

RESOLUTION NO. _____

A RESOLUTION OF THE CUPERTINO CITY COUNCIL
ADOPTING AN ADDENDUM TO A PREVIOUSLY ADOPTED MITIGATED
NEGATIVE DECLARATION AND APPROVING A DEVELOPMENT PERMIT TO
DEMOLISH APPROXIMATELY 44,000 SQ. FT. OF EXISTING COMMERCIAL SPACE
AND THE CONSTRUCTION OF THREE MIXED-USE BUILDINGS WITH
APPROXIMATELY 41,268 SQ. FT. OF COMMERCIAL SPACE AND 206
CONDOMINIUM UNITS AND REQUESTING A DENSITY BONUS, AND DENSITY
BONUS WAIVERS FOR HEIGHT, SETBACKS, AND COMMON OPEN SPACE
LOCATED AT 10145 N. DE ANZA BLVD, 10118 BANDLEY DRIVE (APN: 326-34-066,
326-34-043)

SECTION I: PROJECT DESCRIPTION

Application No.: DP-2022-001
Applicant: Larry Wang (Tectonic Builders Corp.)
Property Owner: De Anza Venture, LLC
Location: 10145 N. De Anza Blvd, 10118 Bandley Drive (APN: 326-34-066, 326-34-043)

SECTION II: FINDINGS FOR DEVELOPMENT PERMIT:

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

WHEREAS, after consideration of evidence contained in the entire administrative record, at the public hearing on September 6, 2016, the City Council adopted Resolution No. 16-091, adopting a Mitigated Negative Declaration for the Marina Development; and

WHEREAS, environmental analysis and peer reviews were conducted by Placeworks, Inc. pursuant to the requirements of CEQA, and an addendum to the Mitigated Negative Declaration was prepared which found that no new or substantially increased significant environmental effects; and

WHEREAS, on November 10, 2022 the Planning Commission recommended on a 5-0 vote that the City Council adopt the Addendum to the Mitigated Negative Declaration (EA-2015-05) and approve the Development Permit (DP-2022-001) in substantially similar form to the Resolution presented (Resolution No. 6964), approve the Architectural and Site Approval Permit (ASA-2022-002) in substantially similar form to the Resolution

presented(Resolution No. 6965), approve the Tree Removal Permit (TR-2022-026) in substantially similar form to the Resolution presented (Resolution No. 6967) and approve the Vesting Tentative Map (TM-2022-003), in substantially similar form to the Resolution presented (Resolution No. 6966); and

WHEREAS, all necessary public notices having been given as required by the City of Cupertino Municipal Code and the Government Code, and the Planning Commission held at least one public hearing in regard to this application, and

WHEREAS, on December 6, 2022, the City Council held a public hearing to consider the Project; and

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

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

WHEREAS, the analysis in the Addendum prepared by Placeworks, Inc. indicates that the proposed project would not require major revisions to the Mitigated Negative Declaration adopted on September 6, 2016, due to new or substantially increased significant environmental effects. Furthermore, there have been no substantial changes with respect to the circumstances under which these minor modifications would be undertaken that would require major revisions of the Adopted Mitigation Negative Declaration due to new or substantially increased significant environmental effects, and there has been no discovery of new information of substantial importance that would trigger or require major revisions to the Mitigated Negative Declaration due to new or substantially increased significant environmental effects.

WHEREAS, the adopted Mitigated Negative Declaration adequately identifies all environmental effects and adequate mitigation measures for the proposed modifications to the previously approved project. Therefore, no subsequent or supplemental Mitigated Negative Declaration is required prior to approval of the proposed project.

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

1. The proposed development, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

The project is consistent with the General Plan and Zoning Ordinance and has been designed to be compatible with and respectful of adjoining land uses. Additionally, all mitigation measures that are within the responsibility and jurisdiction of the City have been adopted and will be made conditions of approval to mitigate potential impacts to a less than significant level. Therefore, the project will not be detrimental or injurious to properties or improvements

in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.

2. The proposed development will be located and conducted in a manner in accord with the Cupertino Comprehensive General Plan and the purpose of the City's zoning ordinances.

The General Plan land use designation for the property is Commercial/Office/Residential. The proposed use is consistent with the General Plan. The subject property is zoned as Planned General Commercial/Residential with a further designation as a Priority Housing Element Site. The proposed development has met the applicable development standards of the Heart of the City Specific Plan and is requesting a density bonus and density bonus waivers for certain general plan and Heart of the City development standards as permitted in the City of Cupertino's Municipal Code Chapter 19.56 Density Bonus. Therefore, the proposed development is consistent with the purpose of the City's zoning ordinance.

3. The applicant has requested a density bonus. Pursuant to Cupertino Municipal Code Section 19.56.070, before approving an application that includes a request for density bonus, incentive, parking reduction and/or waiver, the decision-making body shall make the following findings, as applicable:

- a) A finding that the residential project is eligible for the density bonus and any incentives, parking reductions or waivers requested.

The application is for a density bonus project that provides for approximately 20% of its base density as Below Market Rate Housing. As 20% of the units on-site will be limited to median/moderate Income residents, it is eligible for a 15% density bonus.

- b) A finding that any requested incentive will result in identifiable, financially sufficient, and actual cost based on the financial analysis and documentation provided.

No incentives are requested as part of the project, so the finding is not applicable.

- c) If the density bonus is based all or in part on donation of land, a finding that all requirements included Section 19.56.030C have been met.

The density bonus is not based on the donation of land, so the finding is not applicable.

- d) If the density bonus is based all or in part on the inclusion of a childcare facility, a finding that all requirements included in Section 19.56.030 (D) have been met.

The density bonus is not based on the inclusion of a child care facility, so the finding is not applicable.

- e) If the density bonus or incentive is based on a condominium conversion, a finding that all the requirements included in Section 19.56.030 (E) have been met.

The density bonus is not based on a condominium conversion, so the finding is not applicable.

- f) If the incentive includes mixed-use development, a finding that all requirements including in Section 19.56.40 (B) (2) have been met.

While the project is a mixed-use development, the density bonus is not based on the mixed-used development as an incentive, so the finding is not applicable.

- g) If a waiver is requested, a finding that that the development standards for which the waivers are requested would have the effect of physically precluding the construction of the housing development with the density bonus and incentives or concessions permitted.

The development standards for the side setback, height, and common open space would physically preclude the development. These development standard limitations could affect the project by a considerable loss of units, up to 30 units, which many may include those designated as BMR.

- h) If a reduction in off-street parking standards for an eligible housing development is requested.

Since at least 10% (in this case 20%) of the total base residential units of the housing development would be sold to persons and families of moderate income, and all units in the development are offered to the public for purchase, as defined in Section 50093 of the Health and Safety Code, State Law allows a reduction in parking standards, which this project has met.

- 4. Since the applicable findings required above can be made, the decision-making body may deny an application for a waiver only if one of the following written findings as applicable to each type of application, supported by substantial evidence:

- a) That the incentive or concession, or waiver would have an adverse impact on real property listed in the California Register of Historic Resources; or

There are no affected Historic Resources in the vicinity.

- b) That the incentive or concession, or waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the residential project unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential project was deemed complete; or

As evidenced by the findings and conclusions of the MND Addendum, there exists no significant, quantifiable, direct, and unavoidable impacts, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential Project was deemed complete.

- c) That the incentive or concession, or waiver is contrary to state or federal law.

The requested waivers are not contrary to state or federal law.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony and other evidence submitted in this matter and the Addendum, subject to the conditions which are enumerated in this Resolution beginning on PAGE 7 thereof, and those contained in all other Resolutions approved for this Project, the City Council hereby:

1. Determines that the First Addendum to the Initial Study and Mitigated Negative Declaration (State Clearinghouse Number 2016052006) for the Marina Project reflects the independent judgement of the City Council; and
2. Adopts the First Addendum to the Initial Study and Mitigated Negative Declaration (State Clearinghouse Number 2016052006) for the Marina Project; and
3. Approves the application for a Development Permit, Application No. DP-2022-001; and

That the subconclusions upon which the findings and conditions specified in this Resolution are based are contained in the Public Hearing record concerning Application no. DP-2022-001 as set forth in the Minutes of the City Council Meeting of December 6, 2022 and are incorporated by reference as though fully set forth herein.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPARTMENT.

1. APPROVED EXHIBITS

Approval is based on the plan set dated July 27, 2022 consisting of 91 sheets labeled as Marina Plaza, A0.0 – A11.0, T-01 – T-03, C0.1 – C4.3, JT-1 – JT-3, L1.01 – L3.05, and TR0.1 – TR0.9, drawn by Tectonic Builders, Giuliani & Kull, Vizion Utility, and JETT Landscaping, except as may be amended by conditions in this resolution.

2. ACCURACY OF PROJECT PLANS

The applicant/property owner is responsible to verify all pertinent property data including but not limited to property boundary locations, building setbacks, property size, building square footage, any relevant easements and/or construction records. Any misrepresentation of any property data may invalidate this approval and may require additional review.

3. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file nos. TR-2022-026, TM-2022-003, and ASA-2022-002 shall be applicable to this approval.

4. DEVELOPMENT ALLOCATION

2,732 s.f. of commercial allocation is added to the available commercial allocation city-wide since there is a reduction of commercial square footage on the site.

5. DENSITY BONUS

The project is granted a Density Bonus of 27 market-rate units and shall provide 18 units affordable to median income households and 18 units affordable to moderate income households as determined by the City's BMR Mitigation Manual.

6. DENSITY WAIVERS

The project is granted three density bonus waivers as follows:

- a. Height waiver for two buildings. Building A – 58 feet 6 inches; Building C – 55 feet
- b. Side setback waiver for two buildings: Building A – a reduction of a maximum of 18 feet 6 inches for portions of Building A; Building C - a reduction to a maximum of 5 feet for portions of Building C.
- c. Common Open Space: a reduction of the required amount by 634 sq.ft.

7. DENSITY BONUS PARKING REDUCTION

The project is granted a parking reduction pursuant to Density Bonus law. The applicant shall provide 338 residential parking spaces. Each unit shall have a minimum of one assigned/designated parking space.

8. SHARED PARKING

The project shall provide 269 commercial parking spaces. These spaces shall be available for commercial parking between 7AM and 11PM. After 11PM, this parking can be shared with the residential users. Should a business wish to operate after 11PM, with a Conditional Use Permit, a parking plan must be provided to ensure adequate commercial parking is available.

9. 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.

10. CONSULTATION WITH OTHER DEPARTMENTS

The applicant is responsible to consult with other departments and/or agencies about the proposed project for additional conditions and requirements. Any misrepresentation of any submitted data may invalidate an approval by the Community Development Department.

11. BICYCLE PARKING

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

12. BMR UNIT DESIGN REQUIREMENTS

The Applicant shall detail how the following requirements shall be met prior to building permit issuance:

- a. The BMR units shall be comparable to market-rate units in terms of unit type, number of bedrooms per unit, quality of exterior appearance and overall quality of construction.
- b. The BMR unit size should generally be representative of the unit sizes within the senior market-rate portion of the residential project.
- c. Interior features and finishes in the affordable units shall be durable, of good quality and consistent with the contemporary standards of new housing.

13. BMR AGREEMENT

Prior to the recordation of a final map or issuance of any building permit, an affordable housing agreement shall be recorded against the property. The affordable housing agreement shall include, but not be limited to the following:

- a. Total number of BMR units, type, location (site map), square footage, number of bedrooms, and construction scheduling of market-rate and BMR units;
- b. Provisions to ensure concurrent construction and completion of BMR units and market-rate units;
- c. Affordability levels for each BMR unit;
- d. Prices for BMR units as provided for in the BMR mitigation manual;
- e. Provisions for income certification and screening of potential occupants of BMR units;
- f. Restriction control mechanisms;
- g. Financing of ongoing administrative and monitoring costs;
- h. Other reasonably required provisions to implement the Affordable Housing Plan.

14. BMR UNIT TERMS OF AFFORDABILITY

Prior to occupancy, the proposed project shall record covenants that require the units to be occupied at rents that are affordable to moderate/median levels for a period not less than 99 years from the date of first occupancy of the unit.

15. PUBLIC ART REQUIREMENT

Public art shall be provided for the project in accordance with General Plan Policy 2-66 and the City's Public Art Ordinance (Chapter 19.148 of the Cupertino Municipal Code). The minimum expenditure for the artwork, including, but not limited to design, fabrication, and installation is one (1) percent of the construction valuation for the first \$100 million on construction valuation, or 0.9% of construction valuation for valuation in excess of \$100 million. The project pro forma shall be provided to the City to confirm the project budget. The public art plans (including location and design) shall be reviewed by the Fine Arts Commission during the building permit stage, in advance of final occupancy. Once approved by the Fine Arts Commission, the public artwork shall be installed to the satisfaction of the City prior to final occupancy. In the event the developer or property owner determines that the placement of artwork on a particular property may not be feasible, the developer or property owner may apply to the City for an in-lieu payment alternative as indicated in Chapter 19.148 of the Cupertino Municipal Code, subject to review of the Fine Arts Commission and the City Council. The in lieu payment shall be 1.25% of the construction valuation.

16. DEMOLITION REQUIREMENTS

All demolished building and site materials shall be recycled to the maximum extent feasible subject to the Building Official. The applicant shall provide evidence that materials were recycled prior to occupancy.

17. PRE-CONSTRUCTION MEETING AND CONSTRUCTION MANAGEMENT PLAN

A demolition and construction management plan shall be submitted and reviewed prior to building permit issuance. Prior to commencement of construction activities, the applicant shall arrange for a pre-construction meeting with the pertinent departments (Building, Planning, and Public Works) to review the prepared construction management plan, to ensure that construction complies with the conditions of approval, staging of construction equipment is appropriate, tree protection measures are in place, public access routes are identified, and noise and dust control measures are established. The plan shall include but not be limited to the following:

- a. Compliance with CEQA Mitigation Measures

- b. Appropriate construction staging area
- c. Hours of construction
- d. Compliance with the City noise ordinance
- e. Best management practices
- f. Staging of construction equipment shall not occur within ____ feet of any residential property.
- g. Any other measures as determined to be appropriate by the Director of Community Development

18. GRADING AND CONSTRUCTION HOURS AND NOISE LIMITS

The applicant shall indicate compliance with the following grading and construction hours and noise limit requirements on all demolition, construction and grading permits, and in the construction management plan(s), unless otherwise indicated.

- a. All grading activities shall be limited to the dry season (April 15 to October 1), unless permitted otherwise by the Director of Public works.
- b. Construction hours and noise limits shall be compliant with all requirements of Chapter 10.48 of the Cupertino Municipal Code.
- c. Grading, street construction, underground utility and demolition hours for work done more than 750 feet away from residential areas shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Grading, street construction, demolition or underground utility work within 750 feet of residential areas shall not occur on Saturdays, Sundays, holidays, and during nighttime period as defined in Section 10.48.053(b) of the Municipal Code.
- d. Construction activities shall be limited to Monday through Friday, 7 a.m. to 8 p.m. and Saturday and Sunday, 9 a.m. to 6 p.m. Construction activities are not allowed on holidays as defined in Chapter 10.48 of the Municipal Code. Nighttime construction is allowed if compliant with nighttime standards of Section 10.48 of the Cupertino Municipal Code.
- e. Rules and regulations pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of an applicant appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
- f. The applicant shall be responsible for educating all contractors and subcontractors of said construction restrictions.

19. GREEN BUILDING

The project shall be constructed in accordance with the City's Green Building Ordinance (Chapter 16.58 of the Cupertino Municipal Code). The applicant shall

obtain LEED Silver certification or an alternative reference standard in accordance with the ordinance since the building size is over 50,000 square feet. Third party LEED certification or alternative reference standard is required per the ordinance criteria.

20. BUILDING AND FIRE CODE

The applicant shall apply for and obtain building permits to allow the construction of the approved project. The applicant shall provide information and plans to allow the Building Official and the Fire Marshall or their designee that the proposed plans comply with Building and Fire Codes in effect at the time of application for a building permit.

21. HOMEOWNERS' ASSOCIATION

A Property Owner's Association shall be formed to maintain the common areas of the property. The Conditions, Covenants and Restrictions (CC&Rs) shall be reviewed and approved by the City Attorney and the Director of Community Development prior to recordation. The following terms shall be incorporated into the Association's Conditions, Covenants and Restrictions:

- The members/board shall meet at a minimum of once/year
- The Association dues shall cover:
 - Maintenance of common area on the property in compliance with the approved project conditions of approval, including hardscaping, parking, landscaping and accessory facilities and amenities, such as trash bins/areas, common amenity areas, tree grates, outside trash bins, fences, etc,
 - Building and site repair on a regular schedule, or as otherwise necessary, and building renovation and replacement as necessary to ensure that the property is maintained.
 - Permits, including tree removal permits, required for maintenance and repair of facilities in the common areas
- Any changes to the exterior of the development must be reviewed by the Property Owner's Association.
- CC&R's shall ensure that private open space is kept tidy and free of clutter and visual blight.
- Any changes to the CC&R's must be reviewed and approved by the City
- Disbanding of the Association shall require an amendment to the permit.
- The community room located on the ground floor of Building B, as designed, and proposed by the applicant, shall be open for the use by 501(c)(3) organizations registered in the City of Cupertino.

22. LANDSCAPE PALLETTE

That the applicant shall present to City Council a landscape palette that utilizes native trees, shrubs, and/or ground cover, consistent with the City's Water Efficient Landscape Ordinance (WELO), CMC 14.15: *Landscape Ordinance*.

23. INDOOR AIR POLLUTION

Prior to issuance of Building Permits, the applicant shall implement best practices to manage indoor air pollution which include, but not limited to, installing air filters rated at a MERV 13 in all units located within the "Implement Best Practices" area as identified in the Bay Area Air Quality Management District (BAAQMD) Planning Healthy Places Map.

24. TRASH AND DELIVERY ACTIVITIES

A detailed refuse and truck delivery plan shall be prepared by the applicant. The plan shall specify locations of trash facilities, refuse pick up schedules and truck delivery schedules and routes. All trash facilities must be screened and enclosed to the satisfaction of the Public Works Department. The final plan shall be submitted to the City for review and approval prior to issuance of building permits.

25. EXTERIOR BUILDING MATERIALS/TREATMENTS

The final building exterior plan shall closely resemble the details shown on the original approved plans. Final building exterior treatment plan (including but not limited to details on exterior color, materials, architectural treatments, doors, windows, lighting fixtures, and/or embellishments) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits to ensure quality and consistency. Any exterior changes determined to be substantial by the Director of Community Development shall either require a modification to this permit or a new permit based on the extent of the change.

26. ACOUSTIC STUDY AND REDUCTION OF INTERIOR NOISE LEVELS

Prior to the issuance of building permits, the project applicant shall submit an acoustic study to the satisfaction of the City's Community Development Director to demonstrate that unit interiors meet an interior noise level due to exterior noise of 45 dBA CNEL, consistent with State and local noise standards. The study shall be based on precise grading and architectural plans including specific construction method details and materials to calculate the necessary exterior to interior noise reduction of approximately 30 dBA to achieve 45 dBA CNEL. The precise exterior to interior reduction would be determined in the acoustical study when precise

grading plans with building elevations, footprints and architectural plans are available. The applicant will be required to incorporate into the project design all required noise insulation features and techniques necessary to reduce interior noise levels to achieve the interior noise standard. To achieve the required interior noise levels, features such as upgraded exterior wall and roof assemblies, upgraded windows, and exterior doors may be required. In addition, a "windows closed" condition will be required with minimum supply of fresh air per UBC requirements.

27. ROOFTOP EQUIPMENT SCREENING

All mechanical and other equipment on the building or on the site shall be screened so they are not visible from public street areas or adjoining developments. The height of the screening shall be taller than the height of the mechanical equipment that it is designed to screen. A line of sight plan may be required to demonstrate that the equipment will not be visible from any public right-of-way. The location of the equipment and necessary screening shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.

28. RESTAURANT ODOR ABATEMENT

All new restaurants shall install odor abatement systems to reduce odor impacts from the restaurants to the adjacent community. The odor abatement systems shall be installed prior to final occupancy of the associated restaurant(s). Detailed plans shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.

29. SIGN PROGRAM

A sign program is required for this project. The sign program shall be approved by the Director of Community Development prior to issuance of sign permits.

30. SITE IMPROVEMENTS

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

31. EXTERIOR BUILDING MATERIALS/TREATMENTS

The final building exterior plan shall closely resemble the details shown on the original approved plans. Final building exterior treatment plan (including but not limited to details on exterior color, materials, architectural treatments, doors, windows, lighting fixtures, and/or embellishments) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits to ensure quality and consistency. Any exterior changes

determined to be substantial by the Director of Community Development shall either require a modification to this permit or a new permit based on the extent of the change.

Future changes to the exterior building materials/treatments must be reviewed and approved by the Property Owner's Association. However, any changes to the building materials that do not match the approved materials shall require an amendment to this permit or a new permit.

32. DARK SKY COMPLIANCE AND/OR BIRD SAFE COMPLIANCE

Prior to issuance of Building Permits, the applicant/property owner shall submit final plans in compliance with the approved lighting plans to comply with development standards of Cupertino Municipal Code Section 19.102.030 Bird-Safe Development Requirements and/or Section 19.102.040 Outdoor Lighting Requirements. In the event changes are proposed from the approved plans, said changes must be reviewed and approved by the Director of Community Development or their designee. The applicant shall provide all documentation required to determine compliance with the Municipal Code. The final lighting plan (including a detailed photometric plan) shall be reviewed and approved by the Director of Community Development prior to building permit issuance. A report from a licensed lighting engineer may be required to confirm all exterior lighting throughout the site complies with the City's Ordinance.

33. NOISE LEVELS AND ABATEMENT

Project uses and all equipment installed on the site shall comply with the City's Community Noise Control Ordinance at all times. Installation of any mechanical or other equipment shall be evaluated to determine that the installation meets the City's Community Noise Control Ordinance. Any documentation or studies required to determine this shall be provided by the applicant as his/her sole expense. Should the project exceed any of the stipulated maximum noise levels outlined in the City's Community Noise Control Ordinance, an acoustical engineer may be required to submit noise attenuation measures to the satisfaction of the Director of Community Development at the applicant's expense.

34. INGRESS/EGRESS EASEMENT

The applicant shall record an appropriate deed restriction and covenant running with the land, subject to approval of the City Attorney, for all parcels that share a common private drive or private roadway with one or more other parcels. The deed restriction shall provide for necessary reciprocal ingress and egress easement to and from the affected parcels. The easements shall be recorded at such time as

interest in one or more of the affected parcels is initially sold or transferred to another party.

35. INDEMNIFICATION

As part of the application, to the fullest extent permitted by law, the applicant shall agree to indemnify, defend with the attorneys of the City's choice, and hold harmless the City, its City Council, and its officers, employees, and agents (collectively, the "indemnified parties") from and against any liability, claim, action, cause of action, suit, damages, judgment, lien, levy, or proceeding (collectively referred to as "proceeding") brought by a third party against one or more of the indemnified parties or one or more of the indemnified parties and the applicant related to any Ordinance, Resolution, or action approving the project, the related entitlements, environmental review documents, finding or determinations, or any other permit or approval authorized for the project. The indemnification shall include but not be limited to damages, fees, and costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities, and expenses incurred in connection with such proceeding whether incurred by the Applicant, the City, or the parties initiating or bringing such proceeding.

The applicant shall agree to (without limitation) reimburse the City its actual attorneys' fees and costs incurred in defense of the litigation. Such attorneys' fees and costs shall include amounts paid to the City's outside counsel and shall include City Attorney time and overhead costs and other City staff overhead costs and any costs directly related to the litigation reasonably incurred by City. The applicant shall likewise agree to indemnify, defend, and hold harmless the indemnified parties from and against any damages, attorneys' fees, or costs awards, including attorneys' fees awarded under Code of Civil Procedure section 1021.5, assessed or awarded against the indemnified parties. The Applicant shall cooperate with the City to enter a Reimbursement Agreement to govern any such reimbursement.

The Applicant shall agree to (without limitation) reimburse the City for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an Environmental Impact Report, negative declaration, specific plan, or general plan amendment) if made necessary by proceedings challenging the project approvals and related environmental review, if the applicant desires to continue to pursue the project.

The Applicant shall agree that the City shall have no liability to the Applicant for business interruption, punitive, speculative, or consequential damages.

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

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

SECTION IV: CONDITIONS ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT

1. SHARED ACCESS POINTS

All shared access points with the adjacent property owners shall be located within existing and/or newly created ingress and egress easements. New access points may need to be modified to ensure they remain within these established ingress and egress easements. Additional comments will be provided and shall be incorporated prior to Final Map approval.

2. DEVELOPER CONTRIBUTION

The developer shall contribute 25% towards operation improvements at the Stevens Creek Blvd and Bandlely Dr intersection. The estimated cost of these improvements is \$184,000.

3. GREEN STORMWATER INFRASTRUCTURE

During the development of the construction plans that will be provided at the Building Permit stage, the project shall study the feasibility of providing green stormwater infrastructure (GSI) within the right of way that would provide treatment for the adjacent roadway.

If found feasible, the maintenance of GSI shall be the responsibility of the Developer and included in the Stormwater Management Facilities, Operation, Maintenance and Easement Agreement to be executed prior to Final Map approval. Additional comments will be provided and shall be incorporated prior to Final Map approval.

4. OPERATION AND MAINTENANCE OF CERTIFIED FULL TRASH CAPTURE SYSTEMS

All California State Regional Water Quality Control Board certified full trash capture systems and devices must be inspected, cleaned, and maintained according to the

manufacturers specification and at a minimum, meeting the Provision C.10.b.1.(a) and (b) of the Municipal Regional Stormwater Permit Order No. R2-2022-0018.

Property owner shall inspect and maintain full trash capture devices to ensure they are operating appropriately and have sufficient operating capacity to capture trash consistent with the requirements of this Provision. The inspection and maintenance of each full capture device shall be at a frequency sufficient to prevent plugging, including plugging of the 5 mm screen leading to trash overflow and bypass, flooding, or a full condition of the device's trash reservoir causing bypass of trash.

5. EXTERIOR WASTE TRIOS

All exterior waste trios must be maintained in perpetuity and may not be removed or relocated without prior review and written consent of Environmental Programs Manager.

6. SHORING

Any shoring required for the project construction shall be contained within the property, unless approved by the City Engineer. Any shoring that extends into the public right-of-way shall be subject to fees and requirements as determined by the Public Works Department.

7. STREET IMPROVEMENTS & DEDICATION

Roadway dedication in fee title (or other form as accepted by the City Engineer) and street improvements along the project will be required to the satisfaction of the Director of Public Works. Street improvements, grading and drainage plans must be completed and approved prior to Final Map approval.

Street improvements may include, but not be limited to, new detached sidewalk, ADA ramps, curb bulb outs, fire access areas, green stormwater infrastructure, driveways, storm, sanitary sewer and other public utilities related to the project, street tree installations, and installation of new or relocation of existing streetlights. All improvements must be completed and accepted by the City prior to Building Final Occupancy or Street Improvement Encroachment Permit acceptance whichever comes first.

Additional comments will be provided and shall be incorporated prior to Final Map approval.

8. ACCEPTANCE OF PROPERTY RIGHTS

The Public Works Director, or his/her designee, shall have the authority to accept all offers of dedications, easements, quitclaims and other property rights and interests on behalf of the City.

9. CURB AND GUTTER IMPROVEMENTS

Curbs and gutters, sidewalks and related structures shall be installed in accordance with grades and standards as specified by the Director of Public Works. All improvements must be completed and accepted by the City prior to Building Final Occupancy or Street Improvement Encroachment Permit acceptance whichever comes first.

10. PEDESTRIAN AND BICYCLE IMPROVEMENTS

Developer shall provide pedestrian and bicycle related improvements (e.g. walkway and bicycle racks, etc.) consistent with the Cupertino Bicycle Transportation Plan and the Pedestrian Transportation Plan, as designated and approved by the Director of Public Works. All improvements must be completed and accepted by the City prior to Building Final Occupancy or Street Improvement Encroachment Permit acceptance whichever comes first.

11. STREET LIGHTING INSTALLATION

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

12. GRADING

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

13. DRAINAGE

Drainage shall be provided to the satisfaction of the Director of Public Works and satisfy any requirements from the environmental analysis. Hydrology and pre- and post-development hydraulic calculations must be provided to indicate whether additional storm water control measures are to be constructed or renovated. The storm drain system may include, but is not limited to, subsurface storage of peak stormwater flows (as needed), bioretention basins, vegetated swales, and hydrodynamic separators to reduce the amount of runoff from the site and improve water quality. The storm drain system shall be designed to detain water on-site (e.g., via buried pipes, retention systems or other approved systems and improvements) as necessary to avoid an increase of the ten percent flood water surface elevation to the satisfaction of the Director of Public Works. Any storm water overflows or surface sheeting should be directed away from neighboring private properties and to the public right of way as much as reasonably possible.

All storm drain inlets shall be clearly marked with the words “No Dumping – Flows to Creek” using permanently affixed metal medallions or equivalent, as approved by the Environmental Programs Division.

Additional comments will be provided and shall be incorporated prior to Final Map approval.

14. C.3 REQUIREMENTS

C.3 regulated improvements are required for all projects creating and/or replacing 10,000 S.F. or more of impervious surface (collectively over the entire project site). The developer shall reserve a minimum of 4% of developable surface area for the placement of low impact development measures, for storm water treatment, unless an alternative storm water treatment plan, that satisfies C.3 requirements, is approved by the Director of Public Works.

The developer must include the use and maintenance of site design, source control and storm water treatment Best Management Practices (BMPs), which must be designed per approved numeric sizing criteria. A Storm Water Management Plan and a Storm Water Facilities Operation, Maintenance and Easement Agreement, and certification of ongoing operation and maintenance of treatment BMPs are each required.

The developer is required to obtain certification of the storm water management plan from a City approved third party reviewer prior to Final Map approval. If substantive site plan modifications are required to address storm water compliance, the applicant may be required to obtain further planning entitlement approvals to facilitate the modifications.

15. SUBDIVISION IMPROVEMENT AGREEMENT

The project developer shall enter into a Subdivision Improvement agreement with the City of Cupertino providing for payment of fees, including but not limited to checking and inspection fees, storm drain fees, transportation impact fees, park dedication fees and fees for under grounding of utilities. Said agreement and fees shall be executed and paid prior to Final Map approval.

Fees:

- | | |
|--------------------------------|--|
| a. Checking & Inspection Fees: | Per current fee schedule (greater of \$4,947 or 5% of improvement costs) |
| b. Grading Permit: | Per current fee schedule (greater of \$3,683 or 6% of improvement costs) |
| c. Tract Map Fee: | Per current fee schedule (\$12,306) |
| d. Storm Drainage Fee: | Per current fee schedule (residential: \$4,250) |

- e. Transportation Impact Fee: per AC + \$322 per DU, commercial: \$11,444 per AC)
Per current fee schedule: (residential: \$4,215 per DU, retail: \$10.94 per square foot)
- f. Encroachment Permit Fee: Per current fee schedule (\$3,304 or 5% of improvement costs)
- g. Park Fees: Per current fee schedule (\$54,000 per DU)
- h. Storm Management Plan Fee Per current fee schedule (\$1,670)
- i. Street Tree Fee: By Developer or Per current fee schedule: \$481 per tree
- j. Developer Contribution: 25% of improvement cost
(Bandley & Stevens Creek Blvd intersection operational improvements – estimated total cost of \$184,000)

Bonds:

- a. Faithful Performance Bond: 100% of Off-site and On-site Improvements
- b. Labor & Material Bond: 100% of Off-site and On-site Improvement
- c. On-site Grading Bond: 100% of site improvements.

The fees described above are imposed based upon the current fee schedule adopted by the City Council. However, the fees imposed herein may be modified at the time of recordation of a final map or issuance of a building permit in the event of said change or changes, the fees changed at that time will reflect the then current fee schedule.

16. FINAL MAP

A final map will be subject to City Council approval and shall be recorded prior to issuance of building permits. Existing buildings must be demolished prior to recordation of the final map as building(s) cannot straddle between lot lines.

17. TRANSPORTATION IMPACT FEES

The Project is subject to the payment of Transportation Impact Fees under City's Transportation Impact Fee Program (Chapter 14.02 of the Cupertino Municipal Code).

18. PARKS

The residential units are subject to Park Land Dedication or the payment of parkland fees in-lieu of parkland dedication per Chapter 13.08 and Chapter 18.24 of the Cupertino Municipal Code.

The Below Market Rate (BMR) program manual, which was last amended by City Council on May 19, 2020 per Resolution 20-055, authorizes the waiver of park fees for BMR units. Pursuant to Resolution 20-055, parkland dedication in-lieu fees for the 36 BMR units proposed for this project are hereby waived.

19. SURVEYS

A Boundary Survey and a horizontal control plan will be required for all new construction to ensure the proposed building will be set based on the boundary survey and setback requirements.

20. TRASH, RECYCLING AND COMPOST ENCLOSURES & OPERATIONS

Trash enclosure plans must be designed in accordance with the City's "Public Works Guidelines" posted at www.cupertino.org/our-city/departments/environment-sustainability/green-development, and to the satisfaction of the Environmental Programs Manager. Clearance by the Public Works Department is required prior to obtaining a building permit. (CMC 9.18.210 H & K)

Prior to Final Map approval, the developer shall obtain approval from the refuse and recycling collection company (Recology) that the project's proposed trash collection operations are acceptable. Developer shall enter into an agreement with the City that indemnifies and holds harmless both the City and Recology from and against any harm, damage or maintenance that may occur or become necessary to onsite paving stone driveway surfaces.

21. OPERATIONS & MAINTENANCE AGREEMENT

Developer shall enter into an Operations & Maintenance Agreement with the City prior to Final Map approval. 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, green stormwater infrastructure, landscaping, street trees, and pavers.

22. UNDERGROUND UTILITIES

Developer shall comply with the requirements of the Underground Utilities Ordinance No. 331 and other related Ordinances and regulations of the City of Cupertino, and shall coordinate with affected utility providers for installation of underground utility devices. Developer shall submit detailed plans showing utility underground provisions. Said plans shall be subject to prior approval of the affected Utility provider and the Director of Public Works.

23. TRANSFORMERS & CABINETS

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.

24. 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.

25. 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.

26. 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.

27. EROSION CONTROL PLAN

Developer must provide an approved erosion control plan by a Registered Civil Engineer. This plan should include all erosion control measures used to retain materials on site. Erosion control notes shall be stated on the plans.

28. 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.

29. 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.

30. STREET TREES

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

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

32. 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).

33. FIRE HYDRANT

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

34. 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 prior to Final Map approval.

35. 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.

SECTION VI: CONDITIONS ADMINISTERED BY THE CUPERTINO SANITARY DISTRICT

1. CUPERTINO SANITARY DISTRICT

A letter of clearance for the project shall be obtained from the Cupertino Sanitary District prior to Final Map approval. The letter shall include their review and approval of any existing sanitary sewer easements to be quitclaimed and the creation of any new sanitary sewer easements.

2. UTILITY EASEMENTS

Clearance approval letters from the agencies with easements on the property (including PG&E, AT&T, Comcast, California Water Company, and/or equivalent agencies) will be required prior to Final Map approval. Their letters shall include their review and approval of any easement(s) to be vacated and/or quitclaimed, which include proposed private structures and utilities within the existing public service easement along Bandley Dr and Alves Dr.

SECTION V: CONDITIONS ADMINISTERED BY THE SANTA CLARA COUNTY FIRE DEPARTMENT

1. FIRE SPRINKLERS REQUIRED:

Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CFC Sec. 903.2 as adopted and amended by CMC.

2. FIRE HYDRANT SYSTEMS REQUIRED

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, onsite fire hydrants and mains shall be provided where required by the fire code official. Exception: For Group R-3 and Group U occupancies the distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet. [CFC, Section 507.5.1]

3. REQUIRED FIRE FLOW

The fire flow for this project is 8000 GPM at 20 psi residual pressure. If an automatic fire sprinkler system will be installed, the fire flow will be reduced by 75%, establishing a required adjusted fire flow of 2000 GPM at 20 psi residual pressure.

Note: The minimum required number and spacing of the hydrants shall be in accordance with CFC Table C102.1.

4. BUILDINGS AND FACILITIES ACCESS

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or with the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. [CFC, Section 503.1.1].

5. STANDPIPES REQUIRED

Standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. Standpipes shall be manual wet type. In buildings used for high-piled combustible storage, fire hose protection shall be in accordance with Chapter 32. Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14 as amended in Chapter 47. CFC Sec. 905

6. WATER SUPPLY REQUIREMENTS

Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

7. TIMING OF INSTALLATION

When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section

505.2. Construction documents. Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. CFC Sec. 501.3, 501.4.

8. REQUIRED FIRE DEPT. ACCESS

Commercial and Industrial Developments

- a. Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have a least two means of fire apparatus access for each structure.
- b. Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 mm) shall be provided with two separate and approved fire apparatus access roads.
- c. Exception: Projects having a gross building area of up to 124,000 square feet (11520 mm) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems. Multi-Family Residential Developments (R-1 & R-2 occupancies) 1. Multi-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. CFC Sec. Chp. 5 as adopted and amended by CUPMC.

9. REQUIRED AERIAL ACCESS

- a. Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- b. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.
- c. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official.

10. FIRE LANES REQUIRED

The minimum clear width of fire department access roads shall be 20 feet. The minimum outside turning radius is 42 feet for required circulating access

roadways. Fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code.

11. FIRE APPARATUS (ENGINE) ACCESS ROADS REQUIRED

Provide an access roadway with a paved all-weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 42 feet outside, and a maximum slope of 15%. Surface shall be capable of supporting 75K pounds. Installations shall conform to Fire Department Standard Details and Specifications sheet A-1. CFC Sec. 503.

12. FIRE DEPARTMENT (ENGINE) ROADWAY TURNAROUND

Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installation shall conform to Fire Department Standard Details and Specification sheet A-1. Cul-de-sac. CFC Sec. 503 as adopted and amended by CUPMC. Circulating fire lane shown on Sheet C4 with conforming radii of turns for an aerial apparatus proximal to the structure exceeding 30-feet in height.

13. GROUND LADDER ACCESS

Ground-ladder access rescuer from second and third floor rooms shall be made possible for fire department operations. With the climbing angle of seventy-five degrees maintained, an approximate walkway width along either side of the building shall be no less than seven feet clear. Landscaping shall not be allowed to interfere with the required access. CFC Sec. 503 and 1029 NFPA 1932 Sec. 5.1.8 through 5.1.9.2. Required for all residential townhouses/rowhouses and each emergency egress window.

14. FIRE ALARM REQUIREMENTS

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

15. EMERGENCY RADIO RESPONDER COVERAGE

All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. CFC Sec. 510.1 .

16. TWO-WAY COMMUNICATION SYSTEM

Two-way communication systems shall be designed and installed in accordance with NFPA 72 (2016 edition), the California Electrical Code (2013 edition), the California Fire Code (2016 edition), the California Building Code (2016 edition), and the

city ordinances where two way system is being installed, policies, and standards. Other standards also contain design/installation criteria for specific life safety related equipment.

17. CONSTRUCTION SITE FIRE SAFETY

All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

18. ADDRESS IDENTIFICATION

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1

19. PUBLIC FIRE HYDRANT(S) REQUIRED

Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 6500 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, and Appendix B and associated Tables, and Appendix C.

20. TURN RADIUS (CIRCULATING)

The minimum inside turning radius is 20 feet and outside turning radius is 42 feet for required access roadways. Greater radius up to 60 feet may be required where the Fire Department determines that Ladder Truck access is required. Circulating refers to travel along a roadway without dead ends.

21. KNOX KEY BOXES/LOCKS WHERE REQUIRED FOR ACCESS

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire code official is authorized to require a key box to be installed in

an approved location. The Knox Key Box shall be a of an approved type and shall contain keys to gain necessary access as required by the fire code official.

22. LOCKS

An approved Knox Lock shall be installed on gates or similar barriers when required by the fire code official. Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. [CFC Sec. 506].

23. FIRE DEPARTMENT CONNECTION

The fire department connection (FDC) shall be installed at the street on the street address side of the building. It shall be located within 100 feet of a public fire hydrant and within ten (10) feet of the main PIV (unless otherwise approved by the Chief due to practical difficulties). FDC's shall be equipped with a minimum of two (2), two-and-one-half (2- 1/2") inch national standard threaded inlet couplings. Orientation of the FDC shall be such that hose lines may be readily and conveniently attached to the inlets without interference. FDC's shall be painted safety yellow. [SCCFD, SP-2 Standard].

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 6th day of December, 2022, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Darcy Paul, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	 _____ Date

