SECTION I – PROJECT INFORMATION (CITY SB 35 APPLICATION FORM P. 1-3)		
Item #	**Topic**	**Applicant Response**
#1 - Type of Multifamily Housing Development Proposed	A. Multifamily rental; residential only with no proposed subdivision.	**Not applicable (N/A)** No changes proposed to project uses.
	B. Multifamily residential with proposed subdivision (must qualify for exception to subdivision exclusion)	**N/A** No change to project uses or to the fact that there is a subdivision
	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.	**N/A** No change to gross square footage
#2 - Number of Parking Spaces Proposed	A. Number of Parking Spaces Proposed	**N/A** the Project site is located within one- half mile of public transit, parking standards are not applicable to the Project, including this modification request. (See Gov. Code § 65913.4(e)(1)
	B. Is the site within one-half mile of public transit?	**N/A** No change to project location
	C. Is the site within an architecturally and historically significant historic district?	**N/A** No change to project location
	D. Are on-street parking permits required but not offered to the occupants of the project?	**N/A** No change to project location and previously determined that project qualifies for parking exemption due to proximity to transit
	E. Is the site within one block of a car share vehicle station?	**N/A** No change to project location and previously determined that project qualifies for parking exemption due to proximity to transit
#3 - Does the project propose 2 or more residential units?	Does the project propose 2 or more residential units?	**N/A** No change to proposed number of units
	A. Has the applicant certified compliance with affordability requirements?	**N/A** The City has previously confirmed the Project's compliance with these requirements through both its 90-Day SB 35 Determination Letter dated June 22, 2018, and the SB 35 Approval, and the project continues to include 50% of its total base density units at below market rates as required under SB 35
#4	Does the project include more than 10 units?	**N/A** No change in number of units
	Is the project a public work?	**N/A** No change in public work status
#5	A. If it is a public work, has the applicant certified to the City that the entirety of the development is a public work?	**N/A**
	B. If it is not a public work, has the applicant certified compliance with prevailing wage requirements?	**N/A** No change in public work status and certification letter previously submitted
#6	Does the project propose 75 units or more? (Subject to change Jan. 1, 2022)	**N/A** This provision is inconsistent with SB 35, as set forth in Gov. Code § 65913.4(a)(8)(B), which as of January 1, 2022, imposes skilled and trained workforce requirements to qualifying projects of 25 units or more. Nonetheless, the Project meets those requirements as further described below.
	A. If yes, has the applicant certified compliance with skilled and trained workforce requirements?	**N/A** The project previously certified compliance with skilled and trained workforce requirements
#7	Does the project involve a subdivision of land?	**N/A** No change in subdivision of project site
	A. Is the development consistent with all objective standards in the subdivision ordinance?	**N/A** No change in subdivision of project site
	B. Is the project financed with low-income housing tax credits?	**N/A** Project previously certified compliance with prevailing wage and skilled/trained requirements
	C. Has the applicant certified compliance with prevailing wage requirements?	**N/A** Project previously certified compliance with prevailing wage and skilled/trained requirements
	D. Has the applicant certified compliance with skilled and trained workforce requirements?	**N/A** Project previously certified compliance with prevailing wage and skilled/trained requirements
#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.	**N/A** No change to project location
	B. Housing that is subject to any form or rent or price control.	**N/A** No change to project location
	C. Housing that has been occupied by tenants within the past 10 years.	**N/A** No change to project location
#9	Was the site previously used for housing that was occupied by tenants that was demolished within 10 years before the application was submitted?	**N/A** No change to project location
#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?	**N/A** No change to project location

#11	**Would the development require demolition of a historic structure that was placed on a national, state, or local historic register?**	**N/A** No change to project location
#12	**Is the project site within a very high fire hazard severity zone?**	**N/A** No change to project location
	A. If yes, are there adopted fire hazard mitigation measures applicable to the development?	**N/A** No change to project location
#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?**	**N/A** No change to project location
	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?	**N/A** No change to project location
#14	**Is the project site within a delineated earthquake fault zone?**	**N/A** No change to project location
	A. If yes, does the development comply with all applicable seismic protection building code standards?	**N/A** No change to project location
#15	**Is the project site habitat for protected species, identified in an adopted natural community conservation plan, or under a conservation easement?**	**N/A** No change to project location
#16	**Does the project site contain wetlands?**	**N/A** No change to project location
#17	**Is the project site within a special flood hazard area?**	**N/A** No change to project location
	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?	**N/A** No change to project location
#18	**Is the project site within a regulatory floodway?**	**N/A** No change to project location
	A. If yes, has the project received a no-rise certification?	**N/A** No change to project location
#19	**Is the project site located on lands under a conservation easement?**	**N/A** No change to project location
#20	**Is the project seeking a density bonus and/or any incentive, concession, waiver, or reduction of parking standards under state Density Bonus Law?**	**N/A,** No change in density bonus, and/or incentive, concession, waiver, or reduction of parking standards
	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?	**N/A** because this provision is inconsistent with state Density Bonus Law requirements, as set forth in Gov. Code §§ 65915(d), (e). See **Section III(15C)** below.
#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?**	**N/A,** No change in the project's affordable unit distribution

SECTION II – CERTIFICATIONS & ACKNOWLEDGMENTS (CITY SB 35 APPLICATION FORM P. 4-6)	
Topic	**Applicant Response**
Certification of Compliance with SB 35 Eligibility Requirements	**N/A.** This modification request does not affect the Project's compliance with the SB 35 eligibility requirements in this form. The City has previously confirmed the Project's compliance with these requirements through both its 90-Day SB 35 Determination Letter dated June 22, 2018, the SB 35 Approval, and the 2022 Modification Approval. Nonetheless, this application includes an updated certification.
Indemnification Clause Acknowledgement	***N/A.*** In connection with the 2022 Modification, Applicant and City entered into a reimbursement agreement, titled *"Agreement Between the City of Cupertino and Vallco Property Owner LLC for Reimbursement of City Costs for Processing The Rise (Vallco Town Center) Development Project Applications"* (the "Reimbursement Agreement"), which includes an executed copy of the Indemnification Clause Acknowledgment as Exhibit C to that Agreement. Therefore, the Reimbursement Agreement remains in effect, so no further indemnification acknowledgement is required.
Acknowledgement of Public Records	**Completed**. See attached form.
Copyright Materials Release	**Completed**. See attached form.

SECTION III — SB 35 APPLICATION CHECKLIST (CITY SB 35 APPLICATION FORM P. 6-16)		
Item #	**Topic**	**Applicant Response**
#1	**Application Form**	**Completed, subject to these Appendix I – *Supplemental Responses*** . See completed City Application form.
#2	**Power of Attorney [Required if application is being made by a person other than the property owner]**	**N/A**

#3	**Filing Fee of Reimbursement Agreement**	**N/A.** The Reimbursement Agreement (further described in Section II above) applies to costs and fees incurred by the City for "Project Approvals," which is defined to include further modification applications. As such, fees and costs incurred by the City in connection with review of this modification request are subject to the terms of that Agreement. An additional deposit of $145,000 has been provided for purposes of the City's review of this modification request application. This deposit amount is consistent with fees incurred in connection with the City's review of the 2022 Modification.
#4	**Certification of Compliance with Eligibility Requirements**	See **Section II** response above.
#5	**Indemnification Acknowledgement**	See **Section II** response above.
#6	**Title Report**	**N/A**. Title report was previously submitted in connection with the original SB 35 Application. Modification request does not impact title, so no further information is required here.
#7	**Arborist Report**	**N/A** because no change to on-site tree removals
#8	**Environmental Site Assessment (ESA) Reports**	**N/A**. The modification request does not affect the Project location or ground disturbance as contemplated under the SB 35 Approval, so no additional information required.
#9	**Fiscal Impact Analysis**	**N/A.** Fiscal Impact Analysis is not necessary to confirm consistency with the applicable objective standards. (See Gov. Code § 65913.4(c)(3).)
#10	**Preliminary Trash Management Plan**	**N/A** The only changes that have occurred is the relocation of the waste management bay. There remains no change to logistics and waste management plan or strategy.
#11	**Project Description**	See **Appendix II, *Modification Request Project Description*** .
#12	**Affordable Housing Plan**	**N/A** because no change.
#13	**Statement of Consistency with Objective Standards**	**N/A** No change to previously approved project consistency with applicable Cupertino Municipal Code Provisions
#14	**Statement of Design Intent**	**N/A**. The City's 90-Day SB 35 Determination Letter dated June 22, 2018, confirmed that there are no "objective design review standards" applicable to the Project, so a statement of design intent does not relate to any objective standards. Further, such a statement was not required in connection with the SB 35 Approval or 2022 Modification, so such information is not required for this modification request.
#15	**Development Plan Sets**	**General Note:** Unless otherwise stated, **Appendix III, *Modification Request Plan Sets*** includes all information listed under Item 15 "Development Plan Sets" of the City's SB 35 Application Form.
	(B)(ii) - Development Program [Mixed Use Projects]	The partial plan modification request remains within substantial compliance of the SB 35 requirement that "at least two-thirds of the square footage of the development is designated for residential use." See **Appendix II, *Modification Request Project Description*** and **Appendix III, *Modification Request Plan Sets*** for further information regarding floor plan areas.
	(C) Density Bonus Plans	**N/A** The project maintains the previously approved density bonus, affordability levels, incentives, concessions, and waivers.
	(C)(iii) Density Bonus Plans [Additional Information Regarding Incentives/concessions]	**N/A** The modification request does not include a request for revisions to incentives, concessions, or waivers
	(C)(iv) Density Bonus Plans [Additional Information Regarding Waivers]	**N/A** The project maintains the previously approved density bonus, affordability levels, incentives, concessions, and waivers.
	D. Site Plans	**Appendix III, *Modification Request Plan Sets*** includes building elevations updated to reflect changes to the underground parking entrance at Block 1 and the loading dock area at Block 2 and. Note the overall finishes remain in line with the 2026 Master Modification, no changes to the palette.
	F. Building Elevations	***Appendix III, Modification Request Plan Sets*** includes building elevations updated to reflect changes to the underground parking entrance at Block 1 and the loading dock area at Block 2 and. Note the overall finishes remain in line with the 2026 Master Modification, no changes to the palette.

	G. Floor Plans	The Project Implementation Agreement established criteria for when a project is in substantial compliance with the approved plans, and when that is not achieved, how to process a Partial Plan Modification application. PPM applications are intended to be streamlined in recognition that only a portion of the project is being modified. Therefore, the materials in the PPM application focus on those aspects of the modified project that triggered the need for the PPM in the first place. However, we are including the floor area diagrams here at your request. Typical parking details can be found on sheet P-0910 of the approved Modification #3.
	H. Roof Plans	**N/A** because the modification request does not include a request for revisions to building exteriors.
	I. True Cross-Sections (Building and Site)	The cross sections have been provided consistent with approved Modification #3.
	J. Landscape Plans	**N/A** The modification request does not include a request for revisions to incentives landscape.
	K. Fence Plan	**N/A**. **Appendix III, *Modification Request Plan Sets*** does not include location of fences (i.e., structures that would be used for property protection or privacy) as those design components will be determined subsequently on a building-by-building basis, and details of which would be reviewed by the City in connection with building permit issuances. Details regarding Project fencing do not impact the Project's consistency with any applicable objective standards.
	N. Photo-Simulations	**N/A**. Photosimulations are not included in **Appendix III, *Modification Request Plan Sets*** , consistent with the 2018 SB 35 Application materials.
	O. Color and Materials Board	**N/A** The modification request does not include a request for revisions to color and materials
	R. Utility Plan	**N/A** The modification request does not include a request for revisions utilities.
	S. Stormwater Management Plan **T. NPDES Construction General Permit**	**N/A** The modification request does not include a request for revisions to the Stormwater Management Plan; project continues to comply with NPDES.
	V. Additional Information to Determine Compliance with Eligibility Requirement	**N/A**. Project location remains unchanged under this modification request; no additional site information is required for purposes of processing this modification request application.