

CC 2-16-2021

Study Session #1

Mixed-Use / High-Density  
Residential Comparative  
Study Session

Presentation

# Mixed-Use / High-Density Residential Comparative Study Session

City Council  
February 16, 2021



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## Background

- FY 2019/20 City Council Work Program Item
- Objective: Compare mixed-use and high-density residential standards in other cities and compare with Cupertino's standards

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## Study Methodology

Goal: Determine the best source(s) for measurable standards

- Zoning Ordinances – No development standards for mixed-use/HDR development
- General Plans – Density & FAR standards
- Specific Plans – Best for overall objective standards

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## Plan Selection

<b>City of San Jose</b>	<ul style="list-style-type: none"><li>▪ Winchester Urban Village Plan</li><li>▪ Stevens Creek Boulevard Urban Village Plan</li></ul>
<b>City of Mountain View</b>	<ul style="list-style-type: none"><li>▪ El Camino Real Precise Plan</li><li>▪ San Antonio Precise Plan</li></ul>
<b>City of Santa Clara</b>	<ul style="list-style-type: none"><li>▪ El Camino Real Specific Plan (public draft)</li></ul>

- Existing property characteristics, e.g. size and depth
- Along major transit corridors
- Interfacing adjacent residential development

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## Analysis

- Objective standards
- Categories:
  1. Setbacks
  2. Setbacks adjacent to residential
  3. Ground level design
  4. Maximum FAR & residential density
  5. Open Space
  6. Parking Requirements

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### Setbacks

Setbacks  
adjacent to  
residential

Height

Ground level  
design

Maximum FAR  
& residential  
density

Open Space

Parking  
Requirements

## Setbacks

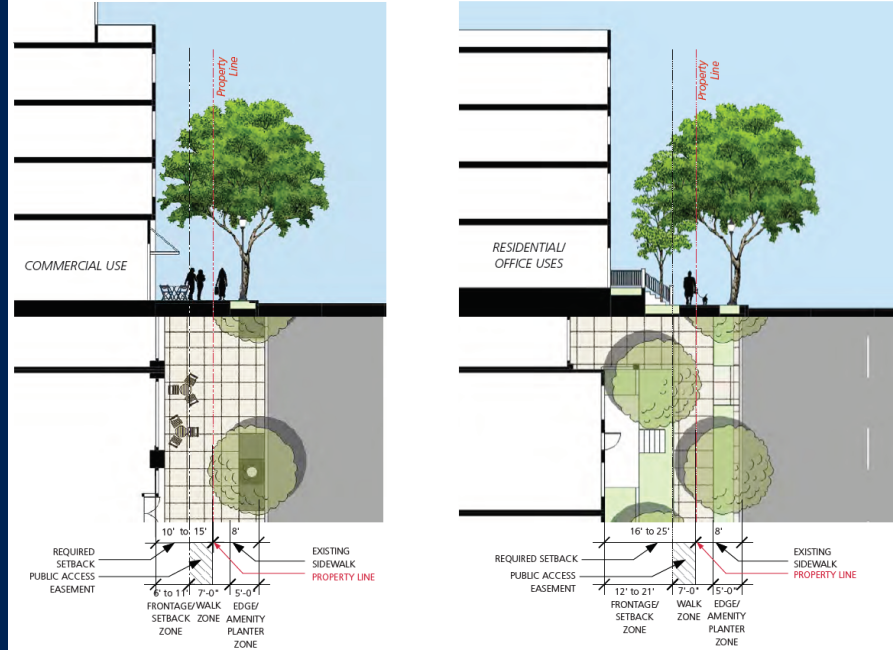
- Context-dependent
- Emphasized standards for frontages

Front Setback Standard	
Surveyed Cities (Generally)	Heart of the City Specific Plan (Cupertino)
Ranges from 0' to 25' - Ground floor use? Comm'l vs. Res. - Where setbacks are measured from - Adjacent use	35' from face of curb - 26' landscape easement: Planting area – 10' Sidewalk – 6' Landscape area – 10' - 9' setback from property line

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# Setbacks (cont.)

Figure 28: Pedestrian Zones and Sidewalk Character



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# Setbacks (cont.)

Figure 8: Village Center Setbacks

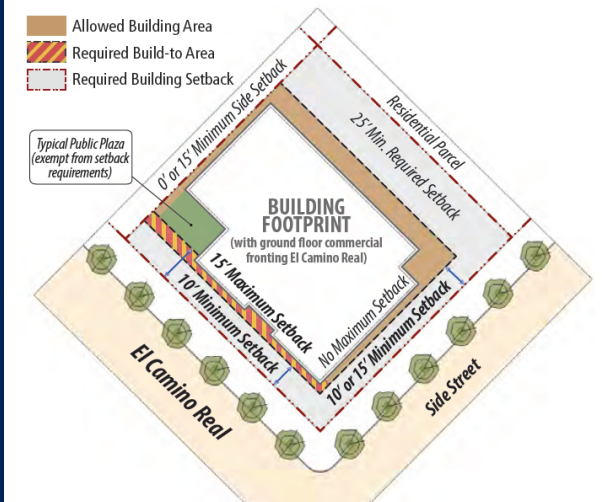
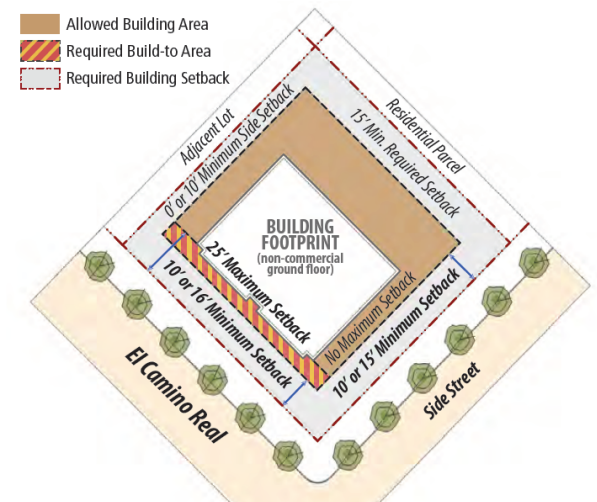


Figure 12: Low Intensity Area Setbacks



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## Setbacks

## Setbacks adjacent to residential

## Height

## Ground level design

## Maximum FAR & residential density

## Open Space

## Parking Requirements

# Adjacent to Residential

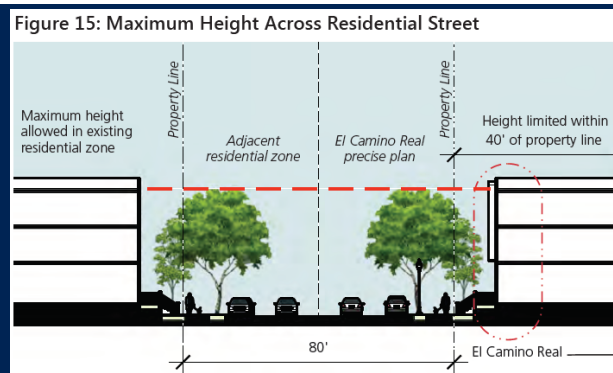
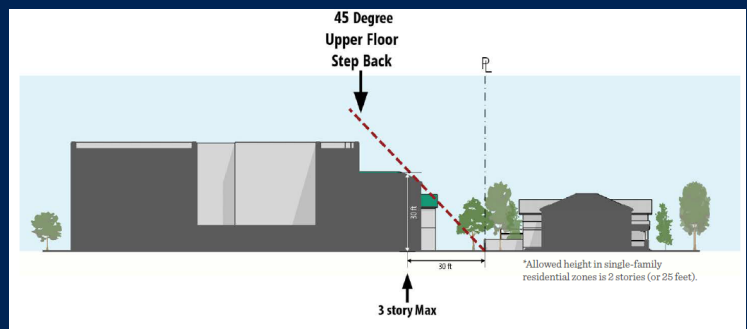
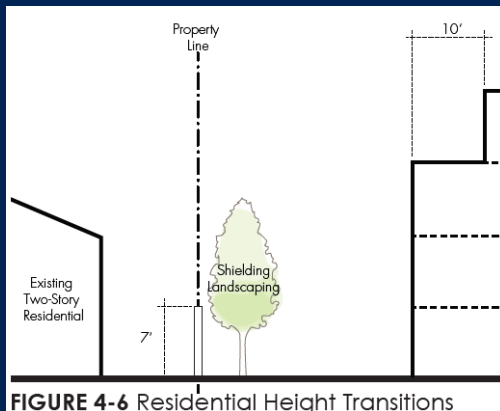
- Daylight plane
- Greater setbacks
- Height limits and step backs for additional stories

## Adjacent Residential Setbacks & Daylight Plane

Surveyed Cities (Generally)	Heart of the City Specific Plan (Cupertino)
<ul style="list-style-type: none"> <li>- 1:1 daylight plane</li> <li>- 15' to 40' setback</li> <li>- Some limit heights <math>\leq</math> height in adjacent residential (additional stories step backs or daylight planes)</li> </ul>	<ul style="list-style-type: none"> <li>- 1.5:1 setback to height ratio &amp;</li> <li>- Rear setback: 20'-0" minimum (30'-0" height limit in designated areas),</li> <li>- Side setback: Greater of <math>\frac{1}{2}</math> height of building or 10'-0"</li> </ul>

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# Adjacent to Residential



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Setbacks

Setbacks  
adjacent to  
residential

## Height

Ground level  
design

Maximum FAR  
& residential  
density

Open Space

Parking  
Requirements

# Height

- Highest in center of plan area and major intersections
- Related to existing or planned transit stops
- Correlated to FAR and residential density

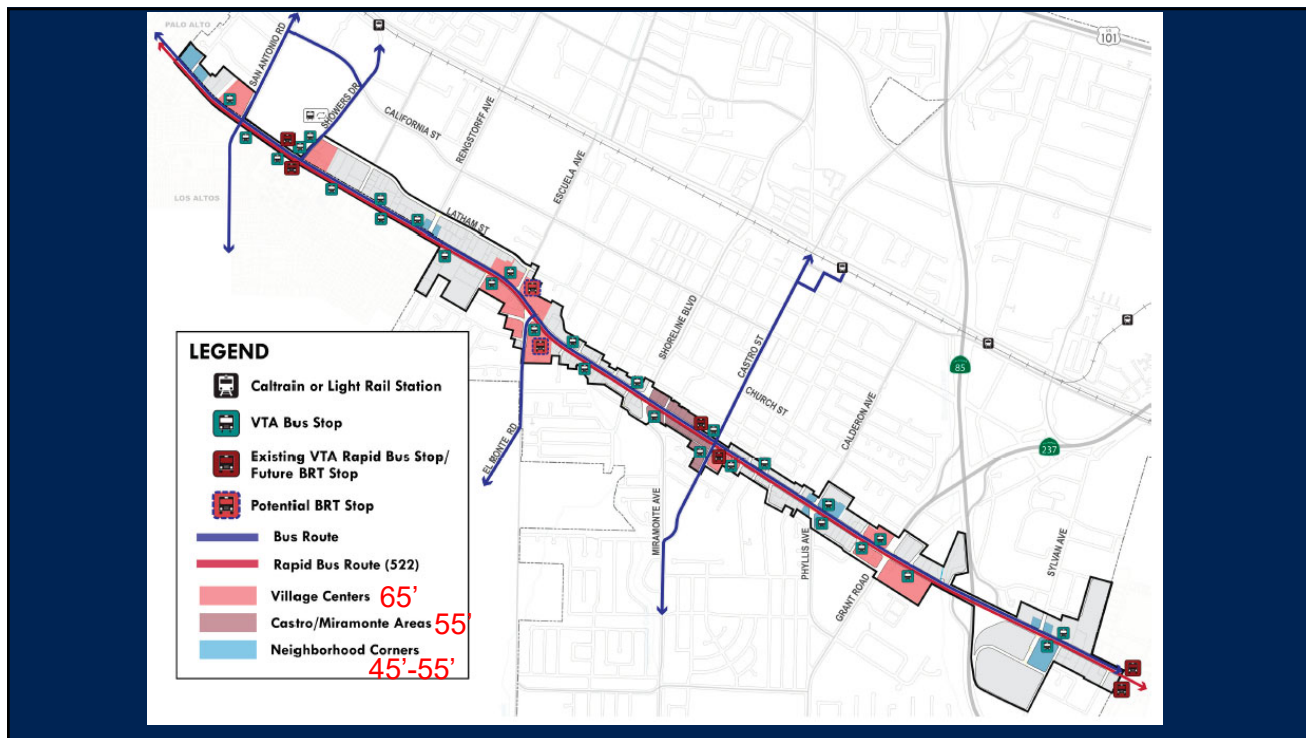
Height Limits	
Surveyed Cities (Typically)	General Plan (Cupertino)
<ul style="list-style-type: none"><li>- Ranges from 2 stories/35' to 150'.</li><li>- 65'-85' typ.</li></ul> <p>(Height among cities is relative)</p>	<ul style="list-style-type: none"><li>- 60' in N. Vallco Special Area (up to 75' on Hampton's property)</li><li>- 45' along Stevens Creek Blvd. and De Anza Blvd. (30' adjacent to certain residential neighborhoods)</li></ul>

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# Height



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CONTINUE PRESENTATION OR  
STOP FOR QUESTIONS?

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Setbacks

Setbacks  
adjacent to  
residential

Height

**Ground  
level design**

Maximum  
FAR &  
residential  
density

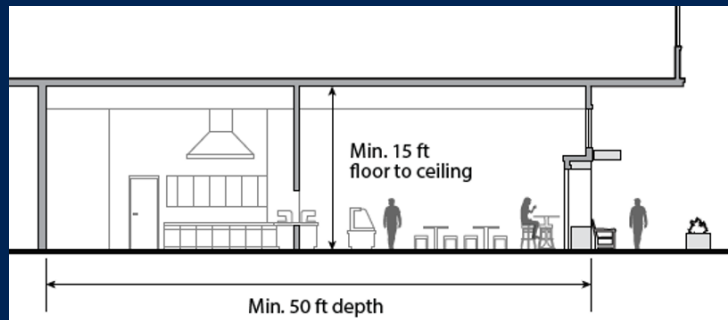
Open Space

Parking  
Requirements

## Ground Level Design

Ground Level Commercial	
Surveyed Cities (Average)	Heart of the City Specific Plan (Cupertino)
Setbacks closer to curb line 14' to 15' ground-to-ceiling 40' to 60' depth 33% to 100% commercial along major frontages - 100% ground floor commercial overlays	75% active commercial frontage  50% active commercial uses along rear of building

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**FIGURE 4-5** Conceptual Example of Height & Setback Standards



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Setbacks

Setbacks  
adjacent to  
residential

Height

Ground level  
design

**Maximum FAR  
& residential  
density**

Open Space

Parking  
Requirements

## Floor Area Ratio (FAR) & Residential Density

- Highly variable - Higher FAR & residential density located along major intersections
- FAR typically applied to entire devpt., sometimes only to comm'l portions of mixed-use project

### FAR & Residential Density Limits

Surveyed Cities	City of Cupertino
Density: between 8 du/ac in lower-intensity areas to 250 du/ac in highest-intensity areas (typically 45-60 du/ac)	Density: <ul style="list-style-type: none"> <li>- 25-35 du/ac along SCB</li> <li>- 15-25 du/ac along De Anza</li> <li>- Up to 15 du/ac in Monta Vista</li> </ul>
FAR: from 0.1 to 2.0 in lower intensity areas to between 1.35 to 8.0 in higher intensity areas	FAR: No non-residential FAR (regulated by development allocation table in GP)

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## Floor Area Ratio (FAR) & Residential Density



**Regional Commercial Mixed Use (Activity Center)**  
Residential Density: 55-100 du/ac  
Commercial FAR: 0.2 min.



**Corridor Residential**  
Residential Density: 16-45 du/ac

**Corridor Mixed Use**  
Residential Density: 45-65 du/ac

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Setbacks

Setbacks adjacent to residential

Height

Ground level design

Maximum FAR & residential density

**Open Space**

Parking Requirements

## Open Space

- Open space required based on total parcel area and/or minimum SF per unit
- Park land dedication (Quimby Act) – dedication/fee or combination

Open Space	
Surveyed Cities (Typical)	Heart of the City Specific Plan (Cupertino)
<ul style="list-style-type: none"> <li>- Park Land Dedication (<i>Quimby Act</i>)</li> <li>- Common, usable outdoor space: 80-175 SF/unit</li> <li>- Private outdoor space: 60-100 SF/unit</li> <li>- Minimum percentage open area/landscaping</li> </ul>	<ul style="list-style-type: none"> <li>- Park Land Dedication (<i>Quimby Act</i>)</li> <li>- Common, usable outdoor space: 150 SF/unit, plus;</li> <li>- Private outdoor space: 60 SF/unit</li> </ul>

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## Open Space Types: Publicly-Accessible



Courtyards and Plazas



Parks (Privately or publicly-owned)

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## Open Space Types: Common Usable Open Space



Interior Courtyards



Rooftop Decks

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## Open Space Types: Private Open Space



Balconies



Porches

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Setbacks

Setbacks  
adjacent to  
residential

Height

Ground level  
design

Maximum FAR  
& residential  
density

Open Space

**Parking  
Requirements**

### Parking

- Plans default to City Parking Ordinance
- Based on proposed uses within mixed-use project
- Parking reduction measures:
  - Transportation Demand Management (TDM) plan
  - Measures in specific plan or zoning ordinance

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## Parking Comparison

Parking Requirement	
Surveyed Cities (Average)	City of Cupertino
Residential: Studio/1-bed - 1/unit, 2-bed: 2/unit	Residential: Multi-family - 2/unit (1 open, 1 enclosed)
Retail: 1/180 to 250 SF	Retail: 1/250 SF
Office: 250 to 300 SF	Office: 1/285 SF
Restaurant: 1/2.5 to 3 seats	Restaurant: 1/4 seats + 1/employee
TDM plan for reduced parking	TDM plan, parking study, or shared parking in Muni code

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## Planning Commission – 1.26.21

- Commission comments:
  - Why more progressive specific plans were not part of study. Conversely, why smaller cities were not part of study.
  - Survey results do not necessarily suggest Cupertino standards are comparable.

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## Summary

- Cupertino's standards are comparable to surveyed cities
- Cupertino may consider ground floor commercial space standards

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- 
- Comments/Questions?

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Interim Budget and Key  
Projects Update

Presentation



# INTERIM BUDGET AND KEY PROJECTS UPDATE

FEBRUARY 16, 2021



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# Agenda



General Fund Update



Key Projects Update

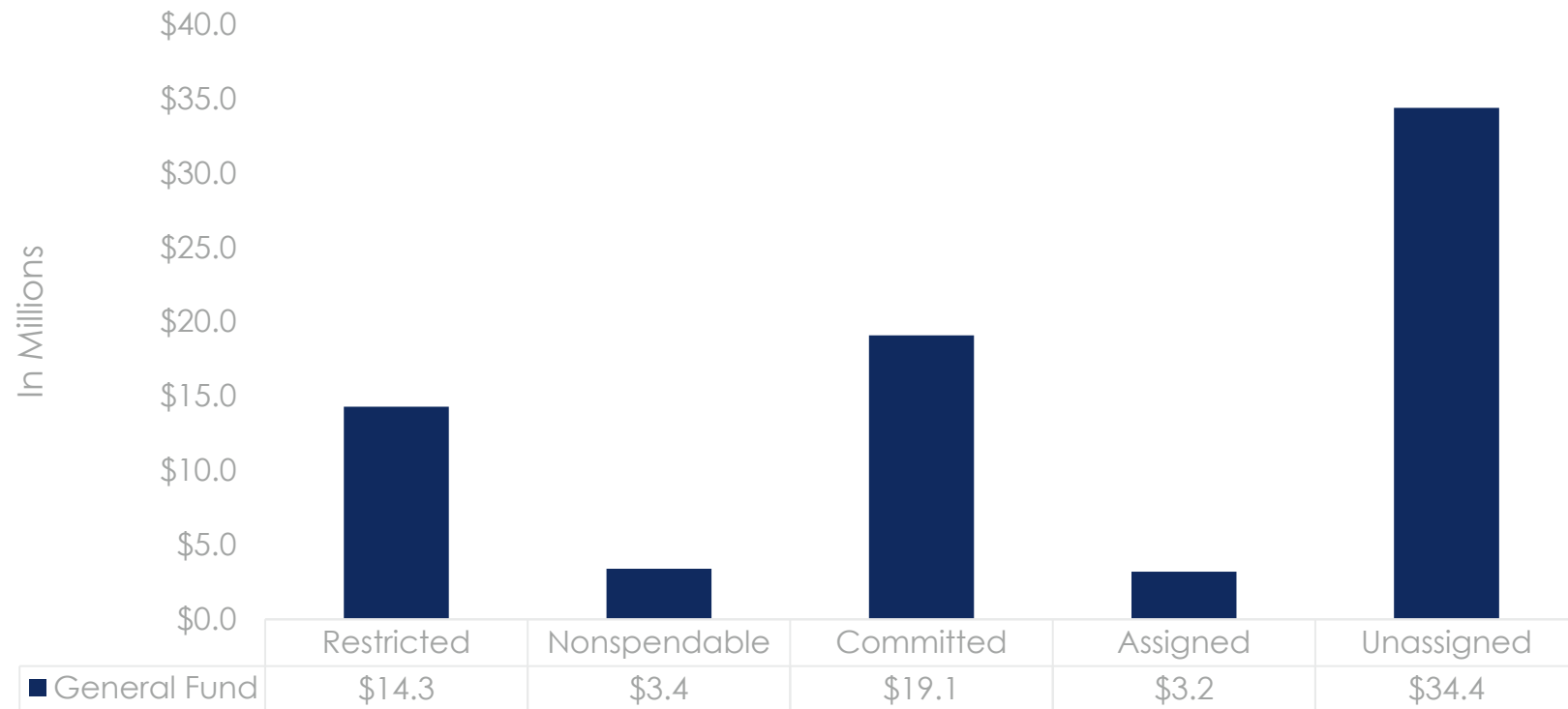
## General Fund Revenue Update

Revenue Category	FY21 Amended Budget	Actuals as of December 31, 2020	% of Amended Budget
05 - Sales tax	\$20,910,889	\$16,772,159	80%
10 - Property tax	\$25,353,783	\$7,887,124	31%
15 - Transient occupancy	\$7,546,884	\$879,019	12%

## General Fund Expenditure Update

Expenditure Category	FY21 Amended Budget	Actuals as of December 31, 2020	% of Amended Budget
05 – Employee Compensation	\$20,430,826	\$8,829,205	43%
10 – Employee Benefits	\$8,954,238	\$4,218,645	47%
15 - Materials	\$6,718,799	\$1,921,595	29%
20 – Contract Services	\$24,636,020	\$10,293,908	42%

## FY 20-21 General Fund Beginning Fund Balance - \$74.4M





# Revenue Uncertainty

## Sales Tax

- Recent performance is not expected to continue
- Concentration risk
- Long-term/permanent remote work environments

## Property Tax

- Long-term/permanent remote work and its impact on property values

## Transient Occupancy Tax

- Long-term permanent remote work environments
- Recovery to historical highs may not be realistic

## Key Projects Update

Project	Update
Regnart Creek Trail	Bids received – work to start early February
Transit Center	Final Measure B Action: May 6, 2021
Library Expansion	Plans being reviewed. ETC: December 2021
Lawrence Mitty	Coordinating annexation. Master plan efforts commencing Spring of 2021
Gateway Process	Study session is being prepared to explore options with Council
Objective Standards	6 categories. 1 <sup>st</sup> category presented to Council late Spring 2021



## Next Steps

- FY 2020-21
  - Mid Year Report to Council March 2, 2021
  - Third Quarter Report to Council May 18, 2021



# Questions



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#16

Use Permit Modification M-  
2020-002 20130 Stevens  
Creek Blvd

Presentation

# Use Permit Modification

M-2020-002

City Council

February 16, 2021

20130 Stevens Creek Blvd.



**CITY OF  
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## Project Title

Consider the modification to an existing Use Permit (U-2004-01) to amend the conditions of approval to allow 100% non-retail commercial uses where only 50% are allowed.

# Project Site



# Project Site





## Background

- On March 1, 2005, City Council approved a Use Permit (U-2004-01)
  - Mixed-use development consisting of 2,395 s.f. of retail space and 23 residential condominiums.
  - Limited commercial spaces to retail uses.
- October 6, 2009, City Council approved modification (M-2009-07) to Use Permit.
  - Commercial portion to be 50% commercial office and 50% retail.
  - Expires when property ownership changes.



## Applicant Request

- Amend conditions of approval to allow non-retail commercial uses where only 50% is currently allowed.
- Remove language which reverts site back to retail when ownership changes.
- Subject only to limitations of CG Ordinance and the Heart of the City Specific Plan



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## Zoning and Heart of the City Commercial Standards

- Retail businesses (i.e., restaurants, apparel shops and variety stores)
- Commercial offices (i.e., financial institutions, insurance and travel agencies)
- Personal service establishments (i.e., beauty shops and massage services)
- Professional offices (not more than 25% of a shopping center)

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## Applicant Justification

- Retail market going through significant transformation: e-commerce, trend toward downsizing of retail space, escalating occupancy costs, regulations and increased minimum wage.
- Retailers locate in areas where there is a “synergy” between uses.
- Limited Parking. There are only nine (9) parking spaces plus one (1) ADA space servicing
- Retailers look for convenient, easy access to a store.



## Analysis

- Limiting uses to retail only for 50% of building eliminates potential commercial tenants which would otherwise be in conformance with Heart of the City Specific Plan.
- General Plan Policies:
  - LU-8.2 states “Encourage land uses that generate City revenue”
  - LU-17.1 states that “ground floor of buildings along the street should be activated with pedestrian-oriented, active uses including retail, restaurants, entries, etc.”



## Planning Commission Review

- Application presented to Planning Commission on January 26, 2021.
- The Planning Commission recommended that City Council approve the proposed modification with a 4-0-1 vote (absent – Saxena) with Resolution No. 6916



## CEQA

Section 15301 (Class 1) Existing Facilities consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.



## Recommendation

The Planning Commission recommends that the City Council approve the project in accordance with the draft resolution.



## **Next Steps**

The City Council's decision will be final unless reconsidered within 10 days of the decision.

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#17

LOS to VMT, SB 743  
Implementation

Presentation



# LOS to VMT, SB 743 Implementation

Municipal Code Amendment to Add  
Chapter 17.08 on VMT Standards



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## **Background**

- VTA LOS-VMT Working Group (2019-2020)
- Planning Commission Update (Sep 2020)
- City Council Study session (Nov 2020)
- Planning Commission Study Session (Dec 2020)



## Key Decisions

1. Establish citywide VMT threshold
2. Identify appropriate screening criteria

### **Possible Screening Criterion:**

- a. High Quality Transit Corridor (statutory)
- b. Local-serving retail
- c. Project in low-VMT areas
- d. 100% Affordable housing projects (statutory)



## Planning Commission Recommendations

1. VMT threshold: **14.4%** below baseline

### Screening Categories:

1. Local serving retail: 50,000 sq ft or less
2. 100% Affordable Housing: (statutory)
3. High Quality Transit Corridor: (statutory)
  - a. Reduce radius from  $\frac{1}{2}$  mile to  $\frac{1}{4}$  mile\*

\*Staff proposes defining distance as “walking distance.”



## VMT Threshold: what does it mean?

1. A project must reduce VMT by 14.4% (from the City baseline rate) to not cause a transportation impact under CEQA
2. Projects will need to use mitigation measures to meet this threshold.
3. Projects that cannot mitigate can still be approved by Council with a Statement of Overriding Considerations



## Planning Commission Feedback

1. Commissioners encourage continued use of LOS
2. Commissioner concern about VMT being unfamiliar to the public
3. Some concern about effectiveness of VMT mitigation measures
4. Commission approved proposed ordinance in 4-0-1 vote (Comm Saxena absent)
5. HQTC buffer reduction due to Stevens Creek Blvd not truly being “high-quality.”



## Municipal Code Amendment

1. Adding VMT standards to Municipal Code
  - Chapter 17.08
2. Definitions added for clarity (not previously shown to Planning Commission)



## Level of Service (LOS)

1. LOS “lives” in General Plan
2. City can continue to use LOS
3. Language must change:
  1. LOS review is now outside of CEQA
  2. “Consistency with General Plan”
  3. Terms such as “impacts” now reserved for VMT and the environmental review process.





## Next Steps

1. Conduct inter-departmental staff training
2. Negotiate with VTA fees to be paid by developers
3. Return to Council to discuss citywide VMT analysis at next GP update



## Recommended Action

That the City Council conduct the first reading and adopt

**Ordinance No. 21-\_\_\_\_\_**

“An Ordinance of the City Council of the City of Cupertino Adding Title 17 and Chapter 17.08 to the Cupertino Municipal Code, Replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) For Use in Transportation Analysis Pursuant to the California Environmental Quality Act (CEQA)”, as recommended by the Planning Commission on January 26, 2021 to:

1. Find the proposed actions exempt from CEQA;
2. Add to the Cupertino Municipal Code Title 17 (Environmental Regulations) and Chapter 17.08 (Vehicle Miles Traveled Standards), which establishes screening criteria, a 14.4% VMT reduction threshold, and screening criteria for local-serving retail, 100% affordable housing projects, and projects located within one-quarter mile of a High-Quality Transit Corridor, for purposes of CEQA analysis.

# LOS to VMT, SB 743 Implementation

Municipal Code Amendment to Include  
VMT Standards



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#18

Building Fee Schedule  
Update

Presentation

# Building Fee Schedule Update

FEBRUARY 16, 2021



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## Background

- Matrix Consulting Group completed a fee study for the City in 2016
- The update corrects omission error for “Standard Comm. Foundation **with** Podium”

## As presented in the FY 2016-17 Fee Schedule D

IBC Class	IBC Occupancy Type	Project Size Threshold	Construction Type IA, IB		Construction Type IIA, IIB, IIIA, IIIB, IV		Construction Type VA, VB	
			Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *	Base Cost @ Threshold Size	Cost for Each Additional 100 sf *
	Standard Comm. Foundation w/o Podium	500	\$2,985	\$7.85	\$2,487	\$6.5406	\$1,990	\$5.23
		2,500	\$3,142	\$25.14	\$2,618	\$20.9500	\$2,095	\$16.76
		5,000	\$3,770	\$3.13	\$3,142	\$2.6125	\$2,514	\$2.09
		10,000	\$3,927	\$4.20	\$3,273	\$3.4958	\$2,618	\$2.80
		25,000	\$4,556	\$0.62	\$3,797	\$0.5125	\$3,038	\$0.41
		50,000	\$4,710	\$9.42	\$3,925	\$7.8500	\$3,140	\$6.28
	Standard Comm. Foundation with Podium	3,000	\$217	\$0.48	\$181	\$0.4025	\$145	\$0.32
		15,000	\$275	\$0.54	\$230	\$0.4500	\$184	\$0.36
		30,000	\$356	\$0.42	\$297	\$0.3500	\$238	\$0.28
		60,000	\$482	\$0.08	\$402	\$0.0700	\$322	\$0.06
		150,000	\$558	\$0.08	\$465	\$0.0700	\$372	\$0.06
		300,000	\$684	\$0.23	\$570	\$0.1900	\$456	\$0.15

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FY 16-17	3,000	\$	3,202	\$	8.33	\$	2,668	\$	6.94	\$	2,135	\$	5.55
	15,000	\$	3,417	\$	25.68	\$	2,848	\$	21.40	\$	2,279	\$	17.12
	30,000	\$	4,126	\$	3.55	\$	3,439	\$	2.96	\$	2,752	\$	2.37
	60,000	\$	4,409	\$	4.28	\$	3,675	\$	3.57	\$	2,940	\$	2.86
	150,000	\$	5,114	\$	0.70	\$	4,262	\$	0.58	\$	3,410	\$	0.47
	300,000	\$	5,394	\$	9.65	\$	4,495	\$	8.04	\$	3,596	\$	6.43



## Proposed for amended FY 2020-21 Fee Schedule D

Standard Comm. Foundation with Podium	Construction Type IIA, IIB, IIIA, IIIB, IV							
	Construction Type IA, IB							
	Base Cost @	Cost for Each			Base Cost @	Cost for Each	Base Cost @	Cost for Each
	Project Size Threshold	Threshold Size	Additional 100 sf		Threshold Size	Additional 100 sf	Threshold Size	Additional 100 sf
FY 20-21	3,000	\$ 4,521	\$ 11.76	\$	3,767	\$ 9.80	\$ 3,014	\$ 7.84
	15,000	\$ 4,824	\$ 36.25	\$	4,021	\$ 30.21	\$ 3,217	\$ 24.17
	30,000	\$ 5,825	\$ 5.01	\$	4,855	\$ 4.18	\$ 3,885	\$ 3.35
	60,000	\$ 6,225	\$ 6.04	\$	5,188	\$ 5.03	\$ 4,151	\$ 4.04
	150,000	\$ 7,220	\$ 0.99	\$	6,017	\$ 0.82	\$ 4,814	\$ 0.66
	300,000	\$ 7,615	\$ 13.62	\$	6,346	\$ 11.35	\$ 5,077	\$ 9.08

**Questions?**

