



SENATE BILL 35 APPLICATION

Community Development Department
10300 Torre Avenue
Cupertino, CA 95014
(408) 777-3308 / Fax (408) 777-3333

planning@cupertino.org
http://www.cupertino.org/planning

APPLICANT INFORMATION

APPLICANT NAME Vallco Property Owner LLC

ADDRESS 2600 El Camino Real, Suite 410

CITY, STATE, ZIP CODE Palo Alto, CA 94306

EMAIL rmoulds@shpco.com

PHONE (650) 344-1500 PHONE (M) _____

PROPERTY OWNER NAME Same as above

ADDRESS _____

CITY, STATE, ZIP CODE _____

EMAIL _____

PHONE _____ PHONE (M) _____

PROJECT INFORMATION

PROJECT SITE ADDRESS 10101, 10123, 10330, 10150 N. Wolfe Road and 10343 Wolfe Road, Cupertino, CA

ASSESSOR'S PARCEL NUMBER(S) 316-20-121; 316-20-120

GENERAL PLAN DESIGNATIONS Vallco Shopping District Special Area, Commercial/Office/Residential designation

ZONING DESIGNATIONS P (Regional Shopping) and P (CG)

PROPOSED UNIT COUNT WITH DENSITY BONUS UNITS, IF APPLICABLE
2,402 residential units

PROPOSED NON-RESIDENTIAL SQ. FT.
1,973,494 sq. ft. of office use; 429,408 sq. ft. of retail use

PROPOSED UNIT COUNT WITHOUT DENSITY BONUS UNITS, IF APPLICABLE
1,779 residential units

PROPOSED RESIDENTIAL SQ. FT.
5,119,005 sq. ft. of residential use

APPLICANT RESPONSE: See Appendix I, Section I for Supplemental Responses

	YES	NO	N/A
1. Type of Multifamily Housing Development Proposed:			
a. Multifamily rental; residential only with no proposed subdivision.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Multifamily residential with proposed subdivision (must qualify for exception to subdivision exclusion)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Mixed-use: at least 2/3 of gross square footage (including additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to Density Bonus Law and excluding any underground space) must be designated for residential use. If a subdivision is included, the development must qualify for exception to subdivision exclusion.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Number of Parking Spaces Proposed:	APPLICANT RESPONSE: See Appendix III, Modification Request Plan Set		
a. Is the site within one-half mile of public transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Is the site within an architecturally and historically significant historic district?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are on-street parking permits required but not offered to the occupants of the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Is the site within one block of a car share vehicle station?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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		YES	NO	N/A
PROJECT INFORMATION	3. Does the project propose 2 or more residential units?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	a. Has the applicant certified compliance with affordability requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	4. Does the project include more than 10 units?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	5. Is the project a public work?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	a. If it is a public work, has the applicant certified to the City that the entirety of the development is a public work?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. If it is not a public work, has the applicant certified compliance with prevailing wage requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	6. Does the project propose 75 units or more? (subject to change Jan. 1, 2022)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	a. If yes, has the applicant certified compliance with skilled and trained workforce requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	7. Does the project involve a subdivision of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	a. Is the development consistent with all objective standards in the subdivision ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Is the project financed with low-income housing tax credits?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Has the applicant certified compliance with prevailing wage requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d. Has the applicant certified compliance with skilled and trained workforce requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	8. Would the development require demolition of any of the following types of housing?			
	a. Housing subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. Housing that is subject to any form of rent or price control.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Housing that has been occupied by tenants within the past 10 years.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	9. Was the site previously used for housing that was occupied by tenants that was demolished within 10 years before the application was submitted?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Does the property contain housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Would the development require demolition of a historic structure that was placed on a national, state, or local historic register?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. Is the project site within a very high fire hazard severity zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
a. If yes, are there adopted fire hazard mitigation measures applicable to the development?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	



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		YES	NO	N/A
PROJECT INFORMATION	13. Is the project site a hazardous waste site that is listed pursuant to Government Code section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code section 25356 of the Health and Safety Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	a. If the site has been so listed or designated, has the applicant provided evidence that the site has received the required clearance from the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control for development as a residential use or residential mixed-use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	14. Is the project site within a delineated earthquake fault zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	a. If yes, does the development comply with applicable seismic protection building code standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15. Is the project site habitat for protected species, identified in an adopted natural community conservation plan, or under a conservation easement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	16. Does the project site contain wetlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	17. Is the project site within a special flood hazard area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	a. If yes, has the site been subject to a Letter of Map Revision or does the site meet Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	18. Is the project site within a regulatory floodway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	a. If yes, has the project received a no-rise certification?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	19. Is the project site located on lands under a conservation easement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	20. Is the project seeking a density bonus and/or any incentive, concession, waiver, or reduction of parking standards under state Density Bonus Law?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	a. If yes, does the project proponent demonstrate how the requested concession, waiver or reduction of standards is the least amount necessary to develop the proposed affordable housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	21. Are the project's affordable units distributed throughout the development and of comparable size, both in terms of the square footage and the number of bedrooms, and quality to the market rate units with access to the same common areas and amenities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBMITTAL REQUIREMENTS: Please refer to page 6 of this document for application requirements.

X	Vallco Property Owner LLC	3/24/2022
Property Owner's Signature	Print Property Owner's Name	Date

STAFF USE	APPLICATION ACCEPTED ON _____
	ACCEPTED BY _____
	APPLICATION TYPE(S) _____



SENATE BILL 35 CERTIFICATE OF ELIGIBILITY

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Certification of Compliance with Eligibility Requirements

I, Reed Moulds, do hereby certify and declare as follows:
(NAME)

(a) The subject property is located at:

Address(es): 10101, 10123, 10330, 10150 N. Wolfe Road and 10343 Wolfe Road, Cupertino, CA

Assessor's Parcel Number(s): 316-20-121; 316-20-120

(b) I am a duly authorized officer or owner of the subject property.

(c) The property owner agrees to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(4).

(d) That one of the following is true pursuant to Government Code section 65913.4(a)(8)(A)
(check one that applies):

- ☐ The entirety of the development is a public work under Government Code section 65913.4(a)(8)(A)(i).
☒ The property owner agrees to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A)(ii).

(e) The property owner agrees to comply with the applicable skilled and trained workforce requirements established under Government Code section 65913.4(a)(8)(B).

(f) The property owner certifies that the project site has not contained any housing occupied by tenants within 10 years prior to the date written above.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all submitted material is true and correct.

Executed on this day 3/24/2022 in Palo Alto, CA:
(DATE) (LOCATION)

Reed Moulds, Authorized Representative

Print Name, Title

X

Signature



INDEMNIFICATION CLAUSE ACKNOWLEDGEMENT

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On _____ an application was submitted to the City of Cupertino Planning Division, on
(DATE)

behalf of _____ (the "Applicant"). The project, which is the subject of the

application, is located at the following address _____.

1. The Applicant agrees, as part of the application, to the fullest extent permitted by law, to indemnify, defend with attorneys of the City's choice, and hold harmless the City and its officers, employees, and agents (collectively, the "indemnified parties") from any liability, claim, action, cause of action, suit, damages, judgment, lien, levy, or proceeding (collectively referred to as "proceeding") brought by a third party against the one or more of the indemnified parties or one or more of the indemnified parties and the Applicant related to any Ordinance, Resolution, or action approving the project, the related entitlements, environmental review documents, finding or determinations, or any other permit or approval authorized for the project. This indemnification is intended to include but not be limited to damages, fees, and costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities, and expenses incurred in connection with such proceeding whether incurred by the Applicant, the City, or the parties initiating or bringing such proceeding.
2. The Applicant agrees to (without limitation) reimburse the City its actual attorneys' fees and costs incurred in defense of the litigation. Such attorneys' fees and costs shall include amounts paid to the City's outside counsel and shall include City Attorney time and overhead costs and other City staff overhead costs and any costs directly related to the litigation reasonably incurred by City. The applicant shall likewise indemnify, defend, and hold harmless the indemnified parties from and against any damages, attorneys' fees, or costs awards, including attorneys' fees awarded under Code of Civil Procedure section 1021.5, assessed or awarded against the indemnified parties. The Applicant shall cooperate with the City to enter a Reimbursement Agreement to govern any such reimbursement.
3. The Applicant agrees to (without limitation) reimburse the City for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by a proceeding challenging the project approvals and related environmental review, if the Applicant desires to continue to pursue the project.
4. The Applicant agrees to indemnify the City for all of the City's costs, fees, and damages incurred in enforcing this Indemnification Agreement.
5. In the event that the Applicant is required to defend the City in connection with such proceeding, the City shall retain the right to approve:
 - a. The attorneys selected to defend the City;
 - b. All significant decisions concerning the manner in which the defense is conducted; and
 - c. Any and all settlements. The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the Applicant in the defense of the proceeding.
6. The defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceeding.
7. The Applicant agrees that City shall have no liability to the Applicant for business interruption, punitive, speculative, or consequential damages.

Print Name, Title

X

Signature



ACKNOWLEDGEMENT & RELEASE

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ACKNOWLEDGMENT OF PUBLIC RECORDS

The applicant acknowledges, understands, and agrees that any soils, seismic hazard, landslide, geologic, natural hazard, or geotechnical report, study, or information submitted to the City by, or on behalf of, the applicant in furtherance of this application submitted by the applicant will be treated by the City as public records pursuant to the CA Public Records Act which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.

I have read and agree to all of the above.

X 

Applicant's Signature

Reed Moulds

Print Applicant's Name

3/24/2022

Date

COPYRIGHT MATERIALS RELEASE

To the extent that your application submittal packet includes plans or drawings prepared by a licensed, registered or certified professional, as defined pursuant to the California Health and Safety Code Section 19851 or Business and Professions Code Section 5536.25, such as a licensed engineer, architect or other design professional, the City must first obtain the signature release and permission of said professional prior to publication or reproduction of any such plans or drawings. Such drawings and plans may also be protected by copyright laws. The City of Cupertino hereby requests permission to reproduce and publish plans and drawings submitted with your application packet for purposes of more effectively and efficiently facilitating the entitlement review process, including making plans and drawings available on the City's website for public review and providing electronic reproductions to the City's approval bodies. The purpose of this request is limited solely to the purpose of facilitating the timely review of this application, and the plans and drawings will not be utilized by the City for other purposes. To assist the City in this process, please provide below the signatures of all of those who have prepared plans and drawings to be submitted with this application.

ENGINEER / SURVEYOR

NAME: Nate Dickinson
PHONE: 408.636.0900
EMAIL: ndickinson@sandis.net

X 

Signature

ARCHITECT / DESIGNER

NAME: Chan-li Lin AIA
PHONE: 917.854.7810
EMAIL: chanli@vinoly.com

X 

Signature

LANDSCAPE ARCHITECT / DESIGNER

NAME: Tiffany Beamer
PHONE: 215-440-0030
EMAIL: tbeamer@theolinstudio.com

X 

Signature

OTHER

NAME: _____
PHONE: _____
EMAIL: _____

X

Signature



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SUBMITTAL REQUIREMENTS: At the time the application is submitted, the following information listed on the attached SB 35 Application Checklist is required for a complete application in order to determine if a project qualifies under Senate Bill 35. Please review this checklist with City's Planning Division staff to confirm specific requirements and to determine if other applications are required.

1. **APPLICATION FORM.** Include signature and contact information for the legal property owner, applicant or authorized agent, and contact information for the Civil Engineer, Architect, Landscape Architect, and all other consultants involved with the application on another sheet if necessary.
2. **POWER OF ATTORNEY.** Provide evidence of power of attorney, if the application is being made by a person other than the property owner.
3. **FILING FEE OR REIMBURSEMENT AGREEMENT.** (See the City's Fee Schedule for current year. *Note:* Depending on the project, it could be subject to the City's hourly staff rate and the cost of contracts plus any administrative charges. Applicant must, in this case, also enter into the reimbursement agreement. Please contact the Planning Division for the approved documents and estimated deposits).
4. **CERTIFICATION OF COMPLIANCE WITH ELIGIBILITY REQUIREMENTS.** The property owner or the owner's authorized agent must certify under penalty of perjury that certain threshold eligibility criteria are satisfied.
5. **INDEMNIFICATION ACKNOWLEDGEMENT.** The property owner must sign and acknowledge the content of the indemnification clause.
6. **TITLE REPORT.** Prepared within the past three months. The title report must include a legal description of the property and a listing of all easements, rights-of-way, and owners. Electronic copies of Title Reports must include live links.
7. **ARBORIST REPORT.** Prepared within the last three months by an ISA Certified Arborist for the removal or disturbance of any Protected Tree on the site or on an adjacent property which could be impacted by the proposed development. Describe the condition of all Protected trees to be removed/disturbed and provide a statement of specific reasons for the proposed removal.
8. **ENVIRONMENTAL SITE ASSESSMENT (ESA) REPORTS.** A Phase 1 ESA report shall be provided with the application. If the Phase 1 ESA report indicates that a Phase 2 ESA report or additional assessment is recommended, a Phase 2 ESA report must accompany the application.
9. **FISCAL IMPACT ANALYSIS.** If converting office/commercial uses to residential or residential mixed-use, provide a fiscal impact analysis, in compliance with General Plan Strategy LU-8.2.1.
10. **PRELIMINARY TRASH MANAGEMENT PLAN.** Provide a preliminary trash management plan. Chapters 6.24, 9.16 and 9.18 of the Municipal Code relate to Garbage, Recycling and Organic Waste Collection. Contact the Environmental Services Division's main line at (408)-777-3236 for coordination with Recology, the City's waste collection company.
11. **PROJECT DESCRIPTION.** A narrative project description that summarizes the proposed project and its purpose must be provided. Please include a discussion of the project site context, including what existing uses, if any, adjoin the project site and whether the location is eligible for Streamlined Housing Development processing.
12. **AFFORDABLE HOUSING PLAN.** Provide an Affordable Housing Plan describing how a development project will comply with the City's Below Market Rate (BMR) Program requirements set forth in the BMR Housing Mitigation Program Procedural Manual.



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- 13. STATEMENT OF CONSISTENCY WITH OBJECTIVE STANDARDS.** Explain how the proposed project is consistent with all objective zoning, subdivision (if applicable), and design review standards applicable to the project site, including those standards included in the General Plan, Cupertino Municipal Code, Heart of the City Specific Plan, Monta Vista Design Guidelines, North De Anza Boulevard Conceptual Plan, South De Anza Conceptual Plan, Saratoga-Sunnyvale Conceptual Zoning Plan, and other applicable City documents. Particular details shall be provided to define how the project complies with use requirements, floor area standards, density, setbacks, height standards, lot coverage ratios, landscaping standards, creek setbacks, tree preservation and protection standards, water efficient landscaping requirements, stormwater requirements, and common open space, private useable open space, and public open space requirements.
- 14. STATEMENT OF DESIGN INTENT.** Describe the design program, the designer's approach, and how the architectural, landscape, and other elements have been integrated in compliance with the City's objective standards. The relationship of the project to adjacent properties and to the adjacent streets should be expressed in design terms. Define the site, building design, and landscape concepts in terms of site design goals and objectives, pedestrian circulation, outdoor-use areas, visual screening and enhancements, conservation of natural resources, mitigation of negative site characteristics, and off-site influences.
- 15. DEVELOPMENT PLAN SETS.**

REQUIREMENTS FOR ALL DEVELOPMENT PLANS. If the application is filed in conjunction with other applications, submittal requirements from all applicable checklists shall be incorporated into one set of plans. All plans shall:

- ☐ Be prepared, signed and stamped by licensed professionals.
- ☐ Include the date of preparation and dates of each revision.
- ☐ Be fully dimensioned and drawn to scale on the same size sheets, with a consistent scale (as noted) throughout all plan sheets.
- ☐ Be numbered in proper sequence.
- ☐ A set of plans shall be submitted on a USB flash drive in pdf format upon request.

DIGITAL PLAN SUBMISSION INFORMATION. Please submit the application form to your project planner for your application file to be created. The following are programs that will be used throughout the process of your application.

- **Accela Citizen Access (ACA):** ACA (www.cupertino.org/aca) is our permit management system. Through ACA you can make payments and track the progress of your application.
- **ProjectDox:** ProjectDox is our plan review system. You will be sent an email with instructions to upload Drawings, Documents, and Response to City Comments.
- **User Manual:** www.cupertino.org/projectdoxguide

DIGITAL PLAN SUBMISSION REQUIREMENTS. Please see below for plan set submittal requirements:

File Naming Conventions - All PDF plan sheet files should be named according to how they are listed in the Drawing Index provided on the Title/Cover Sheet of the plan set.

All drawing files must be named as follows: **SHEET NUMBER SHEET TITLE.**

Sheet	Sheet Title/Name	=	ProjectDox File Name
C001.0	Site Plan	=	C001.0 Site Plan
A001.0	Floor Plan	=	A001.0 Floor Plan
A002.0	Roof Plan	=	A002.0 Roof Plan



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IMPORTANT: Please limit the number of characters in the file name to 25 characters or less – abbreviations are acceptable. Do not include “-” (dashes) or special characters in the file name.

- ☐ **PDF** - Digital plans and documents must be PDF and placed in the following folders.
 - ☐ Drawings:
 - ☐ Submit each sheet/page of the drawing as separate individual files and in landscape view.
 - ☐ Submit one multi-page document that combines all individual sheets in one PDF.
 - ☐ Submission Documents & Technical Reports: All files (ex: Title Reports, Arborist Reports, etc.), other than Drawings, shall be uploaded as individual multi-page documents.
 - ☐ Review Comments Responses: Responses to City comment letters, shall be uploaded as individual multi-page documents.
- ☐ **Unsecured Setting** - Choose “unsecured” on your security settings so that plan reviewers may mark up the documents or create notes.

The following plans shall comprise the development plan set:

- a. TITLE SHEET.** Include project name, location, assessor’s parcel numbers, prior development approvals, and table of contents listing all the plan sheets with content, page numbers, and date prepared. Include a vicinity map showing north arrow, the location and boundary of the project, major cross streets and the existing street pattern in the vicinity with the following information: General Plan and Zoning designations.
- b. DEVELOPMENT PROGRAM.** The development plans shall clearly include the following in a tabular format:
 - i. Size of property including gross and net lot area (square feet and acres).
 - ii. For mixed use projects, total square footage of residential space and related residential facilities (as defined in the City’s Eligibility Checklist), square footage of non-residential uses, and square footage utilized by both residential and non-residential uses. A calculation of how the project meets the eligibility criteria to qualify for streamlined and ministerial review pursuant to SB 35. Detailed breakdowns, to scale, with dimensions, shall be shown on Floor Plan submittals as indicated below. This calculation should not include the square footage of underground space, such as basements or underground parking garages. Exhibits showing how to calculate the 2/3 residential requirement are included below. Please see pages 17-18 for examples of mixed-use development calculations.
 - iii. For residential development, include the floor area for each unit type, the number of bedrooms, the number of units by type, the number of units per building, the total number of units, and net density. Identify unit type, size, number of bedrooms, number of units in each building and total number of units by affordability level and tenure (rental or ownership).
For purposes of the calculation described in 15.b.ii, exclude underground space, but please include these features in the total floor area.
Include the amount of private open space provided for each unit.
 - iv. For commercial development, total floor area in each building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) and total building area, including non-residential garages.
For purposes of the calculation described in 15.b.ii, exclude any underground space, but please include



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these features in the total floor area.

- v. Percent lot coverage, percent of net lot area covered by buildings (total ground floor area of all buildings divided by net lot area).
 - vi. Percentage of net lot area devoted to landscaping, common open space and private useable open space.
 - vii. Parking requirements under Government Code section 65913.4(d) and tabulation of the number of parking spaces proposed by type (universal and ADA compliant) and proposed parking ratios.
 - viii. Bicycle parking (required and proposed) under City of Cupertino Municipal Code Chapter 19.124.040.
- c. **DENSITY BONUS PLANS.** In addition to the other submittal requirements, projects requesting a density bonus or concessions are required to submit a density bonus application pursuant to CMC Chapter 19.56, including plans for the project that clearly indicate the following:
- i. Location and square footage of affordable units that qualify the project for a density bonus,
 - ii. Location and square footage of additional floor area, or units granted pursuant to Density Bonus law,
 - iii. For requested **incentives/concessions**: The existing development standard and the requested incentive/concession. Also provide justification that the requested incentive/concession results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision 65915(c), and
 - iv. For **waivers**: The existing development standard and the requested waiver. Also provide demonstration that the requested waiver will have the effect of physically precluding the construction of the housing development with the density bonus and incentives or concessions that the applicant is entitled to.
- d. **SITE PLAN.** Prepared by a licensed Civil Engineer, drawn at 1" = 20' scale, with scale noted, a graphic bar scale, and north arrow. *The plan shall include the following:*
- i. Topographic and Boundary survey information, prepared by a licensed surveyor, including but not limited to, existing and proposed property lines with dimensions, bearings, radii and arc lengths, easements, and net & gross lot area for existing and proposed parcels. Benchmark based on USGS NAVD 88 vertical.
 - ii. Location and dimensions of all existing and proposed structures extending beyond the property as required for other, non-SB 35, projects. If adjacent to a street, show the entire width of street to the next property line, including driveways. Clearly identify all existing and proposed structures such as fencing, walls, all building features including decks and porches, all accessory structures including garages and sheds, mailboxes, and trash enclosures. Label all structures and indicate the structures to remain and the structures to be removed.
 - iii. Dimensions of setbacks from property lines and between structures.
 - iv. Location, dimension and purpose (i.e. water, sewer, access, etc.) of all easements including sufficient recording data to identify the conveyance (book and page of official records).
 - v. Location and dimensions for all adjacent streets (public and private) and proposed streets showing both sides of streets, street names, street width, striping, centerlines, centerline radii of all curves, median and landscape strips, bike lanes, pedestrian ways, trails, bridges, curb, gutters, sidewalks, driveways, and edge of right-of-way including any proposed or required right-of-way dedication. Show all existing and proposed improvements including traffic signal poles and traffic signs. Show line of sight for all



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intersections and driveways based on current City of Cupertino standards.

- vi. Existing topography and proposed grading extending 50 feet beyond the property at 2 foot contour intervals for slopes up to 10% and less than 5 feet in height; and contour intervals of 5 feet for slopes over 10% or greater than 5 feet in height. Include spot elevations, pad elevations, and show all retaining walls with TOW/BOW elevations.
- vii. Drainage information showing spot elevations, pad elevations, existing catch basins, and direction of proposed drainage, including approximate street grade existing and proposed storm drain locations and storm water treatment facilities.
- viii. Location and dimensions of existing and proposed utilities including water supply system, sanitary sewers and laterals, drainage facilities, wells, septic tanks, underground and overhead electrical lines, utility poles, utility vaults, cabinets and meters, transformers, electroliers, street lights, lighting fixtures, underground irrigation and drainage lines, backflow prevention and reduced pressure devices, traffic signal poles, underground conduit for signals and interconnect, and traffic signal pull boxes, signal cabinets, service cabinets, and other related facilities.
- ix. Location and dimensions of parking spaces, back-up, safe pedestrian paths to building entrances, loading areas, and circulation patterns.
- x. Survey of all existing trees on the site and adjacent to the site, at 1"=20' scale, indicating species, diameter at breast height (DBH) as defined in Chapter 14.18 of the Cupertino Municipal Code, and base elevation. Trunk locations and the drip line shall be accurately plotted. Identify all protected trees as defined in Chapter 14.18 of the Cupertino Municipal Code.
- xi. Tentative locations for public artwork in compliance with Section 19.148.050(B) of the Municipal Code.
- xii. Location of all natural features such as creeks, ponds, drainage swales, wetlands (as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)), etc., extending 50 feet beyond the property line to show the relationship with the proposed development.
- xiii. Location on the site of any prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by Cupertino's voters.
- xiv. If any parcel is within a FEMA defined 100-year floodplain or floodway:
 - Identify the floodplain or floodway on all plan sheets depicting the existing and proposed site, with the base flood elevation (BFE) and flood zone type clearly labeled. In addition, show the existing site topography and finish floor elevations for all existing and proposed structures. If FEMA has not defined a BFE, a site specific hydraulic analysis will be required to determine the BFE prior to deeming the application complete (CMC Sec. 34-32.b2).
 - Flood zone boundaries and floodwater surface elevation. If the property proposed to be developed is within or adjacent to the 100 year flood zone (Zone A or AE) or the National Flood Insurance Program, Flood Insurance Rate Map, the extent of Zone A or AE shall be clearly drawn on the tentative map and the 100 year flood water surface elevation shall be shown. The map shall show the approximate location of the Floodway Boundary as shown on the latest edition of the "Flood



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Boundary and Floodway Map" published by the Federal Emergency Management Agency.

e. **CONTEXTUAL PLAN.** Use topographic or aerial map as base. Show the relationship of the project to the building and site features within 50 feet of the property line. *The plan shall include:*

- i. Building footprints, pad elevations and building height. Land use and zoning designation on all lots.
- ii. Property lines and dimensions of the subject site and adjacent properties showing all easements.
- iii. Location of streets, medians, curb cuts, sidewalks, driveways, and parking areas.
- iv. Location of all creeks, waterways and trees.
- v. Vicinity map indicating site in relation to major streets.

f. **BUILDING ELEVATIONS.** Plans shall be drawn by a licensed Architect at 1/8" = 1' minimum scale; dimensioned vertically and horizontally with sample representations at 1/4" = 1' scale for detail areas. Elevations should not include superimposed landscaping and trees that hide the buildings. Height is measured from natural grade established at subdivision. *The plans shall include:*

- i. Fully dimensioned elevations for buildings identifying materials, details and features include visible plumbing, electrical meters and method of concealment.
- ii. All four sides of all buildings.
- iii. Vertical dimensions from all points above natural, existing and finished grade on all elevations.
- iv. Topography with natural, existing, and proposed grades accurately represented to show building height to show the relationship of the building to the site and adjacent properties.
- v. Location, height and design of rooftop mechanical equipment and proposed screening. Provide a section detail showing height of equipment in relation to the height of the proposed screen structure.
- vi. Elevations and dimensions for existing structures to remain. Location and type of building mounted exterior lighting.
- vii. Detailed building sections showing depth of reveals, projections, recesses, etc.
- viii. Details of vents, gutters, downspouts, scuppers, external air conditioning equipment, etc.
- ix. Details including materials and dimensions of door and window treatments, railings, stairways, handicap ramps, trim, fascia, soffits, columns, fences, and other elements which affect the building. Provide wall sections at 1/2" = 1' scale to clarify detailing as appropriate.

g. **FLOOR PLANS.** Plan shall be drawn by a licensed Architect at 1/8" = 1' or larger scale.

- i. Floor area diagrams must be provided with dimensions and tabulations of each area of each floor, as well as finished floor elevations set to USGS NAVD 88 Vertical datum.
- ii. Floor plans shall clearly indicate areas attributed to residential, non-residential, and shared use and should show garages, parking areas, and amenity spaces, and shall indicate if any of these areas are underground.
- iii. Floor plans shall include the square footage of residential space and related residential facilities, non-residential uses, and structures uses by both residential and non-residential uses.
- iv. Floor plans shall clearly identify affordable units (City BMR and SB 35 units)
- v. If structured parking is provided, identify compliance with requirements of Chapter 19.124 of the Municipal Code and clearly identify required pedestrian paths pursuant to General Plan Policy M-3.6.

h. **ROOF PLAN.** Plan shall be drawn by a licensed Architect at 1/8" = 1' or larger scale. The plan shall include property lines, outline of building footprint, ridgelines, valleys, flat roof areas, roof pitch and rooftop mechanical equipment, and screening. Plans shall show existing roof forms and roof forms to be added or changed.

i. **TRUE CROSS-SECTIONS.**

- i. **Site Cross-Sections:** A minimum of two cross-sections (more as needed to showing varying site



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conditions) drawn at 1:1 scale (same scale used for both vertical and horizontal axis), 1"=20' minimum scale, with scale noted, and a graphic bar scale, through critical portions of the site extending 50 feet beyond the property line onto adjacent properties or to the property lines on the opposite side of adjacent streets. Sections shall include existing topography, slope lines, final grades, location and height of existing and proposed structures, fences, walls, roadways, parking areas, landscaping, trees, and property lines. Section locations shall be identified on the Site Plan.

- ii. **Building Cross-Sections:** A minimum of two cross-sections (more as needed to show varying building conditions) drawn at a 1:1 scale (same scale used for both vertical and horizontal axis), 1/8"=1' minimum scale, with scale noted, and a graphic bar scale, through each axis of the building extending to the closest property line or to the opposite side of adjacent public or private streets. Sections shall include existing topography, slope lines, natural and proposed final grades, fences, walls, roadways, parking areas, landscaping, trees and property lines. Section locations shall be identified on the Site Plan.

j. LANDSCAPE PLANS. Plan shall be drawn at 1" = 20' or larger scale by a licensed Landscape Architect. The plan shall incorporate the proposed Grading and Utility Plan, showing the location of existing and proposed utility lines and utility structures screened back, but legible, and shall include the following:

- i. Final planting plan showing proposed trees, shrubs and shrub groupings, lawn, and groundcover areas, existing trees to be saved, stormwater treatment areas, special paving, hardscape, and site furnishings. Include a landscape legend with a list of proposed plant materials (indicate both Latin and common name), including size, spacing, total quantities, ultimate height, and spread of materials.
- ii. Size, species, trunk location, and canopy of all existing trees (6" in diameter or larger) on-site and on abutting property that could be affected by the project. Identify which trees will remain and trees to be removed.
- iii. Any tree proposed as mitigation for the removal of a protected tree shall be identified as a replacement tree.
- iv. Replacement trees shall comply with the requirements of Chapter 14.15 of the Cupertino Municipal Code.
- v. Code.
- vi. Show accurate representation of plant materials within three years.
- vii. Identify the location and screening of all above ground utilities and bio- swales or other stormwater treatment areas with 1:10 scale cross sections showing the planting within the bio-swales and screening of the utilities.
- viii. Provide enlarged details (minimum of 1:10 scale) for focal points and accent areas.
- ix. Location and details and/or manufacturers catalogue cuts of walls, fences, paving, decorative planters, trellises, arbors, and other related site improvements.
- x. Landscape plans with more than two sheets shall show the plant legend with symbols for each species on every sheet.
- xi. Statement indicating that a fully automatic irrigation system will be provided.
- xii. Color and materials submittal for all special paving, hardscape treatment, walls, landscape lighting, and site furnishings.
- xiii. The Landscape plan shall be coordinated and consistent with the Stormwater Plan.
- xiv. Note signed and dated by project Landscape Architect that plans are in compliance with all City standards.
- xv. Provide information on landscaping used as screening for utility equipment.
- xvi. Compliance with the landscaping requirements in Chapter 19.124 of the Municipal Code.

k. FENCE PLAN. Drawn at 1"=20' scale showing the location, height and type of all fences and walls.

l. LIGHTING PLAN. Location and type of exterior lighting, both fixed to the building and freestanding, any and all lights for circulation, security, landscaping, building accent or other purpose.



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- m. PHOTOMETRIC PLAN.** Indicate compliance with no lighting glare. Photometric plan must indicate that lighting levels do not spill into adjacent properties.
- n. PHOTO-SIMULATIONS.** Digital photo-simulations of the site with and without the project, taken from various points off-site with the best visibility of the project. Include a key map showing the location where each photo was taken.
- o. COLOR AND MATERIALS BOARD.** Samples of materials and color palette representative of actual materials/colors for all buildings and structures. Identify the name of manufacturer, product, style, identification numbers and other pertinent information on the display. Displays should be no larger than 24" by 36", except where actual material samples are presented.
- p. GRADING PLAN.** Use the grading plans approved with any past subdivision to indicate the natural grade and how the proposed project meets height requirements based on this. If a new subdivision is proposed, please indicate the existing and proposed natural grades. Grading shall comply with requirements of Chapters 16.08 and 18.52 of the Cupertino Municipal Code, as applicable. Show the relationship of the project to the building and site features within 50 feet. *The plan shall include:*
- i. Proposed building footprints, pad elevations and building height
 - ii. Existing and proposed contours which can be easily differentiated (2ft intervals if slope is 10% or less, 5 ft intervals for slopes greater than 10%)
 - iii. Spot elevations of survey points
 - iv. Source and date of the contour and spot elevation information
 - v. Limits of cut and fill
 - vi. Grading Quantities (Cut and Fill Cubic Yards)
 - vii. Cross-sections of the areas of greatest cut and greatest fill to scale
 - viii. Topography and elevation of adjoining parcels (for a minimum of 50')
 - ix. Slope ratio
 - x. Show all existing and proposed retaining walls with Top Of Wall /Bottom Of Wall elevations.
- q. TENTATIVE MAP.** Provide a tentative map, prepared by a licensed Civil Engineer, if applicable. Please indicate compliance with the objective zoning and subdivision development standards. The plan shall comply with the City's subdivision ordinance and shall include:
- i. Existing Assessor's Parcel Numbers
 - ii. A title which shall contain the subdivision number, name and type of subdivision.
 - iii. Name and address of legal owner, subdivider and person preparing the map (include professional license number)
 - iv. Date, north arrow, scale and contour interval
 - v. Land Use (existing and proposed)
 - vi. Vicinity Map showing roads, adjoining subdivisions, Cities, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community.
 - vii. Existing Trees, type, diameter at breast height (DBH) and indicate drip line/canopy. Any trees proposed to be removed shall be clearly indicated.
 - viii. Existing structures, approximate location and outline identified by type. Buildings to be removed shall be clearly indicated.
 - ix. Lot area with density per gross acre for each parcel (net square footage)
 - x. Existing and proposed lot line dimensions (bearings and distances)
 - xi. Exhibits indicating compliance with objective zoning standards (e.g. minimum lot sizes, lot widths etc.)
 - xii. Areas subject to inundation or storm water overland flow. Width and direction of flow for each water course should be shown with approximate location.



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- xiii. Existing easements with widths, locations, type and sufficient recording data to identify the conveyance (book and page of official records).
- xiv. New and amended easements with width, locations, type and purpose.
- xv. Existing and proposed infrastructure including utilities and surface/street improvements (both private and public). Show location and size of utilities. Show proposed slopes and elevations of utilities and surface hardscape improvements.
- xvi. Provide a grading and drainage plan that shows the existing and proposed grades and contours.
- xvii. Grading shall comply with requirements of Chapters 16.08 and 18.52 of the Cupertino Municipal Code, as applicable.
- xix. Show the relationship of the project to the building and site features within 50 feet.
- xix. Accompanying data and reports to be supplied with Tentative Map:

- **Geologic and Geotechnical Report** – A preliminary geotechnical report is required by Section 16.12 of the Cupertino Municipal Code and shall verify if there is a presence of critically expansive soils or other soil problems, which, if not corrected, would lead to structural defects or differential settlement of infrastructure, and shall provide recommendations for necessary corrective action. The report shall show all geological hazard zones identified in the General Plan and which are known or portrayed in other geological studies for the area. It shall also include descriptions and physical characteristics on all geological formations, anomalies, and earthquake characteristics. Mitigation measures shall be identified for any geological hazard or concern.

- r. **UTILITY PLAN.** Prepared by a licensed Civil Engineer and drawn at 1"= 20' scale, with scale noted, showing the location and dimensions of existing and proposed utilities including water supply system, sanitary sewers and laterals, drainage facilities/storm drainage system, wells, septic tanks, underground and overhead electrical lines, utility poles, utility vaults, cabinets and meters, transformers, underground irrigation and drainage lines, backflow prevention and reduced pressure devices, electroliers, lighting fixtures, street lights, traffic signal poles, traffic signal pull boxes, signal cabinets. Provide details on screening utility equipment. Indicate compliance with Chapter 14.24. Applicant shall also provide will serve letters from all utility companies (electric, sanitary sewer, water, etc) to ensure adequate services are available to serve the development project.
- s. **STORMWATER MANAGEMENT PLAN.** See Stormwater Management Plan Table of Contents list for submittal requirements. All Stormwater Plans shall be coordinated and consistent with all Site, Grading, Utility, and Landscape Plans. If the project creates or replaces more than 10,000 sq. ft. of impervious area, a Stormwater Control Plan is required, and shall meet the standards and regulations established for the Municipal Regional Stormwater NPDES Permit. Provide a completed C.3 impervious surface form.
- t. **NPDES CONSTRUCTION GENERAL PERMIT.** When and where it is required by the State Water Resources Control Board (SWRCB), the developer must obtain a Notice of Intent (NOI) from the SWRCB, which encompasses preparation of a Storm Water Pollution Prevention Plan (SWPPP), use of construction Best Management Practices (BMPs) to control storm water runoff quality, and BMP inspection and maintenance.
- u. **EROSION CONTROL PLAN.** Developer must provide an approved erosion control plan by a Registered Civil Engineer. This plan should include all erosion control measures used to retain materials on site. Erosion control notes shall be stated on the plans.
- v. **ADDITIONAL INFORMATION TO DETERMINE COMPLIANCE WITH ELIGIBILITY CRITERIA.** Provide the following information if applicable:
 - If the project is located on a hazardous waste site that is listed pursuant to Government Code Section



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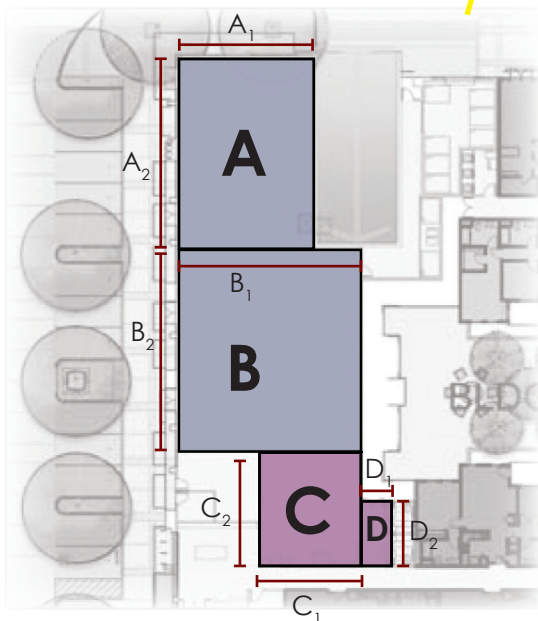
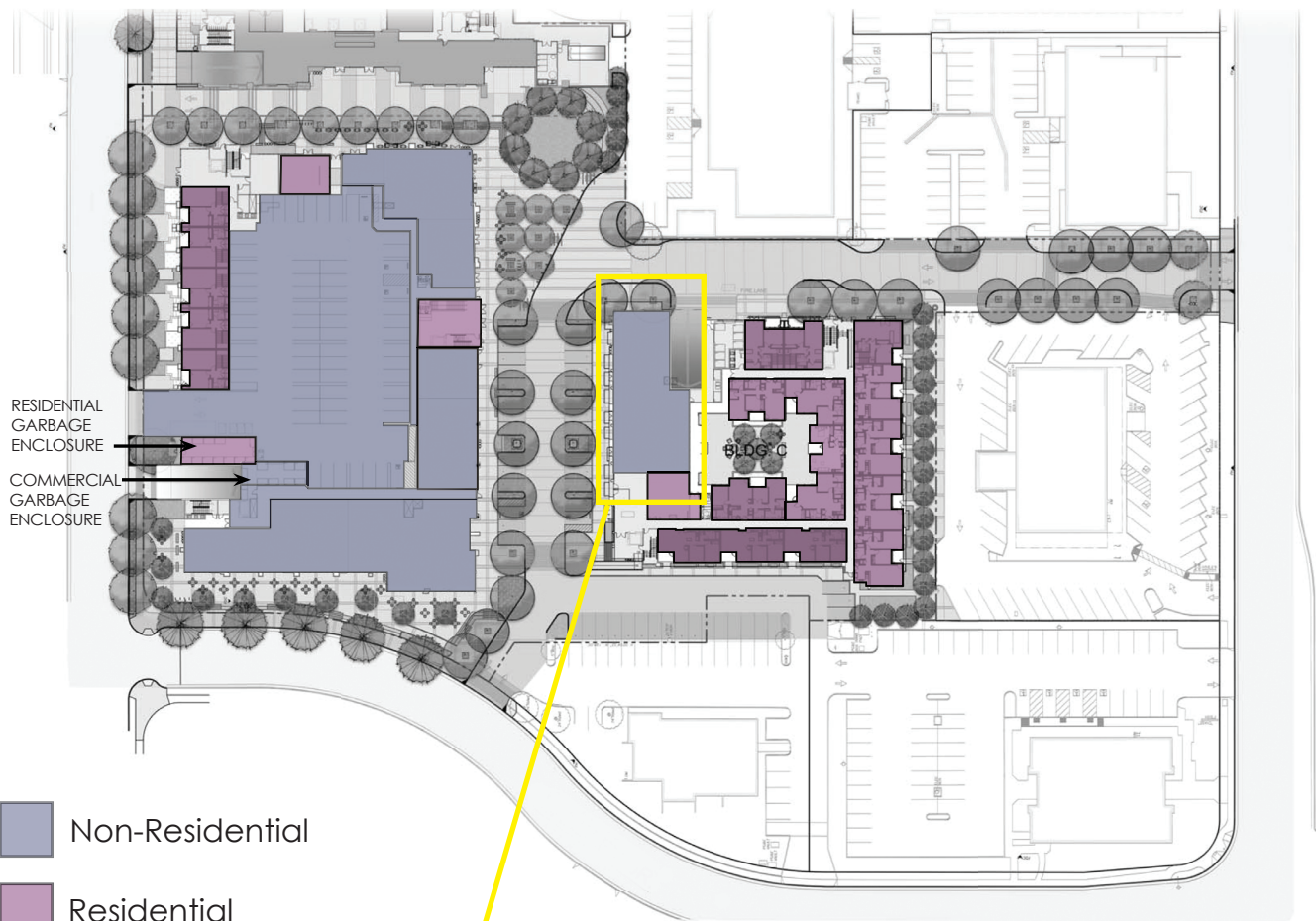
65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, submit a signed Hazardous Waste and Substances Statement as required by Government Code Section 65962.5(f) and information showing that the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

- If the project is located within a special flood hazard area defined by Government Code Section 65913.4(a)(6)(G), explain why development is allowed under the exceptions explained in Government Code Section 65913.4(a)(6)(G).
- If the project is located within a regulatory floodway defined by Government Code Section 65913.4(a)(6)(H), submit the development's no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

#end#

MIXED-USE DEVELOPMENTS

SQUARE FOOTAGE CALCULATIONS EXAMPLE



NON-RESIDENTIAL CALCULATION

$$A_1 \times A_2 = A$$

$$B_1 \times B_2 = B$$

$$A + B = \text{NON-RESIDENTIAL SQUARE FOOTAGE}$$

RESIDENTIAL CALCULATION

$$C_1 \times C_2 = C$$

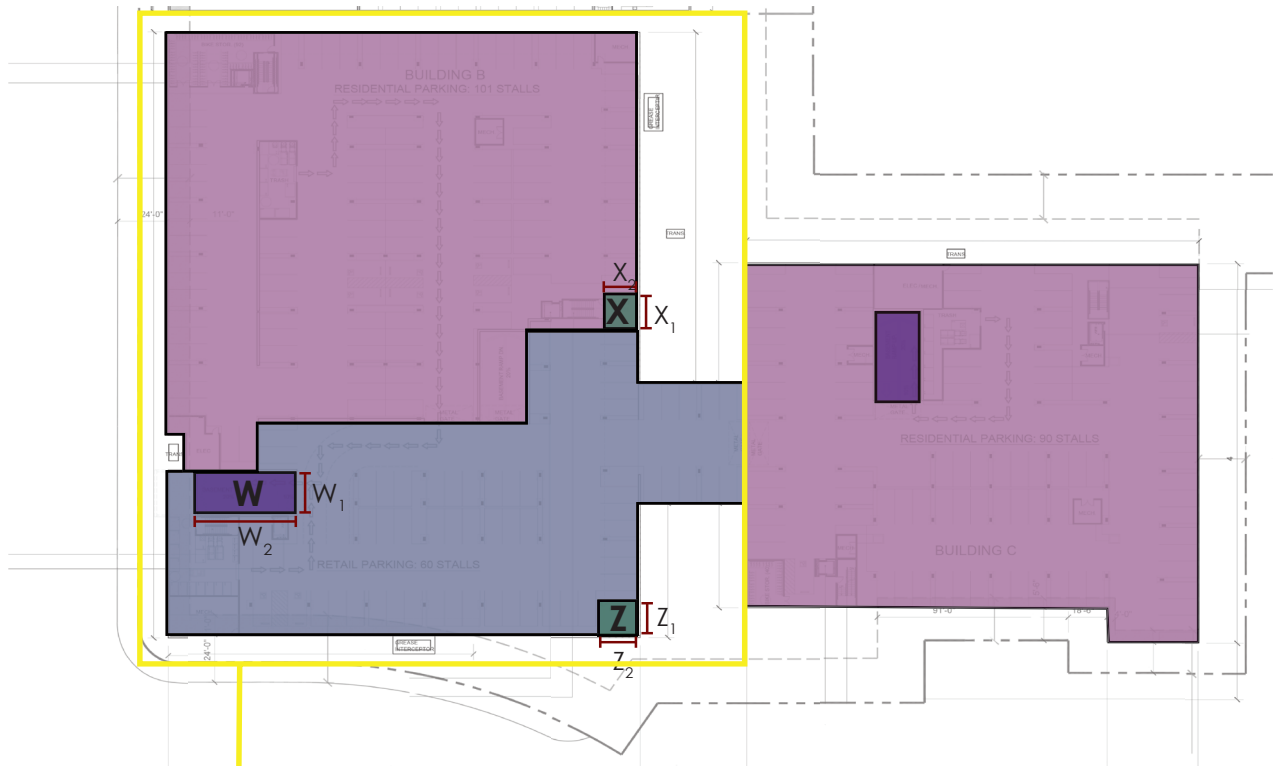
$$D_1 \times D_2 = D$$

$$C + D = \text{RESIDENTIAL SQUARE FOOTAGE}$$

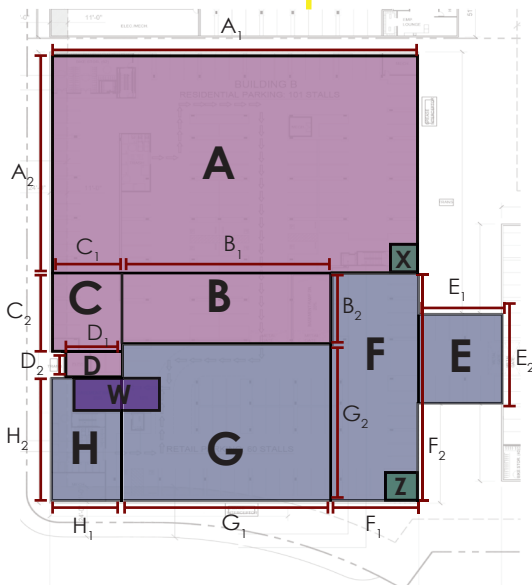
MIXED-USE DEVELOPMENTS

SQUARE FOOTAGE CALCULATIONS EXAMPLE CONTINUED

- Non-Residential Parking
- Parking Ramp - Square footage calculated by percentage of stalls in each use
- Residential Parking
- Mechanical, Electrical, Utility Rooms - Square footage calculated by percentage of building in each use



EXAMPLE ONLY



		RESIDENTIAL	NON-RESIDENTIAL
RESIDENTIAL ONLY (R)		$A_1 \times A_2 = A$ $B_1 \times B_2 = B$ $C_1 \times C_2 = C$ $D_1 \times D_2 = D$	
NON-RESIDENTIAL ONLY (NR)			$E_1 \times E_2 = E$ $F_1 \times F_2 = F$ $G_1 \times G_2 = G$ $H_1 \times H_2 = H$
% OF TOTAL BUILDING		$\frac{R}{R + NR} = 70\%$	$\frac{NR}{R + NR} = 30\%$
SHARED SPACES Shared Res = SR Shared Non-Res = SNR	RAMP	$(W_1 \times W_2) \times 0.70$	$(W_1 \times W_2) \times 0.30$
	UTILITY ROOM 1	$(X_1 \times X_2) \times 0.70$	$(X_1 \times X_2) \times 0.30$
	UTILITY ROOM 2	$(Z_1 \times Z_2) \times 0.70$	$(Z_1 \times Z_2) \times 0.30$
TOTAL		R + SR	NR + SNR