

Vallco Town Center

SB 35 Development Application Project Description

March 27, 2018

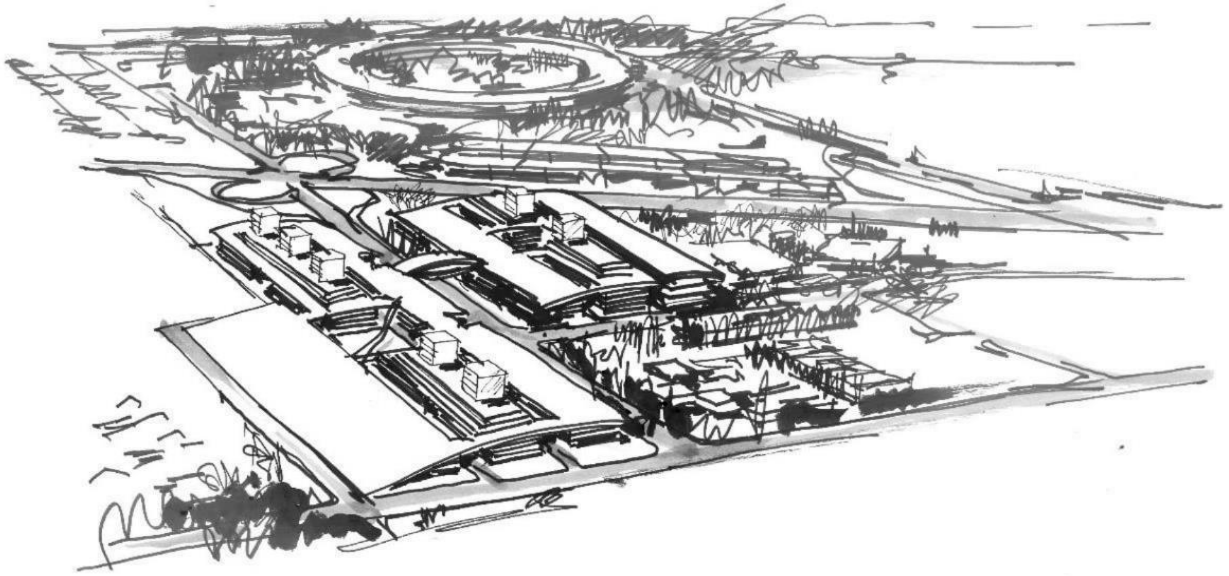


Table of Contents

1	Executive Summary	3
2	SB 35 Compliance	3
3	Consistency with City Objective Standards	5
4	Project Background	5
5	Land Plan	6
6	Project Entitlements	13
7	Density Bonus	14

Appendices

A	SB 35 Eligibility Checklist
B	Objective Standards Consistency Analysis
C	Vallco Town Center Project Commitments
D	Prevailing Wage/Skilled Labor Certification
E	Arborist Report
F	Operational Health Risk Assessment
G	Water Demand Assessment
H	Recycled Water Pipeline Extension Report
I	Sanitary Sewer Capacity Study
J	Project Background
K	Retail Reduction Justification Letter

1 Executive Summary

This project description is for the Vallco Town Center Application (the Project), which is being submitted pursuant to Government Code section 65913.4 (“SB 35”). SB 35 authorizes qualifying multifamily housing development applications, including mixed-use projects with at least two thirds of the square footage dedicated to residential uses, to be processed pursuant to a streamlined, ministerial approval process.

The Project site is located on the 50.82-acre Vallco Mall property in the City of Cupertino, between Interstate 280 and Steven’s Creek Boulevard and on both sides of North Wolfe Road. The property has been in continuous decline for more than 30 years and is currently largely vacant, except for a few restaurants and entertainment venues.

Consistent with Cupertino’s General Plan, the vision for the Vallco Town Center is to revitalize the aging and outdated indoor mall into a vibrant, sustainable, walkable and safe Town Center neighborhood with a mix of retail, dining, entertainment, recreation, employment, housing, and open space, all integrated with an innovative and publicly accessible green roof.

The Project proposes 2,402 residential units (both for sale and for rent) in 4,700,000 square feet (68.0%), 50% of which will be affordable to low- and very-low income households in accordance with SB 35 and density bonus requirements; 400,000 square feet of retail/entertainment uses (5.8%); and 1,810,000 square feet of office uses (26.2%). Approximately 10,500 parking spaces will be provided in both above- and below-ground structures with surface street parking along internal roadways to maximized pedestrian orientation of the Project. The Project includes 4 acres of open space at grade, including two plazas, and a 30-acre rooftop park, significant portions of which will be publicly accessible (14 acres on the west side and up to 8 acres on the east side, depending on office tenant demands). 24 acres of which will be publicly accessible on both sides of North Wolfe Road.

The Project is consistent with the City of Cupertino Community Vision 2040 General Plan (General Plan), including the Vallco Shopping District Special Area strategies to construct a mixed-use “town center” project with residential, retail, entertainment, and office uses in a pedestrian-friendly, grid street network with high-quality architecture that serves as a community gateway for the City of Cupertino.

The Vallco Town Center is being submitted after recent efforts to obtain entitlements for the site. A complete history of the Vallco Mall and background on recent community engagement and entitlement procedures can be found at [Appendix J – Project Background](#).

2 SB 35 Compliance

Pursuant to SB 35, cities that are not on track to meet their share of the regional housing needs (“RHNA”) obligation must follow a streamlined, ministerial review process for housing development projects, including mixed-use projects that include at least two-thirds of the square footage dedicated to residential uses, that satisfy specified objective planning standards. Specifically, SB 35 requires cities to approve projects within 180 days of application

submittal, based solely on whether the project complies with “objective zoning standards” and “objective design review standards,” which are defined as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” The California Environmental Quality Act (“CEQA”) does not apply to the SB 35 approval process because the approval is ministerial and projects are judged based on compliance with objective planning standards that do not entail the exercise of discretion. See Cal. Pub. Res. Code § 21080(b)(1)(CEQA does not apply to ministerial projects); see also 14 Cal. Code. Regs § 15268(a) (“Ministerial projects are exempt from the requirements of CEQA”).

As summarized below and described in detail in [Appendix A - SB 35 Eligibility Checklist](#), the Project is fully compliant and conforms with all the requirements of SB 35, including:

- The City of Cupertino is subject to SB 35 because it did not issue sufficient building permits to meet its share of its RHNA obligation for the most recent reporting period, per California Department of Housing & Community Development’s (“HCD”) Statewide Determination Summary, dated January 31, 2018.
- Because the City of Cupertino has issued “fewer units of housing affordable to any income level described in clause Government Code section 65913.4(a)(4)(B))(i) or (ii) ... than were required for the regional housing needs assessment cycle for that reporting period,” SB 35 allows the Project applicant to elect between dedicating 10% or 50% of the Project’s housing units to households making below 80% of the area median income. Vallco Property Owner, LLC (VPO) has elected to provide 50% of the units to households making below 80% of the area median income. VPO proposes 50% affordable housing units as outlined below in conformance with local affordable housing and density bonus requirements.
- The perimeter of the Project site is developed with “urban uses,” as defined by SB 35.
- Pursuant to SB 35, the Project is comprised of more than two-thirds residential use, as shown in [Table 4-1: Land Use Summary](#), below, as such areas are defined in the Cupertino Municipal Code.
- Under SB 35, only “objective” standards apply, meaning “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” The Project complies with all objective planning, zoning, and design standards as defined in SB 35 and outlined in [Appendix A: SB 35 Eligibility Checklist](#) and in [Appendix B: Objective Standards Consistency Analysis](#).
- The Project site is currently Zoned P(Regional Shopping) and P(CG). Planned Development zoning districts are tailored to a specific program or project, which in this case is the existing mall. Because the zoning contemplates the existing mall, and the General Plan calls for a complete redevelopment of the larger site with a mix of uses, the zoning is inconsistent with the General Plan. In accordance with SB 35, because the General Plan and zoning standards are inconsistent, only the General Plan standards

apply. See [Section 3: Consistency with Objective City Standards](#) and [Appendix B: Objective Standards Consistency Analysis](#).

- SB 35 cannot require the adoption of a Specific Plan. A Specific Plan is unquestionably a subjective discretionary legislative action under California law,¹ and thus adoption of a future undefined Specific Plan cannot meet the definition of an “objective planning standard” under SB 35.
- The 389 residential unit allocations set forth in General Plan Table LU-1 are inapplicable to the Project because SB 35 states that density is determined by the “maximum density allowed within that General Plan land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.”
- All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages and a skilled and trained workforce will be used. (See [Appendix D: Prevailing Wage/Skilled Labor Certification](#)).

3 Consistency with Objective City Standards

As noted in Section 2, in accordance with SB 35, because the General Plan and zoning standards are inconsistent, the only land use standards that apply to the Project site are those found in the General Plan. In 2015, the City of Cupertino adopted new General Plan goals, policies and strategies for the Vallco Shopping District Special Area, which includes the Project site. The City General Plan envisions a complete redevelopment of the existing Vallco site into a vibrant mixed-use “town center” that is a focal point for regional visitors and the community. The General Plan calls for this area to become a destination for shopping, dining and entertainment in Santa Clara Valley.

The Project includes a mix of retail, residential, and office uses, which are allowed uses under the General Plan, and the intensity/density of use, including the 2,402 residential units, is consistent with the General Plan. The Project’s office uses may include all office uses permitted under the General Plan. A comprehensive analysis of the Project’s consistency with applicable objective City standards, including those in the General Plan, is provided in [Appendix B: Objective Standards Consistency Analysis](#).

It should be noted that many General Plan standards are aspirational or visionary, meaning that they involve personal or subjective judgment or are not uniformly verifiable, and thus are not “objective zoning standards” or “objective design review standards” as defined by SB 35. However, in addition to meeting all the objective General Plan standards as defined by SB 35, the Project has nonetheless been designed to comply with and be consistent with the General Plan, including all Vallco Shopping District Special Area goals and strategies.

¹ See *Yost v. Thomas*, 36 Cal. 3d 561, 570 (1984) (the adoption of a Specific Plan, like a general plan, is a legislative action); see also California Government Code Section 65453.

4 Land Use Summary

This section describes the land uses that will be constructed as part of the Vallco Town Center Project. All plans, as submitted as part of this SB 35-compliant submittal package are incorporated by reference.

The Project’s land uses are shown in **Table 4-1: Land Use Summary** and described in greater detail in the “Project Design” section.

Table 4-1: Land Use Summary

Land Use	Amount ¹	% Project
Residential Dwelling Units	2,402 units	
Residential Uses (sf.)	4,700,000 sq. ft.	68.0%
Office (sf.)	1,810,000 sq. ft.	26.2%
Retail / Entertainment (sf.) ²	400,000 sq. ft.	5.8%
Parking (spaces)	10,500 spaces	

Note:

1. Values are approximate and subject to further refinement.
2. The Entertainment component will be no more than 30% the total retail area in compliance with the City of Cupertino’s General Plan.

The residential units will be both rental and for sale and support a variety of household types. Of the Project’s 2,402 residential units, 50% of will be affordable to low income households making less than 80% area median income (AMI) and 50% AMI in accordance with SB 35, density bonus, and local affordable housing requirements.

In support of a mixed-use and traditional town center form, the Project will help create a high-quality development through careful design of the public squares and programming for community venues. Envisioned uses include a mix of retail, commercial, dining, entertainment, and a mix of residential product types, and open space uses. Details regarding each use are provided in the attached plan set.

4.1 Project Design

4.1.1 Town Center

The Vallco Town Center will be a pedestrian-focused area that provides regionally-serving retail/entertainment uses largely at the ground-level, with residential units and commercial office spaces both at-grade and above the retail. The retail/entertainment uses will provide a vibrant and comfortable space for walking, sitting, eating, and socializing throughout the day and evening.

The core public focus of the Vallco Town Center will be the two plazas, one located on each side of North Wolfe Road. Each plaza will be a focal point for community events and serve as

gathering spaces in support of the surrounding retail, entertainment, office, and residential uses.

The majority of the 2,402 residential units will be located at-grade and above ground-floor retail and other active uses, while a portion will be located in buildings above the green roof. Private and public open space for the residential units will be provided at both the ground level and via building green roofs.

Class-A office space will provide state of the art, efficient, sustainable, and flexible space for a range of users. Office entrances and lobbies will be located at ground level facing the eastern plaza and adjacent streets. Ground floor uses may also include a variety of office amenities, residential townhomes, retail, or commercial supporting services.

The Project includes a traditional neighborhood layout that connects the community (internally and externally) via walkable, pedestrian- and bike-friendly streets, squares/plazas, trails, and pathways. The circulation space will have a rich texture of paving patterns, lighting, public art, street furniture, and outdoor gathering spaces. The streetscape will incorporate clear wayfinding and access to/from the surrounding streets, plazas, parks and trails, building green roofs and parking garages.

4.1.2 Building Set Backs

Stevens Creek Boulevard and North Wolfe Road are considered “Boulevard (Arterial)” per the General Plan Mobility Element Chapter 5, Figure M-2 Circulation Network. The building blocks that front these streets are designed to meet the General Plan’s required 1:1 set-back plane from the existing curb.

Furthermore, as part of the Project, Wolfe Road is provided with a newly proposed frontage road, half on City property and half on private property, to create a true boulevard-style roadway that serves to slow down the vehicular circulation adjacent to the retail, residential, and office spaces; minimize automobile/pedestrian conflict; provide public drop-off areas; and create an additional planted buffer between Wolfe Road and the frontage retail spaces.

4.1.3 Building Green Roofs and Bridges

Each of the Town Center buildings will have a green roof with discrete bridges across street roads at convenient locations to provide a continuously accessible pathway that provides a publicly-accessible venue for active and passive recreation and publicly-accessible space. Each building’s green roof will be privately constructed and maintained and accessible to the public via walking and jogging pathways during typical daylight hours. Portions of each building’s roof will be reserved for the exclusive use of on-site residents, office tenants, and retail/entertainment tenants.

The rooftop environment will host a diverse set of programmatic uses, including active public spaces for community gathering such as a turfed play space, a children’s playground, family picnic areas, and other intimate spaces for thought and relaxation, using native planting areas that provide habitat for local flora and fauna that will be drought tolerant and climate responsive.

The rolling hills silhouette created by the Project's aggregate landscaped roofs helps minimize the scale of the Project area, weaving its form into its surrounding setting. The variety of plantings, proposed setbacks, and varying building heights will create an interesting landscape and visually integrate the Project site with the adjacent neighborhoods and public streets.

The green roof along a portion of the southwestern edge of the Project site along Street A (Perimeter Road) will meet the existing grade, providing for the residential scale and privacy of the adjacent Portal neighborhood.

4.1.4 Streetscape and Landscaping

The landscape design for the Town Center is based on the historical natural and cultural landscape of the Santa Clara Valley, and provides a range of natural ecosystems in a built environment and is resilient to challenging and changing climate conditions.

The City's General Plan park standard is three acres of park per 1,000 residents (RPC-1.2). Pursuant to Cupertino Municipal Code requirements for household size, the Town Center would generate the need for 12.96 acres of park space. The Town Center Project will provide a 30-acre rooftop park and up to 26 acres of publicly-accessible open space, including 2 acres of at-grade park space and children's play area adjacent to Perimeter Road, 2 acres in two Town Center plazas, and 14 to 22 acres of publicly accessible green roofs on all blocks connected by bridges (the final amount of public green roof space depends on office tenant needs). The Project will also include almost 14 acres of private open space for residents of the Town Center. As such, the Project complies with (and exceeds) the General Plan park standard.

The Project site includes 895 existing trees, located primarily along North Wolfe Road, Stevens Creek Boulevard and the existing alignment of Perimeter Road. Predominant species include Shamel Ash (399 | 45%), Coastal Redwood (319 | 36%), and various types of pine (65 | 7%).

The existing monoculture of plant species was from an earlier era when the original Mall was constructed. These tree species are very heavy water users and have been suffering for years during the continuing California drought conditions. The Shamel ash and coastal redwood specimens are rapidly declining with many trees are in poor to very poor health and several that have died in recent years.

As described in [Appendix E: Arborist Report](#), the tree population percentages of coast redwood and Shamel ash are far too high for a stable urban forest situation, which would typically include a larger number of tree genera and species to guard against pest and disease outbreaks (and abiotic issues such as drought conditions) that could potentially wipe out a large percentage of the tree population.

This notwithstanding, the Project will retain most of the existing trees located on North Wolfe Road, Stevens Creek Boulevard, and the landscaped buffer along the western perimeter of the Project site. As part of this SP 35 application, a tree removal permit is included to authorize the removal of trees as further described in the plans and arborist report attached as Appendix E. The Project will also incorporate more than 1,000 new trees (more than 2 for every 1 removed), all of which will be native or drought tolerant species.

4.1.5 Sustainability

The Project will seek a sustainability certification of LEED Gold or higher. Each building's landscaped green roof will reduce urban heat island effect, minimize water run-off, maximize rainwater capture and reclamation, minimize water and air quality impacts, improve energy efficiency of the buildings, and promote biodiversity.

To meet the water demand associated with a large-scale residential project and significant plantings both at- and above-grade, the Project will use captured rainwater, reused on-site grey water, and/or district-provided recycled water. The Project will also use drought tolerant and native landscaping that thrives on little to no water.

4.2 Site Access and Circulation

4.2.1 Vehicular Circulation

The Project has been designed consistent with the General Plan Circulation Element. Access to the Project site has been carefully designed to help minimize conflicts and allow for easy on-site wayfinding depending on the type of users (e.g., vehicle, transit, pedestrian, bicyclist) coming to or going from the Project site.

Primary access to the Project site surface streets will be from North Wolfe Road and Stevens Creek Boulevard. Above-and below-grade parking will be provided via ramps from Vallco Parkway, Perimeter Road, N. Wolfe Road Frontage Road, and Stevens Creek Boulevard. The existing wall on Perimeter Road between the Project site and the adjacent Portal Neighborhood will remain closed with no access.

As previously noted, to slow down vehicle speeds immediately adjacent to the retail, pedestrian sidewalks, bike lanes, and provide space for transit and temporary parking (e.g., drop-off/pick-up) along North Wolfe Road, a median-separated Wolfe Frontage Road will be constructed, creating a pleasant Boulevard streetscape, consistent with the City's "complete streets" General Plan Policies M-2 and M-2.2.

The internal small block street network has been designed in a "transect planning" format that will encourage the objective of efficient and safe multimodal circulation. This is consistent with General Plan Strategies LU-19.1.4 and 19.1.6, and as envisioned in the South Vallco Connectivity Plan. Street parking and private streets may be used temporarily for special events (public or private) such as farmer's markets, corporate events, and arts and craft festivals. Street parking and private streets may also be closed for the privacy, safety and security of residents, office users and retail tenants and shoppers.

4.2.2 Parking

Under SB 35, the City may "not impose parking standards" if "[t]he development is located within one-half mile of public transit." Gov. Code § 65913.4(d). Because several bus routes either go through the Project site on Wolfe Road or are adjacent to it on Stevens Creek Boulevard, the development is located within one-half mile of public transit and the City may

not impose any parking requirement under SB 35. Nonetheless, as described below for informational purposes, the Project includes sufficient parking to adequately meet the demands of the various uses.

On-site non-residential parking will primarily be in underground garages on both sides of North Wolfe Road with limited surface level parking to promote bike and pedestrian circulation within the Project. Signage will direct vehicles to the parking garages, reducing conflicts with pedestrians and bicyclists on the at-grade street network. This includes accommodating circulation from I-280 with direct access to parking garages from North Wolfe Road. This will be complemented by VTA plans to rebuild and widen the North Wolfe Road/I-280 interchange that will include vehicular, bike and pedestrian improvements.

Above-ground structured parking will be provided for the residential component, constructed internal to the blocks and “wrapped” by occupied spaces so they will not be visible. These parking spaces will be dedicated to residential use only, separating the residents from office users and the general public visiting the retail and entertainment components. This design is consistent with General Plan Policy LU-3.4 and Strategy LU-19.1.12, even though both are subjective General Plan standards and not applicable to the Project under SB 35.

Parking is currently designed to include approximately 10,500 spaces. Traditional parking spaces may be substituted for an equivalent or greater number of spaces through automated or mechanical parking system(s).

The amount of parking proposed is based on a shared parking analysis completed by the applicant and information thereon is available upon request. This is consistent with General Plan Strategy LU-8.3.2.

4.2.3 Pedestrians and Bicycle Circulation

The Project is designed to provide safe connections for pedestrians and bicyclists. Sidewalks will be continuous, accessible, and tree-lined with signalized crosswalks connecting the street grid. The at-grade pedestrian-oriented streets will support universal access with gentle slopes. Bulb-outs or other similar design features will help protect pedestrians and provide a safe walking environment.

The existing bicycle network on North Wolfe Road, Vallco Parkway, and Stevens Creek Boulevard will connect to the Project. Within the Project site, all roadways are designed to incorporate either Class II bike lanes or Class III shared bike/vehicle lanes. Bicycle striping, green bike lanes, and bike boxes are used to reinforce and accommodate a multi-modal street network. The Project includes other bicyclist amenities, such as a bike café, bike repair shop, and shower facilities, which are envisioned as part of the mobility hub (described below). For safety and security reasons, bicycles will not be allowed onto the green roof. Public and private bike parking areas are provided throughout the Project site as well as within buildings.

4.3 Infrastructure Improvements

This section address infrastructure necessary to support the Project, including water, wastewater, stormwater management, and dry utilities.

Separately, a discussion regarding potential operational air quality impacts on sensitive receptors can be found in [Appendix F: Operational Health Risk Assessment](#), which has been prepared as an informational document. Although CEQA does not apply to this SB 35 application, this Health Risk Assessment also complies with General Plan EIR Mitigation Measure AQ-4a and 4b.

4.3.1 Water

Public water lines are owned and operated by the California Water Service Company. There are currently public water mains within public right-of-way under Stevens Creek Boulevard, Vallco Parkway and within an easement within Perimeter Road.

Water service for fire, domestic and irrigation will be provided at two locations on each side of Wolfe Road. The west side of Wolfe Road will have meters and backflows from Perimeter Road in the northwest corner of the Project site being fed from the public mains in Wolfe Road, and meters from Perimeter road in the south west of the site being fed from the public main in Stevens Creek boulevard. The east side of Wolfe Road will have meters and backflows from Perimeter Road in the northeast corner of the site being fed off the public main located in Wolfe Road, and reconnecting the water service to the Hyatt property, and meters and backflows from Perimeter Road in the southeast corner of the site, in an existing easement being fed from the public main located in Vallco Parkway.

All new public mains up to the meters on private property will have an easement dedicated to the California Water Service Company.

A discussion regarding water demand is provided in [Appendix G: Water Demand Assessment](#). A discussion regarding access to recycled water is found in [Appendix H: Recycled Water Pipeline Extension Report](#). Both documents are provided for informational purposes.

4.3.2 Wastewater

The Project wastewater plan will reroute the sewer main that flows through the northern portion of the west side of the Project site, and extend it north under North Wolfe Road, just south of the existing tunnel. The route will then turn west between the tunnel and the underground garage. This main will be in a new public utility easement and will connect to the existing sanitary sewer located in an easement in the northern portion of the Project site in the adjacent property. This main then discharges to the sewer main that crosses the I-280.

Based on the projected sewer flows, upgrades to the existing lines in North Wolfe Road will be required to accommodate the projected flows. The anticipated upgrades consist of either an upgrade of the existing sewer main from a 15-inch to a 21-inch pipe, or an additional 18-inch parallel sewer pipe.

Discharge from the site will be distributed around the Project, collected in private sewer mains and connected to the public sewer system in Vallco Parkway, Wolfe Road and Stevens Creek Boulevard.

A further discussion regarding sanitary sewer service can be found in [Appendix I: Sanitary Sewer Capacity Study](#), which is provided for informational purposes.

4.3.3 Stormwater Management

Stormwater requirements mandate treating 100% of storm water runoff with Low Impact Development (LID) measures. These measures include rainwater harvesting, re-use, infiltration, biotreatment, for green roofs and collection of ground-level run-off. The Project site is not subject to hydromodification requirements.

The green roof will contain absorbent landscape surfaces where rain water will be cleaned, and to the extent possible, collected and reused within the Project site for irrigation.

Rain that falls on the podium area and private roads will be diverted to one of the regional retention vaults, treated and reused to offset the potable irrigation water demand, and to meet storm water quality requirements. Treatment will consist of media filtration to remove oils, sediments and other pollutants to make the rainwater suitable for use as irrigation. Areas that prove infeasible to be diverted for on-site uses will be treated prior to off-site discharge, consistent with State and local regulations.

All overflow from the Project site for storms larger than the required treatment storm will discharge from the vaults directly to the public storm drain located in the adjacent property to the north west, in public utility easements, and directly into the Junipero Serra Channel through an existing output to the north east.

4.3.4 Dry Utilities

Existing gas and high voltage electric lines are in North Wolfe Road, running from north to south. These joint trench lines will remain in place. There is also a public joint trench along the southwest section of Perimeter Road that will be relocated.

The Project will extend public gas and electric support lines from North Wolfe Road in a joint trench within a realigned easement. Service lines for the buildings will be extended from these realigned public lines.

A utilities capacity analysis has been prepared for the Project and is available upon request.

4.3.5 Construction Sequencing

Demolition and subsequent redevelopment of the Project site is expected to occur in a single construction phase over several years, with both sequenced and concurrent starts and openings by building and/or block. It is currently anticipated that retail, residential, and office use construction would commence concurrently, although market conditions or construction requirements may require modifications to the sequencing.

Staging of construction equipment and vehicles will be primarily on-site with some staging within the public right-of-way for the improvement / construction of the bridge over North Wolfe Road. Code required fire and emergency access to the adjacent properties will be maintained throughout construction.

Construction may need to work around existing tenants until long-term integration into other parts of the development are completed.

4.4 Applicant Proposed Measures (APMs)

To minimize impacts associated with construction and operation, the Project will comply with the measures as described in [Appendix C: Vallco Town Center Project Commitments](#).

5 Project Entitlements

This application package is submitted pursuant to SB 35, which supersedes the City’s conventional discretionary entitlements process. The City’s normal permitting process and any findings or other requirements that go beyond confirming SB 35 compliance and consistency with objective standards are not applicable. As stated above, SB 35 defines objective standards to mean “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” SB 35 also prohibits the City from requiring discretionary approvals, citing a conditional use permit as an example.

[Table 5-1: Required Project Entitlements](#) identifies the plans, entitlements and permits (or equivalent entitlements) covered by this SB 35 submittal package.

Table 5-1: Required Project Entitlements

Approvals	Comments
Entitlement	
Development Permit Major	To the extent issuance of this permit requires the exercise of discretion, similar to a Conditional Use Permit, it may not be required under SB 35.
Tentative Subdivision Map for Condominium Purposes (including new and modified easements)	SB 35 applies to projects that include a subdivision, if the project will pay prevailing wages and use a skilled and trained workforce. The Project includes a Tentative Subdivision Map that will consolidate existing parcels so there will be two parcels on either side of Wolfe Road, with up to 2,500 condo units for the various buildings and residential condominium. This Tentative Subdivision Map for Condominium Purposes covering Parcels A and B is submitted in accordance with SB 35 and pursuant to Government Code § 66426 and Government Code § 66427(a) for development, financing, construction, leasing and sales purposes, to permit condominium units within the Vallco SB 35 Project comprising up to 2,500 condominium units, including not to exceed 2,402 residential condominium units, together with retail/commercial units, but in no event shall the number or scope of such condominium units in the aggregate exceed the number of such units approved for each of the uses, as identified in the concurrently filed Vallco Project SB 35 submittal. To the extent issuance of this approval requires the exercise of

	discretion, similar to a Conditional Use Permit, it may not be required under SB 35.
Architecture and Site Approval Major	Limited to objective design review standards per Government Code section 65913.4(a) (5). To the extent issuance of this permit requires the exercise of discretion, similar to a Conditional Use Permit, it may not be required under SB 35.
Tree Removal Permit	
Subsequent Approvals²	
Master Signage Program	
Demolition Permits	
Construction Permits (including, but not limited to, utility (including off-site), shoring, grading, and excavation permits)	
Encroachment Permits	
Final Map	

Table 5-2: Entitlements Not Required Per SB 35 identifies entitlements that are not required per SB 35.

Table 5-2: Entitlements Not Required Per SB 35

Entitlement	Rationale for Why Not Required
Specific Plan	No Specific Plan is required because by definition, Specific Plans are subjective discretionary legislative actions, and thus not an “objective” standard under SB 35.
Zoning	Under Government Code section 65913.4(a)((5)(B), a General Plans governs over inconsistent zoning and no discretionary approvals are required. See Appendix A: SB 35 Eligibility Checklist .
Conditional Use Permit	Per Government Code section 65913.4(a), no CUP is required for the Project approval.

6 Density Bonus

In order to achieve its desired density, the Project qualifies for a density bonus under the State Density Bonus Law (as implemented by the Cupertino Municipal Code) by providing affordable units on site. Under SB 35, additional density or other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law are not taken into account

² These permits are all ministerial.

when evaluating compliance with the City’s “objective zoning standards” and “objective design review standards.” In particular, the Project will include 1201 affordable units, 360 at the very low income level and 841 at the low income level, qualifying it for a 35% bonus. The bonus is calculated as follows. Under the General Plan Land Use Element, the “base density” for the 50.82-acre site is 1,779 units. The 360 very low income units represent 20% of the base density and the 841 low income units represent 47% of the base density, easily qualifying the Project for a 35% density bonus. Increasing the base density of 1,779 by 35% results in a total permitted density of 2,402 units. As required by the City’s Density Bonus Ordinance, the obligation to maintain these units as affordable units will be recorded in an agreement between VPO and the City.

Table 6-1: Density Bonus Summary Table

Maximum units permitted (excluding bonus)	Affordable units by income level	Bonus percentage	Bonus units	Total units proposed on site
1,779	Very Low: 360 Low: 841	35%	623	2,402

In addition to increasing the Project’s density, the City must grant incentives or concessions under the State Density Bonus Law. The Vallco Town Center Project qualifies for 3 incentives or concessions based on the inclusion of 15% of the total units for very low income households. Although not additional, the Vallco Town Center Project also qualifies for 3 incentives or concessions based on the inclusion of 35% of the total units for low income households. We request the following as the concessions:

1. Waive the requirement in Cupertino Municipal Code section 19.56.050.G to have the identical design as market rate units.³ This reduces the costs of constructing the affordable units to design them to a specification consistent with other affordable housing projects, including different materials and finish quality. Purpose-built affordable housing projects typically include more cost-effective finishes including appliances, cabinetry, lighting, counter tops, fixtures, windows and other items. To the

³ The Project has been designed to comply with the “dispersal” requirement, as affordable units are located throughout the Project. (The one area that is an exception is that the 623 density bonus units are geographically separate, as permitted by state law and Cupertino Municipal Code section 19.56.030.F.7.) While the Project complies with this code provision, it is not obligated to under SB 35 because the requirement to be “dispersed throughout the project” is not objective because it involves personal judgment and there are no “uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” For these reasons, a concession is not needed for this requirement. Nonetheless, the following provides a brief explanation for why relief from a requirement to uniformly disperse would achieve cost reductions. Separating the affordable units into distinct areas that can be included as separate condominiums allows them to be financed separately and with lower cost financing. Because the cost of capital is a significant component of the overall project cost, obtaining more favorable financing represents a clear and identifiable cost savings to the Project.

extent such finishes are different from those used in market rate units, the cost will be reduced for the affordable units.

2. The Project proposes 400,000 square feet of retail, a reduction from the minimum amount of retail specified in the General Plan of 600,000 square feet. According to a recent Retail Opportunity Analysis of the trade area in which the Project is located summarized in [Appendix K – Retail Reduction Justification Letter](#), in order to achieve stabilization of 600,000 square feet of retail, the Project would have to capture 100% of the existing retail demand in the trade area, an unrealistic scenario given the tenant types and pricing realities of the high quality retail product to be delivered at the Project. As such, the analysis recommended a maximum of 400,000 square feet of retail at the Project. Building in excess of 400,000 square feet would result in additional and unrecoverable costs to VPO in the form of extraordinary transaction costs (i.e. excessive monetary contributions for tenant improvements and/or lease procurement brokerage fees), extraordinary construction costs (i.e. turn-key buildouts or other non-standard improvements for tenants, or construction of un-leasable space), and/or extraordinary operating losses (i.e. operating costs in excess of rental income as a result of heavy discounts or vacant space) and cannot be offset by other Project revenues given the composition of its uses, including but not limited to the Project's affordable housing component. Limiting the retail component of the Project to 400,000 square feet would facilitate cost reductions and, in concert with other strategies, should allow VPO to offer the affordable rents contemplated by the Project's housing component.
3. If the City properly identifies an inconsistency with an objective zoning standard and waiving that standard would achieve cost reductions, this final concession is reserved for such purposes.

Under the State Density Bonus law, the City can only deny an incentive or concession if it finds that an incentive or concession does not result in identifiable and actual cost reductions; would have a specific, adverse impact on public health and safety or the physical environment; or would violate state or federal law. It is the City's burden to provide the evidence supporting such findings.

7 Housing Accountability Act

As set forth in this submittal, the Project is entitled to a streamlined ministerial approval under SB 35. In addition, the Housing Accountability Act (Gov. Code § 65589.5) requires the City to approve the Project. The Project is protected under the Housing Accountability Act for two independent reasons:

1. The Project complies with the City's objective standards and criteria, as described in this Project Description and the attached Appendix A; and,
2. As described above, the Project is providing 50% of its units affordable to families earning less than 80% AMI, which is more than the minimum 10% of units for lower-

income households than is required by the State Density Bonus Law. Gov. Code § 65589.5(d), (h)(3), (j).

The City is only permitted to reject a project under these circumstances if there is a preponderance of evidence that the project would have a significant, unavoidable, and quantifiable impact on “objective, identified written public health or safety standards, policies, or conditions.” Gov. Code §65589.5(j). There is no evidence, let alone a preponderance of evidence, that the Project would have any impact on public health and safety that cannot be feasibly mitigated. A broad range of plaintiffs can sue to enforce the Housing Accountability Act, and the City would bear the burden of proof in any challenge. Gov. Code § 65589.5(k). As recently reformed in the 2017 legislative session, the Housing Accountability Act makes attorney’s fees and costs of suit presumptively available to prevailing plaintiffs, requires a minimum fine of \$10,000 per housing unit for jurisdictions that fail to comply with the act within 60 days, and authorizes fines to be multiplied by five times if a court concludes that a local jurisdiction acted in bad faith when rejecting a housing development.

Appendix A

SB 35 Eligibility Checklist

APPENDIX A: SB 35 ELIGIBILITY CHECKLIST

This table lists the Project’s compliance with SB 35’s eligibility requirements for the streamlined ministerial approval of compliant housing developments. All citations are to California Government Code Section 65913.4 (SB 35).

Eligibility Requirement	Requirement Satisfied?
<p>1. Is the project a multifamily housing development with 2 or more units? Subd. (a)(1).</p> <p>The Project is a multifamily housing development that will provide 2,402 housing units.</p>	Yes
<p>2. Is the project located in an area designated by the U.S. Census Bureau as an urbanized area? Subd. (a)(2)(A).</p> <p>The Project is located in the City of Cupertino, which is within the U.S. Census urbanized area boundary for San Jose. See https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua79039_san_jose_ca/DC10UA79039.pdf</p>	Yes
<p>3. Is more than 75% of the Project site’s perimeter developed with urban uses? Subds. (a)(2)(B), (h)(8).</p> <p>SB 35 defines “urban uses” as “any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.” SB 35 also clarifies that parcels that are only separated by a street or highway are considered to be adjoined. Based on these standards, the entirety of Project site’s perimeter is developed with urban uses.</p>	Yes
<p>4. Does the site have either zoning or a general plan designation that allows for residential use or residential mixed-use development, with at least two-thirds of the square footage designated for residential use? Subd. (a)(2)(C).</p> <p>The General Plan allows a mix of uses for the Project site, including residential. See Cupertino General Plan, LU-19.1.4. In addition to residential uses, the Project will include a vibrant “town center” as a</p>	Yes

Eligibility Requirement	Requirement Satisfied?
<p>community focal point, as called for in the General Plan.</p> <p>The total square footage of the Project is 6,910,000 square feet. Of that amount, 4,700,000 square feet are dedicated to residential uses, comprising 68.0% of the total, in excess of the two-thirds requirement.</p>	
<p>5. Will the applicant record a land use restriction for the Project’s affordable housing units? Subd. (a)(3).</p> <p>The Cupertino Municipal Code requires that projects applying for a density bonus enter an affordable housing agreement with the City that includes “the household type, number, location, size, affordability, and construction scheduling of all affordable units.” Vallco Property Owner, LLC will enter and record such an agreement for the applicable minimum term prior to final or parcel map approval or prior to issuance of any building permits, whichever occurs first, as required by the Cupertino Municipal Code.</p>	<p>Yes</p>
<p>6. Has HCD determined that the local jurisdiction is subject to SB 35? Gov’t Code Sec. 65913.4(a)(4)(A).</p> <p>HCD has determined that the City of Cupertino is subject to SB 35.</p> <p>Cupertino is subject to SB 35 because it did not issue sufficient building permits to meet its share of the regional housing needs (“RHNA”) for the most recent reporting period. During the 2015 to 2016 period HCD used to determine whether a jurisdiction is subject to SB 35, Cupertino met its above-moderate housing requirements but issued zero building permits for very low and low income housing, and less than half of the required permits for moderate income housing.</p>	<p>Yes</p>
<p>7. Will the Project include the required percentage of below market rate housing units? Subd. (a)(4)(B).</p> <p>When a jurisdiction approved fewer building permits than were required by the regional housing needs assessment cycle for that reporting category in either the above-moderate or below-moderate income categories, the project applicant may choose between dedicating 10% or 50% of the project’s housing units to households making below 80% of the area median income. Subd. (a)(4)(B)(iii).</p>	<p>Yes</p>

Eligibility Requirement	Requirement Satisfied?
<p>Because the City of Cupertino has issued fewer building permits than required for the below-moderate income categories, SB 35 allows the project applicant to choose between dedicating 10% or 50% the project’s housing units to households making below 80% of the area median income.</p> <p>The Project will include at least 50% of housing units dedicated to households with incomes below 80% of the area median income.</p>	
<p>8. Is the Project consistent with “objective zoning standards” and “objective design review standards?” Subd. (a)(5).</p> <p>The Project will comply with all applicable objective standards, as detailed in Appendix B: Objective Standards Consistency Analysis. SB 35 defines “objective zoning standards” and “objective design review standards” narrowly: “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” SB 35 provides that the adoption of a Specific Plan cannot be required because a Specific Plan is a subjective discretionary action, and thus does not meet the definition of an “objective zoning standard.”</p> <p>Relevant here, SB 35 also clarifies that if objective zoning and design review standards are inconsistent with standards found in the General Plan, then “a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.” Here, the zoning for the site is P(Regional Shopping) and P(CG). That is, as a PD district, the current zoning contemplates the existing mall. This is in contrast to the General Plan, which calls for a “complete redevelopment” and a new mixed-use “town center.” The zoning that contemplates the existing structures and uses is inherently and completely inconsistent with the General Plan’s vision for a revitalized Vallco with a mix of uses, new street grid, town plazas, and other such amenities that are part of this “complete redevelopment.” Due to these inconsistencies, for SB 35 purposes, none of the development standards in the existing zoning designation are applicable and the City may only look to the General Plan and generally-applicable standards in the Cupertino Municipal Code to</p>	<p>Yes</p>

Eligibility Requirement	Requirement Satisfied?
<p>identify the “objective zoning standards.”</p> <p>The Project as proposed is consistent with all applicable objective standards, excluding the two concessions allowed under the State Density Bonus Law, Gov. Code § 65915(d)(1) and CMC § 19.56. The Project qualifies for 3 concessions based on the inclusion of 15% of the total units for very income households. As described in the Project Description, one concession will be used to allow 400,000 square feet of retail in the Project, as opposed to the 600,000 square feet of retail stated in the General Plan and a second concession will be used to waive the requirements of CMC § 19.56.050(G).</p> <p>Many General Plan standards are aspirational or visionary, meaning that they involve personal or subjective judgment or are not uniformly verifiable, and thus are not “objective zoning standards” or “objective design review standards” as defined under SB 35. However, in addition to meeting all the objective General Plan standards as defined by SB 35, the project has nonetheless been designed to comply with and be consistent with the General Plan aspirations, including the Vallco Shopping District Special Area goals and strategies. Project consistency is described in Appendix B: Objective Standards Consistency Analysis.</p>	
<p>9. Is the Project located outside of all types of areas exempted from SB 35? Subd. (a)(6-7).</p> <p>The Project site is not located within any of the below exempt areas.</p> <p>Subd.(a)(6) exempt areas:</p> <ul style="list-style-type: none"> - Coastal zone - Prime farmland or farmland of statewide importance - Wetlands - High or very high fire hazard severity zones - Hazardous waste sites - Earthquake fault zone (unless the development complies with applicable seismic protection building code <p>Subd. (a)(7) exempt areas:</p> <ul style="list-style-type: none"> - A development that would require the demolition of housing that: <ul style="list-style-type: none"> - Is subject to recorded rent restrictions - Is subject to rent or price control - Was occupied by tenants within the last 10 years - A site that previously 	<p>Yes</p>

Eligibility Requirement	Requirement Satisfied?
<p>standards)</p> <ul style="list-style-type: none"> - Floodplain or floodway designated by FEMA - Lands identified for conservation in an adopted natural community conservation plan or habitat conservation plan - Habitat for a state or federally protected species - Land under a conservation easement 	<ul style="list-style-type: none"> - contained housing occupied by tenants within past 10 years - A development that would require the demolition of a historic structure on a national, state, or local register - The property contains housing units that are occupied by tenants, and units at the property are/were offered for sale to the general public by the subdivider or subsequent owner of the property
<p>10. Will all construction workers employed in the Project be paid at least the general prevailing wage? Subd. (a)(8)(A).</p> <p>As detailed in the attached letter (see Appendix D), Vallco Property Owner, LLC certifies that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages.</p>	<p>Yes</p>
<p>11. Will all construction workers employed in the Project be certified as a “skilled and trained workforce?” Subd. (a)(8)(B).</p> <p>As detailed in the attached letter (see Appendix D), Vallco Property Owner, LLC certifies that a skilled and trained workforce shall be used to complete the Project.</p>	<p>Yes</p>
<p>12. May the Project include a subdivision of a parcel because the project developer will pay prevailing wages and use a “skilled and trained” workforce? Subd. (a)(9)(B).</p> <p>The Project may include a subdivision because Vallco Property Owner, LLC will pay prevailing wages and use a “skilled and trained” workforce, as described in items 10 and 11 above.</p>	<p>Yes</p>

Appendix B

Objective Standards Consistency Analysis

APPENDIX B: OBJECTIVE STANDARDS CONSISTENCY ANALYSIS

In accordance with SB 35, if objective zoning and design review standards are inconsistent with standards found in the General Plan, then “a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.” Because Cupertino’s General Plan calls for a complete redevelopment of the site and the adoption of a specific plan that will set forth relevant development regulations, and the zoning for the site is Planned Development that is tailored to the existing mall, the General Plan is completely and irreconcilably inconsistent with the zoning. As such, under SB 35, only the General Plan standards apply and no zoning consistency analysis is required.

As for the General Plan standards, many are aspirational or visionary, meaning that they involve personal or subjective judgment or are not uniformly verifiable, and thus are not “objective zoning standards” or “objective design review standards” as defined under SB 35 and, therefore, do not apply to the Project. Nonetheless, the following consistency analysis demonstrates that in addition to meeting all the *objective* General Plan and Cupertino Municipal Code (CMC) standards as defined by SB 35, the Project also complies and is consistent with the *subjective* provisions of the General Plan, including the Vallco Shopping District Special Area goals and strategies.

Below, Table B-1 summarizes the Project’s consistency with General Plan standards, and Table B-2 summarizes consistency with CMC standards. Neither table is exhaustive, and both are provided for informational purposes only.

Table B-1: Consistency with General Plan Standards

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
Land Use Element – Vallco Shopping District Special Area		
<p>Goal LU-1: Create a balanced community with a mix of land uses that supports thriving businesses, all modes of transportation, complete neighborhoods and a healthy community</p>	<p>Not required, because the standard is not objective.</p> <p>Under SB 35, the only applicable standards are those “that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” Gov. Code § 65913.4 (a)(5). This policy involves personal or subjective judgment and is not uniformly verifiable to any uniform benchmark or criterion.</p>	<p>Consistent. The Project fully implements the mixed-use town center vision described in the City of Cupertino General Plan by providing a mix of uses that are both horizontally and vertically integrated. The focus of the Project is planning for the redevelopment of the Vallco Mall property. Land uses will include commercial (retail, dining, and entertainment), residential, office around town plazas; concentrating uses in this way encourages pedestrian activity. Each building block will be provided with a green roof, some of which are publicly accessible, some are private to tenants, and will host a variety of diverse programs to enhance the town center character and give a unique Cupertino identity to the Project site.</p>
<p>Table LU-1: Citywide Development Allocation Between 2014-2020: Vallco Shopping District allocated a maximum 2,000,000 square feet of office space.</p>	<p>Applicable. The maximum square footage allocation for office space does not require subjective judgment and is based on uniformly verifiable criteria and thus is objective and applicable.</p>	<p>Consistent. The Project includes a maximum of 1,810,000 square feet of office space, less than the General Plan’s maximum allocation of 2,000,000 square feet.</p>
<p>Table LU-1: Citywide Development Allocation Between 2014-2020: 389 residential units will be allocated to Vallco as a Priority Housing Element Site (see also HE-1.3.1 and Table HE-5).</p>	<p>Residential allocation not required. The 389 unit allocation is inapplicable because SB 35 deems a project “consistent with the objective zoning standards related to housing density, as applicable, if the density</p>	<p>Consistent. The Project will include 2,402 units, which is allowed based on the standard of 35 units per acre plus the density bonus.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
	<p>proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.” Subd. (a)(5)(A). Figure LU-2 provides the governing General Plan’s maximum residential density of 35 units per acre, resulting in a greater density of units than would result under the unit allocation. As such, the unit allocation is inapplicable.</p>	
<p>Policy LU-1.4: Land Use in all Citywide Mixed- Use Districts. Encourage land uses that support the activity and character of mixed-use districts and economic goals.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project site is identified by the General Plan as a mixed-use district. The General Plan states that <i>“The City envisions a complete redevelopment of the existing Vallco Fashion Mall into a vibrant mixed-use ‘town center’ that is a focal point for regional visitors and the community. This new Vallco Shopping District will become a destination for shopping, dining and entertainment in the Santa Clara Valley.”</i> Further, Goal LU-19 provides: <i>“Create a distinct and memorable mixed-use ‘town center’ that is a regional destination and focal point for the community.”</i> In addition to shopping, dining, hotel and entertainment uses, the Project includes residential, office, and recreational uses.</p>
<p>Policy LU-1.X: Jobs/Housing Balance. Strive for a more balanced ratio of jobs and housing units.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will provide both employment opportunities and residential development within the boundaries of the Project site. The Town Center will provide opportunities for residents and people in neighboring areas to meet their daily needs proximate to where they live and work.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>Figure LU-2: Community Form Diagram: Maximum residential density for Vallco Shopping District Special Area is 35 units per acre.</p>	<p>Applicable. The maximum residential density does not require subjective judgment and is based on uniformly verifiable criteria and thus is objective and applicable.</p>	<p>Consistent. The Project includes a residential “base” density of no more than 35 units per acre, with additional density allowed as a density bonus.</p>
<p>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.</p>	<p>Applicable. The requirement to maintain primary building bulk below a 1:1 slope line does not require subjective judgment and is based on uniformly verifiable criteria and thus is objective and applicable.</p>	<p>Consistent. The Project design conforms to the General Plan’s required 1:1 set-back plane from the existing curb</p>
<p>Policy LU-2.2: Pedestrian-Oriented Public Spaces. Require developments to incorporate pedestrian-scaled elements along the street and within the development such as parks, plazas, active uses along the street, active uses, entries, outdoor dining and public art.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project is consistent with this policy because the Project site will be an active space, broken into retail, entertainment, office, and residential districts in a mixed-use setting. Elements of an active setting strongly focus on the ground floor to provide pedestrian interaction. Office entrances and lobbies will be located at ground level to enhance the active use of the adjacent streets and town plazas.</p> <p>The Project includes all of the suggested elements noted in the policy, including the plazas, parks, outdoor dining, and public art.</p>
<p>Policy LU-3.3: Building Design. Ensure that building layouts and design are compatible with the surrounding environment and enhance the streetscape and pedestrian activity.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project is consistent with this policy because, as previously noted, the Town Center will have a traditional neighborhood layout that physically connects the community (internally and externally) to walkable, pedestrian and bike-friendly streets through a variety of paths, plazas, and other public spaces.</p> <p>The Project also identifies that architecture within the Project site should be consistent and compatible with the context of the existing community and surrounding neighborhood. The silhouette of the buildings massing with their landscaped roofs, connected by narrow bridges, will help minimize the bulk of the Project site, weaving its form into its surrounding setting. Proposed setbacks and varying building heights will</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
		also help to create an interesting landscape and reduce the visual impact on the adjacent neighborhoods and public streets.
<p>Policy LU-3.4: Parking. In surface lots, parking arrangements should be based on the successful operation of buildings; however, parking to the side or rear of buildings is desirable. No visible garages shall be permitted along the street frontage. Above grade structures shall not be located along street frontages and shall be lined with active uses on the ground floor on internal street frontages. Subsurface/deck parking is allowed provided it is adequately screened from the street and/or adjacent residential development.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project minimizes surface parking by using subsurface parking structures throughout. On-site parking will be located in underground garages on both sides of North Wolfe Road.</p> <p>Above-grade structured residential use parking will not be visible as they will be constructed internal to the blocks and covered by occupied spaces. Above-grade structures parking will not be located along major street frontages and, where they are located along internal street frontages, they will feature retail, entries, and other active uses on the ground floor.</p> <p>To the extent feasible, parking structures will be located away from prominent pedestrian areas with entries and stairwells located adjacent to streets or plaza access points. Structures will be designed to be compatible with the architectural character of adjacent buildings, including considerations of style and color, and will support the development of the Project site into a high-quality mixed-use town center.</p>
<p>Goal LU-4: Promote the unique character of Planning Areas and the goals for community character, connectivity and complete streets in streetscape design.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project prioritizes streetscape design to increase walkability and biking, which creates connectivity throughout the Project site and supports the creation of community character. Sidewalks will be continuous, accessible, and tree-lined with signalized crosswalks connecting the street grid, which will support an aesthetically pleasing streetscape area, as well as be safe and comfortable for users.</p>
<p>Policy LU-4.1: Street and Sidewalks. Ensure that the design of streets, sidewalks and pedestrian and bicycle amenities are consistent with the vision for each Planning Area.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project is consistent with this policy and the City's Complete Streets policies identified in the General Plan because the Project site will have a street network hierarchy for public and private streets: Retail and Entertainment Streets; Office Streets; Capillary Streets; Perimeter Streets; and Municipal Streets. The classification relates to the location and to the function of the street system and all accommodate vehicular traffic, pedestrian sidewalks, and bike routes. This will provide a newly configured complete street</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
		grid hierarchy of streets, boulevards and alleys that is pedestrian-oriented, connects to existing streets, and creates walkable blocks for buildings and open space.
<p>Policy LU-4.2: Street Trees and Landscaping. Ensure that tree planting and landscaping along streets visually enhances the streetscape and is consistent for the vision for each Planning Area (Special Areas and Neighborhoods):</p> <ol style="list-style-type: none"> 1. Maximize street tree planting along arterial street frontages between buildings and/or parking lots. 2. Provide enhanced landscaping at the corners of all arterial intersections. 3. Enhance major arterials and connectors with landscaped medians to enhance their visual character and serve as traffic calming devices. 4. Develop uniform tree planting plans for arterials, connectors and neighborhood streets consistent with the vision for the Planning Area. 5. Landscape urban areas with formal planting arrangements. 	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will retain the majority of the existing healthy trees located along I-280, N. Wolfe Road, Stevens Creek Boulevard, and the Perimeter Road neighborhood landscaped buffer. The Project will incorporate more than 1,000 new trees, which is more than 2 for every 1 removed.</p>
<p>Policy LU-5.1: Neighborhood Centers. Retain and enhance local neighborhood shopping centers and improve pedestrian and bicycle access to neighborhoods to improve access to goods and services.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will allow for Community Retail uses targeted to local residents and employees. Uses could include specialty food stores, neighborhood retail, personal and professional services, retail stores, and restaurants. These uses will be within walking and/or biking distance of patrons.</p>
<p>Policy LU-5.2: Mixed-Use Villages. Where housing is allowed along major corridors</p>	<p>Not required. The standard is not objective because it involves</p>	<p>Consistent. The Project will include a mix of uses that are both horizontally and vertically integrated. The Project will allow for approximately 400,000</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>or neighborhood commercial areas, development should promote mixed-use villages with active ground-floor uses and public space. The development should help create an inviting pedestrian environment and activity center that can serve adjoining neighborhoods and businesses.</p>	<p>personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>square feet of commercial uses; 2,402 residential units; 1,810,00 square feet of office space. The mixed-use building types with residential and/or office uses will generally include ground floor retail.</p>
<p>Policy LU-8.2: Land Use. Encourage land uses that generate City revenue.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project includes a mix of land uses that will provide the City with development fees, property taxes and retail sales taxes.</p>
<p>Strategy LU-8.2.1: Fiscal Impacts. Evaluate fiscal impacts of converting office/commercial uses to residential use, while ensuring that the city meets regional housing requirements.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project is a mixed-use development, office, commercial, and residential uses are permitted. While residential uses will be added to the site, it also includes significant office and retail components that will generate significant revenue to the City. The Project site is identified as a Priority Housing Element Site (Site A2) in the City's General Plan Housing Element.</p>
<p>Strategy LU-8.3.1: Mixed-use. Consider mixed-use (office, commercial, residential) in certain commercial areas to encourage reinvestment and revitalization of sales-tax producing uses, when reviewing sites for regional housing requirements.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will implement the City's vision for the Vallco Shopping District Special Area. Chapter 2, Planning Areas, of the General Plan states "The City envisions this area as a new mixed-use 'town center' and gateway for Cupertino." The mix of retail, dining, entertainment, recreation, offices, housing, open space, and public amenities will represent a major investment in the area and will yield tax revenues for the City.</p>
<p>Strategy LU-8.3.2: Shared or Reduced Parking. Consider shared or reduced parking,</p>	<p>Not required. The standard is not objective because it involves</p>	<p>Consistent. The Project includes approximately 10,500 parking spaces, including shared parking as appropriate.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>where appropriate as incentives to construct new commercial and mixed-use development, while increasing opportunities for other modes of transportation.</p>	<p>personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable. In addition, the Project is within 1/2 mile of public transit so the City may not impose any minimum parking standards under SB 35.</p>	
<p>Policy LU-9.1: Collaboration with Business Community. Collaborate with the business community to facilitate growth, development and infrastructure improvements that benefit residents and businesses.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project implements the City’s General Plan vision for complete revitalization of the Project site into a “vibrant mixed-use town center” that will be a focal point for regional visitors and the community.</p>
<p>Vallco Shopping District Special Area Goal LU-19: Create a distinct and memorable mixed-use “town center” that is a regional destination and focal point for the community.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project fully implements the mixed-use town center vision identified in this goal by providing a mix of uses that are both horizontally and vertically integrated, creating a focal point for the community. Land uses will include commercial/retail, residential, office, entertainment, and parks and open space arranged around town plazas; concentrating uses in this way encourages pedestrian activity. Community facility uses are a part of the Project to enhance the Town Center character of and give a unique Cupertino identity to the Project site.</p> <p>The Project envisions a traditional neighborhood layout connecting the community (internally and externally) to walkable, pedestrian and bike-friendly streets through a variety of paths, plazas, and other public spaces.</p>
<p>Strategy LU-19.1.1: Master Developer. Redevelopment will require a master developer in order to remove obstacles to</p>	<p>Not required. The standard is not objective because it involves personal or subjective</p>	<p>Consistent. The Project will be completed by the applicant, acting as the master developer.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>the development of a cohesive district with the highest levels of urban design.</p>	<p>judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	
<p>Strategy LU-19.1.2: Parcel Assembly. Parcel assembly and a plan for complete redevelopment of the site is required prior to adding residential and office uses. Parcelization is highly discouraged in order to preserve the site for redevelopment in the future.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. All parcels associated with the Project have been assembled by the applicant and the Project proposes a complete redevelopment of the site. The Project includes a Tentative Subdivision Map that will consolidate existing parcels so there will be two parcels on either side of Wolfe Road, with up to 2,500 condo units for the various buildings and residential condominium. This Tentative Subdivision Map for Condominium Purposes covering Parcels A and B is submitted in accordance with SB 35 and pursuant to Government Code § 66426 and Government Code § 66427(a) for development, financing, construction, leasing and sales purposes, to permit condominium units within the Vallco SB 35 Project comprising up to 2,500 condominium units, including not to exceed 2,402 residential condominium units, together with retail/commercial units, but in no event shall the number or scope of such condominium units in the aggregate exceed the number of such units approved for each of the uses, as identified in the concurrently filed Vallco Project SB 35 submittal.</p>
<p>Strategy LU-19.1.3: Complete Redevelopment. The “town center” plan should be based on complete redevelopment of the site in order to ensure that the site can be planned to carry out the community vision.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project constitutes a comprehensive redevelopment of the entire Project site, consistent with the community vision as described in the Community Vision 2040 General Plan, which includes the development of a “town center,” mixed-uses, entertainment, grid street network, etc.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>Strategy LU-19.1.4: Land Use. The following uses are allowed on the site:</p> <ul style="list-style-type: none"> ▪ Retail: High-performing retail, restaurant and entertainment uses. Maintain a minimum of 600,000 square feet of retail that provide a good source of sales tax for the City. Entertainment uses may be included but shall consist of no more than 30 percent of retail uses. ▪ Hotel: Encourage a business class hotel with conference center and active uses including main entrances, lobbies, retail and restaurants on the ground floor. ▪ Residential: Allow residential on upper floors with retail and active uses on the ground floor. Encourage a mix of units for young professionals, couples and/or active seniors who like to live in an active “town center” environment. ▪ Office: Encourage high-quality office space arranged in a pedestrian-oriented street grid with active uses on the ground floor, publicly accessible streets and plazas/green space. 	<p>Applicable objective standards included in this provision apply to the Project, such as the inclusion of retail, hotel, residential, and office uses; minimum square footage requirements; and the allowance of certain uses on upper or ground floors.</p> <p>Any standards that are not objective are not required. Such standards involve personal or subjective judgment by a public official and are not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. As shown in the plan sets submitted as part of the application, the Project complies with the land uses and the desired design.</p> <p>Although the Project provides 400,000 square feet of retail, rather than 600,000 square feet, as described in the Project Description, one of the allowed concessions is used for relief from this standard pursuant to the State Density Bonus Law, Gov. Code § 65915(d)(1) and CMC § 19.56. Under SB 35, consistency is determined “excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in [Gov. Code] Section 65915.”</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>Strategy LU-19.1.5: “Town Center” Layout. Create streets and blocks laid out using “transect planning” (appropriate street and building types for each area), which includes a discernible center and edges, public space at center, high quality public realm, and land uses appropriate to the street and building typology.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project consists of a series of pedestrian-scale blocks designed in a grid-format around two plazas to create a mixed-use town center. The urban form and architectural features have been designed to create high-quality, amenity-rich urban spaces for a multitude of users.</p>
<p>Strategy LU-19.1.6: Connectivity. Provide a newly configured complete street grid hierarchy of streets, boulevards and alleys that is pedestrian-oriented, connects to existing streets, and creates walkable urban blocks for buildings and open space. It should also incorporate transit facilities, provide connections to other transit nodes and coordinate with the potential expansion of Wolfe Road bridge over Interstate 280 to continue the walkable, bike-friendly boulevard concept along Wolfe Road. The project should also contribute towards a study and improvements to a potential Interstate 280 trail along the drainage channel south of the freeway and provide pedestrian and bicycle connections from the project sites to the trail.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. As shown in the plans submitted as part of this application, the Project fully complies with the prescribed design parameters of this strategy.</p> <p>The Project will have a street network hierarchy for public and private streets that will accommodate vehicular traffic, pedestrian sidewalks, and bike routes. This will provide a newly configured “complete streets” grid hierarchy of streets, boulevards and alleys that are pedestrian- and bicycle-oriented, connect to existing streets, and create walkable blocks for buildings and open space.</p>
<p>Strategy LU-19.1.7: Existing Streets. Improve Stevens Creek Boulevard and Wolfe Road to become more bike and pedestrian-friendly with bike lanes, wide sidewalks, street trees, improved pedestrian intersections to accommodate the connections to</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark</p>	<p>Consistent. The streetscape of both north side of Stevens Creek Boulevard and both sides of N. Wolfe Road will be substantially upgraded and include bike and pedestrian-friendly with bike lanes, wide sidewalks, street trees, improved pedestrian intersections to accommodate better connections to adjacent land uses. Wolfe Road will include a new frontage road to facilitate a slower travel lane adjacent to the active retail uses,</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
Nineteen800 and Main Street.	or criterion that is currently knowable.	creating a boulevard effect.
<p>Strategy LU-19.1.8: Open Space. Open space in the form of a central town square on the west and east sides of the district interspersed with plazas and “greens” that create community gathering spaces, locations for public art, and event space for community events.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will include two publicly accessible town plazas, located on each side of N. Wolfe Road.</p>
<p>Strategy LU-19.1.9: Building Form. Buildings should have high-quality architecture, and an emphasis on aesthetics, human scale, and create a sense of place. Additional heights may be approved in specific areas by the City Council as part of the Community Benefits Program. Taller buildings should provide appropriate transitions to fit into the surrounding area.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. Project plans identify maximum roof heights and maximum building heights by zone, and building heights will generally be higher on the east side of N. Wolfe Road and lower on the west side of N. Wolfe Road. The Project buildings have high-quality architectural design that will help to unify the green roof and ensure a human-scaled neighborhood without abrupt transitions into the surrounding areas.</p> <p>Proposed setbacks, street level landscape, and varying building heights will also help to create an interesting landscape and reduce the visual impact on the adjacent neighborhoods and public streets.</p> <p>For SB 35 “objective standard” purposes, it should be noted that the General Plan does not impose any maximum height limits.</p>
<p>Strategy LU-19.1.10: Gateway Character. High-quality buildings with architecture and materials befitting the gateway character of the site. The project should provide gateway signage and treatment.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will provide high-quality architecture and building materials including the extensive use of glass, steel, stone, and wood. The streetscape will include special treatments (e.g. pavers, colored concrete, etc.) to create a pedestrian friendly atmosphere. Gateway signage and special treatments will be constructed throughout the Project site.</p>
<p>Strategy LU-19.1.11: Phasing Plan. A phasing plan that lays out the timing of infrastructure, open space and land use improvements that ensures that elements desired</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not</p>	<p>Consistent. Demolition and subsequent redevelopment of the Project site is expected to occur in a single construction phase over several years, with both sequenced and concurrent starts and openings by building and/or block. It is currently anticipated that retail, residential, and</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
by the community are included in early phases.	uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable. In particular, the term “elements desired by the community” is subjective.	office use construction would commence concurrently, although market conditions or construction requirements may require modifications to the sequencing.
Strategy LU-19.1.12: Parking. Parking in surface lots shall be located to the side or rear of buildings. Underground parking beneath buildings is preferred. Above grade structures shall not be located along major street frontages. In cases, where above-grade structures are allowed along internal street frontages, they shall be lined with retail, entries and active uses on the ground floor. All parking structures should be designed to be architecturally compatible with a high-quality “town center” environment.	Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.	Consistent. The Project minimizes surface parking with extensive use of subsurface parking. Above-grade parking structures are “Residential Wrap Buildings” and the parking structure will not be visible from the streets.
Strategy LU-19.1.13: Trees. Retain trees along the Interstate 280, Wolfe Road and Stevens Creek Boulevard to the extent feasible, when new development are proposed.	Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.	Consistent. A significant majority of the healthy trees along Interstate 280, Wolfe Road and Stevens Creek Boulevard will be retained.
Strategy LU-19.1.14: Neighborhood Buffers. Consider buffers such as setbacks, landscaping and/or building transitions to buffer abutting single-family residential areas from visual and noise impacts.	Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark	Consistent. As shown in the Project plans, existing healthy trees along Perimeter Road, that serve as a neighborhood landscaped buffer, will be retained and additional trees planted. Building setbacks, street level landscaping, and varying building heights will also help to create an interesting urban form and minimize visual impacts on the adjacent neighborhoods and public streets.

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
	or criterion that is currently knowable.	
Environmental Resources and Sustainability Element		
<p>Policy ES-1.1: Principles of Sustainability. Incorporate the principles of sustainability into Cupertino’s planning, infrastructure and development process in order to improve the environment, reduce greenhouse gas emissions and meet the needs of the community without compromising the needs of future generations.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project incorporates sustainable design and technologies. As noted in the analysis of Policy HE-10, the Project will incorporate energy efficiency elements including but not limited to the use of alternative energy; thermal heating and cooling and building design. Project features to meet the water demand by including use of captured rain water, on-site grey water, and/or district-provided recycled water; and use of drought-tolerant and native landscape materials.</p>
<p>ES-2.1.5: Urban Forest. Encourage the inclusion of additional shade trees, vegetated stormwater treatment and landscaping to reduce the “heat island effect” in development projects.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project includes green roofs on all buildings as well as landscaped and tree-lined ground level town plazas and streetscapes.</p>
<p>ES-2.1.9: Energy Efficient Transportation Modes. Continue to encourage fuel-efficient transportation modes such as alternative fuel vehicles, driverless vehicles, public transit, car and van-pooling, community and regional shuttle systems, car and bike sharing programs, safe routes to schools, commuter benefits, and pedestrian and bicycle paths through infrastructure investment, development incentives, and community education.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will support energy efficient transportation, such as non-vehicular and fuel-efficient mobility options.</p>
<p>ES-3.1.1: Green Building Program. Periodically review and revise the City’s Green</p>	<p>Not required. The standard is not objective because it involves</p>	<p>Consistent. The Project will meet or exceed the City’s requirements for LEED certification.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
Building ordinance to ensure alignment with CALGreen requirements for all major private and public projects that ensure reduction in energy and water use for new development through site selection and building design.	personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.	
Policy ES-4.1: New Development. Minimize the air quality impacts of new development projects and air quality impacts that affect new development.	Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.	Consistent. The Project includes measures to reduce construction-related and operational air quality impacts associated with the Town Center that will also be applicable to future development within the Project site.
ES-5.1.2: Built Environment. Ensure that sustainable landscaping design is incorporated in the development of City facilities, parks and private projects with the inclusion of measures such as tree protection, stormwater treatment and planting of native, drought tolerant landscaping that is beneficial to the environment	Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.	Consistent. The Project will include extensive landscaping using native and regionally-appropriate landscaping. All surfaces at grade and on roof-tops will contain absorbent surfaces where rain water will be collected, cleaned, and to the fullest extent possible while meeting minimum C.3 requirements, reused within the Project site for irrigation

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>Policy ES-7.1: Natural Water Bodies and Drainage Systems. In public and private development, use Low Impact Development (LID) principles to manage stormwater by mimicking natural hydrology, minimizing grading and protecting or restoring natural drainage systems.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The San Francisco Bay Municipal Regional Stormwater NPDES permit mandates treating 100% of the storm water runoff with LID measures (e.g., rainwater harvesting, reuse, infiltration, and biotreatment). Implementation of the Project will result in the replacement of primarily impervious surface with landscape over podium and building green roofs. All rain water will be collected, cleaned, and to the fullest extent possible, reused within the Project site for irrigation. Rainfall on the podium area and private roads will be diverted to one of the regional retention vaults, and will be treated and reused through media filtration. Areas that prove infeasible to be diverted for on-site uses will be treated prior to off-site discharge consistent with State and local regulations.</p>
<p>Policy ES-7.2: Reduction of Impervious Surfaces. Minimize storm water runoff and erosion impacts resulting from development and use low impact development (LID) designs to treat stormwater or recharge groundwater</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will increase pervious surfaces associated with the at grade landscaped plazas, parks, paths, and streetscapes, as well as each buildings green roof. Implementation of the Project will result in the replacement of primarily impervious surface with the green roof and other landscaped areas.</p>
<p>Policy ES-7.3: Pollution and Flow Impacts. Ensure that surface and groundwater quality impacts are reduced through development review and voluntary efforts.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project includes features to reduce surface flows and water quality impacts.</p>
<p>Policy ES-7.6: Other Water Sources. Encourage the research of other water sources, including water reclamation.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by</p>	<p>Consistent. The Project will incorporate the use of district-provided recycled water, on-site treated grey water, storm water and rainfall collection and reuse; and use of drought-tolerant and native landscape materials.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
	reference to an external and uniform benchmark or criterion that is currently knowable.	
<p>ES-7.9.1: Water Conservation Measures. Implement water conservation measures and encourage the implementation of voluntary water conservation measures from the City’s water retailers and SCVWD.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. Storm water requirements mandate treating 100% of the storm water runoff with Low Impact Development (LID) measures. These measures will include rainwater harvesting, re-use, infiltration, biotreatment, and green roofs. The Project will be plumbed to accept recycled water and accommodate the planned public recycled water system.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
Health and Safety Element		
<p>Goal HS-8: Minimize noise impacts on the community and maintain a compatible noise environment for existing and future land uses.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. As part of the implementation of Goal HS-8 and of the above policies, in particular Policy HS-8.1, Land Use Decision Evaluation, the City of Cupertino has identified compatible noise levels for various types of land uses. Properties adjacent to N. Wolfe Road and Stevens Creek Boulevard fall within the 70 dBA CNEL contour, identified in the General Plan, as do properties proximate to I-280. Approximately half of the Project site is within a 70 dBA or 65 dBA CNEL contour. The southwestern portion of the Project site is within a 60 dBA CNEL contour. Cupertino has adopted the State of California Guidelines for Land Use Compatibility for Community Noise Environments. With the implementation of Applicant Proposed Measures, impacts will be less than significant. The Project provides for development that will be compatible with these standards.</p>
Infrastructure Element		
<p>Goal INF-4: Implement best practices in stormwater management to reduce demand on the stormwater network, reduce soil erosion, and reduce pollution into reservoirs and the Bay.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will result in the replacement of primarily impervious surface with the green roof and other landscape areas. Rain water will be cleaned, and to the fullest extent possible, collected and reused within the Project site for irrigation. Rainfall on the podium area and private roads will be diverted to one of the regional retention vaults, and will be treated and reused through media filtration. This will result in a decrease of flow, volume and duration of peak flow to the public storm drain system.</p>
Housing Element		
<p>Goal HE-1: An adequate supply of residential units for all economic segments</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>The Project will ensure that the City is providing an adequate supply of residential units for all economic segments. By providing approximately 1200 affordable units, the Project will vastly exceed the City's below moderate RHNA targets. The 360 very low income units will fulfill 101% of the City's remaining Regional Housing Needs Allocation (RHNA) for the current cycle, which ends in 2022. The 840 low income units will fulfill 406% of the City's remaining RHNA for the current cycle and likely for future cycles as well.</p>
<p>Policy HE-1.1: Provision of</p>	<p>Not required. The</p>	<p>Consistent. The Project site is identified as a</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>Adequate Capacity for New Construction Need. Designate sufficient land at appropriate densities to accommodate Cupertino’s Regional Housing Needs Allocation of 1,064 units for the 2014-2022 projection period.</p>	<p>standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Priority Housing Element Site (Site A2) in the City’s General Plan Housing Element which allocates 389 units to the Project site “by right”.</p>
<p>Policy HE-1.2: Housing Densities. Provide a full range of densities for ownership and rental housing.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project allows for a range of densities up to 35 dwelling units per acre.</p>
<p>Policy HE-1.3: Mixed Use Development. Encourage mixed-use development near transportation facilities and employment centers.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. Residential, employment, retail/commercial, recreational, and entertainment uses are provided within the Project site. The Project site is located within a Transit Priority Area and facilitates access to existing transportation facilities like bus stop and access to the future BRT.</p>
<p>Policy HE-2.1 Housing Mitigation. Ensure that all new developments—including market-rate residential developments—help mitigate project-related impact on affordable housing needs.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. As noted for Goal HE-2, the Project is consistent with this policy because future projects must comply with the City’s BMR Housing Program. The Town Center will comply with the City’s Housing Mitigation Program by providing affordable housing on site.</p>
<p>Policy HE-2.2 Range of Housing Types. Encourage the development of diverse housing stock that provides a</p>	<p>Not required. The standard is not objective because it involves personal or subjective</p>	<p>Consistent. The Project will ensure that the City is providing an adequate supply of residential units for all economic segments. By providing approximately 1200 affordable units, the Project</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>range of housing types (including smaller, moderate cost housing) and affordability levels. Emphasize the provision of housing for lower- and moderate-income households including wage earners who provide essential public services (e.g., school district employees, municipal and public safety employees, etc.)</p>	<p>judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>will vastly exceed the City’s below moderate RHNA targets. The 360 very low income units will fulfill 101% of the City’s remaining Regional Housing Needs Allocation (RHNA) for the current cycle, which ends in 2022. The 840 low income units will fulfill 406% of the City’s remaining RHNA for the current cycle and likely for future cycles as well.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>HE-2.3.6: Incentives for Affordable Housing Development. The City will continue to offer a range of incentives to facilitate the development of affordable housing. These include:</p> <ul style="list-style-type: none"> ▪ Financial assistance through the City’s Below Market-Rate Affordable Housing Fund (BMR AHF) and Community Development Block Grant (CDBG) funds ▪ Partner with CDBG and/or support the funding application of qualified affordable housing developers for regional, state, and federal affordable housing funds, including HOME funds, Low Income Housing Tax Credits (LIHTC), and mortgage revenue bonds ▪ Density bonus incentives (see Strategy 12) ▪ Flexible development standards ▪ Technical assistance ▪ Waiver of park dedication fees and construction tax ▪ Parking ordinance waivers ▪ Expedited permit processing <p>The City joined the Santa Clara County HOME Consortium so</p>	<p>Does not impose requirements on the Project.</p>	<p>Consistent. Fifty percent, or approximately 1,200, of the units will be affordable, with approximately 360 units affordable to household earning 60% of the area median income (AMI) and 840 units affordable to households earning 80% AMI. This is an unprecedented percentage and total number of affordable units, vastly exceeding the 96 affordable units issued building permits in Cupertino since 2007.</p> <p>The Project implements this Housing Element strategy by providing affordable units at two income levels. The project utilizes certain City incentives for affordable housing creation, such as the density bonus, while not requiring financial assistance through the BMR AHF or CDBG funds.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>that HOME funds for eligible affordable housing projects within the City of Cupertino are available beginning federal fiscal year 2015.</p>		
<p>HE-2.3.7: Density Bonus Ordinance. The City will encourage use of density bonuses and incentives, as applicable, for housing developments which include one of the following:</p> <ul style="list-style-type: none"> ▪ At least 5 percent of the housing units are restricted to very low income residents. ▪ At least 10 percent of the housing units are restricted to lower income residents ▪ At least 10 percent of the housing units in a for-sale common interest development are restricted to moderate income residents. ▪ The project donates at least one acre of land to the city or county large enough for 40 very low income units; the land has the appropriate general plan designation, zoning, permits, approvals, and access to public facilities needed for such housing; funding has been identified; and other requirements are met. 	<p>Applicable. Standards to qualify for a density bonus and incentives do not require subjective judgment and are based on uniformly verifiable criteria and thus are objective and applicable.</p>	<p>Consistent. The Project will use the City’s density bonus ordinance to provide additional housing on the site, which will help address the City’s housing shortage. By providing 50% of the units affordable to at least 80% AMI households, the Project qualifies for a 35% density bonus and 3 concessions.</p>
<p>HE-4.1.2: Sustainable Practices. The City will continue to</p>	<p>Any objective standards contained in the</p>	<p>Consistent. The Project includes sustainability strategies and infrastructure design guidelines with</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>implement the Landscape Ordinance for water conservation and the Green Building Ordinance (adopted in 2013) that applies primarily to new residential and nonresidential development, additions, renovations, and tenant improvements of ten or more units.</p> <p>To further the objectives of the Green Building Ordinance, the City will evaluate the potential to provide incentives, such as waiving or reducing fees, for energy conservation improvements at affordable housing projects (existing or new) with fewer than ten units to exceed the minimum requirements of the California Green Building Code. This City will also implement the policies in its climate action plan to achieve residential-focused greenhouse gas emission reductions and further these community energy and water conservation goals</p>	<p>Landscape Ordinance or Green Building Ordinance may apply to the Project.</p>	<p>the intent of maximizing energy and water conservation. The sustainability design goal is to achieve the highest level of certification from a globally recognized environmental sustainability certification program, such as LEED Platinum certification or its equivalency, which will include a requirement for recycled water for such purposes as irrigation, toilet flushing, and heating and cooling systems, among others. Examples of some of the conservation measures included in the Project include but are not limited to use of captured rain water, on-site grey water, and/or district-provided recycled water; and use of drought-tolerant and native landscape materials.</p>
<p>Policy HE-10: Energy and Water Conservation. Encourage energy and water conservation in all existing and new residential development.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. Energy efficiency and water conservation will be achieved through factors including each building's green roof which will reduce urban heat island effect, minimize water run-off, minimize water and air quality impacts, improve energy efficiency of the buildings, and promote bio-diversity. Project features to meet the water demand by including the use of captured rain water, on-site grey water, and/or district-provided recycled water; and use of drought-tolerant and native landscape materials.</p>
<p>Mobility Element</p>		
<p>Policy M-2: Street Design. Adopt and maintain street design standards to optimize mobility for all transportation modes including automobiles,</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public</p>	<p>Consistent. The Project includes a street network hierarchy, including: Retail and Entertainment Streets; Office Streets; Capillary Streets; Perimeter Streets; and Municipal Streets. The classification relates to the location and to the function of the</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
walking, bicycling and transit.	official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.	street system and all accommodate vehicles and transit traffic, pedestrian sidewalks, and bike routes.
<p>Policy M-2.2: Adjacent Land Use. Design roadway alignments, lane widths, medians, parking and bicycle lanes, crosswalks and sidewalks to complement adjacent land uses in keeping with the vision of the Planning Area. Strive to minimize the adverse impacts and expand alternative transportation options for all Planning Areas (Special Areas and Neighborhoods). Improvement standards shall also consider the urban, suburban and rural environments found within the city.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project establishes a street hierarchy and provides cross sections that identify the characteristics for type of street that is appropriate for the adjacent land uses. The Project envisions a traditional neighborhood layout connecting the community (internally and externally) to walkable, pedestrian and bike-friendly streets through a variety of paths, plazas and other public spaces, arranged in accordance with the principles of transect planning. The two plazas will be centers of activity in the Project site.</p>
<p>Policy M-3.2: Development. Require new development and redevelopment to increase connectivity through direct and safe pedestrian connections to public amenities, neighborhoods, shopping and employment destinations throughout the city.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will provide pedestrian pathways throughout the Project site and provide existing and planned connections external to the Project site.</p>
<p>Policy M-3.3: Pedestrian and Bicycle Crossings. Enhance pedestrian and bicycle crossings and pathways at key locations across physical barriers such as creeks, highways and road barriers.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project will be designed to accommodate vehicle, pedestrian, and bike traffic at key locations.</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
<p>Policy M-3.4: Street Widths. Preserve and enhance citywide pedestrian and bike connectivity by limiting street widening purely for automobiles as a means of improving traffic flow.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project is consistent with this policy because the Project site’s internal street network is designed to accommodate vehicular, transit, pedestrian, and bicycle movement. Implementation of the Project will not involve any street widening purely for automobiles.</p>
<p>Policy M-3.6: Safe Spaces for Pedestrians. Require parking lots to include clearly defined paths for pedestrians to provide a safe path to building entrances.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. Entries and stairwells for parking structures will be located adjacent to streets or plaza access points. Parking structure entries will be designed to be visually open, and promote a sense of security. All garages will have clearly identified entry points with wayfinding signage as a part of the Master Sign Program. The Project also identifies that lighting in the Project site is intended to help to create a safe environment for pedestrians and cars (e.g., street lighting, surface and garage parking lighting).</p>
<p>Policy M-3.8: Bicycle Parking. Require new development and redevelopment to provide public and private bicycle parking.</p>	<p>Applicable. The requirement to include bicycle parking does not require subjective judgment and is based on uniformly verifiable criteria and thus is objective and applicable.</p>	<p>Consistent. The Project will provide publicly accessible and private bicycle parking.</p>
<p>Goal M-6: Promote innovative strategies to provide efficient and adequate vehicle parking.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. One of the objectives of the Project is to provide adequate parking and vehicular access, compatible with a high-quality “town center” environment, that meet the needs of future visitors, employees, and residents, while encouraging the use of transit, bicycle, and other alternative modes of transportation.</p>
<p>Policy M-6.2: Off-Street Parking. Ensure new off-street parking is properly designed and efficiently used.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public</p>	<p>Consistent. The Project site will include below grade, above grade, and street level parking. The majority of the parking spaces in the Project site will be located in underground parking structures. The Town Center establishes a street hierarchy that</p>

Community Vision 2040 General Plan	Applicability	Vallco Town Center Project Consistency
	official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.	directs vehicles to the parking garages efficiently, reducing conflicts with pedestrians and bicyclists on the at-grade street network.
<p>Policy M-8.5: Design of New Developments. Encourage new commercial developments to provide shared office facilities, cafeterias, daycare facilities, lunchrooms, showers, bicycle parking, home offices, shuttle buses to transit facilities and other amenities that encourage the use of transit, bicycling or walking as commute modes to work. Provide pedestrian pathways and orient buildings to the street to encourage pedestrian activity.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project is consistent with this policy because of all the noted items in this policy are either a part of the Project or are permitted by the Project. For example, the horizontally- and vertically-integrated Town Center includes a mix of uses including retail, dining, entertainment, recreation, offices, housing, open space, and public amenities located with a community setting with pedestrian and bicycle pathways.</p>
<p>Policy M-9.3: Street Width. Except as required by environmental review for new developments, limit widening of streets as a means of improving traffic efficiency and focus instead on operational improvements to preserve community character.</p>	<p>Not required. The standard is not objective because it involves personal or subjective judgment by a public official and is not uniformly verifiable by reference to an external and uniform benchmark or criterion that is currently knowable.</p>	<p>Consistent. The Project identifies that streets will vary in width and configuration based on localized circulation requirements.</p>
<p>Recreation, Parks, and Community Services Element</p>		
<p>Policy RPC-1.2: Parkland Standards. Continue to implement a parkland acquisition and implementation program that provides a minimum of three acres per 1,000 residents.</p>	<p>Applicable. The parkland acquisition requirements do not require subjective judgment and are based on uniformly verifiable criteria and thus are objective and applicable.</p>	<p>Consistent. The Project exceeds the City’s park standards. Based on the City’s average household size of 2.83 in the proposed 2400 units, the Project will generate the need for 12.96 acres of parkland. The Project includes up to 26 acres of publicly-accessible open space, including 4 acres of at-grade park space and two plazas, and 14 to 22 acres of publicly accessible green roofs on all blocks connected by bridges (final amount depends on tenant needs). As such, the Project complies with (and exceeds) the General Plan park standard.</p>

Table B-2: Consistency with Objective Standards in Cupertino Municipal Code

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
Health and Sanitation, Title 9		
Chapter 9.18: Stormwater Pollution Prevention and Watershed Protection		
<p>9.18.090 Stormwater Pollution Prevention Plan (SWPPP).</p> <p>A stormwater pollution prevention plan (SWPPP) shall be prepared and made available at any construction project that is subject to the State Construction Stormwater NPDES General permit. The SWPPP shall be written by a Qualified SWPPP Developer, as defined in the current State NPDES Stormwater Construction General permit. At minimum, the SWPPP shall address the following six BMP categories to implement year-round, seasonally appropriate control measures: (1) erosion control, (2) run-on and runoff control, (3) sediment control, (4) active treatment systems, (5) good site management, and (6) non-stormwater management.</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. The Project will have a “Qualified SWPPP Developer” prepare and make available a Stormwater Pollution Prevention Plan prior to construction activities. The SWPPP will be filed with the State Water Resources Control Board and remain active through the entire duration of construction. Appendix C provides further information regarding water quality measures.</p>
<p>9.18.100 Permanent Stormwater Measures Required for Development and Redevelopment Projects.</p> <p>A. All applicants for permits pertaining to the planning, design, and construction of new development and redevelopment projects shall design and incorporate treatment measures to minimize both soluble and insoluble stormwater runoff pollution and to prevent increases in runoff flows for the life of the project. Projects incorporating these permanent stormwater treatment measures (BMPs) shall utilize guidance and standards from the current SCVURPPP C.3. Stormwater</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,”</p>	<p>Consistent. The Project will comply with all applicable objective standards. Permanent stormwater BMP measures will be sized and installed to meet C.3 requirements to ensure all of the stormwater runoff landing within the project boundary is treated prior to discharging to the City system. The stormwater BMP measures will include, but not limited to, rainwater harvesting, green roofs, and maximizing landscaped areas.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>Handbook. Permanent treatment measures (BMPs) shall be designed according to the numeric sizing criteria in Provision C.3.d of the Permit. Any new and redevelopment projects that are subject to the City's review and approval shall meet all requirements in Provision C.3. of the City's Municipal Regional Stormwater NPDES Permit.</p> <p>B. Site Design and Source Control BMP Requirements. All development and redevelopment projects shall include permanent site design and source control BMPs in order to reduce the water quality impacts of stormwater runoff from the site for the life of the project.</p> <p>C. Stormwater Treatment Requirements for Regulated Development and Redevelopment Projects. [detailed subdivisions omitted]</p>	<p>those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	
<p>9.18.160 Agreement to Maintain Stormwater Treatment Systems and Best Management Practices.</p> <p>A. Prior to the issuance of any building permit for a Regulated Project, the owner(s) of the site shall enter into a formal written Stormwater Treatment Systems Operation and Maintenance Agreement with the City. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the stormwater treatment systems and best management practices.</p> <p>B. The Stormwater Treatment Systems Operation and Maintenance Agreement shall require that the stormwater treatment system(s) or HM Control (if any) BMPs not be modified and that maintenance activities not alter the designed function of the facility treatment</p>	<p>Not required to the extent an agreement is negotiated and thus not verifiable against knowable and objective criteria.</p>	<p>Consistent. The project applicant will enter into a written Stormwater Treatment Systems Operation and Maintenance Agreement with the City. This agreement will be filed with the City of Cupertino and will ensure the regular maintenance and the effectiveness of the permanent stormwater treatment measures associated with the development.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>system or HM Control (if any) from its original design unless the Public Works Director has provided written certification that the requirements of this chapter have been satisfied prior to the commencement of the proposed modification or maintenance activity.</p> <p>C. The Stormwater Treatment Systems Operation and Maintenance Agreement shall provide that in the event that maintenance or repair is neglected, or the stormwater treatment facility becomes a danger to public health or safety, the City shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.</p> <p>D. The owner shall provide the City with three signed copies of the recorded Stormwater Treatment System Operation and Maintenance Agreement.</p> <p>E. The agreement shall provide access to the extent allowable by law for representatives of City, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of performing operation and maintenance inspections of the installed stormwater treatment systems and/or HM controls (if any).</p> <p>F. Any property owner party to a Stormwater Treatment Systems Operation and Maintenance Agreement shall, upon transferring ownership of such property, provide the new owner(s) with a current copy of this chapter, and shall inform the new owners in writing of their obligation to properly operate and maintain such facilities.</p>		
Title 10: Public Peace, Safety, and Morals		
Chapter 10.48: Community Noise Control		
10.48.053 Grading, Construction	Generally applicable objective	Consistent. The Project will adhere to

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>and Demolition.</p> <p>A. Grading, construction and demolition activities shall be allowed to exceed the noise limits of Section 10.48.040 during daytime hours; provided, that the equipment utilized has high-quality noise muffler and abatement devices installed and in good condition, and the activity meets one of the following two criteria:</p> <ol style="list-style-type: none"> 1. No individual device produces a noise level more than eighty-seven dBA at a distance of twenty-five feet (7.5 meters); or 2. The noise level on any nearby property does not exceed eighty dBA. <p>B. Notwithstanding Section 10.48.053A, it is a violation of this chapter to engage in any grading, street construction, demolition or underground utility work within seven hundred fifty feet of a residential area on Saturdays, Sundays and holidays, and during the nighttime period, except as provided in Section 10.48.030.</p> <p>C. Construction, other than street construction, is prohibited on holidays, except as provided in Sections 10.48.029 and 10.48.030.</p> <p>D. Construction, other than street construction, is prohibited during nighttime periods unless it meets the nighttime standards of Section 10.48.040.</p> <p>E. The use of helicopters as a part of a construction and/or demolition activity shall be restricted to between the hours of nine a.m. and six thirty p.m. Monday through Friday only, and prohibited on the weekends and holidays. The notice shall be given at least twenty-four hours in advance of said usage. In cases of emergency, the twenty-four</p>	<p>standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>construction noise limits. Appendix C provides further information regarding noise reduction measures.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
hour period may be waived.		
<p>10.48.055 Motor Vehicle Idling.</p> <p>Motor vehicles, including automobiles, trucks, motorcycles, motor scooters and trailers or other equipment towed by a motor vehicle, shall not be allowed to remain in one location with the engine or auxiliary motors running for more than three minutes in any hour, in an area other than on a public right-of-way, unless:</p> <p>A. The regular noise limits of Section 10.48.040 are met while the engine and/or auxiliary motors are running; or</p> <p>B. The vehicle is in use for provision of police, fire, medical, or other emergency services.</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. The Project will comply with motor vehicle idling limitations during all construction activities.</p>
Title 13: Parks		
Chapter 13.08 Park Land Dedication Fee		
<p>13.08.050 Park Land Dedication.</p> <p>A. Where the City determines that a park or recreational facility is to be located in whole or in part within the proposed development, land sufficient in topography and size shall be dedicated per the formula below.</p> <p>Park land dedication/DU = (Average number of persons/DU) x (Park Acreage Standard)/1000 persons</p> <p>B. The Park Acreage Standard is three acres of property for each one thousand persons.</p> <p>C. Park land dedication based on development density: Table 13.08.050 indicates the average park land dedication required per</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,”</p>	<p>Consistent. The Project exceeds the City’s park land dedication standards. Based on the City’s average household size of 2.83 in the proposed 2400 units, the Project will generate the need for 12.96 acres of parkland. The Project includes up to 26 acres of publicly-accessible open space, including 4 acres of at-grade park space and two plazas, and 14 to 22 acres of publicly accessible green roofs on all blocks connected by bridges (final amount depends on tenant needs). As such, the Project complies with (and exceeds) the General Plan park standard.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
dwelling unit based on development density per the formula above (Section 13.08.050.A).	those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).	
<p>13.08.100 General Procedures.</p> <p>A. At the time of approval of the dwelling units, the approval authority shall determine whether a park land dedication or a fee in lieu thereof is required unless a park land dedication or fee has already been provided.</p> <p>B. At the time of building permit application, land shall be dedicated to the City or the fee in lieu thereof shall be paid.</p> <p>C. Open space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the building permits and shall be recorded simultaneously with the issuance of final occupancy.</p> <p>D. If park land dedication is required, the design of the park shall be reviewed and approved and construction shall be completed prior to occupancy of the development.</p>	Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).	Consistent. The Project will satisfy procedural requirements, although any design review of the two plazas is inapplicable because such review is not based on objective standards.
Title 14: Streets, Sidewalks and Landscaping		
Chapter 14.02: Transportation Impact Fee (TIF) Program		
<p>14.02.040 Applicability.</p> <p>Except as otherwise expressly provided by this chapter, the TIF required hereunder shall be payable prior to building permit issuance, for all new development, additions to existing structures, changes in land use within the city for which building permits or other entitlements are required, consistent with the authority provided under this chapter.</p> <p>Any increase in square footage and/or change in land use or development type shall pay the</p>	Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria	Consistent. The Project applicant will pay any required fee pursuant to Chapter 14.02.

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>established applicable fee rate on the new use based on the net increase.</p>	<p>other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	
Chapter 14.04: Street Improvements		
<p>14.04.020 Application.</p> <p>14.04.030 General purpose and intent.</p> <p>14.04.040 Requirements–General.</p> <p>14.04.050 Dedication–Time–Purpose.</p> <p>14.04.060 In-lieu payments and deferred agreements.</p> <p>14.04.070 In-lieu payments–Purpose Deferral of payments by the City.</p> <p>14.04.080 Deferred agreements–Purpose–Deferral of improvements by the City.</p> <p>14.04.090 Interim street improvement–Certain areas–Purpose.</p> <p>14.04.100 Credit–Purpose.</p> <p>14.04.110 Improvements installed prior to permit–Imposition of street improvement reimbursement charges, cost of land and interest.</p> <p>14.04.120 Rules and regulations.</p> <p>14.04.125 Rules and regulations for installation, modification or removal of traffic diverters.</p> <p>14.04.130 Dedication–Requirements.</p> <p>14.04.140 Required improvement and dedication as determined by class of street.</p> <p>14.04.150 Credits–Prior improvements.</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. The Project will comply with all applicable street improvement requirements in Chapter 14.04.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>14.04.160 Preceding permit–Conditions.</p> <p>14.04.170 Installation agreement–Bond–Other security</p> <p>14.04.175 Reimbursement agreement.</p> <p>14.04.176 Disposition of street improvement reimbursement charge revenues.</p> <p>14.04.180 Payment in lieu of improvement–Schedule.</p> <p>14.04.190 Checking, inspection and other fees.</p> <p>14.04.200 Standard specifications.</p> <p>14.04.210 Street and highway widths.</p> <p>14.04.220 Legal description required.</p> <p>14.04.230 Exceptions.</p>		
Chapter 14.05: Park Maintenance Fee		
<p>14.05.040 Requirements–General.</p> <p>Any person who proposes to erect or construct any building or structure for which a building permit is required by the City, or who seeks a use permit or architectural and site approval from the City, must pay a fee, as determined under the provisions of this chapter, for the establishment, maintenance and rehabilitation of parks and recreation facilities within the City. Said fee shall be a condition precedent to the issuance of any required building permit, planned development permit, use permit, or architectural approval.</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. The Project applicant will pay any required fee pursuant to Chapter 14.05.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
Chapter 14.12: Trees		
<p>14.12.030 Responsibility.</p> <p>14.12.040 Enforcement.</p> <p>14.12.050 Master street tree list.</p> <p>14.12.060 Planting specifications.</p> <p>14.12.070 Public tree management.</p> <p>14.12.080 Prohibited acts.</p> <p>14.12.090 Public utilities–Tree trimming permit.</p> <p>14.12.100 Replacement tree–Deposit.</p> <p>14.12.110 Nuisance–Liability.</p> <p>14.12.120 Condition for development or building permit.</p> <p>14.12.130 New street tree costs and public tree damage or removal fee schedules.</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. The Project will comply with all applicable requirements regarding trees in Chapter 14.12.</p>
Chapter 14.15: Landscape Ordinance		
<p>14.15.010. Intent.</p> <p>14.15.020. Applicability.</p> <p>14.15.030. Definitions.</p> <p>14.15.040. Prescriptive Compliance Option.</p> <p>14.15.050. Landscape Documentation Package.</p> <p>14.15.060. Water-Efficient Design Elements.</p> <p>14.15.070. Water Budget Calculation.</p> <p>14.15.080. Soil Analysis.</p> <p>14.15.090. Recycled Water.</p> <p>14.15.100. Graywater Systems.</p> <p>14.15.110. Irrigation Schedule.</p> <p>14.15.120. Landscape and Irrigation Maintenance Schedule.</p> <p>14.15.130. Landscape and</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are</p>	<p>Consistent. The Project will comply with all applicable Landscape Ordinance requirements in Chapter 14.15.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>Irrigation Installation Report.</p> <p>14.15.140. Landscape Maintenance Agreement.</p> <p>14.15.150. Audit of Existing Landscapes Larger Than One Acre.</p>	<p>inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	
Chapter 14.18: Protected Trees		
<p>14.18.030 Actions Prohibited</p> <p>14.18.050 Protected Trees</p> <p>14.18.060 Plan of Protection</p> <p>14.18.100 Recordation</p> <p>14.18.110 Application and Approval Authority for Tree Removal Permit</p> <p>14.18.120 Action by Director</p> <p>14.18.130 Notice and Posting</p> <p>14.18.140 Tree Management Plan</p> <p>14.18.150 Exemptions</p> <p>14.18.160 Tree Replacement</p> <p>Table 14.18.160A - Replacement Tree Guidelines</p> <p>14.18.180 Review, Determination and Findings</p> <p>14.18.200 Protection During Construction</p> <p>14.18.210 Protection Plan Before Demolition, Grading or Building Permit Granted</p> <p>Appendix A - Standards for the Protection of Trees During Grading and Construction Operations</p>	<p>Mix of objective and subjective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. The Project will comply with protected tree requirements.</p> <p>As described in Appendix E – Arborist Report, the tree population percentages of coast redwood and Shamel ash are far too high for a stable urban forest situation, which would typically include using a larger number of tree genera and species to guard against pest and disease outbreaks (and abiotic issues such as drought conditions) that could potentially wipe out a large percentage of the tree population.</p> <p>Notwithstanding, the Project will retain most of the existing trees located on North Wolfe Road, Stevens Creek Boulevard, and the landscaped buffer along the western perimeter of the project site. The Project will also incorporate more than 1,000 new trees (more than 2 for every 1 removed), all of which will be native or drought tolerant species. For trees that will be retained, the standards for protection of trees during grading and construction operations will be followed.</p>
Chapter 14.24: Underground Utilities – New Developments		
<p>14.24.030 Required.</p> <p>A. All utility distribution facilities, including but not limited to electric communication and cable television lines, installed in and for the purpose of supplying service to any new development area within the City, shall be placed underground from the date the ordinance codified herein takes effect; except in cases specified in Sections 14.24.040</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or</p>	<p>Consistent. All utility distribution facilities for the Project will be installed underground.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>through 14.24.080.</p> <p>B. The developer shall be responsible for complying with the requirements of this chapter and other related ordinances and regulations of the City, and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.</p>	<p>proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	
<p>Title 16: Buildings and Construction</p>		
<p>Chapter 16.72: Recycling and Diversion of Construction and Demolition Waste</p>		
<p>16.72.040 Diversion Requirement.</p> <p>A. Applicants for any covered project are required to recycle or divert at least sixty-five percent (65%), or meet the amounts, criteria and requirements specified in the applicable California Green Building Standards Code, whichever is more restrictive, of all materials generated for discard by the project.</p> <p>B. If an Applicant for a Covered Project experiences circumstances that the Applicant believes make it impossible to comply with the Diversion Requirement, the Applicant shall submit written justification with the Waste Management Plan. The Director of Public Works will determine, in writing, whether any diversion requirements shall be waived in whole or in part on grounds of impracticability or impossibility.</p>	<p>Applicable objective standard.</p>	<p>Consistent. The Project will divert at least 65% of all materials generated for discard during demolition and construction activities.</p>
<p>16.72.050 Information Required Before Issuance of Permit.</p> <p>Every applicant shall submit a properly completed “Waste Management Plan” on a form approved by the Public Works Director, as a portion of the building or demolition permit application process for a covered project.</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and</p>	<p>Consistent. The Project applicant will submit a Waste Management Plan pursuant to the applicable requirements.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>A. The vendor that the applicant proposes to use to haul the materials must be consistent with the franchise currently in effect pursuant to the provisions of Chapter 6.24;</p> <p>B. Approval by the Director of Public Works, or designee, of the Waste Management Plan as complying with the applicable California Green Building Standards Code shall be a condition precedent to the issuance of any building or demolition permit for a covered project.</p>	<p>knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	
<p>16.72.060 Administrative Fee.</p> <p>As a condition precedent to the issuance of any building or demolition permit for a covered project, the applicant shall pay to the City any required deposit and any required application fee as set forth in the municipal fee schedule.</p>	<p>Applicable objective standard.</p>	<p>Consistent. The Project applicant will pay any required deposit and application fee.</p>
<p>16.72.070 Reporting.</p> <p>Within 60 days after the completion of any covered project, the applicant shall submit to the Public Works Director or designee a construction and demolition debris recycling report, demonstrating that the applicant has met the diversion requirement for the project. Failure to comply with the reporting requirement may delay approval of the final inspection or the recovery of any bond or deposit held by the city.</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. The Project applicant will submit a demolition debris recycling report within 60 days of the completion of any covered project.</p>

Title 18: Subdivisions

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
Chapter 18.16: Subdivision Maps, Article I: Tentative Subdivision Maps		
<p>18.16.010 Form and Contents.</p> <p>The tentative map shall be prepared in a manner acceptable to the Department of Community Development, shall be prepared by a registered civil engineer or licensed surveyor, and shall be accompanied by those data and reports required by the Department of Community Development.</p>	<p>Generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. The tentative map for the Project has been prepared by a registered civil engineer and contains the data and reports normally required by the Department of Community Development. To the extent the form or data requested by the City are not published and adopted by ordinance or resolution, such requirements are not objective standards.</p>
<p>18.16.040 Action of Community Development Director–Notice of Public Hearings.</p> <p>A. Upon receipt of a valid application, the Director of Community Development shall set the matter for public meeting. At least ten calendar days before the public meeting, he or she shall cause notice to be given of the time, date and place of the meeting including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved.</p> <p>B. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the City.</p> <p>C. In addition to notice by publication, the City shall give notice</p>	<p>Combination of subjective standards and generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are</p>	<p>Consistent. SB 35 mandates a ministerial and streamlined process based on objective standards. Typically ministerial actions are not subject to a public hearing. If a public hearing is held, any action may be based only on objective standards.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>of the meeting by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred feet of the property which is the subject of the proposed changes.</p> <p>D. In addition, in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, notice shall be given as required by Government Code Section 66451.3(d).</p> <p>E. In addition, notice shall be given by first class mail to any person who has filed a written request with the Department of Community Development. The City may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.</p> <p>F. Substantial compliance with these noticing provisions shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this chapter.</p> <p>G. The Planning Commission shall recommend approval, conditional approval or denial of the tentative map and shall report its decisions to the City Council and the subdivider within fifty days after the tentative map has been filed, unless the project requires an Environmental Impact Report or Negative Declaration.</p>	<p>inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>18.16.050 Action of Planning Commission—Recommending Approval—Required Findings.</p> <p>A. In approving or conditionally approving the tentative subdivision map, the Planning Commission shall find that the proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the City.</p> <p>B. The Planning Commission may modify or delete any of the conditions of approval recommended in the Department of Community Development's report, except conditions required by City ordinance, related to public health and safety or standards required by the City Engineer, or add additional requirements as a condition of its approval.</p> <p>C. If no action is taken by the Planning Commission within the time limit as specified, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the Map Act and other applicable case law, this title or other City ordinances, and it shall be the duty of the City Clerk to certify the approval.</p> <p>D. This provision does not apply to condominium projects or stock cooperatives which consist of the subdivision of air space in an existing structure unless new units are to be constructed or added.</p> <p>(Ord. 2085, § 2 (part), 2011; Ord. 1384, Exhibit A (part), 1986)</p> <p>18.16.060 Action of Planning Commission—Recommending Denial upon Certain Findings.</p> <p>A. The tentative subdivision map may be recommended for denial by the Planning Commission on any of</p>	<p>The requirement to seek discretionary approval does not apply pursuant to SB 35, which mandates a “ministerial” approval. Discretionary approval involves personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. If approval of the Planning Commission is required, it “shall not in any way inhibit, chill, or preclude the ministerial approval provided by” SB 35 and must be based on objective standards that are uniformly verifiable by reference to an external and uniform benchmark pursuant to Gov. Code § 65913.4(a)(5), (c). Although the denial findings in 18.16.060 are subjective because they require judgment by decision-makers and thus are not applicable, none of those findings can be made: the map and the Project are consistent with the general plan; the site is physically suitable for the Project; the site is physically suitable for the Project’s density (as confirmed by the General Plan); the Proposed project is not likely to cause substantial environmental damage; the Project will not cause serious public health problems; and the Project will not conflict with public easements, or if there is conflict, alternative easements will be provided that are substantially equivalent to existing easements.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>the grounds provided by City ordinances or the State Subdivision Map Act.</p> <p>B. The Planning Commission shall deny approval of the tentative map if it makes any of the following findings:</p> <ol style="list-style-type: none"> 1. That the proposed map is not consistent with applicable general and specific plans; 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; 3. That the site is not physically suitable for the type of development; 4. That the site is not physically suitable for the proposed density of development; 5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; provided, however, the City may approve a tentative subdivision map if an environmental impact report was prepared with respect to the proposed subdivision and detailed findings were made pursuant to Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make infeasible the mitigation measure or project alternatives identified in the environmental impact report; 6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems; 7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed 		

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. This provision does not apply to condominium projects or stock cooperatives which consist of the subdivision of air space in an existing structure unless new units are to be constructed or added.</p>		
<p>18.16.070 Action of City Council.</p> <p>If a tentative map is recommended for approval or denial by the Planning Commission, the Department of Community Development shall make a written report to the City Council. This report shall be placed on the City Council agenda at the next regular meeting following receipt of the report, unless the subdivider consents to a continuance. The Council may review the map and the conditions imposed by the Planning Commission. The City Council may deny the tentative map on any of the grounds contained in Section 18.16.060.</p>	<p>The requirement to seek discretionary approval does not apply pursuant to SB 35, which mandates a “ministerial” approval. Discretionary approval involves personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are</p>	<p>Consistent. If approval of the tentative map by the Planning Commission and City Council is required, it “shall not in any way inhibit, chill, or preclude the ministerial approval provided by” SB 35 and must be based on objective standards that are uniformly verifiable by reference to an external and uniform benchmark pursuant to Gov. Code § 65913.4(a)(5), (c).</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
	inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).	
Zoning, Title 19		
Chapter 19.48: Fences		
<p>19.48.020 Fence Location and Height for Zones Requiring Design Review.</p> <p>19.48.030 Fence Location and Height for Zones Not Requiring Design Review.</p> <p>Table 19.48.030 sets forth the rules and regulations pertaining to fences in zones where design review is not required.</p> <p>[specific height, location, and other regulations omitted]</p>	<p>Most of the standards relating to fences are subjective because they require the exercise of subjective judgment. For example, Table 19.48.030 requires heightened requirements “if the Director of Community Development determines that a proposed fence for is widely visible to public view and has the potential to create impacts on the visual character of an area.” Other examples include requirements in Section 19.48.020 to “acoustically isolate” noise and “ensure privacy,” without providing any objective criteria. To the extent Table 19.48.030 applies and includes some objective standards, those standards apply to the project. However, any standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,”</p>	<p>Consistent. The green roof will include fences to ensure the safety of the public and residents accessing the roof. All fences will be designed to satisfy all applicable objective standards relating to fences.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
	those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).	
Chapter 19.56: Density Bonus		
<p>19.56.010 Purpose.</p> <p>19.56.020 Eligibility for density bonus.</p> <p>19.56.030 Density bonus.</p> <p>19.56.040 Incentives or concessions, waivers and reduction of parking standards.</p> <p>19.56.050 General requirements.</p> <p>A. Affordable rental low and very low income units must remain affordable to low or very low income households, as applicable, for fifty-five (55) years or for a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Affordable for-sale moderate income units must remain affordable to moderate-income households for the duration required by Chapter 19.172, Below Market Rate Housing Program and implementing procedures and policies adopted by the City Council, or for a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or subsidy program. Sales price for for-sale affordable very low, low, and moderate income units shall be set at affordable housing cost. Rents for affordable low and very low income rental units shall be set at an affordable level.</p> <p>B. The affordable dwelling units and land dedication that qualify a housing development for a density bonus may also be used to meet the below-market-rate housing provisions of the City's Residential</p>	<p>Applicable objective standards, to the extent that the CMC density bonus requirements are based on objective standards pursuant to Gov. Code § 65913.4(a)(5), (c) and do not exceed the State Density Bonus Law requirements described in Gov. Code § 65915 et seq., including Gov. Code § 65919(a)(2) (“A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law”).</p>	<p>Consistent. The Project will satisfy all applicable objective standards relating to qualification for a density bonus and concessions, as described in Section 7 of the Project Description.</p> <p>By providing 15% of the base density units to very low income households, the Project qualifies for a 35% density bonus and three concessions. Affordable units will be restricted via a recorded agreement with a term of at least 55 years. As described in Section 6 of the Project Description, the requested concessions will result in identifiable cost reductions, do not create any health or safety impacts, and are not contrary to state or federal law. No waivers of development standards are requested and, under SB 35, there are no minimum parking requirements.</p> <p>The Project has been designed to comply with the dispersal requirement, as affordable units are located throughout the Project. (The one area that is an exception is that the 623 density bonus units are geographically separate, as permitted by state law and CMC 19.56.030.F.7.) While the Project complies with this code provision, it is not obligated to under SB 35 because the requirement to be “dispersed throughout the project” is not objective because it involves personal judgment and there are no “uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” While no concession is needed, the Project Description nonetheless provides an explanation for why relief from a requirement to uniformly disperse would achieve cost reductions and thus would qualify for a</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>Housing Mitigation Program, provided that the affordable units and land dedication comply with the requirements of both Chapter 19.56, Density Bonus, Chapter 19.172, Below Market Rate Housing Program; and implementing procedures and policies adopted by the City Council regarding the required number of affordable units, required level of affordability, and term of affordability so as to provide the greatest affordability to the most households for the longest term.</p> <p>C. Unless otherwise governed by other funding sources, to the extent consistent with fair housing laws, preferences for the affordable units will be given as specified in Chapter 19.172, Below Market Rate Housing Program, and implementing procedures and policies adopted by the City Council.</p> <p>D. An agreement shall be entered into between the developer and the City to ensure compliance with the provisions of this chapter and state law and shall include, without limitation the household type, number, location, size, affordability, and construction scheduling of all affordable units, and such information as shall be required by the City for the purpose of determining the developer's compliance with this chapter. For rental affordable very low and low income units, the agreement shall additionally contain, without limitation, provisions for certification of tenant incomes, reporting and monitoring of affordable units, and management and maintenance of affordable units.</p> <p>E. The agreement shall be recorded against the housing development prior to final or parcel map approval, or, prior to issuance of any building permits, whichever</p>		<p>concession.</p> <p>The site plan package contains all the information required by CMC § 19.56.060.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>occurs first, and shall be binding on all future owners and successors in interest.</p> <p>F. Affordable units in a project and phases of a project shall be constructed concurrently with or prior to the construction of market-rate units.</p> <p>G. Affordable units shall be provided as follows:</p> <ol style="list-style-type: none"> 1. Affordable units shall be dispersed throughout the project; 2. Affordable units shall be identical with the design of any market rate rental units in the project with the exception that a reduction of interior amenities for affordable units will be permitted upon prior approval by the City Council as necessary to retain project affordability. <p>H. Prior to the rental or sale of any affordable unit, the City or its designee, shall verify the eligibility of the prospective tenant or buyer. All affordable units shall be occupied by the household type that qualified the housing development for the density bonus and incentives or concessions.</p> <p>I. The City may establish fees for processing applications under this chapter and recovery of costs associated with the establishment and monitoring of affordable units.</p> <p>19.56.060 Application requirements.</p> <p>19.56.070 Findings.</p> <p>A. Before approving an application that includes a request for a density bonus, incentive or concession, waiver or reduction in parking standards, pursuant to this chapter, the decision-making body shall determine that the proposal is consistent with State Law by making the following findings, as applicable:</p>		

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>1. That the housing development is eligible for the density bonus requested and any incentives or concessions, waivers or reductions in parking standards requested.</p> <p>2. That all the requirements included in Section 19.56.030C have been met, if the density bonus is based all or in part on donation of land.</p> <p>3. [omitted]</p> <p>4. [omitted]</p> <p>5. That the requested incentive(s) or concession(s) will result in identifiable, financially sufficient, and actual cost reductions based upon the financial analysis and documentation provided by the applicant and the findings of the peer-reviewer, if incentive(s) or concession(s) are requested (other than mixed use development).</p> <p>6. That the proposed non-residential land uses within the proposed development will reduce the cost of the housing development and are compatible with the housing development and the existing or planned development in the area where the proposed development will be located, if an incentive or concession is requested for mixed use development.</p> <p>7. That the development standard(s) for which the waiver(s) are requested would have the effect of physically precluding the construction of the housing development with the density bonus and incentives or concessions permitted, if a waiver is requested.</p> <p>8. That all the applicable requirements in Section 19.56.040C have been met, if a reduction in off-street parking standards for an eligible housing development is</p>		

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>requested.</p> <p>B. If the findings required by subsection (A) of this section, as applicable, can be made, the decision-making body may deny an application for an incentive or concession or waiver requested pursuant to Section 19.56.040 only if one of the following written findings as applicable to each type of application, supported by substantial evidence:</p> <ol style="list-style-type: none"> 1. That the incentive or concession, or waiver would have an adverse impact on real property listed in the California Register of Historic Resources; or 2. 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 3. That the incentive or concession, or waiver is contrary to state or federal law. <p>C. An application for an incentive or concession may also be denied if the decision-making body makes the written finding, supported by substantial evidence, that the requested incentive or concession is not required to provide for affordable housing costs or</p>		

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>affordable rents. D. [omitted]</p>		
Chapter 19.104: Signs		
<p>19.104.130 Sign Program— Applicability, Requirements and Findings.</p> <p>A. Applicability.</p> <p>1. All developments in a commercial, office, industrial, institutional, or residential district, with four or more tenant spaces on the same parcel, shall adopt a comprehensive sign program to encourage creativity and ensure high quality in the design and display of multiple permanent signs.</p> <p>2. The adoption of a sign program shall be required at the time of the initial construction of a new project. Existing developments in the City which do not have a comprehensive sign program shall be required to adopt one when the first tenant in the project requests a change of face as defined in this title. Thereafter, all subsequent changes of face in the project shall be required to conform to the adopted program.</p> <p>B. Application requirements. On any commercial, office or industrial site, or building requiring a sign program, the owner shall submit to the Director a sign program application containing the following:</p> <p>1. An accurate site plan of the site showing the location of buildings, parking lots, driveways, and landscaped areas on the lot, at such scale as the Director may reasonably require;</p> <p>2. Computation of the proposed maximum total sign area, the proposed maximum area of individual signs, allowed maximum total sign area, allowed maximum</p>	<p>Combination of subjective standards and generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. All Project signs are designed in compliance with all applicable standards. A comprehensive sign program will be developed at the time of initial construction. Any signage approvals by the Director of Community Development must be based solely on objective standards pursuant to Gov. Code § 65913.4(a)(5), (c).</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>area of individual signs, the height of signs and the number of freestanding signs; and</p> <ol style="list-style-type: none"> 3. Specifications with regard to: <ol style="list-style-type: none"> a. Sign type (individual channel letters, wood signs, etc.); b. Lighting; c. Location of each sign on the buildings; d. Materials; e. Sign proportions; f. Any other pertinent information as required by the Director. C. Findings. The Director of Community Development may approve a Sign Program if the following findings are made: <ol style="list-style-type: none"> 1. The Sign Program complies with the purpose of this chapter. 2. Proposed signs are creative, and are in harmony with the structures they identify, other signage on the site, and the surrounding development. 3. The Sign Program contains provisions to accommodate future revisions that may be required because of changes in use or tenants. D. Minor modifications to the requirements of this chapter may be permitted, provided that the proposed Sign Program meets the following criteria in addition to Section 19.104.130C: <ol style="list-style-type: none"> 1. Special circumstances, unique to the site and building locations, exist that require a modification from the standards in this chapter. 2. Demonstrates unique design and exhibits a high degree of imagination, inventiveness, spirit, and thoughtfulness. 3. Provides high quality graphic 		

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
character through the imaginative use of color, graphics, proportion, quality materials, scale, and texture.		
Chapter 19.124: Parking Regulations		
<p>19.124.010 Purpose.</p> <p>19.124.020 Applicability of regulations.</p> <p>19.124.030 Regulations for parking and keeping vehicles in various zones.</p> <p>19.124.040 Regulations for off-street parking.</p> <p>19.124.050 Exceptions–Approval authority.</p> <p>19.124.060 Exceptions–Findings.</p>	<p>The Project is within 1/2 mile of public transit so the City may not impose any minimum parking requirements under SB 35. Gov. Code § 65913.4(d)(1) (“Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development . . .”)</p> <p>Any generally applicable objective standards may apply to the Project, such as parking stall dimension requirements. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. Although not required under SB 35, the Project includes approximately 10,500 automobile parking spaces, including shared parking as appropriate. The Project will comply with any applicable objective standards. All parking spaces are designed to conform to City standards.</p> <p>Although bicycle parking requirements are similarly inapplicable under SB 35, the Project includes approximately 3,000 Class I and II bicycle parking spaces.</p>
Chapter 19.148: Required Artwork in Public and Private Developments		

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>19.148.020 Applicability of Regulations.</p> <p>A. Any development of fifty thousand sq. ft. or larger involving construction of new buildings and/or the expansion of existing buildings shall be subject to the requirements of this chapter.</p> <p>B. Additional artwork not mentioned in this chapter by means of specific plan, permits or other discretionary review may be required when deemed appropriate by the City Council.</p> <p>19.148.050 Application Procedures for Public Artwork.</p> <p>A. An application for public artwork shall include all requirements of Chapter 19.12.</p> <p>B. Application for public art for a new development shall be made in conjunction with the review of the permits for the entire project, in order that the design and location be taken into consideration at the time of architectural and site planning, as outlined in Chapter 19.168.</p> <p>C. The Fine Arts Commission shall review for approval the public art application and artwork. The decision of the Fine Arts Commission may be appealed in accordance with Section 1.16.020 of the Cupertino Municipal code, or as amended.</p> <p>19.148.070 Minimum Artwork Value.</p> <p>The minimum expenditure for the artwork, including but not limited to design, fabrication, and installation, is one-quarter of one percent, with an expenditure cap of one hundred thousand dollars, or such minimum expenditure and/or expenditure cap that is set forth in the Cupertino General Plan.</p> <p>19.148.060 Design Criteria and</p>	<p>Combination of subjective standards and generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>Consistent. The Project will satisfy all applicable objective standards requiring the provision of artwork in a private development. Artworks will be located throughout the project and will be valued well in excess of the one hundred thousand dollar expenditure cap.</p> <p>Any City approval of artworks must be based solely on objective standards pursuant to Gov. Code § 65913.4(a)(5), (c).</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>Artist Qualifications. [subdivisions omitted]</p>		
Chapter 19.168: Architectural and Site Review		
<p>19.168.030 Findings.</p> <p>A. The Approval Body may approve an application only if all of the following findings are made:</p> <p>1. The proposal, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;</p> <p>2. The proposal is consistent with the purposes of this chapter, the General Plan, any specific plan, zoning ordinances, applicable planned development permit, conditional use permits, variances, subdivision maps or other entitlements to use which regulate the subject property including, but not limited to, adherence to the following specific criteria:</p> <p>a. Abrupt changes in building scale should be avoided. A gradual transition related to height and bulk should be achieved between new and existing buildings.</p> <p>b. In order to preserve design harmony between new and existing buildings and in order to preserve and enhance property values, the materials, textures and colors of new buildings should harmonize with adjacent development by being consistent or compatible with design and color schemes, and with the future character of the neighborhood and purposes of the zone in which they are situated. The location, height and materials of walls, fencing, hedges and screen planting should harmonize with adjacent development. Unightly</p>	<p>Combination of subjective standards and generally applicable objective standards. Such standards are not applicable to the extent that they involve personal or subjective judgment by a public official, or are not uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. City compliance determinations may not be based on criteria other than compliance with objective standards that have been “published and adopted by ordinance or resolution,” those determinations are inapplicable pursuant to SB 35. Gov. Code § 65913.4(a)(5), (c).</p>	<p>As detailed in this appendix, the Project will implement the City’s vision for the Vallco Shopping District Special Area. However, any architectural and site review or approval of the Project is limited to compliance determinations based on objective criteria, pursuant to SB 35.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>storage areas, utility installations and unsightly elements of parking lots should be concealed. The planting of ground cover or various types of pavements should be used to prevent dust and erosion, and the unnecessary destruction of existing healthy trees should be avoided. Lighting for development should be adequate to meet safety requirements as specified by the engineering and building departments, and provide shielding to prevent spill- over light to adjoining property owners.</p> <p>c. The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures shall minimize traffic hazards and shall positively affect the general appearance of the neighborhood and harmonize with adjacent development.</p> <p>d. With respect to new projects within existing residential neighborhoods, new development should be designed to protect residents from noise, traffic, light and visually intrusive effects by use of buffering, setbacks, landscaping, walls and other appropriate design measures.</p>		
Chapter 19.172: Below Market Rate Housing Program		
<p>19.172.020 Below Market Rate (BMR) Housing Program Requirements.</p> <p>A. Developers of housing development projects must comply with the requirements set forth in Residential Housing Mitigation Program of the City of Cupertino's Housing Element of the General Plan.</p> <p>B. To the extent permitted by law, the City's objective is to obtain actual affordable housing units within each development rather than off-site units or mitigation fee payments.</p>	<p>Not required. SB 35 preempts a local government's affordable housing ordinance with limited exceptions. SB 35 provides that a local affordable housing ordinance will apply only if the ordinance "requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income." Because the City's affordable housing ordinance requires</p>	<p>Not applicable, but consistent within minimum affordability requirements. Fifty percent of the Project's residential units will be affordable, including 15 percent very low income units and 35 percent low income units, greatly exceeding the 9 percent very low income and 6 percent low income units required by the BMR Manual.</p>

Cupertino Municipal Code Provision	Applicability	Vallco Town Center Project Consistency
<p>Provision of off-site units, land donation, or payment of Housing Mitigation Fees may only be permitted as specified in the Residential Housing Mitigation Program rules and regulations.</p> <p>[additional provisions included in the BMR Housing Mitigation Program Procedural Manual (“BMR Mitigation Manual”) are not reproduced here]</p>	<p>only 15 percent of new residential units to be dedicated as affordable, it does not apply.</p>	
<p>19.172.030 BMR Program Administration.</p> <p>A. The City Council shall adopt rules and regulations consistent with the provisions of this chapter and the Housing Element for the purpose of carrying out the administration of the Residential Housing Mitigation Program. Such rules and regulations shall address, but are not limited to, program eligibility requirements, affordable housing cost, income limits, preferences for housing applicants, minimum occupancy limits, waiting list procedures, buyer selection procedures, methodology for the calculation of affordable housing cost and affordable rent, resale restrictions and reasonable accommodations for disable applicants. The rules and regulations shall also address Residential Housing Mitigation Program components such as the provision of rental BMR units in for-sale housing developments or off-site BMR units. A copy of such policies, rules and regulations shall be on file and available for public examination in the office of the city clerk.</p> <p>B. Failure or refusal to comply with any such rules, regulations or agreements promulgated under this section shall be deemed a violation of this chapter.</p>	<p>Not required. SB 35 preempts a local government’s affordable housing ordinance with limited exceptions. SB 35 provides that a local affordable housing ordinance will apply only if the ordinance “requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income.” Because the City’s affordable housing ordinance requires only 15 percent of new residential units to be dedicated as affordable, it does not apply.</p>	<p>Not applicable.</p>

Appendix C

Vallco Town Center Project Commitments

APPENDIX C: VALLCO TOWN CENTER PROJECT COMMITMENTS

The Project will comply with the following provisions. The provisions include applicable mitigation measures from the City of Cupertino Community Vision 2040 General Plan EIR and Applicant Proposed Measures (APMs) as proposed by Vallco Property Owner, LLC (VPO). Although the SB 35 project approval is ministerial and exempt from CEQA, VPO is electing to voluntarily comply with General Plan EIR Mitigation Measures and to implement additional APMs as outlined below.

City of Cupertino Community Vision 2040 General Plan EIR – Applicable Mitigation Measures

Air Quality

AQ-2a – Comply with current Bay Area Air Quality Management District’s (“BAAQMD”) basic control measures for reducing construction emissions of PM10.

AQ-2b – For projects that could generate emissions in excess of BAAQMD’s significance thresholds during construction, implement current BAAQMD mitigation measures.

AQ-4a – Applicants for future non-residential uses that (1) have potential to generate 100+ diesel truck trips/day and have 40+ trucks with operating diesel-powered TRUs, and (2) are within 1,000 feet of a sensitive land use (i.e., residential, schools, hospital, nursing homes), shall submit a health risk assessment (“HRA”) to City prior to future discretionary project approval. Best Available Control Technologies for Toxics (“T-BACTs”) shall be incorporated into the site development plan as part of proposed Project.

AQ-4b – Applicants for future residential and sensitive land use project within 1,000 feet of a sensitive land use (i.e., residential, schools, hospital, nursing homes), shall submit an HRA to City prior to future project approval. MMs identified in the HRA shall be incorporated into site development plan as part of proposed Project.

Biological

Bio-1 – Nests of raptors and other birds shall be protected when in active use. If construction activities and any required tree removal occur during breeding season (Feb 1 and Aug 31), a qualified biologist shall be required to conduct surveys prior to doing so. If needed (specified in the MM), protective measures shall be implemented.

Hazards & Hazardous Materials

Haz-4a – Construction at sites with known contamination shall be conducted under a project-specific Environmental Site Management Plan (“ESMP”) prepared in consultation with the Regional Water Quality Control Board (“RWQCB”).

Haz-4b – For sites with potential residual contamination that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed, and if needed, the project shall include vapor controls or source removal.

Transportation

TRAF-1 – City must prepare/implement Traffic Mitigation Fee Program and prepare a “nexus” study [NOTE: these have been completed and were adopted by the Cupertino City Council in August and October 2017, respectively]. Fees assessed on new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. Fees shall be applied toward circulation improvements and right-of-way acquisition. Fees calculated by multiplying proposed square footage, dwelling unit, or hotel room by appropriate rate, and shall be included with any other fees payable at time building permit is issued.

Applicant Proposed Measures

Aesthetics

The following guidelines will be implemented to avoid light trespass across property lines:

- Unnecessary glare from unshielded or undiffused light sources should be avoided. Commercial buildings and landscaping can be illuminated indirectly by concealing light features within buildings and landscaping to highlight architectural features and avoid intrusion into neighboring properties.
- Light fixtures should be directed downward from the horizontal plane of the light source to prevent unnecessary light spillover.

Air Quality

Dust Control

The BAAQMD Best Management Practices for dust control shall be required for all construction activities within the Vallco Town Center Project boundaries. These measures will reduce dust emissions primarily during soil movement, grading and demolition activities, but also during vehicle and equipment movement on unpaved project sites:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All streets, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.

Construction Emissions Minimization

VPO shall require in its construction specifications an Emissions Reduction Plan that requires the following:

- That all off-road equipment shall have engines that meet either U.S. EPA or California Air Resources Board (CARB) Tier 4 final off-road emission standards. If engines that comply with Tier 4 off-road emission standards are not commercially available, then the contractor shall provide the next cleanest piece of off-road equipment as provided by the step-down schedules in the table below. “Commercially available” shall mean the availability of Tier 4 equipment taking into consideration factors such as: (i) critical path timing of construction; (ii) geographic proximity to the Project site of equipment; and (iii) geographic proximity of access to off haul deposit sites. VPO and its contractor shall maintain records concerning its efforts to comply with this requirement.

Off-Road Equipment Compliance Step-Down Schedule

Compliance Alternative	Engine Emission Standard
1	Tier 4 Interim
2	Tier 3
3	Tier 2

Abbreviations:

CARB = California Air Resources Board

N/A = not applicable

Note: Compliance Alternative (CA) 1 shall be met to the extent feasible. If not then CA 2, and if not feasible, then CA 3.

- The idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, and Chinese) in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.
- Construction operators shall properly maintain and tune equipment in accordance with manufacturer specifications.

Biological Resources

Building Materials

To limit reflectivity and prevent exterior glass from attracting birds, the Project shall use low-reflectivity glass to minimize bird collision. Low-reflectivity glass shall be used for the entirety of a building's glass surface (not just the lower levels nearest trees where bird collisions may be the most common), and other measures shall be undertaken for avian safety.

Tree Replacement

Prior to the issuance of the first demolition permit, VPO shall submit a Tree Management Plan for review and approval by the City of Cupertino. The Tree Management Plan shall be prepared in compliance with the Municipal Code sections that address retention, relocation, and replacement of trees.

Nesting and Migratory Bird Surveys

The Project shall retain a qualified biologist to perform nesting bird surveys prior to tree pruning, tree removal, transplantation, ground disturbing activities, or construction activities that could affect nesting and migratory birds. Preconstruction surveys are not required for tree removal, tree pruning, and ground disturbance or construction activities outside the nesting period. All necessary vegetation clearing shall be performed prior to the nesting season, to the extent practical. Vegetation can be cleared and maintained to prevent migratory bird nesting. Recommendations of the biologist shall be implemented such that no birds, nests with eggs, or nests with hatchlings are disturbed. An annual report shall be submitted to the City of Cupertino and the California Department of Fish and Wildlife (CDFW) documenting the observations and actions implemented to comply with this APM.

Nitrogen Deposition Fee

The Project shall pay a Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan Nitrogen Deposition Fee to the Implementing Entity of the Habitat Conservation Plan, the Santa Clara Valley Habitat Agency, even though the fee would not otherwise be legally applicable to the future development. The Project will pay the Nitrogen Deposition Fee commensurate with the issuance of building permits within the project.

Cultural Resources

Archaeological Monitor

VPO shall retain an archaeological monitor to inspect the ground surface at the completion of demolition activities as they occur to search for archaeological site indicators. If archaeological resources are found to be significant, the archaeological monitor shall determine appropriate actions, in coordination with a qualified archaeologist, City staff, and VPO.

Paleontological Monitor

VPO shall retain a paleontological monitor to respond on an as-needed basis to address unanticipated paleontological discoveries. If paleontological resources are encountered during grading and construction operations, all construction activities shall be temporarily halted or redirected to permit a qualified paleontologist to assess the find for significance. If paleontological resources are found to be significant, the paleontological monitor shall determine appropriate actions, in coordination with a qualified paleontologist, City staff, and VPO.

Hazards and Hazardous Materials

Hazardous Materials Business Plan

In accordance with State Code, facilities that store, handle, or use regulated substances as defined in the California Health and Safety Code Section 25534(b) in excess of threshold quantities shall prepare and implement, as necessary, Hazardous Materials Business Plans (HMBP) for determination of risks to the community. The HMBP will be reviewed and approved by the Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division through the Certified Unified Program Agencies (CUPA) process.

Renovation or Demolition of Existing Structures

Before conducting renovation or demolition activities that might disturb potential asbestos, light fixtures, or painted surfaces, VPO shall ensure that it complies with the Operations and Maintenance Plan for management and abatement of asbestos-containing materials, proper handling and disposal of fluorescent and mercury vapor light fixtures, and with all applicable requirements regarding lead-based paint.

Soil Management Plan

A Soil Management Plan for all redevelopment activities shall be prepared by VPO for future development to ensure that excavated soils are sampled and properly handled/disposed, and that imported fill materials are screened/analyzed before their use on the property.

Geology & Soils

Geotechnical Report Recommendations

Prior to the issuance of grading permits or improvements plans, VPO shall demonstrate to the satisfaction of the Director of Public Works that all earthwork operations, including site preparation, and the selection, placement, and compaction of fill materials have incorporated the recommendations and the Project specifications set forth in the Geotechnical Investigation (TRC, 2015) to ensure the safety of people and structures.

Site-Specific Geotechnical Reports

Prior to the issuance of grading permits or improvements plans, VPO shall be required to prepare and submit site-specific Geotechnical Reports that would be reviewed and approved by the City of

Cupertino. All earthwork operations, including site preparation, and the selection, placement, and compaction of fill materials shall incorporate the recommendations and the Project specifications set forth in the site-specific Geotechnical Report(s) to ensure the safety of people and structures.

Hydrology and Water Quality

Development of the Project will include demolition of the existing buildings and replacement with new commercial and residential buildings, a green roof, public spaces, surface parking and parking structures, as well as associated drainage improvements and infrastructure. Excavation and stockpiling of soil during construction will be required as well as placement of imported fills.

VPO will obtain construction permits, including grading permits, from the City of Cupertino, and comply with the Construction General Stormwater Permit conditions described below, because more than one acre of land would be disturbed. In accordance with the City's grading permit requirements, future development of the Vallco Town Center Project will require the preparation of a site plan and grading plan as well as an erosion and sediment control plan. Erosion control measures could include methods such as silt fences, fiber rolls, erosion control blankets, seeding, filter berms, check dams, and retention basins. The City will not issue a grading permit until the site plan, grading plan, and final erosion and sediment control plans are approved.

- A SWPPP would be implemented and include at least minimum BMPs related to: housekeeping (storage of construction materials, waste management, vehicle storage and maintenance, landscape materials, pollutant control); non-stormwater management; erosion control; sediment control; and run-on - run-off control.
- The SWPPP would include BMPs for excavation dewatering discharges, including ways to impound the water, as necessary, to settle out solids before discharging.
- Stormwater discharges and authorized non-stormwater discharges associated with all risk levels cannot contain hazardous substances above reportable quantities unless a separate NPDES permit has been issued for those discharges.
- The discharger must implement a construction site monitoring program as part of the SWPPP to demonstrate compliance with the discharge prohibitions of the Construction Stormwater General Permit; demonstrate whether non-visible pollutants are present and could contribute to an exceedance of water quality objectives; identify the need for correction actions, additional BMPs, or SWPPP revisions; and evaluate the effectiveness of the existing BMPs.

The Construction General Stormwater Permit is implemented and enforced by the San Francisco Bay RWQCB, which administers the stormwater permitting program for the program area. Dischargers would be required to submit a notice of intent (NOI) and permit registration documents (PRDs) to obtain coverage under this Construction General Stormwater Permit. Dischargers would be responsible for notifying the relevant RWQCB of violations or incidents of non-compliance, as well as for submitting annual reports identifying deficiencies of the BMPs and how the deficiencies were corrected.

Noise

On-Site Construction Noise

The Project shall be required to adhere to the construction noise limits of the Cupertino Municipal Code.

The following items would further reduce the potential for high levels of noise from construction equipment or activities, and ensure that noise complaints are addressed promptly and if necessary, corrective action is taken:

- Along the western boundary of the Vallco Town Center Project, near the existing residential district, prepare and implement a 24-hour construction noise monitoring program to be installed and operated remotely. The noise monitoring program would continuously monitor construction noise levels at select perimeter locations and alert a designated person(s) when noise levels exceed allowable limits. If noise levels are found to exceed allowable limits, additional noise attenuation measures (i.e., sound walls) will be undertaken.
- Require that all equipment be fitted with properly sized mufflers, and if necessary, engine intake silencers.
- Require that all equipment be in good working order.
- Use quieter construction equipment models if available, and whenever possible, use pneumatic tools rather than using diesel or gas-powered tools.
- Place portable stationary equipment as far as possible from existing residential areas, and if necessary, place temporary barriers around stationary equipment.
- Whenever possible, require that construction contractors lift heavy equipment rather than drag.
- For mobile equipment that routinely operates near residential area (i.e., within approximately 200 feet), consider placement of typical fixed pure-tone backup alarms with ambient-sensing and/or broadband backup alarms.
- Assign a noise control officer to ensure that the above requirements are being implemented.
- Implement a noise complaint hotline and post the hotline phone number on nearby visible signs and online. Require that either the noise control officer or a designated person be available at all times to answer hotline calls and ensure that follow-up and/or corrective action is taken, if necessary.

Haul Traffic Noise

To reduce haul traffic noise, contractors for development of the Vallco Town Center Project shall require that haul trucks travel at low speeds (e.g., 10 mph) when operating on or adjacent to the Project site. VPO shall ensure that this requirement is included in the construction specifications. In addition, the construction contractor shall ensure that haul trucks be fitted with properly sized and functioning exhaust mufflers.

Acoustical Assessment

Prior to completion of detailed design for dwelling units, VPO shall prepare an acoustical assessment to demonstrate how interior sound levels would achieve interior sound levels at or below 45 dBA CNEL.

The following development standards shall be included in the acoustical assessments:

- Install HVAC systems for all residential units to ensure that windows and doors can remain closed during warm weather;
- Install double-glazed windows, especially on sides of buildings that are adjacent to busy roadways;
- Ensure that all windows and doors are properly sealed; and
- Ensure that exterior wall building materials are of an adequately rated Sound Transmission Class.

Transportation

Construction Traffic Management

VPO shall prepare and maintain a Construction Management Plan (CMP) to minimize disruption to transportation facilities caused by short term construction activities. The CMP will include flagmen, schedules of potential closures, a construction hotline, delineation layout, truck routes, delivery schedules, and alternative routes, per city industry standards and requirements.

Appendix D

Prevailing Wage/Skilled Labor Certification

Vallco Property Owner, LLC

March 27, 2018

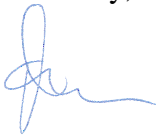
David Brandt
City of Cupertino
City Manager
10300 Torre Avenue
Cupertino, CA 95014-3202
manager@cupertino.org

Re: Vallco Property Owner, LLC's Commitment to and Certification of SB 35 Prevailing Wage and Skilled & Trained Workforce Requirements

Dear Mr. Brandt:

On behalf of Vallco Property Owner, LLC, an affiliate of Sand Hill Property Company, the owner and developer of the Vallco Town Center project ("Project"), certifies that per the requirements of Senate Bill 35: **(1) all construction workers will be paid the applicable prevailing wages, and (2) a skilled and trained workforce will be used to complete the Project.** This letter is submitted in compliance with Government Code Section 65913.4(a)(8)(A)(ii) and (a)(8)(B)(i).

Sincerely,



Reed Moulds
Managing Director
Sand Hill Property Company

Appendix E
Arborist Report



Walter Levison
CONSULTING ARBORIST



ASCA Registered Consulting Arborist #401

ISA Qualified Tree Risk Assessor

ISA Certified Arborist #WE-3172A

Assessment of 895 Trees
at
Vallco Town Center Project (Proposed)
North Wolfe Road
Cupertino, California

Site Visits:

Walter Levison, Consulting Arborist (WLCA)

Spring & Fall, 2015

02/11/2016, 12/2/2017, 12/8/2017, 01/9/2018

Report:

(WLCA)

10/5/2015

Revised 1/15/2018



Table of Contents

1.0 Summary	3
2.0 Assignment & Background	8
3.0 Observations & Discussion	10
3.1 Predominant Tree Species at Property	10
3.2 Tree Condition Studies	11
3.3 Drought Effects on Project Site Trees	13
3.4 Soil Moisture Deficit / Moisture Requirements	14
3.5 Ion Content in Recycled Water / Standards	16
3.6 Effects of Proposed New Utility Plan on Woody Roots	20
4.0 Risk of Failure / Tree Risk Assessment Qualified (TRAQ)	21
5.0 Landscape & Irrigation Pipe Installation Concerns	24
6.0 Tree Transplant Options	26
7.0 Assumptions and Limiting Conditions	26
8.0 Certification	28
9.0 Digital Images Archived 2015 Onward (WLCA)	28
10.0 Tree Maintenance Recommendations	38
11.0 Tree Protection Recommendations	41
12.0 Attached, Tree Data Charts, Updated 1/15/2018 (WLCA)	48
13.0 Attached, Tree Map Sheet #P-0602, Updated 01/02/2018	48
14.0 Attached, Tree Fact Sheet (Coast Redwood)	48



1.0 Summary

Project Snapshot:

- 895 total trees were tagged and assessed by WLCA. These trees are tagged #1 through #875, and #1106 through #1125.
- 484 removals are proposed by project team.
- 6 transplants are proposed by project team.
- 136 removals are suggested by WLCA in addition to the 484 removals proposed by the team. This grouping includes evergreen tree specimens (mainly coast redwoods) found to be in “very poor” overall condition (i.e. a tree with a rating of less than 30 overall condition rating points), or “dead per follow-up assessments by WLCA on 12/8/2017 and 1/9/2018.

In this grouping of dead and very poor condition tree specimens are:

-Eighteen (18) newly dead evergreen tree specimens (mainly coast redwood specimens) have died since the initial survey in 2015. Roughly 9% of the total coast redwood population at Vallco is now dead, up from 5% in 2015. Many of these trees were already in very poor overall condition when originally surveyed in 2015.

-Fifty-three (53) evergreen tree specimens (again, mainly coast redwood specimens) have newly fallen into the “very poor” overall condition category since the original 2015 tree survey by WLCA. The prolonged California drought condition which persisted from roughly 2012 through 2016 was the main cause of this decline. Roughly 30% of the total coast redwood population at Vallco is now in the “very poor” category, up from 16% in 2015.

The average loss of overall condition rating points by Vallco tree specimens observed by WLCA between the original 2015 WLCA tree survey and the January 2018 WLCA resurvey and report update was roughly minus 5 to minus 10 points per each evergreen tree, out of a total of 100 points possible in the tree condition rating system used by WLCA.

There were also a small number of coast redwood specimens which experienced an uptick in live twig density and live twig extension, resulting in increases in overall condition ratings for those trees.

Important note on survey limits: The above noted additional 136 total dead and very poor overall condition trees suggested by WLCA to be removed as of January 2018 does not include any of the hundreds of shamel ash and other various deciduous tree specimens along east perimeter road and west perimeter road, as those deciduous trees were not able to be accurately reassessed in January 2018 due to Winter leaf drop (aka “leaf senescence”). Most of the deciduous trees along the perimeter roads were completely defoliated as of WLCA’s 1/9/2018 survey.

- 2 trees were removed in 2017 at the corner of Stevens Creek Blvd. and N. Wolfe Road due to storm damage.
- 324 trees are to be retained on site per the most current iteration of the tree disposition sheet P0602 dated 1/2/2018. Due to time constraints, trees in this group located along the east and west perimeter roads bounding the proposed project site were not reassessed by WLCA for



declines in overall condition. Individual specimens in this group may be in very poor overall condition, or dead.

The following matrix summarizes existing conditions at the site, and includes detailed information on tree disposition related to the current proposed development entitled Vallco Town Center Project. The information was too complex to be presented in standard bulleted format:

SUMMARY TABLE 1.0

Line Number	Description	Details	Species	Condition Ratings	Municipal Protection Status?	Total Count
1	Total trees at site	Approximately 875 original survey trees remaining at project site, plus 20 median trees remaining of original 20 surveyed along N. Wolfe	Various	Ranging from "dead" to "good".	None, except for six (6) trees as noted below on line 2.	895
2	Protected trees on site (City of Cupertino ordinance)	#260, 261, 262, 414, 415, 416	California sycamores	Fair to Good (see Excel tree data table for more details).	Yes	6
3	Transplants initially proposed by team (WLCA suggests considering retaining the trees in-situ, or removing the trees.	Six (6) protected trees in medians #260, 261, 262, 414, 415, 416.	California sycamore (protected specimens)	Fair to Good Condition (see Excel tree data table for more details).	Yes	6



Line Number	Description	Details	Species	Condition Ratings	Municipal Protection Status?	Total Count
4	Removals proposed by team per sheet P0602 iteration 1/02/2018.	Direct conflicts with proposed demolition and new construction.	(Tag Numbers) #(1-10), 14, (37-39), 55, (57-183), (185-186), (188-191), (193-218), 220, (223-259), (264-269), (271-275), (285-289), (294-328), (331-413), (417-427), 436, 438, 439, (443-451), 453, 455, (459-460), (476-519), 521, 542, 543, 545, 547, 549, 550, 553, 555, 556, 557, 559, 562, 564, (566-570), (687-703), (731-733), 739, 744, 745, 749, 843, 861, 865, 866, (1106-1125).	(Various condition ratings)	No	484.
5	Additional trees suggested to be removed by WLCA due to "dead" or "very poor" overall condition ratings.	Note: In this evergreen tree grouping, WLCA did not include deciduous trees along east perimeter road or west perimeter road that were out of leaf for the winter as of 1/9/2018.	(Tag Numbers) #90, 91, 95, 100, 113, 114, 123, 145, 173, , 177, 184, 189, 190, 192, 195, 214, 281, 283, 293, 315, 332, 333, 335, 363, 364, 365, 367, 377, 396, 397, 406, 407, 430, 434, 435, 440, 441, 462, 467, 468, 478, 501, 515, 516, 522, 523, 536, 592, 597, 598, (603-608), 610, (628-630), 631, (633-637), 639, 646, 648, 653, 654, (659-661), (669-672), 675, 677, (683-685), 698, 701, 702, (704-709), 711, 714, (716-722), (724-728), 735, 736, 758, 763, 764, 768, 777, 780, 786, 787, 794, 804, 807, 808, 810, (811-817), 821, 825, 827, 834, 836, 840, 846, 852, (853-856), 867, 873.	Overall condition ratings between zero (dead) and 29% ("very poor")	No	136
6	Trees removed since last report iteration	Removed by Vallco managers due to tree breakages related to winter storms in 2017.	Shamel ash (<i>Fraxinus uhdei</i>) Tag numbers #51 and #52.	n/a	No	2



Line Number	Description	Details	Species	Condition Ratings	Municipal Protection Status?	Total Count
7	Trees initially proposed by the project team to be retained on site, per sheet P0602 iteration 1/02/2018.**		(Tag Numbers) #(11-13), (15-36), (40-50), 53, 54, 56, 187, 219, 221, 222, 263, 270, (276-280), 282, 284, (290-292), 329, 330, 428, 429, (431-433) 437, 442, 452, 454, (456-458), 461, (463-466), (469-475), 520, (524-535), (537-541), 544, 546, 548, 551, 552, 554, 558, 560, 561, 563, 565, (571-591), (593-596), (599-602), 608, 609, (611-627), 630, 632, 633, 638, (640-645), (647-652), (655-658), (661-669), (672-674), 676, (678-682), 686, 708, 710, 712, 713, 715, 723, 725, 727, 729, 730, 734, 737, 738, (740-743), (746-748), (750-757), (759-762), (765-767), (769-809), 811, (816-820), (822-826), (828-833), 835, (837-842), (844-852), (854-860), (862-864), (867-872), 874, 875.	(Various)	No	324
8	West perimeter road trees in vicinity of trenching. Various tag numbers (#571 to #871, etc.) Tree disposition: Unknown until finalized building set of plans is overlaid on the tree plot sheet P0602 to verify.	Proposed utility trenching per street plan sheet P-0406 Expect potential negative impacts to trees if utilities not installed using pit to pit directional bore technology	Coast redwoods, shamel ash, etc.	Various	No	300+



Line Number	Description	Details	Species	Condition Ratings	Municipal Protection Status?	Total Count
9	<p>East side of east perimeter road.</p> <p>Various tag numbers (#518 to #570, etc.)</p> <p>Tree disposition: Unknown until building set of plans is available for review.</p>	<p>Proposed utility trenching per street plan sheet P-0406</p> <p>Expect potential negative impacts to trees if utilities not installed using pit to pit directional bore technology</p>	Shamel ash, Chinese elm, etc.	Various	No	50+
10	<p>Potential root loss to trees along east side of N. Wolfe Rd.</p> <p>Tree tag numbers (#430, 431, 432, 433, 434 435, 437, etc.)</p>	<p>Proposed utility trenching per street plan sheet P-0406</p> <p>Proposed communication line trench running north-south between freeway 280 and Block 12 development (if the utility is not installed using pit to pit directional bore technology)</p>	<p>Giant sequoia, coast redwood, shamel ash</p> <p>(Note that author WLCA suggests considering some trees in this grouping for removal, such as #434 and #435 per line 5 of this matrix).</p>	Ranges from 'very poor' to 'good'.	No	9+