

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, California 95014

DRAFT RESOLUTION

OF THE ADMINISTRATIVE HEARING OFFICER OF THE CITY OF  
CUPERTINO APPROVING AN ARCHITECTURAL AND SITE APPROVAL  
PERMIT TO ALLOW THE CONSTRUCTION OF A NEW 2,696 SQUARE FOOT,  
TWO-STORY, SINGLE-FAMILY RESIDENCE, LOCATED AT 10208 ORANGE  
AVENUE (APN 357 18 048)

---

---

SECTION I: PROJECT DESCRIPTION

Application No.: ASA-2019-009  
Applicant: Chelsea Bright (Thomas James Homes)  
Location: 10208 Orange Avenue

SECTION II: FINDINGS FOR ARCHITECTURAL AND SITE APPROVAL PERMIT:

WHEREAS, the City of Cupertino received an application for an Architectural and Site Approval to consider allowing a new 2,696 square foot, two-story single-family residence on a vacant lot in a Planned Residential area (Monta Vista), as described in Section I. of this Resolution; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the Administrative Hearing Officer has held at least one public meeting in regard to the application; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq.) ("CEQA"), together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) (hereinafter, "CEQA Guidelines"), the City staff has independently studied the proposed Project and has determined that the Project is exempt from environmental review pursuant to the categorical exemption in CEQA Guidelines section 15303 or the reasons set forth in the staff report dated June 11, 2020 and incorporated herein; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

---

WHEREAS, the Administrative Hearing Officer finds as follows with regard to this application:

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

*The applicant proposes a new 2,696 two-story home on a currently vacant lot. The proposed project is in compliance with the R1-5 development standards applied to this lot. The proposed home is designed to be consistent and harmonious with the surrounding neighborhood. The proposed home is comparable in size to surrounding homes and is a compatible use with the existing uses surrounding it. This project will not be detrimental or injurious to property or improvements in the vicinity, nor will it be detrimental to the public health, safety, general welfare, or convenience.*

2. The proposal is consistent with the purposes of Chapter 19.168, 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:

- 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.

*Due to the allowed design flexibility there is a healthy mix of single-family homes and low-density multi-family units with R1-7.5 and P(Res) 4.4.-7.7 and P(Res) 10-15 zones and unit densities. The proposed development is comparable in massing, height and bulk of similar single-family residences and will not disrupt the character of the neighborhood.*

- b) In order to preserve design harmony between new and existing building and in order to preserve and enhance property values, the materials, textures and colors of new building should harmonize with adjacent development by being consistent or compatible with design and color schemes with the future character of the neighborhoods 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. Unsightly 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.

---

*The Monta Vista Design guidelines call for “rectilinear form with “Queen Anne” or “Victorian” embellishments” with “muted “earth” tones” for the color palette to preserve the town-like feel of the Monta Vista neighborhood. The proposed Arts and Crafts style is in alignment with the intention of these architectural styles as well as the Design Guidelines set forth in the Cupertino Municipal Code Chapter 19.28. The color scheme of a blue gray smooth stucco and white stucco are also consistent with the Monta Vista design guidelines. The proposed home will utilize materials and a style compatible with the surrounding neighborhood by integrating smooth stucco, white wood accents, and stone veneer throughout the exterior of the home. Additionally, all utility elements have been shielded from exterior view.*

- c) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures have been designed to minimize traffic hazard, positively affect the general appearance of the neighborhood and harmonize with adjacent development.

*No signage is proposed as part of this residential project.*

- 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.

*The proposal is a new, single family two story-home consistent with the surrounding zoning and land use in the surrounding neighborhood. The project has been designed to be consistent with R1-5 development standards. The proposed home will not be visually intrusive as it is compatible with the size and mass of the neighboring homes. Additionally, the architectural style and colors are consistent with the neighborhood. The project proposal includes privacy trees, located exclusively on the subject property and shared with the adjacent property being developed at the same time. These trees are designed to provide sufficient screening within three years from the second story windows. The project will not be visually intrusive or cause noise, traffic, and light impacts to the adjacent properties.*

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of the maps, facts, exhibits, testimony, staff’s report and presentation, and other evidence submitted in this matter, subject to the conditions which are enumerated in this Resolution beginning on PAGE 4 thereof,;

The application for an Architectural and Site Approval, Application no. ASA-2019-009 is hereby approved and that the subconclusions upon which the findings and conditions specified in this resolution are based and contained in the Public Meeting record concerning Application no. ASA-2019-009 as set forth in the Minutes of the Administrative

Hearing Meeting of June 11, 2020 and are incorporated by reference as though fully set forth herein.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval is based on the plan set drawn by KTG Group, Inc., entitled "10208 Orange Ave, Cupertino, CA 95014" consisting of thirteen (13) sheets labeled as T-1.0, A-1.0, A-1.1, A-2.0, A-2.1, A-3.0, A-3.1, A-4.0, A-5.1, C, FD-1, L-1, and L-2, except as may be amended by conditions in this resolution.

2. ACCURACY OF PROJECT PLANS

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

3. ANNOTATION OF THE CONDITIONS OF APPROVAL

The conditions of approval set forth shall be incorporated into and annotated on the first page of the building plans.

4. PREVIOUS APPROVAL CONDITIONS

The conditions of approval contained in file nos. TM-2016-02 and TR-2018-19 shall be applicable to this approval.

5. BELOW MARKET RATE HOUSING PROGRAM

The applicant shall participate in the City's Below Market Rate (BMR) Housing Program by paying the applicable BMR Housing Mitigation Fee.

6. FENCES

Any changes to the fencing shall require design review with the Community Development Department and shall comply with Cupertino Municipal Code Chapter 19.48 Fences

7. ARCHITECTURAL REVIEW COMPLIANCE

The project shall remain in substantial conformance with the approved plan set, specifically the approved materials board on Sheet A-5.1. The following features shall be shown on the construction plans prior to issuance of building permits and verified prior to final occupancy:

- a. Use true or simulated divided lite panes in all windows
- b. Decorative detailing on gable end of roof
- c. Dimensional window trim

8. EXTERIOR BUILDING MATERIALS/TREATMENTS

Final building exterior treatment plan (including but not limited to details on exterior color, material, architectural treatments, lighting fixtures, and/or embellishments) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits. Any exterior changes determined to be substantial by the Director of Community Development shall require a modification approval with neighborhood input. Prior to issuance of building permits, staff will review exterior material, architectural elements, and building scale and massing to ensure quality and consistency with the approved findings prescribed in Section II above.

9. FRONT YARD TREE AND PRIVACY PLANTING

The applicant shall indicate on site and landscape plans the location of a front yard tree to be located within the front yard setback area in order to screen the massing of the second story and the location of all required privacy plantings. The final planting plan shall be reviewed and approved by the Planning Division prior to issuance of building permits. The variety, size, planting distance shall be consistent with the City's requirements.

10. FRONT YARD TREE AND PRIVACY PROTECTION COVENANT

The property owner shall record a covenant on this property to inform future property owners of the privacy protection measures and tree protection requirements consistent with the R-1 Ordinance, for all windows with views into neighboring yards and a sill height that is 5 feet or less from the second story finished floor. The precise language will be subject to approval by the Director of Community Development. Proof of recordation must be submitted to the Community Development Department prior to final occupancy of the residence.

The applicant has proposed privacy trees to be planted on the shared property line to the north of this property. An agreement shall be recorded to ensure shared maintenance, replacement and protection of the eight shared Grecian Laurel **prior to final occupancy**. The agreement shall include language to:

- a. Ensure that the agreement cannot be amended or voided without the approval of the City.
- b. Authorize the Director of Community Development to nullify the agreement in the event the City is provided a signed valid privacy protection waiver form in the future from the property owner of 10206 Orange Avenue.

#### 11. LANDSCAPE PROJECT SUBMITTAL

Prior to issuance of building permits, the applicant shall submit a full Landscape Documentation Package, per sections 14.15.050 A, B, C, and D of the Landscape Ordinance, **for projects with landscape area 500 square feet or more** or elect to submit a Prescriptive Compliance Application per sections 14.15.040 A, B, and C **for projects with landscape area between 500 square feet and 2,500 square feet**. The Landscape Documentation Package or Prescriptive Compliance Application shall be reviewed and approved to the satisfaction of the Director of Community Development prior to issuance of building permits, and additional requirements per sections 14.15.040 D, E, F, and G or 14.15.050 E, F, G, H, and I will be required to be reviewed and approved prior to final inspections.

#### 12. LANDSCAPE INSTALLATION REPORT

The project is subject to all provisions delineated in the Landscape Ordinance (CMC, Chapter 14.15). A landscape installation audit shall be conducted by a certified landscape professional after the landscaping and irrigation system have been installed. The findings of the assessment shall be consolidated into a landscape installation report.

The landscape installation report shall include, but is not limited to: inspection to confirm that the landscaping and irrigation system are installed as specified in the landscape and irrigation design plan, system tune-up, system test with distribution uniformity, reporting overspray or run-off that causes overland flow, and preparation of an irrigation schedule.

The landscape installation report shall include the following statement: "The landscape and irrigation system have been installed as specified in the landscape and irrigation design plan and complies with the criteria of the ordinance and the permit."

#### 13. LANDSCAPE AND IRRIGATION MAINTENANCE

Per the Landscape Ordinance (CMC, Chapter 14.15), a maintenance schedule shall be established and submitted to the Director of Community Development or his/her designee, either with the landscape application package, with the landscape installation report, or any time before the landscape installation report is submitted.

- a. Schedules should take into account water requirements for the plant establishment period and water requirements for established landscapes.
- b. Maintenance shall include, but not be limited to the following: routine inspection; pressure testing, adjustment and repair of the irrigation system; aerating and de-thatching turf areas; replenishing mulch; fertilizing; pruning; replanting of failed plants; weeding; pest control; and removing obstructions to emission devices.

- c. Failed plants shall be replaced with the same or functionally equivalent plants that may be size-adjusted as appropriate for the stage of growth of the overall installation. Failing plants shall either be replaced or be revived through appropriate adjustments in water, nutrients, pest control or other factors as recommended by a landscaping professional.

#### 14. DEMOLITION REQUIREMENTS

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

#### 15. GRADING AND CONSTRUCTION HOURS AND NOISE LIMITS

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

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

---

## 16. BAAQMD BASIC CONTROL MEASURES (DUST CONTROL)

Project shall comply with the Bay Area Quality Management District's Basic Construction Mitigation Measures to reduce construction fugitive dust impacts as follows:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt tracked-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.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, 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.
- f. 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 California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. 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.
- h. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Cupertino regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

Applicant shall indicate compliance with BAAQMD's basic control measures on all demolition, construction and grading permits and construction management plan(s).

## 17. CONSULTATION WITH OTHER DEPARTMENTS

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

## 18. INDEMNIFICATION

As part of the application, to the fullest extent permitted by law, the applicant shall agree to indemnify, defend with the attorneys of the City's choice, and hold harmless



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

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

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

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

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

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions.

---

## SECTION IV: CONDITIONS ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT

### 20. STREET IMPROVEMENTS

The developer shall construct street improvements along the project frontage. Submit civil design plans, prepared by a licensed Civil Engineer, that include, but are not be limited to, new curb and gutter, detached sidewalk, driveways (maximum 18' wide), street light and asphalt pavement, in accordance with City standards, codes and policies, as specified and to the satisfaction of the City Engineer. In addition, provide a design to address how the utility pole and guy wire will be protected in place. If public health and safety concerns cannot adequately be addressed in the design for the existing utility pole location, the developer will be required to relocate the utility pole.

Alternatively, should the City initiate the proposed Orange Avenue Sidewalk Capital Improvement Project prior to the Developer beginning construction of frontage improvements, the developer may be required to contribute funds towards the Orange Avenue Sidewalk Project.

### 21. UTILITY SERVICES

Developer shall install all utility services including but not be limited to, underground overhead electrical lines, water, sanitary sewer and joint trench facilities to each property.

### 22. STREET LIGHTING INSTALLATION

Street lighting shall be installed and shall be as approved by the City Engineer. Lighting fixtures shall be positioned so as to preclude glare and other forms of visual interference to adjoining properties and shall be no higher than the maximum height permitted by the zone in which the site is located.

### 23. GRADING AND DRAINAGE

Grading and drainage shall be provided to the satisfaction of the City Engineer. Any storm water overflows or surface sheeting should be directed away from neighboring private properties and to the public right of way as much as reasonably possible. If on-site drainage must drain towards the backyard, a design and pre- and post-development hydraulic calculations prepared by a license Civil Engineer must be provided to indicate whether additional storm water control measures are to be constructed or renovated. The storm drain system shall be designed to detain water on-site (e.g., via buried pipes, retention systems or other approved systems and

improvements) as necessary to avoid an increase of the ten percent flood water surface elevation to the satisfaction of the City Engineer.

#### 24. C.3 REQUIREMENTS

**C.3 regulated improvements are required for all projects creating and/or replacing 10,000 S.F. or more of impervious surface (collectively over both project sites).** Submit a C.3 impervious surface data form at the Building Permit application stage.

If C.3 improvements are required, the developer shall reserve a minimum of 4% of developable surface area for the placement of low impact development measures, for storm water treatment, on the tentative map, unless an alternative storm water treatment plan, that satisfies C.3 requirements, is approved by the City Engineer.

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

All storm water management plans are required to obtain certification from a City approved third party reviewer.

#### 25. UNDERGROUND UTILITIES

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

#### 26. IMPROVEMENT AGREEMENT

The project developer shall enter into a development agreement with the City of Cupertino providing for payment of fees, including but not limited to checking and inspection fees, storm drain fees, park dedication fees and fees for under grounding of utilities. Said agreement shall be executed prior to issuance of construction permits

Fees:

- a. Checking & Inspection Fees: \$ Per current fee schedule (\$3,950.00 or 5%)
- b. Street Tree \$ Per current fee schedule (\$804 for two trees)

## c. Power Cost:

\*\*

\*\* Based on the latest effective PG&E rate schedule approved by the PUC

## Bonds:

Faithful Performance Bond: 100% of Off-site and On-site Improvements

Labor & Material Bond: 100% of Off-site and On-site Improvement

On-site Grading Bond: 115% of site improvements.

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

## 27. SURVEYS

A boundary survey prepared by a licensed Land Surveyor or a Civil Engineer qualified to perform survey work will be required for all new construction to ensure the proposed building will be set based on the boundary survey and setback requirements.

## 28. TRANSFORMERS

Electrical transformers, telephone cabinets and similar equipment shall be placed in underground vaults. The developer must receive written approval from both the Public Works Department and the Community Development Department prior to installation of any above ground equipment. Should above ground equipment be permitted by the City, equipment and enclosures shall be screened with fencing and landscaping such that said equipment is not visible from public street areas, as determined by the Community Development Department. Transformers shall not be located in the front or side building setback area.

## 29. WATER BACKFLOW PREVENTERS

Domestic and Fire Water Backflow preventers and similar above ground equipment shall be placed away from the public right of way and site driveways to a location approved by the Cupertino Planning Department, Santa Clara County Fire Department and the water company.

30. BEST MANAGEMENT PRACTICES

Utilize Best Management Practices (BMPs), as required by the State Water Resources Control Board, for construction activity, which disturbs soil. BMP plans shall be included in grading and street improvement plans.

31. EROSION CONTROL PLAN

Developer shall 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.

32. WORK SCHEDULE

Every 6 months, the developer shall submit a work schedule to the City to show the timetable for all grading/erosion control work in conjunction with this project.

33. OPERATIONS & MAINTENANCE AGREEMENT

Developer shall enter into an Operations & Maintenance Agreement with the City prior to final occupancy. The Agreement shall include the operation and maintenance for non-standard appurtenances in the public road right-of-way that may include, but is not limited to, sidewalk, pavers, and street lights.

34. TRAFFIC SIGNS

Traffic control signs shall be placed at locations specified by the City.

35. STREET TREES

Street trees shall be planted within the Public Right of Way to the satisfaction of the City Engineer and shall be of a type approved by the City in accordance with Ordinance No. 125. The City will install street trees at the end of the project, and will situate the trees as close to the developers desired location as possible, while avoiding other existing facilities.

36. FIRE PROTECTION

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

37. SANTA CLARA COUNTY FIRE DEPARTMENT

A letter of clearance for the project shall be obtained from the Santa Clara County Fire Department prior to issuance of building permits. Clearance should include written approval of the location of any proposed Fire Backflow Preventers, Fire Department Connections and Fire Hydrants (typically Backflow Preventers should be located on private property adjacent to the public right of way, and fire department connections must be located within 100' of a Fire Hydrant).

38. FIRE HYDRANT

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

39. SAN JOSE WATER COMPANY CLEARANCE

Provide San Jose Water Company approval for water connection, service capability and location and layout of water lines and backflow preventers before issuance of a building permit approval.

40. DEDICATION OF UNDERGROUND WATER RIGHTS

Developer shall “quit claim” to the City all rights to pump, take or otherwise extract water from the underground basin or any underground strata in the Santa Clara Valley.

41. SANITARY DISTRICT

A letter of clearance for the project shall be obtained from the Cupertino Sanitary District prior to issuance of building permits.

42. UTILITY EASEMENTS

Clearance approvals from the agencies with easements on the property (including PG&E, AT&T, and California Water Company, and/or equivalent agencies) will be required prior to issuance of building permits.

SECTION V: CONDITIONS ADMINISTERED BY SANTA CLARA COUNTY FIRE DEPT.

43. FIRE SPRINKLERS REQUIRED

(As noted on A1.0) An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by CUPMC.

#### 44. CONSTRUCTION SITE FIRE SAFETY

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

#### 45. WATER SUPPLY REQUIREMENTS

Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

#### 46. ADDRESS IDENTIFICATION

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response.

### SECTION VI: CONDITIONS ADMINISTERED BY CUPERTINO SANITARY DISTRICT

#### 47. SEWER DEVELOPMENT AND TREATMENT PLANT CAPACITY FEES

During the Building Permit Phase, Sewer Development and Treatment Plant Capacity Fees for a new single-family residence will be required.

#### 48. ADDITIONAL FEES

During the Building Permit Phase, additional Connect, Engineering, & Inspection fees will be required.

#### 49. CUPERTINO SANITARY ANNUAL SERVICE CHARGES

Any proposed Single-Family Home and Secondary Dwelling will be added to the Cupertino Sanitary Annual Service Charges.

**50. CCTV REQUIREMENT**

Owner shall CCTV existing lateral that is available for home and provide video to District. The location of the two existing laterals on the parcel are located 34' away from the left property line and 17' away from the right property line. The proposed new two-story home should connect to the later that is 34' away from the left property line. If District deems the lateral to not be in adequate structural condition, owner may be required to rehabilitate lateral or install new service lateral.

---

---

PASSED AND ADOPTED this 11th day of June, 2020 at a noticed Public Meeting of the Administrative Hearing Officer of the City of Cupertino, State of California, held by the Director of Community Development, or his or her designee, pursuant to Cupertino Municipal Code Section 19.12.120.

ATTEST:

APPROVED:

---

Ellen Yau  
Associate Planner

---

Albert Salvador  
Assistant Director of Community Development