from the Stevens Creek Blvd. and Homestead Road curb lines

and below 1:1 slope line drawn from Wolfe Road and Tantau Avenue curb line.

Rooftop Mechanical Equipment: Rooftop mechanical equipment and utility structures may exceed stipulated height limitations if they are enclosed, centrally located on the roof and not visible from adjacent streets.

Priority Housing Sites: Notwithstanding the heights and densities shown above, the maximum heights and densities for Priority Housing Sites identified in the adopted Housing Element other than the Vallco Shopping District Special Area shall be as reflected in the Housing Element. The Vallco Shopping District Special Area shall be subject to the heights and densities shown above, with residential uses permitted in the Regional Shopping/Residential designation as shown in Figure LU-4.

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Homestead Special Area

Maximum Residential Density

Up to 35 units per acre per General Plan Land Use Map
15 units per acre (southeast corner of Homestead Road and Blaney Avenue)

Maximum Height

30 feet, or 45 feet (south side between De Anza and Stelling)

North Vallco Park Special Area

Maximum Residential Density

25 units per acre

Maximum Height

60 feet

Heart of the City Special Area

Maximum Residential Density

25 or 35 (South Vallco) units per acre

Maximum Height

45 feet, or 30 feet where designated by hatched line

North De Anza Special Area

Maximum Residential Density

25 units per acre

Maximum Height

45 feet

South De Anza Special Area

Maximum Residential Density

25 (north of Bollinger) or 5-15 (south of 85) units per acre

Maximum Height

30 feet

Monta Vista Village Special Area

Maximum Residential Density

Up to 15 units per acre per General Plan Land Use Map

Maximum Height

Up to 30 feet

Bubb Road Special Area

Maximum Residential Density

20 units per acre

Maximum Height

45 feet

Vallco Shopping District Special Area

Regional Shopping/Residential
Maximum Residential Density

35 units per acre in areas identified in Figure LU-4

Minimum Residential Density

29.7 units per acre in areas identified in Figure LU-4

Maximum Height

Up to 60 feet

Regional Shopping
Maximum Residential Density

N/A - residential is not a permitted use

Maximum Height

Up to 60 feet

Neighborhoods

Maximum Residential Density

As indicated in the General Plan Land Use Map;
15 units per acre for Neighborhood Commercial Sites

Maximum Height

30 feet

			Which documents may require amendments?						Comments/Notes
Topic	No.	Comment	General Plan	Special Plans	Specific Plan	Muni Code	Design Guidelines	No Action	
Planning Areas	1	Introduction: Consider the Vision Statement: - "...vibrant, mixed-use 'Heart of the City'" - Correct inconsistencies in maps of "heart of the City" - Create objective standards to maintain the vision	X		X		X		More information is needed into the apparent inconsistencies. The Heart of the City Specific Plan has objective standards for setbacks, open space (common and private) to implement the vision for the area. Design guidelines may be developed and adopted. A form based code may establish the most objective standards for implementation.
	2	PA-3, define "more pedestrian, bicycle and transit facilities"	X						These vision statements are more developed in the City's pedestrian and bicycle master plans.
	3	Correct map on PA-7, boundaries of Heart of the City - Define boundaries of the "tree-lined boulevard" - Define how commerce centers will be configured - Define frontages, breaks in architectural features, distance between park areas, shade canopy, pollinator pathways, dark skies, roof policy, sustainability (green building), fire safety in surface materials - Define roof setback requirements precisely and show precisely the requirements for maintaining the building mass below the setback line. Remove the word "bulk" as in the bulk of the building will be below the 1:1 setback for example. Provide dimensions for how long a building can be without a change in the face plane. Such as, for every 100 feet of building length there shall be a plane-break along the facade comprised of an offset of at least seven feet in depth by 30 feet in length. The offset shall extend from the grade to the highest story. - Provide minimum street width to building height requirements to avoid caverns (PC RECOMMENDS CREATING A SEPARATE ITEM FOR THE FOLLOWING) - Address the move to electric heating and cooling - Roof policy defining requirements for white, green, and solar - Solar retrofitting city property policy - Sidewalk shading policy. Distances between unshaded areas at noon, for example	X		X	X	X		* More information is needed into the apparent inconsistencies. *Design guidelines for development may be developed and adopted. A form based code may establish the most objective standards for implementation. * Some of these issues may be addressed citywide. For e.g. the following, should the council decide these should be addressed, should be addressed on a city wide level in the Environmental Resources & Sustainability Chapter: - Address the move to electric heating and cooling (Decarbonization - part of the 2019/2020 Work Program) - Roof policy defining requirements for white, green, and solar (New Sustainability policy) - Solar retrofitting city property policy (New Sustainability Policy - not an objective standard for purposes of ministerial and streamlined projects) - Sidewalk shading policy. Distances between unshaded areas at noon, for example (This is addressed in the Heart of the City Specific Plan.)
	4	Define "gateway" on a bordering jurisdiction (are 95' hotels acceptable on a city boundary adjacent to single-4 story properties?)						X	Defining a gateway on a bordering jurisdiction would not be applicable to project development in that jurisdiction.
Land Use/ Community Design	5	Revisit Heart of the City Specific Plan: - Update HoC Specific Plan to reflect its status as a primary transit route - Unify the existing 5 subareas into a single entity - Unify land-use designations across the area - Set appropriate development allocations for the entire area - Eliminate GP LU-1.3.1.3 and LU-1.3.1.4 (residential in mixed-use restrictions) - Change the "75% direct retail frontage" requirement in the HoC SP to reflect resident-facing commercial			X				
	6	Heart of the City 'boundary' should revert back to before Dec 4, 2014 and include the 'Vallco' site.	X		X				The Heart of the City streetscape standards are applicable for the Vallco Shopping District Special Area. See Heart of the City Figure 4: Streetscape Concept.
	7	Consider Heart of the City updates to special areas served by transit (North and South DeAnza, etc.) but not covered by Specific Plan: Move to a unified land-use model/entitlement across the special area		X					
	8	Have requirements for all Specific Plan Areas such as height, decrease density to match allocations in Table LU-1, removed expired allocations, create residential specifically zoned areas outside of mixed use clearly defined. PC recommends that clarification be sought for "create residential specifically zoned areas outside of mixed-use clearly defined"			X				* Every part of the city already has height limitations with recent amendments to the Vallco Shopping District Special Area. * Reductions in density may be limited by state housing laws.
	9	Separate non-residential land use designations to remove the commercial/office from mixed use except for specified clearly throughout mixed use areas.	X						This could allow 100% housing developments, which is different from the previous vision for the Heart of the City and the De Anza corridor to be commercial corridors.
	10	Consider removing community benefits from project approvals or have some more direct connection between the project impact and the benefits provided.	X						* The Council could rescind or amend its policy related to General Plan Amendment Authorizations. * A policy that identifies specific community benefits maybe adopted.
	11	Codify "resident-facing commercial uses" in the GP: Today's GP does not recognize a difference between commercial activities that serve the community (retail, consumer services, dentist) and those that do not (a corporate office with no local interaction) while they have very different effects on the community. We should recognize that difference and set separate land-use allocation limits in projects and city-wide.	X			X			The General Plan has allocations for commercial and office development. Commercial allocation is for all commercial activities while office allocation is for professional offices including corporate offices.
	12	Eliminate citywide major allocation table: - Allow applications and entitlement by special area or land-use category rather than limited by citywide allocation table. - Impose developmental limits by special area or citywide limits established with GP rather than on a site basis - We should encourage redevelopment on sites as owners want to do it rather than handing out "golden tickets" during the GP update process.	X						The Council could consider: * Regulating development using Floor Area Ratio instead of development allocation by Special Area. This would determine the maximum development that could be allowed on a site/in a special area. * Amending or rescinding the General Plan Amendment Authorization policy to allow review of projects that might need general plan amendments for council's consideration.
	13	Require that all housing units (not only single family homes) define 'size by square foot' not only 'number of units'.	X			X			The Council could consider regulating development using Floor Area Ratio instead of development allocation by Special Area. This would determine the maximum development that could be allowed on a site/in a special area.
	14	Don't require parcel consolidation: The city's requirement for parcel consolidation at Vallco was intended to facilitate complete redevelopment, but has greater impact to the community because of the size of the resultant project. This would not prohibit consolidation, but we shouldn't make this a necessity.	X						* Requiring parcel consolidation is good planning practice when considering future opportunities for accommodating housing sites. If not, the City may have to consider upzoning within neighborhoods to accommodate any future housing needs, which the Association of Bay Area Governments staff anticipates to be very high with the next Housing Element cycle. * The City has a very high ownership to rental ratio. Providing opportunities primarily for ownership housing might not allow housing opportunities of various types.

			Which documents may require amendments?						Comments/Notes
Topic	No.	Comment	General Plan	Special Plans	Specific Plan	Muni Code	Design Guidelines	No Action	
Land Use/ Community Design (contd.)	15	Adopt Form Based Code standards for all Special Planning Areas: Traditional standards (height, FAR, or setback) insufficiently capture the elements that matter in a design proposal. Some standards like residential density undermine good design goals (density limits encourage larger units). FBC can objectively set standards for building mass and articulation and incorporate placemaking and human-scale elements at the start of the design process. FBC is the best way to express "neighborhood flavor" to preserve or enhance the existing character of an area. FBC adoption is not equal to increased densification! We can impose objective restrictions via FBC - for instance, a Heart of the City FBC can maintain the tree corridor and setback standards today while making for better quality redevelopment in the years ahead.	X		X	X			* The adoption of design guidelines (form based or otherwise) by housing type (row houses, town houses, attached multi-family units, etc.) could establish objective design guidelines that all projects, whether streamlined and ministerial or discretionary, would have to meet. Examples are available online at: https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=2468 or https://sfplanning.org/sites/default/files/resources/2019-05/Bernal%20Heights%20East%20Slope%20Building%20Guidelines.pdf
	16	Standards that vary by project scale: Small and large projects have intrinsically different requirements which should be reflected in the GP and building code. For example, including residential parking in the FAR calculation effectively controls mass in a SFH area, but the same rule is not meaningful for a 200-unit multi-story apartment building. New objective standards should be appropriate for the scale of a project, which might require dividing R-3 regulations to reflect small, medium, and large projects. This affects FAR calculation, setbacks, parking requirements, and more.	X		X	X			A separate definition of Floor Area may be developed for Multi-family, non-residential and/or mixed use developments.
	17	Reconsider the design review process: The current process which involves a late stage architectural review is both highly subjective (applicant can't anticipate feedback) and limited in scope (too late in process to address placemaking concerns). A better set of front end guidelines (including Form Based Code) can make this a more effective process.				X	X		* The adoption of design guidelines (form based or otherwise) by housing type (row houses, town houses, attached multi-family units, etc.) could establish objective design guidelines that all projects, whether streamlined and ministerial or discretionary, would have to meet. Examples are available online at: https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=2468 or https://sfplanning.org/sites/default/files/resources/2019-05/Bernal%20Heights%20East%20Slope%20Building%20Guidelines.pdf
	18	Define "buffers" with dimensions and type: if a boundary wall defines minimum height, setbacks have actual distances, park areas be specifically defined.		X		X	X		
Housing	19	Policy for shelters - Move to 1.5						X	Existing Strategy HE-5.1.1 is related to Emergency Shelters. Should the Council wish, it could adopt a strategy related to Permanent Shelters. If so, could be part of Existing Work Program Item: Housing Strategies--
	20	Policy for ELL-- Move to 1.5						X	Existing Work Program Item: Housing Strategies--
	21	Require the city to post on the website what the RHNA numbers are, how many applications have been approved and associated benefits in the developer agreements associated with the approvals.						X	* RHNA numbers are on the City's website at: www.cupertino.org/housing . * Applications have their own project website with status including links to approval documents at www.cupertino.org/majorprojects .
	22	Policy such as Housing Element sites with no housing after two years forfeit the designation to have it redistributed.	X						This might require review of the City's Housing Element by HCD. This would also require the City to identify sites significantly in excess of it RHNA to ensure that enough sites exist that could accommodate RHNA.
	23	Eliminate in lieu of fees where they are addressing a need in an area not meeting standards.							The Municipal Code has specific thresholds that limit payment of in-lieu fees for housing.
	24	Consider a BMR citywide dispersal requirement. Define dispersal, both within a BMR project and citywide.							A city wide dispersal requirement might be viewed as a barrier to housing development by HCD. A developer only controls the property he/she owns or has legal control over, but may not have control over property in other parts of the City. However, the City may adopt a policy to distribute it's Affordable Housing Fund funds throughout the City.
	25	Provide for senior retirement living for active seniors wanting proximity to shopping dining and entertainment areas.	X						Existing Work Program Item: Housing Strategies. The City can possibly adopt a policy to streamline review of a project that includes a significant amount of senior housing.
	26	Market rate ADUs should NOT count as Moderate BMR production: Today all ADUs would be counted toward the city's Moderate RHNA production, even though many have no BMR obligations or restrictions. This is an oversight that should be fixed.	X						This could be reviewed with the upcoming Housing Element cycle.
Mobility	27	Level of Service as threshold of significance in CEQA (EIR) process							Under new state law, LOS will not be able to be used as a threshold of significance in CEQA, except for roadway capacity projects. It may, however, be used to analyze consistency with the General Plan. For instance, there could be a transportation policy that is applied during project review. Adoption of a VMT policy and a possible LOS policy is part of the 2019-2020 Work Program.
	28	Level of Service as threshold of significance in CEQA (EIR) process	X	X					If adopted would also need an amendment to the Bike Master Plan.
	29	PC RECOMMENDS REMOVAL - TOO FAR IN FUTURE Potential autonomous vehicle requirements for a future city fleet concept - For instance, residents are allowed access to autonomous vehicles remaining in some mapped area - Parking area policy - Charging area determinations	X						This would be an impact to the General Fund at the City Council's discretion.
	30	Adopt VMT standards: VMT and LOS traffic analysis are often in opposition. With VMT established by the state as the standard for review, the GP and codes should reflect that unambiguously, even while we continue to perform LOS studies.	X			X			FY 2019-2020 Work Program Item. This has to be completed by July 2020.
	31	Adopt Vision Zero Standards: ...Consideration of the multi-national Vision Zero program goals would help identify best practices around non-auto mobility.	X						PC RECOMMENDS: Consider "expiration dates" on features that are not being utilized (eg. Bike lanes, roads) and consider better ways to use the space.
	32	PC RECOMMENDS REMOVAL Adopt objective standards that projects must implement the mitigation measures already identified in a certain list. Partial list of mitigation measures: MM TRN-1.2: Impact at De Anza/McClellan intersection MM TRN-2.4: Impact at Stevens Creek Blvd/Tantau MM TRN-7.2: Stevens Creek Blvd/SR 85 Northbound ramps MM TRN-7.3: De Anza Blvd (between I-280 and Homestead Road)						X	The Mitigation Measures identified are from the Vallco Town Center Specific Plan EIR certified on September 19, 2018. As identified in the language of the Mitigation Measures, these are already covered under the City's Transportation Impact Fee (TIF) program. All projects must pay a TIF adopted by the Council depending on the number of trips generated by the project. This offsets the cost of the construction.
	33	PC RECOMMENDS REMOVAL MM TRN-1.3 addresses the cost sharing of freeway segments and freeway interchange. It could be included as an objective standard on cost sharing so that such cost sharing is NOT treated as voluntary contribution by the developer.						X	The Mitigation Measure identified is from the Vallco Town Center Specific Plan EIR certified on September 19, 2018. MM TRN-1.3 only discusses freeway segments. Any future project would have to pay their fair share of the impacts to the freeway segments. MM TRN-1.3 does not discuss freeway interchange impacts. The freeway interchange project is already funded under Measure B. Past voluntary contributions pledged/received by the City have been to ensure that the project design could keep moving along while Measure B funds were unavailable due to ongoing (now resolved) litigation at the time.

			Which documents may require amendments?						Comments/Notes
Topic	No.	Comment	General Plan	Special Plans	Specific Plan	Muni Code	Design Guidelines	No Action	
Mobility (contd.)		PC RECOMMENDS REMOVAL							* The Mitigation Measures identified are from the Vallco Town Center Specific Plan EIR certified on September 19, 2018. The City can review previously adopted mitigation measures to identify those generally applicable to new development, and develop an objective method for imposing them while avoiding burdening classes of projects to which they would not apply to, as a practical matter. * As part of the 2019-2020 Work Program, adoption of VMT thresholds for CEQA purposes and a possible LOS policy for non-CEQA purposes will be proposed.
	34	Adopt objective standards that projects must implement the mitigation measures already identified in a certain list. These include: MM TRN-2.1: TDM Program MM TRN-2.3: Wolfe Rd/Vallco Pkwy MM TRN-7.1: TDM Program						X	
Environmental Resources and Sustainability	35	Adopt decarbonization policy: Objective standards for reduction of greenhouse gas through electrification in the building code should be established along with a time line to phase in these requirements on residential and commercial properties.	X	X		X			This is part of a Work Program item in the 2019-2020 Work Program. May need GPA, Climate Action Plan update and Municipal Code Amendments.
	36	Adopt sequestration policy: Objective updated standards for city and private plantings and landscaping should be established that encourage plant species that remove carbon dioxide and particulates from the air.	X			X			In addition to any General Plan policies, this should be addressed through the Climate Action Plan and amendments to Title 14 of the Municipal Code.
	37	Adopt parking lot shading standard: Objective standards that aim for mature tree coverage of some percentage of the grade-level footprint of parking lots/structures to reduce heat island effect should be considered. In Mountain View, this is currently 40% coverage				X			The City's Parking Ordinance (Chapter 19.124 of the Municipal Code) currently requires planting at a rate of one tree for every five parking stalls for every ten spaces in a single row. The Municipal Code allows a reduction one tree for every 10 spaces depending on the type of tree species and canopy size.
	38	Find language to use that will protect solar 'rights' in a variety of situation. There is a California Solar Rights Act – originally from 1978	X			X			The City Council may adopt policies related to Shadow studies.
	39	Solar Access Policy. In consideration of health and wellness, especially gardeners and urban farmers, provide a quantified requirement for allowable changes in solar access.	X						This could be linked to the Shadow Study. However, clear objective standards need to be identified to be able to implement this.
	40	Specify a shadow policy based on Berkeley's	X			X			Clear objective standards need to be identified to require a shadow study and implement the objective standards identified.
	41	Add language related to the importance of, and goal for, 'dark sky'.	X			X			Adoption of a dark sky policy and standards is part of the City's 2019-2020 Work Program.
	42	'Replacement' trees that are required for development approval should spell out clearly that any replacement tree(s) must be at grade/in similar public areas as the trees that are being replaced.				X			May be adopted as a Municipal Code Amendment, if the Council directs this. However, this could impact future mixed use developments since it is a trend in current developmetn to provide private open space in developments within interior courtyards on a podium.
	43	Reconsider the landscape review process: Identifying a more comprehensive set of requirements [for landscape plan approval] at the outset makes for a better and more objective approval.							The landscape plan for a project is reviewed during both the planning entitlement process and also during the building permit review process to ensure compliance with the planning approval, or to review minor changes necessary due to conflicts arising with landscape during the construction process, generally, to address building or fire code requirements.
	44	PC RECOMMENDS REMOVAL Search for "mitigation incorporated" in Vallco EIR document. If an impact could be mitigated in some measure, the City should consider adding objective standards in either General Plan or Municipal Code so that the proposed mitigation in the EIR is required for any project, especially streamlined projects. Whatever measure the EIR uses to determine that mitigation measures are needed, the City should consider using those measures as objective standards for any future projects, especially streamlined projects within proximity of existing residential neighborhoods. Some examples: MM AQ-2.1- BAAQMD's Basic and Enhanced Measures MM AQ-3.1: Use low VOC paint and no hearths of fireplaces (including gas-powered) in development MM AQ-7.1: Implement MM AQ-2.1 MM CR-2.1: Archeological Resource protection MM GHG-1.1: Prepare and implement a GHG Reduction Plan MM NOI-1.1: Construction noise requirements MM NOI-1.2: Construction noise control plan MM NOI-1.3: Acoustical consultant to review mechanical noise	X						The Mitigation Measures identified are from the Vallco Town Center Specific Plan certified on September 19, 2018. 1. The City can review previously adopted mitigation measures to identify those generally applicable to new development, and develop an objective method for imposing them while avoiding burdening classes of projects to which they would not apply to, as a practical matter. It should be noted that currently the City: * Requires implementation of BAAQMD's Basic control measures since they were adopted as mitigation measures with the General Plan EIR; * Allows no new wood burning fireplaces (General Plan Strategy ES-4.3.2) * Requires protection of archaeological resources as part of construction management plans, though a General Plan policy related to this would be recommended. * Requires all projects to meet the City's Noise Control Ordinance (Chapter 10.48) * Requires all projects to have a construction management plan that includes several of the requirements listed in MM NOI-1.2 including temporary noise barriers, equipment must have mufflers in good condition, be considerate in locating stationary noise-generating equipment, stage materials and parking areas as far away from residential receptors as possible, designate a "noise disturbance coordinator" * Prior to installation of mechanical equipment, the applicant has to provide information on the noise generated by the equipment to ensure that the noise generated meets the City's Noise Control Ordinance standards (Chapter 10.48)
Health and Safety	45	Include objective standards for noise and air quality and emergency response time.	X			X			* Noise standards are already included in the City's Noise Control Ordinance and in standard conditions of approval imposed on all projects. * Air Quality mitigation measures are dependent on project type. The General Plan Mitigation Measures require implementation of BAAQMD's basic control measures on all projects, streamlined and ministerial or discretionary projects. However, the enhanced control measures are dependent on the project size. 2. The City could retain experts to determine whether objective standards can be developed for enhanced air quality control measures. * The City could retain experts, consult with relevant agencies (e.g., fire), and/or review what other local jurisdictions have done, to determine how objective standards on emergency response times can be developed, and how applicants would demonstrate compliance with these standards.
Infrastructure	46	PC RECOMMENDS REMOVAL Include objective standard for infrastructure. Apparently, the sewage system under Wolfe Road is at capacity. Adding a few thousand residents and a few thousand workers at Vallco will likely affect the aging sewage system in the area. Could we include objective standard in the General Plan to ensure the infrastructure of the City is not overloaded? Whose responsibility is it to pay for the expansion of the sewage system under Wolfe? The City, I suppose.						X	General Plan Strategy INF-5.1.2 requires developers to pay their fair share of costs for, and in some cases, construct, infrastructure upgrades to ensure that service levels are met. For the Vallco SB35 project, the applicant is required to upgrade the lines and/or make improvments, as required by the Cupertino Sanitary District, to ensure adequete sewage capacity.

			Which documents may require amendments?						Comments/Notes
Topic	No.	Comment	General Plan	Special Plans	Specific Plan	Muni Code	Design Guidelines	No Action	
Parks - Move to Phase 1.5	47	Define requirements in park deficient areas -Define park deficient areas -Show on maps						✖	The City's Parks Master Plan is working on identifying these. The policies and strategies in the Parks Master Plan (once adopted) can be implemented when reviewing all projects, whether streamlined and ministerial or discretionary projects.
	48	Define recreation area (is it an aquatic center, gym, basketball court, badminton facility) -Show on maps -Show population density expected to use						✖	
	49	Future population policies to maintain park land ratios	✖						¹ Adopting policies related to future population to maintain park land ratios may not be feasible. ² The Quimby Act states that jurisdictions can require up to 5 acres for every 1,000 residents within a city's boundaries. This is not intended to be implemented by neighborhood or geographically for every 1,000 residents. ³ Identifying park land areas for future acquisition in park deficient areas should be identified in the Parks Master Plan, including those areas developed in jurisdictions that were subsequently annexed into the City (such as the Santa Clara County for the Rancho Rinconada development). Such policies could include identifying areas of the neighborhood where parks could potentially replace existing homes.
	50	Review in parallel with the coming Quimby Act requirements	✖						The City's current Ordinance complies with the Quimby Act and we are not aware of changes to the Quimby Act at the state level.
	51	Include community garden space in park land requirements for all new residential developments. Define requirement.	✖			✖	✖		The City's existing General Plan Strategy RPC 2.5.3 encourages community gardens. Should the Council wish to require this, an update is required to this strategy to replace "encourage" with "require" and objective standards might be placed in the Municipal Code.
	52	Define park land -Size and shape requirements -Requirements to developers to dedicate park land acreage as a development criteria	✖	✖		✖			¹ The definition or characteristics of parkland may be in the Parkland dedication chapter. ² Objective standards related to parkland dedication may be identified in the Parkland dedication chapter of the Muni Code, but should evolve from the policy requirements in the Parks Master Plan.
	53	Review of Park Land Dedication policy: Should include objective definition of "recreational facility" as well as grade level land requirements and alternatives. The park land requirement should scale with the size of the proposed project	✖	✖		✖			¹ Definition of recreational facilities and the area of need for one should be identified in the Parks Master Plan. ² Parkland definition based on objective characteristics may be in the Parkland dedication chapter. Park Land dedication requirements currently scale with the size of the project. No dedication can be required for developments with 50 units or less. But the city can impose common and private open space requirements on site as are required by the City's Municipal Code with Chapter 19.36 or with the Heart of the City Specific Plan.
	54	"Parks" defined in a useful way including the need to be on grade, not falsely elevated. Reinforce language that defines AND enforces requirements for "real parks" to meet goals of acres per density of any given area of the city, and vicinity to parks.	✖	✖		✖			¹ The definition or objective characteristics of park land may be in the Park Land dedication chapter of the Municipal Code. ² Identifying park land areas for future acquisition in park deficient areas should be identified in the Parks Master Plan, including those areas developed in jurisdictions that were subsequently annexed into the City (such as the Santa Clara County for the Rancho Rinconada development). Such policies could include identifying areas of the neighborhood where parks could potentially replace existing homes.
Miscellaneous - Move to Phase 1.5	55	Clarify impact fee exemptions: Current regulations are ambiguous on whether a project owes parkland, BMR, and traffic impact fees. There should be an explicit default for each fee and each class of development that might be assessed, including regular construction, BMR homes, ADUs, and any other categories...							¹ BMR Housing Mitigation fee exemptions are identified in Section 2.1 of the BMR Housing Mitigation Program Procedural Manual available online at: https://www.cupertino.org/home/showdocument?id=9788. ² Traffic Impact Fees are assessed for all development allowed under the current general plan. Exemptions are identified in Section 14.02.060 of the Municipal Code. ³ Applicability of Park Land Dedication requirements are in Chapter 13.08 of the Municipal Code.