



CUPERTINO

City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014
(408) 777-3308
FAX (408) 777-3333

Community Development Department

To: Mayor and City Council Members
From: Benjamin Fu, Assistant Director of Community Development
Date: October 12, 2017
Subj: REPORT OF PLANNING COMMISSION DECISIONS MADE **September 26, 2017**

**Chapter 19.12.170 of the Cupertino Municipal code provides for
appeal of decisions made by the Planning Commission**

1. Application

U-2017-06, Tamara Shroll (Uri Freeland/Starbucks), 21731 Stevens Creek Blvd

Use Permit to allow a proposed new business (Starbucks) to begin operations at 5:00am

Action

The Planning Commission approved the application(s) on a 5-0-0 vote

Enclosures: Planning Commission Report September 26, 2017
Planning Commission Resolution(s) 6838

2. Application

EXC-2016-07, (EA-2016-01), Glush Dada (Qi/Juan residence), 21888 Lindy Ln

Hillside Exception to allow the construction of a new single family residence on slopes greater than 30%;

Approval of a Mitigated Negative Declaration, Mitigation Monitoring & Reporting Program

Action

The Planning Commission approved the application(s) EA-2016-01 and EXC-2016-07 on a 5-0-0 vote, (The R and RM applications need revised and will be approved at a future Planning Commission meeting)

Enclosures: Planning Commission Report September 26, 2017
Planning Commission Resolution(s) 6839, 6840



OFFICE OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
(408) 777-3308 • FAX (408) 777-3333

PLANNING COMMISSION STAFF REPORT
Agenda Date: September 26, 2017

SUBJECT

Use Permit to change hours of operation from 7 a.m. – 11 p.m. to 5 a.m. – 9 p.m. for a proposed business (Starbucks). (Application No(s): U-2017-06; Applicant(s): Tamara Shroll (Salas O'Brien); Location: 21725 Stevens Creek Boulevard; APN(s): 326-20-059)

RECOMMENDED ACTION

Staff recommends that Planning Commission:

1. Find that the project is exempt from CEQA; and
2. Approve the Use Permit (U-2017-06) in accordance with the draft resolution (Attachment 1)

DISCUSSION:

Application Summary:

Conditional Use Permit to allow a proposed commercial use (Starbucks) to begin operations at 5 a.m.

Project Data:

General Plan Special Area:	Monta Vista Village Special Area	
General Plan Designation:	Neighborhood Commercial/Residential	
Zoning Designation:	[P (CN, ML, Res 4-12)] Planned Neighborhood Commercial, Light Industrial, and Residential with 4-12 dwelling units per acre	
Specific Plan:	Monta Vista Design Guidelines	
Floor Area:	2,584 square feet	
Hours of Operation	Proposed	Allowed
Monday – Sunday	5:00 a.m. – 9 p.m.	7:00 a.m. – 11 p.m.
Project Consistency with:		
General Plan:	Yes	

Zoning:	Yes
Environmental Assessment:	Categorical Exemption, Section 15301 (Existing Facilities)

Background:

Project Site and Surroundings

The project site is part of a commercial center located at the northwesterly terminus of Stevens Creek Boulevard and Pasadena Avenue within the Monta Vista Village Special Plan Area. The project site is surrounded by single family residential to the north, the Cupertino



Post Office to the east, mixed use and commercial office to the south, and commercial office to the west. The commercial center comprises of two buildings: an existing building occupied by a tutoring center, martial arts studio, laundry service, hair salon, barbershop, and a building currently under construction.

Previous City Approvals

A Development Permit (DP-2015-03) and Architectural and Site Approval (ASA-2015-11) permit was approved on February 11, 2016 to allow the demolition of a 1,610-square-foot commercial building (Vivi's Falafel) and the construction of a new 2,584-square-foot building with associated site improvements. The approved building is anticipated to be completed by winter 2017. The building will be occupied by a single tenant, Starbucks Coffee.

Applicant Request

The applicant, Tamara Shroll with Salas O'Brien, representing Starbucks, is requesting a Use Permit to allow extended hours of operation (to open at 5 a.m.). The General

Commercial (CG) Ordinance requires the Planning Commission to review and approve requests for hours of operation beyond the hours of 7:00 a.m. and 11:00 p.m.

Analysis:

Operational Details

Starbucks is requesting approval to expand its hours of operation (customer service) from the existing allowable commercial hours of 7 a.m. to 11 p.m., seven days a week, to opening at 5:00 a.m. and closing at 9 p.m.

Starbucks employees would arrive at 4:30 a.m. to begin preparing coffee and open to the public at 5:00 a.m. The location will have 35 interior seats and nine seats in the outdoor patio area. No alcohol is proposed to be served at this location.

Starbucks has indicated that many other Starbucks locations in the area open early and they would like to have this location open early to be consistent. The Table 1 below is a list of existing Starbucks locations within City limits that have expanded hours of operation. The project proposes an earlier closing time of 9 p.m. than any of the other locations.

Table 1: Other businesses

Business Name & Location	Approved Hours:	Closest Proximity to Residential Use
Starbucks / 20520 Stevens Creek Blvd. (Crossroads Shopping Center)	Monday-Sunday: 5:00 a.m.-11:00 p.m.	168 feet (Single Family Residential)
Starbucks / 22390 Homestead Road	Monday-Sunday: 5:30 a.m.-12:00 a.m.	191 feet (Woodspring Apartments)
Starbucks / 20676 Homestead Road (Homestead Square)	Monday-Sunday: 5:00 a.m.-11:00 p.m.	153 feet (Markham Apartments)

The operations of the business would be subject to the regulations in Cupertino Municipal Code Chapter 10.48 Community Noise Control.

Proximity to Residential Uses

The project site is located close to nearby residential properties. While single-family residential uses are located immediately to the north of the project site along Adriana Avenue, the business location is about 150 feet away from it. A mixed use building is located directly across the street to the south of Stevens Creek Boulevard. A shared driveway on Stevens Creek Boulevard (between the project site and the Cupertino Post Office) is the primary access to the project site. However, the project site can be accessed

from two adjacent driveways: one primary (off Stevens Creek Boulevard) and one secondary (off Adriana Avenue) that provides access to the office building to the west (21771 Stevens Creek Boulevard.)

A condition of approval has been added to allow staff to review the operations of the business, and if warranted, rescind and/or modify the Use Permit approval, in the event that there are ongoing issues with the use.

Parking

The commercial center has 34 parking spaces available. Based on the parking requirements in CMC Chapter 19.124 Parking Regulations, the site has sufficient parking to accommodate the incoming Starbucks and existing uses as shown in Table 2 below.

Table 2: Parking

Use	Area (in s.f.)	Max. Number of Employees/ Customers/Seats	Parking Requirement	Required Parking
Starbucks	2,584	35 seats	1/250 sf OR 1/3 seats	12
Kumon	1,180	2 employees 5-8 students	1/4 students plus 1/1 staff at any given time	5
Na's Tae Kwon Do	1,208	2 employees 3-6 students	OR 1/250 sf (whichever is more restrictive)	5
Cleaners	672		1/250 sf	3
Salon Belle Vie	860			4
Dave's Barber Shop	580			3

Total Required: 32

Total Available: 34

Security

A condition of approval has been added to require the property owner to address security concerns in the event that they arise and pay for additional Sheriff's enforcement time if required.

Monta Vista Village Special Plan Area

The Monta Vista Village Special Area is envisioned as a small town, pedestrian-oriented mixed-use area. The conceptual plan and General Plan Land Use Policy (Goal LU-25: Monta Vista Village) is intended to promote and enhance the pedestrian-oriented neighborhood while offering commercial opportunities compatible in mass and scale with the predominant small town neighborhood pattern guided by the Monta Vista

Design Guidelines. The business and proposed early operating hours are comparable to Starbucks locations in similar communities and are consistent with these guidelines in that they contribute to the diversity of retail supportive uses that define a small town neighborhood.

The Starbucks franchise operates 13,107 locations nationwide, many of which are located in similar mixed use neighborhood and commercial corridors with early operating hours and contribute to the diversity of retail supportive uses that define a downtown environment.

Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA, Section 15301 Existing Facilities) because the proposed use would occur within City limits and would be surrounded by existing urban uses.

Other Department/Agency Review

The Santa Clara County Sheriff's office has reviewed the project and does not foresee any security concerns or negative impacts to the surrounding neighborhood.

PUBLIC NOTICING AND COMMUNITY OUTREACH

The following table is a brief summary of the noticing for this project:

Notice of Public Hearing, Site Signage and Legal Ad	Agenda
<ul style="list-style-type: none"> ▪ Site Signage (<i>at least 10 days prior to hearing</i>) ▪ Legal ad placed in newspaper (<i>at least 10 days prior to hearing</i>) ▪ 22 notices mailed to property owners 300 feet/adjacent to the project site (<i>at least 10 days prior to the hearing</i>) 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>) ▪ Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)

No public comments have been received as of the date of production of this staff report (September 13, 2017).

PERMIT STREAMLINING ACT

The project is subject to the Permit Streamlining Act (Government Code Section 65920 - 65964). The City has complied with the deadlines found in the Permit Streamlining Act.

Project Received: May 9, 2017; Deemed Incomplete: May 23, 2017

Project Received: August 24, 2017; Deemed Complete: August 29, 2017

Since the project is Categorically Exempt, the City has 60 days (until October 29, 2017) to make a decision on the project. The Planning Commission's decision on this panel is final unless appealed within 14 calendar days of the decision.

CONCLUSION

The proposed business is compatible with surrounding residential and commercial uses and offers a neighborhood-oriented coffee shop for the Monta Vista community and surrounding area. Permitting 5 a.m. operating hours would allow the business to service weekday commuters and act as an early morning gathering place for the community. Additionally, the business provides sufficient parking per the Parking Ordinance and the property owner will ensure safety by appropriately addressing any security concerns as they arise. As such, staff recommends approval of the project since the project and conditions of approval address all concerns related to the proposed extension of operating hours and all of the findings for approval of the proposed project, consistent with Chapter 19.156 of the Cupertino Municipal Code, may be made.

NEXT STEPS

All approvals granted by the Planning Commission shall go into effect after 14 days. Should the project be approved, the Planning Commission's decision on this project is final unless an appeal is filed within 14 calendar days of the date of the mailing of the decision.

This approval expires on September 26, 2019, at which time the applicant may apply for a one-year extension.

Prepared by:	Jeffrey Tsumura, Assistant Planner
Reviewed by:	Piu Ghosh Principal Planner
Approved by:	Benjamin Fu, Assistant Director of Community Development

ATTACHMENTS

- 1 – Draft Resolution
- 2 – Application Request Letter

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6838

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO
APPROVING A USE PERMIT TO CHANGE HOURS OF OPERATION
FROM 7 AM - 11 PM TO 5 AM - 11 PM FOR A PROPOSED BUSINESS
(STARBUCKS) LOCATED AT 21725 STEVENS CREEK BOULEVARD

SECTION I: PROJECT DESCRIPTION

Application No.: U-2017-06
Applicant: Tamara Shroll (Starbucks)
Location: 21725 Stevens Creek Boulevard

SECTION II: FINDINGS FOR DEVELOPMENT PERMIT:

WHEREAS, the Planning Commission of the City of Cupertino received an application for a Use Permit 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 Planning Commission has held at least one public hearing in regard to the application; and

WHEREAS, the project is determined to be categorically exempt from the California Environmental Quality Act (CEQA); and

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

WHEREAS, the Planning Commission finds as follows with regard to this application:

1. The proposed use, 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 business will be located in the Monta Vista Special Plan Area, in which commercial uses are intended to provide convenient shopping and amenities for surrounding residential neighborhoods and members of the public. The Starbucks

franchise has locations in similar communities that contribute to the diversity of uses and provide an early morning locale for nearby residents and surrounding businesses. The Santa Clara County Sheriff's Department has reviewed the proposal and found that the proposed project would not create a public nuisance. Additionally, the applicant is required to comply with the Cupertino Municipal Code Chapter 10.48: Community Noise Control, including requirements related to commercial deliveries. Therefore, the proposal will not be detrimental to the public health, safety, and welfare.

2. The proposed development and/or use will be located and conducted in a manner in accord with the Cupertino Comprehensive General Plan, underlying zoning regulations, and the purpose of this title and complies with the California Environmental Quality Act (CEQA).

The proposed use complies with the Cupertino General Plan, Monta Vista Special Plan Area, and Municipal Code requirements, including, but not limited to, parking regulations. The parking demand triggered by the client count is within what is supplied on location and the use is permitted as mandated in Chapter 19.60: General Commercial Zones. The conditions of approval will ensure that the use is conducted in a manner that is consistent with the Cupertino General Plan and Municipal Code requirements as mandated in Chapter 10.48 Community Noise Control. The project is considered Categorical Exempt per CEQA.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of the maps, facts, exhibits, testimony and other evidence submitted in this matter, subject to the conditions which are enumerated in this Resolution beginning on PAGE 3 thereof:

The application for a Use Permit, Application no. U-2017-06 is hereby recommended for approval and that the subconclusions upon which the findings and conditions specified in this resolution are based and contained in the Public Hearing record concerning Application no. U-2017-06 as set forth in the Minutes of Planning Commission Meeting of September 26, 2017 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 Business Description letter consisting of three (3) pages, dated April 17, 2017, submitted as an attachment to the Staff Report, except as may be amended by conditions in this resolution.

2. PREVIOUS CONDITIONS OF APPROVAL

All previous conditions of approval from Administrative Hearing Resolution No. 58 and Administrative Hearing Resolution No. 59 shall remain in effect unless superseded by or in conflict with subsequent conditions of approval, including the conditions contained herein in this resolution.

3. COVENANT DISCLOSURE

The property is under a Cupertino planned development zoning and property purchasers should check with the City to determine the specific restrictions under the Planned Development Zone and related permits.

4. OPERATIONS

- a) The business shall operate within the area delineated on the floor plan exhibit.
- b) The business is allowed to serve customers beginning at 5:00 a.m., seven days a week.
- c) Employees are allowed to arrive and set up on site for up to one hour prior to opening.

5. SHERIFF DEPARTMENT REVIEW

The property owner shall address security concerns in the event that they arise to the satisfaction of the City. The City reserves the right to require additional security patrols and/or other measures as prescribed by the Sheriff's Office or Code Enforcement.

The property owner shall pay for any additional Sheriff enforcement time resulting from documented incidents in the development at the City's contracted hourly rate with the Sheriff Department at the time of the incident.

6. MODIFICATION OF BUSINESS OPERATIONS

Changes to the operations determined to be minor shall be reviewed and approved by the Director of Community Development. Further, the Director of Community Development is empowered to make adjustments to the operation of the restaurant to address any documented problem or nuisance situation that may occur.

7. REVOCATION OF USE PERMIT

The Director may initiate proceedings for revocation of the Use Permit in any case where, in the judgment of the Director:

- a. Substantial evidence indicates that the conditions of the conditional use permit have not been implemented, or
- b. Complaints are received related to the tenant under this use permit, and the complaints are not immediately addressed by the property management and/or the tenant, or
- c. Where the permit is being conducted in a manner detrimental to the public health, safety, and welfare, in accord with the requirements of the municipal code.

8. EXPIRATION

If the use for which this conditional use permit is granted and utilized has ceased or has been suspended for one year or more, this permit shall be deemed expired and a new use permit application must be applied for and obtained.

9. INDEMNIFICATION

Except as otherwise prohibited by law, the applicant shall indemnify and hold harmless the City, its City Council, and its officers, employees and agents (collectively, the "indemnified parties") from and against any claim, action, or 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 to attack, set aside, or void this Resolution or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The applicant shall pay such attorneys' fees and costs within 30 days following receipt of invoices from City. Such attorneys' fees and costs shall include amounts paid to counsel not otherwise employed as City staff 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.

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

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and

other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

PASSED AND ADOPTED this 26th day of September, 2017, at the Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS: Chair Sun, Vice Chair Paulsen, Takahashi, Fung, Liu

NOES: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none

ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Benjamin Fu

Benjamin Fu

Assist. Dir. of Community Development

/s/Don Sun

Don Sun

Chair, Planning Commission



OFFICE OF COMMUNITY DEVELOPMENT

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

(408) 777-3308 • FAX (408) 777-3333 • planning@cupertino.org

PLANNING COMMISSION STAFF REPORT

Agenda Date: September 26, 2017

SUBJECT

Mitigated Negative Declaration, Hillside Exception, Two Story Permit, and Minor Residential Permit to allow construction of a new 8,962.7 square foot residence on slopes greater than 30%. (Application No(s): EXC-2016-07, R-2016-28, RM-2016-26 (EA-2016-01); Applicant: Glush Dada; Location: Lot 1 Lindy Lane, APN# 356-25-031)

RECOMMENDED ACTION

That the Planning Commission adopt the proposed draft resolutions to:

1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment 1); and
2. Allow a Hillside Exception for the construction of a new 8,962.7 square foot residence on slopes greater than 30% (Attachment 2); and
3. Approve a Two Story Permit to allow the construction of a new 8,962.7 square foot residence (Attachment 2); and
4. Approve a Minor Residential Permit to construct a home with a second story balcony and a Floor Area Ratio (FAR) greater than 35% on slopes over 20% (Attachment 3).

DISCUSSION:

Project Data:

General Plan Planning Area	Monta Vista South Neighborhood	
General Plan Designation	Low Density (1-5 DU/Ac.)	
Zoning Designation	R1-20	
Lot Area	19,898 sq. ft.	
Development Standards	Required/Allowed	Proposed
Floor Area	45% of net lot area (8,954 sq. ft.)	35% of net lot area (6,976 sq. ft.)
Lot Coverage	45% of net lot area	18% of net lot area

Development Standards	Required/Allowed		Proposed	
Setbacks	1 st Floor	2 nd Floor	1 st Floor	2 nd Floor
Front	20' min.	25' min.	35'	35'
Sides	15' combined (no side yard setback shall be less than 5 feet)	25' combined (no side yard setback shall be less than 10 feet)	30'	30'
Rear	20' min.	25' min.	121' min.	121' min.
Building Height	28' max.		28'	
Average Slope	-		36%	
Grading Quantity	2,500 cubic yards max.		1,753 cubic yards	
Parking	6 spaces min.		6 spaces	

Background:

Project Site & Development Requests

The applicant, project architect Glush Dada, is proposing to construct of a new 8,962.7 s.f. two story single-family residence (See Attachment 5.) Generally only a Two Story Permit would be required for this development; however, since more than 500 s.f. of a slope greater than 30% is being developed, a Hillside Exception permit is needed. As part of the project, the applicant is also proposing a balcony and Floor Area Ratio (FAR) more than 35% on slopes exceeding 20%, for which a Minor Residential Permit is required.

The lot is surrounded by single-family residences in the R1-20 zoning district to the east, north and south and by homes in the R1-10 zoning district to the south. There are homes in the residential hillside zoning districts located approximately 220 feet to the south and west of the subject property.

The lot is bounded by Lindy Lane to the south, a shared private road that is an extension off of Lindy Lane to the north-east, and shares a property line with a single family home on the west. The private road goes through the applicant's property and provides access to about nine (9) parcels all zoned R1-20. A private agreement regulates maintenance of the private road.

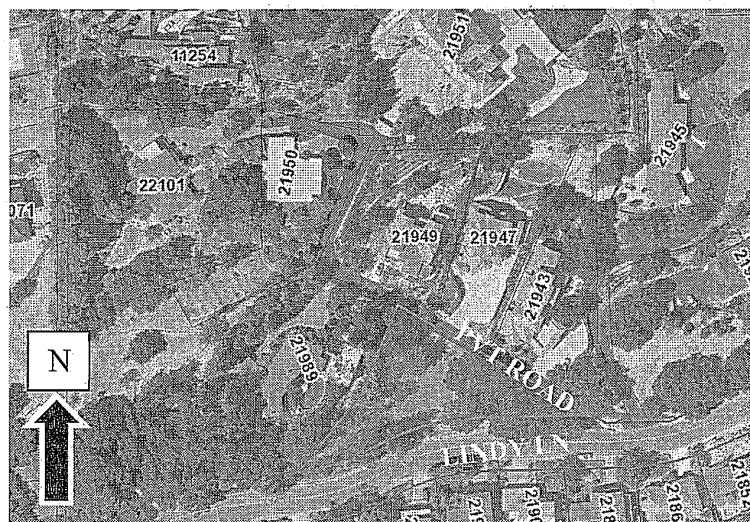


Figure 1: Site Aerial

The lot has never been developed and has substantial native vegetation, including Coast Live Oaks. It is quasi-triangular, on a south facing slope and has an average gradient of approximately 36%.

In approving the original tentative map applications that created this parcel (TM-2005-05), the City Council added conditions of approval that included, but not limited to the following:

- The driveway for Lot I must be off of the existing private road and not Lindy Lane.
- The trees along Lindy Lane must be preserved as protected trees.
- Any proposed home on the property shall not be larger than 3,000 square feet.
- Development shall adhere to the Residential Hillside (RHS) Ordinance or the R1 Ordinance, whichever specific regulation in each ordinance is more restrictive.

In October 2010, the City Council initiated a project to review regulations pertaining to the development of properties zoned R1 but with steep slopes. The development regulations pertaining to the development of such properties (which included the development of the subject site) were amended in August 2011.

Subsequently, in August 2011, the applicant applied for a modification of the Tentative Map approval (M-2011-06) to eliminate the last two conditions of approval listed above, since with the adoption of the new regulations, the more stringent conditions of approval would only be applicable to these three properties. On November 15, 2011, the City Council approved the modification requested and eliminated the conditions of approval that limited the house size and any obligation to adhere to RHS standards. No other changes to the conditions of approval were made.

Therefore, any modifications to the first two conditions listed above would require an application to modify the Tentative Map. The applicant has not applied to modify or remove these conditions.

Analysis:

Site Plan

The tentative map approval has constrained the development area on the parcel. The site is restricted by a slope easement, an ingress-egress easement, tree removal restraints, and mandated driveway locations that limit areas on the parcel where development may occur. The proposed residence is accessed by the shared private road off of Lindy Lane with a new driveway at a location that provides the shortest driveway and in an area with the least amount of grading on the hillside and minimal disruption to the existing coast live oak trees on site. The proposed project includes six parking spaces, three

enclosed (inside garage) and three exterior (driveway) as required by the parking ordinance since on street parking is unavailable.

Architecture and Design Standards

The proposed residence is stepped and consists of two levels, a basement and an attached accessory dwelling unit. A breakdown of the square footage of the house is detailed in Table 1. *House Size* below. As indicated in the table and in Sheet A15 of the proposed plans, the size of the residence is actually 8,962.7 square feet, and not 9,144.6 square feet as noticed. This information on the cover sheet that was used to generate the noticing for the project was incorrect.

Table 1. House Size

	Area counted toward FAR	Area not counted toward FAR	Total development
<i>Primary Residence</i>			
First Floor	3,756.9 s.f.		3,756.9 s.f.
Second Floor	2,027.0 s.f.		2,027.0 s.f.
Interior Areas >16' (Double Counted)	394.0 s.f.		394.0 s.f.
Basement		1,986.6 s.f.	1,986.6 s.f.
<i>Accessory Dwelling Unit</i>	798.2 s.f.		798.2 s.f.
Total	6,976.1 s.f.		8,962.7 s.f.

The homes on the north side of Lindy Lane within the R1-20 zone have home sizes that range from 1,700 square feet to 9,400 square feet, with FAR ratios between 5% - 30%. The residences on the south side of Lindy Lane, within the R1-10 zone have home sizes that average 2,400 square feet, with an average FAR of 27%. Although the home would be larger than most homes within the immediate area, it is smaller than what the R1 regulations allow for a lot of this size.

Further, the residence will be sited away from the public right-of way and much of what is seen from Lindy Lane will be screened by the existing mature Coast Live Oak trees and required and proposed future plantings. The proposed residence generally follows the primary natural contours of the lot. The neighbors above the private road or those immediately adjacent are not anticipated to be significantly impacted because due to the stepped design of the home and the site topography, those neighbors would largely see only a one story facade.

Although the home is not located within the Residential Hillside (RHS) zoning district, the applicant has met the design standards for building colors and roof materials in conformance with Chapter 19.40: *Residential Hillside (RHS) Zones*. The proposed plans

indicate that the home is designed with natural earth tones and materials that have low light reflectivity values of 60 or less.

The home is designed in a French Country architectural style. The project includes gabled dormers, stucco and stone walls, and decorative details on the second floor such as corbels and Juliet balconies. The roof will be covered with slate, which is a common feature for homes in this variety. The City's consultant architect reviewed the design of the home and agreed that it was well designed within its architectural style. A condition of approval has been added to ensure that the applicant adheres to the design standard for natural materials, colors and reflectivity to be sensitive to the hillside context.

Hillside Exception for Development on Slopes Greater Than 30%

The lot is located in the Single Family Residential (R-1) zoning district and the proposed home complies with all other aspects of the R-1 zoning district's site development regulations including, but not limited to, setbacks, height, FAR, grading, and parking. However, since the property has a fairly steep average slope of 36%, it also requires a Hillside Exception permit since it is proposing to develop areas over 500 square feet on slopes greater than 30%. Approximately 13,340 square feet, or 60% of the lot, is on slopes greater 30%.

The intent of this rule is to minimize and discourage unnecessary hillside grading activities and visual disturbances. However, if the project/property presents unique circumstances or hardships (typically physical or topographical challenges), then the City may consider an exception provided that the project is designed to minimize the extent of the exception and impacts to the surrounding hillside. The City has historically approved Hillside Exceptions for single family homes to allow reasonable development of steeper hillside properties if they meet the findings for the exception.

The siting and design of the proposed house follows the contours of the site to minimize grading, minimizes the removal of the oak trees and reduces the visibility of all retaining walls necessary to develop the property in a manner consistent with the findings for the Hillside Exception permit. All appropriate studies have been conducted and conditions related to the geotechnical stability of the site and structure, drainage, landscaping, fencing have also been added to ensure that the project is consistent with the findings for the Hillside Exception.

Geological Review

The City's Geotechnical Consultant has peer-reviewed the geotechnical reports prepared by the applicant's geotechnical consultant (See Attachment 6, Technical Appendix), concluded that the project is feasible, and has no objections to the proposed plans.

The City's Geotechnical Consultant recommends that the applicant's geotechnical consultant's recommendations be incorporated into the construction plans and that the foundation of the proposed home be sufficiently imbedded into the bedrock. Additionally, he also recommends that the applicant's geotechnical consultant should review and approve all geotechnical aspects of the project and building and grading plans to ensure that the recommendations have been properly incorporated. The City consultant's recommendations are incorporated as conditions of approval.

Trees and Privacy Protection

As a part of the project, the applicant proposes to remove seventeen (17) trees onsite in order to facilitate the proposed residence and site improvements. These include Redwood, Wild and Flowering Plums, Monterey Cypress, Sycamore, and non-specimen Coast Live Oak and Deodar Cedars. All trees proposed for removal are not of adequate size to be considered protected in accordance with Chapter 14.18: *Protected Trees* and are proposed for removal as they are in the footprint of the new residence and driveway, or are dead. The City's Consulting Arborist has reviewed the proposal and concurs (See Attachment 6, Technical Appendix).

One additional tree, a specimen-size Deodar Cedar may need to be removed because the tree's root area could be in conflict with the development. In the event the tree requires removal, the property owner will need to submit for a Tree Removal Permit.

Although not required to replace the trees being removed, since this is identified as an impact in the Mitigated Negative Declaration prepared (discussed further below,) the applicant will replace the removed trees with 24-inch box Coast Live Oak trees on a 1:1 ratio in areas of the parcel where they will provide screening of the home from the neighboring residences. A condition of approval has been added to the draft resolution for the required replacement trees. The number of trees required to be planted may be reduced, and in lieu fees paid, if it is determined that all the tree replacements cannot be adequately supported according to good urban forestry practices due to overplanting or overcrowding on the property. The final location, number and species of the tree replacements will be reviewed by staff and the City's consultant arborist in conjunction with the building permit review.

In addition, the project is required to plant two privacy protection trees to the north of the property. However, the adjacent property is located at a higher elevation than the project site. The R1 ordinance allows neighbors to waive or modify privacy protection requirements. At this time, this has not been proposed by the applicant but is an option they could pursue in lieu of planting the privacy protection trees.

In accordance with TM-2005-05, the applicant is not allowed to remove any of the trees along Lindy Lane and prior to building permit approval, a tree protection bond is required for all trees slated for preservation. To further reduce possible visual impacts for neighbors across Lindy Lane to the south, two additional 36" box Live Oaks are required to be planted within the gap between existing Live Oak trees along Lindy Lane. A condition of approval has been added to require the planting of these trees.

Environmental Review

A Draft Initial Study and Mitigated Negative Declaration has been prepared for the project (See Attachment 6.) The Mitigated Negative Declaration identifies mitigation measures, which have been added as conditions of approval to the draft resolutions, in the following areas, to reduce the potential environmental impacts of the project to less than significant levels:

- *Air Quality:* Construction shall comply with the BAAQMD's recommendations and the City's standard air quality measures.
- *Biological Resources:* Tree replacements in conformance with the City's Protected Tree Ordinance and nesting surveys consistent with the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code are required.
- *Geology and Soils:* Design-level geotechnical plans shall be provided to the satisfaction of the City Building Official and all foundational piers shall extend into the bedrock.
- *Cultural Resources:* In the event that cultural resources (archeological or human remains) are discovered during construction all work shall be temporarily halted.
- *Temporary Noise Levels:* Construction shall comply with the City's Noise Ordinance and standard noise mitigation measures.

The Notice of Intent (NOI) to adopt a Mitigated Negative Declaration was placed in the newspaper and mailed to notify neighbors and interested parties that a Draft Mitigated Negative Declaration had been prepared. Written comments were invited between July 10 and July 30. Notice of the Environmental Review Committee's meeting was also provided in a timely fashion. On July 20, 2017, the Environmental Review Committee (ERC) recommended adoption of the Mitigated Negative Declaration (EA-2016-01) for the project per the California Environmental Quality Act (CEQA).

Comments were received from the public, including neighbors, and the Audubon Society, both, before and during the ERC hearing, expressing concerns regarding impacts to the site and neighboring residences (See Attachment 7.) While many of the comments have already been addressed in the Draft MND, many were not directly related to the environmental effects of the proposed development and have been discussed further in the Public Noticing and Community Outreach section below.

Certain concerns were brought up related to the potential impacts to wildlife and the natural environment in the comments. As such, it is recommended that the Draft Initial Study/Mitigated Negative Declaration be amended to address potential impacts to wildlife and the environment as discussed below.

Wildlife Impacts:

The City's General Plan has a policy (ES-5.4) for hillside development which encourages fencing to be confined to the area around the residence, rather than around the entire site, allowing for migration of wild animals. There is evidence that deer and other wild animals are present in the area and traverse through this property. This was also evidenced at site visits to the property. While minimal fencing is currently proposed, under R1 zoning regulations the property could largely be fenced with solid board fencing. Therefore, it is recommended that the following mitigation measure be added consistent with Municipal Code Section 19.48.030 (F)(1)(b):

Mitigation Measure BIO-4: In order to allow the movement of wildlife, only 5,000 square feet (excluding the principal building) of net lot area may be enclosed with solid board fencing. Fencing shall not be located within the Slope Easement on the property.

Native Vegetation:

Since the lot is located on a previously undeveloped slope, much of the property has existing native vegetation. The City's General Plan identifies this property to be in the Grassland vegetation area. Policy ES-5.3: Landscaping In and Near Natural Vegetation states "Preserve and enhance existing natural vegetation, landscape features and open space when new development is proposed within existing natural areas. When development is proposed near natural vegetation, encourage the landscaping to be consistent with the palate of vegetation found in the natural vegetation." The strategies to implement this policy include Strategy ES-5.3.1: Native Plants which emphasizes "the planting of native, drought tolerant, pest resistant, and non-invasive, climate appropriate plants and ground covers, to prevent disturbance of the natural terrain and particularly for erosion control" and Strategy ES-5.3.2: Hillsides which states "Minimize lawn area in the hillsides."

Although the proposed landscaping is absent of any turf or similar high water demand plantings, the following mitigation measure is proposed to be added to the Mitigated Negative Declaration to ensure that the project continues to be consistent with the aforementioned General Plan standards as follows:

Mitigation Measure BIO-5: The project shall comply with Chapter 14.15: Landscape Ordinance of the City of Cupertino's Municipal Code. Turf shall not be planted on slopes greater than 25% and as the site is located within in an area designated wildland urban

interface by Chapter 16.74, fire-prone plant materials and highly flammable mulches are strongly discouraged. Plants shall be selected, arranged and maintained to provide defensible space for wildfire protection, in conformance with California Public Resources Code Section 4291. The installation of invasive plant species and noxious weeds is prohibited.

Other Department/Agency Review

The City's Public Works Department, Building Division, Cupertino Sanitary, and the Santa Clara County Fire Department reviewed the project and have no objections. Their pre-hearing comments/conditions have been incorporated as conditions of approval in the draft resolutions.

PUBLIC NOTICING AND COMMUNITY OUTREACH

The following table is a brief summary of the noticing done for this project:

Notice of Public Hearing, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none">▪ Site Signage (14 days prior to the hearing)▪ Legal ad placed in newspaper (at least 10 days prior to the hearing)▪ 31 notices mailed to property owners within 300 feet (at least 10 days prior to the hearing)▪ 12 interested persons were emailed (at least 10 days prior to the hearing)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (five days prior to the hearing)▪ Posted on the City of Cupertino's Web site (five days prior to the hearing)

In addition to the standard noticing and information on the City's website, the applicant mailed a letter in June 2017, which included a brief project description and plans to the property owners within 300 feet of the project site in order to gather community input.

Staff received comments from neighbors and other interested members of the public (see Attachment 7). Their concerns and Staff responses are summarized below:

- *The home is too large for the site and is incompatible with the neighborhood. The development violates the City's General Plan goals and policies for Hillside development and exceeds zoning limitations.*

Response: The proposed home complies with all aspects of the R-1 zone's site development regulations including, but not limited to, setbacks, height, FAR, Lot Coverage, grading, and parking. The project also complies with the findings for a Hillside Exception by stepping stories to follow existing contours, which also helps to minimize grading and visual impacts. As noted earlier in this report, the proposed home does have a larger FAR than average home sizes on Lindy Lane. However, the

proposed home has an FAR of 35%, which is smaller than the 45% FAR allowed by R1 regulations. Further, a number of design features have been added to minimize visual impact. The proposed residence follows the natural contours of the site and has been sited away from the public rights-of way so that the view from Lindy Lane will be screened by the existing mature Coast Live Oak trees and proposed future plantings. In addition, the stepped design of the home ensures that the neighbors along the private road will largely see only a one-story façade and will not be significantly impacted.

- *Consider other driveway location options such as further down the private road or off of Lindy Lane.*

Response: As noted earlier, the City Council, in its approval of the tentative map for the parcel (TM-2005-05,) added a condition of approval that required the property to be accessed from the private road and prohibited access from Lindy Lane. Therefore, staff worked with the applicant consistent with Council direction to find a driveway approach off the private road that minimized grading, tree removal and met the conditions of the Hillside Exception. The proposed location of the driveway minimizes grading and the removal of trees. As a result, the proposed option is being recommended. Any proposal to locate the driveway off Lindy Lane would require a modification to the Tentative Map approval and a separate review of environmental, development regulations, geological and other issues. At this time, the applicant has not proposed a modification to the Tentative Map to consider a driveway off Lindy Lane. Therefore, this is not being considered as part of this hearing. However, in order to provide some background, staff is providing preliminary information on possible alternatives.

Relocating driveway downhill along private road – This option would not require a modification to the Tentative Map approval; however, it would require additional environmental and project review. Staff reviewed a preliminary option to move the driveway further downhill along the private road. However, moving the driveway further downhill along the private road would greatly increase the length of the driveway, create significant amounts of additional grading for its construction, require the removal of additional native, including coast live oak, trees and the construction of retaining walls.

Driveway off Lindy Lane – As noted earlier, this option would require a modification of the Council condition for the tentative map approval and associated environmental and project review. A relocation of the driveway off Lindy Lane could require significantly more grading than relocating the driveway downhill along the private road, and therefore, removal of some of the mature native, including coast live oak, trees along Lindy Lane and the construction of high, very visible retaining walls.

- *Analysis for the site is based on inaccurate topographic analysis and tree survey.*

Response: The topographic map and tree survey were completed by a licensed civil engineer. Staff has reviewed the submitted civil drawings and believes that they are consistent with the LiDAR (light and radar) contour maps used by the City's Geographical Information System (GIS).

- *Development on the lot would cause hardships on the neighborhood due to construction impacts.*

Response: Construction activities for this project will be short-term and temporary in duration. These have been discussed in the Draft Mitigated Negative Declaration. Typically projects of this size do not generate emissions that could represent a significant impact with respect to air quality. However, construction noise can cause some temporary impacts to nearby residences. The project has been conditioned to reduce these impacts consistent with the Mitigation Measure NOI-1. In addition, Mitigation Measure AIR-1, and conditions of approval requiring adherence to Best Management Practices related to stormwater control measures, reduce any dust, and mud from leaving the site. Any violation of these conditions of approval are a violation of Municipal Code and subject to Code Enforcement.

- *Trees onsite, such as Coast Live Oaks, will be adversely affected by development of the site.*

Response: As previously mentioned, no Protected Trees are proposed to be removed as part of the proposal. However, this is identified as an impact in the Draft Mitigated Negative Declaration and appropriate mitigations have been identified to mitigate removal of these trees consistent with the replacement requirements of the Protected Tree Ordinance. In addition, to the replacement requirements as Mitigation Measure BIO-1, the applicant is required to retain all of the trees along Lindy Lane, plant additional trees to fill in existing gaps, and provide a tree protection bond for all trees slated for preservation prior to building permit approval.

PERMIT STREAMLINING ACT

This project is subject to the Permit Streamlining Act (Government Code Section 65920 – 65964). The City has complied with the deadlines found in the Permit Streamlining Act.

Project Received: June 28, 2016

Project Resubmittal: July 15, 2016

Project Resubmittal: November 1, 2016

Project Resubmittal: June 10, 2017

Deemed Incomplete: July 19, 2016,

Deemed Incomplete: August 11, 2016,

Deemed Incomplete: November 22, 2016

Deemed Complete: June 27, 2017

The City had 60 days, until, August 27, 2017 to make a decision on the project. However, the applicant had requested a postponement of the Planning Commission Hearing to September 26, 2017.

CONCLUSION

Staff recommends approval of the Project with the recommended amendments to the Draft Initial Study/Mitigated Negative Declaration. As explained in this staff report and the attached resolutions and exhibits, the Project and conditions of approval address all concerns related to the Project, and all the findings supporting approval of the Project are consistent with Chapter 19.168 of the Cupertino Municipal Code.

NEXT STEPS

The Planning Commission's decision on this project is final unless appealed within 14 calendar days of the decision. The applicant may submit applications for grading and building permits to commence construction after the appeal period ends.

This approval expires on September 26, 2019, at which time the applicant may apply for a one-year extension.

Prepared by: Gian Paolo Martire, Associate Planner

Reviewed by: Piu Ghosh, Principal Planner

Approved by: Benjamin Fu, Assistant Director of Community Development

ATTACHMENTS:

- 1 – Draft Resolution for EA-2016-01
- 2 – Draft Resolution for EXC-2016-07
- 3 – Draft Resolution for R-2016-28
- 4 – Draft Resolution for RM-2016-26
- 5 – Plan set
- 6 – ERC Recommendation, IS/MND including Technical Appendix
- 7 – Public Comments as of September 21, 2017

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6839

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO
ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE DEVELOPMENT OF
A VACANT PROPERTY LOCATED AT LOT 1 LINDY LANE (APN 356-25-031)

SECTION I: PROJECT DESCRIPTION

Application No: EA-2016-01
Applicant: Glush Dada
Location: Lot 1 Lindy Lane (APN 356-25-031)

SECTION II: ENVIRONMENTAL REVIEW PROCESS

WHEREAS, Glush Dada submitted an application to the City of Cupertino on June 28, 2016 for a Hillside Exception, Two Story Permit and Minor Residential permits to allow the development of a new two-story home and accessory dwelling unit on a vacant lot on slopes greater than 30%, and associated environmental review ("Project"); 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 prepared an Initial Study and proposed Mitigated Negative Declaration for the Project ("IS/MND"); and

WHEREAS, the Project is additionally described in the August 2017 "Qi Residence" Draft Initial Study/Mitigated Negative Declaration ("Draft IS/MND"); and

WHEREAS, on July 10, 2017 the City issued a Notice of Intent to Adopt a Mitigated Negative Declaration; and

WHEREAS, on July 10, 2017 the Draft IS/MND for the project was distributed to responsible agencies and the public for review and comment for a 20-day period that ended July 30, 2017; and

WHEREAS, the IS/MND concluded that significant environmental effect on Geology and Soils, Air Quality, Biological Resources, Cultural Resources, and Noise would be avoided

or reduced to less-than-significant levels by mitigation measures ("MM") identified in the IS/MND; and

WHEREAS, On July 27, 2017, prior to making any recommendations regarding the adoption of the Draft IS/MND, the City of Cupertino's Environmental Review Committee held a duly noticed public hearing to receive public testimony where it reviewed and considered the information contained in the Draft IS/MND, voted 5-0-0 to recommend that the Planning Commission adopt the Draft IS/MND (EA-2016-01) and mitigation measures with amendments made with their motion; and

WHEREAS, additional mitigation measures have been identified in response to the public comments received during the public comment period and these have been incorporated in the Final Initial Study/Mitigated Negative Declaration ("Final IS/MND") as MM BIO-4 and MM BIO-5; and

WHEREAS, the changes made after publication of the IS/MND, including changes recommended by the Environmental Committee, merely clarify, amplify or make insignificant modifications to the IS/MND, and recirculation of the IS/MND is not required; and

WHEREAS, for all comments received following the close of the public review and comment period, responses have been provided with staff reports;

WHEREAS, the comments received on the IS/MND, along with responses to these comments, are included in the staff report, summarized;

WHEREAS, the Planning Commission has independently reviewed and considered the IS/MND together with the comments and the responses to those comments prior to taking action on the Project;

WHEREAS, the comments received by the Planning Commission do not require major revisions to the IS/MND due to new or substantially more severe significant effects on the environment; and

WHEREAS, on September 26, 2017 prior to taking action on the Project, the Planning Commission held a duly noticed public hearing to receive staff's presentation and public testimony, and to further consider the information contained in the Final IS/MND, along with all staff reports, other pertinent documents, and all written and oral statements received prior to and at the public hearing;

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony, staff reports, public comments, and other evidence submitted in this matter, the Planning Commission:

1. Finds that the Final IS/MND for the Project has been completed in compliance with

the CEQA and reflects the independent judgment and analysis of the City.

2. Finds that, on the basis of the whole record before it, there is no substantial evidence that the Project as proposed and mitigated will have a significant effect on the environment.
3. Adopts the Final Mitigated Negative Declaration (Final MND) for the Project.
4. Adopts the Mitigation Monitoring and Reporting Program for the Project, as amended, attached hereto as Exhibit EA-1, and incorporated herein by reference, which incorporates all the mitigation measures required under the Final MND. The Planning Commission further makes the mitigation measures required conditions of approval of the Project to the extent they are within the responsibility and jurisdiction of the City as summarized below:

a. AESTHETICS

MM AES-1: Prior to approval of planning entitlements and issuance of building permits, the size of home will be limited in size not to exceed a Floor Area Ratio of approximately 25%. Plan sets to be submitted for architectural review and building permits shall ensure that the size of home does not exceed the prior stated limitation.

b. GEOLOGY AND SOILS MITIGATION MEASURES

MM GEO-1: Construction Shoring Plans – Prior to approval of grading permits, shoring plans shall be submitted to the City for review and approval. The contractor/geotechnical consultant shall document the existing conditions along the neighboring property prior to grading.

MM GEO-2: The project plans and shoring plans shall be reviewed by the project geotechnical consultant to assure that their recommendations have been properly incorporated. The Construction Shoring Plans, and Geotechnical Plan Review shall be submitted to the City for review and approval by City staff prior to issuance of building permits.

MM GEO-3: The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project should be described by the Project Geotechnical Consultant in a letter and submitted to the Town Engineer for review prior to final (as-built) project approval.

c. AIR QUALITY MITIGATION MEASURES

MM AIR-1:

The following shall be strictly adhered to during the construction of the proposed project and shall be incorporated into the building plans **prior to grading and/or building permit issuance** to ensure that the building contractor is aware of these requirements:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All 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.
- 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.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

d. BIOLOGICAL RESOURCES MITIGATION MEASURES

MM BIO-1:

- The applicant shall plant replacement trees in accordance with the replacements requirements of the Protected Tree Ordinance. The trees shall be planted **prior to final occupancy** of site permits.
- Any replacement tree or tree required to be planted for screening, shall be a native California Oak (Coast Live Oak) or any native species listed in the Protected Tree Ordinance.

MM BIO-2:

The following shall be indicated on the building plans, **prior to issuance of grading and/or building permits:**

- On-site irrigation shall be required at the start of construction until completion of construction to assure the survival of the trees near the construction envelope.
- The existing trees to remain shall be protected during construction per the City's Protected Tree Ordinance (Chapter 14.18 of the Municipal Code). The City's standard tree protection measures (City of Cupertino Standard Detail 6-4) shall be listed on the plans, and protective fencing shall be installed around the trees to remain **prior to issuance of grading permits**. A report ascertaining the good health of these trees shall be provided **prior to issuance of final occupancy**.

MM BIO-3:

Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code. If construction activities and any required tree removal occur during the breeding season (February 1 and August 31), a qualified biologist shall be required to conduct surveys **prior to tree removal or construction activities**. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and

Wildlife. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.

MM BIO-4:

In order to allow the movement of wildlife, only 5,000 square feet (excluding the principal building) of net lot area may be enclosed with solid board fencing. Fencing shall not be located within the Slope Easement on the property.

MM BIO-5:

The project shall comply with Chapter 14.15: Landscape Ordinance of the City of Cupertino's Municipal Code. Turf shall not be planted on slopes greater than 25% and as the site is located within in an area designated wildland urban interface by Chapter 16.74, fire-prone plant materials and highly flammable mulches are strongly discouraged. Plants shall be selected, arranged and maintained to provide defensible space for wildfire protection, in conformance with California Public Resources Code Section 4291. The installation of invasive plant species and noxious weeds is prohibited.

e. **CULTURAL RESOURCES MITIGATION MEASURES**

MM CR-1:

In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. The City of Cupertino (or its representative) shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, the City of Cupertino (or its representative) and the archaeologist and/or paleontologist would meet to determine the appropriate avoidance measures. All significant cultural materials recovered shall be subject to scientific analysis, professional museum duration, and a report prepared by the qualified archaeologist according to current professional standards.

f. NOISE MITIGATION MEASURESMM NOI-1:

The following construction noise mitigation measures shall be taken in order to reduce noise event impacts to nearby receptor areas and shall be incorporated into the building plan set **prior to grading and/or building permit issuance**:

- Construction activities shall be limited to the hours of 7:00 am to 8:00 pm on weekdays and 9:00 am to 6:00 pm on weekends. Construction activities are prohibited on holidays.
- All construction equipment shall use noise-reduction features that are no less effective than those originally installed by the manufacturer. If no noise-reduction features were originally installed, then the contractor shall require that at least a muffler be installed on the equipment.
- No individual device will produce a noise level more than 87 dBA at a distance of twenty-five feet or the noise level on any nearby property does not exceed 80 dBA.

PASSED AND ADOPTED at an Regular Meeting of the Planning Commission of the City of Cupertino the 26th day of September 2017, by the following roll call vote:

AYES: COMMISSIONERS: Chair Sun, Vice Chair Paulsen, Fung, Liu, Takahashi

NOES: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none

ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Benjamin Fu

Benjamin Fu

Asst. Director of Community Development

/s/Don Sun

Don Sun

Chair, Planning Commission

Mitigation Monitoring and Reporting Program

Qi Residence

Lot 1 Lindy Lane, APN# 356-25-031

September 2017

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
AESTHETICS				
Impact A – Aes Substantially degrade the existing visual character or quality of the site and its surroundings	Mitigation Measure AES-1: Prior to approval of planning entitlements and issuance of building permits, the size of home will be limited in size not to exceed a Floor Area Ratio of approximately 25%. Plan sets to be submitted for architectural review and building permits shall ensure that the size of home does not exceed the prior stated limitation.	The project proponent shall be responsible for ensuring that the design of the home is consistent with this mitigation at the design review and permit issuance.	Director of Community Development and Building Official shall review plan sets for conformance prior to issuance of grading and/or building permits.	Director of Community Development
GEOLOGY AND SOILS				
Impact A – Geo Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the 	Mitigation Measure GEO-1: Construction Shoring Plans – Prior to approval of grading permits, shoring plans shall be submitted to the City for review and approval. The contractor/geotechnical consultant shall document the existing conditions along the neighboring property prior to grading. Mitigation Measure GEO-2: The project plans and shoring plans shall be reviewed by the project geotechnical consultant to assure that their recommendations have been properly incorporated. The Construction Shoring Plans, and Geotechnical Plan Review shall be submitted to the City for review and approval by City staff prior to issuance of building permits.	At the final design phase, the project proponent shall be responsible for ensuring that the recommendations in the final-design level geotechnical investigation are incorporated into the final project design. These recommendations shall be printed on all construction documents, contracts, and project plans. At the construction	The Director of Public Works and City Geologist shall review the design-level geotechnical analysis and construction documents, contracts, and project plans prior to issuance of grading and/or building permits.	Director of Public Works, City Geologist

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p> <ul style="list-style-type: none"> • Strong seismic ground shaking? • Seismic-related ground failure, including liquefaction? • Landslides? 	<p>Mitigation Measure GEO-3: The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project should be described by the Project Geotechnical Consultant in a letter and submitted to the Town Engineer for review prior to final (as-built) project approval.</p>	<p>phase, the project proponent shall be responsible for completing all improvements related to these measures.</p>		
<p>Impact B – Geo Result in substantial soil erosion or the loss of topsoil?</p>				
<p>Impact C – Geo Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading,</p>				

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
subsidence, liquefaction or collapse?				
Impact D – Geo Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?				
AIR QUALITY				
Impact A- AIR Conflict with or obstruct implementation of the applicable air quality plan?	Mitigation Measure AIR-1: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon	During the construction and post-construction phases, the project proponent shall be responsible for implementing these measures, including improvements.	Improvements related to these measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Community Development prior to issuance of grading and/or building permits.	Director of Community Development
Impact B – AIR Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				
Impact C - AIR Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality				

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p> <p>Impact D - AIR Expose sensitive receptors to substantial pollutant concentrations?</p>	<p>as possible after grading unless seeding or soil binders are used.</p> <p>6. 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.</p> <p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</p> <p>8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>			
BIOLOGICAL RESOURCES				
IMPACT A - BIO Have a substantial adverse effect, either	<p>Mitigation Measure BIO-3:</p> <p>1. Nests of raptors and other birds shall be protected when in active use, as required by</p>	If construction activities and any	If grading and/or tree removal begins during the	Director of Community Development

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>	<p>the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code. If construction activities and any required tree removal occur during the breeding season (February 1 and August 31), a qualified biologist shall be required to conduct surveys prior to tree removal or construction activities. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for</p>	<p>required tree removal occur during the breeding season (February 1 and August 31), a qualified biologist (hired by the Project proponent) is responsible to shall be required to conduct surveys prior to tree removal or construction activities. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be</p>	<p>stated dates in the mitigation measure, A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.</p>	

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds.</p> <p>The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and Wildlife. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.</p>	repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped.		
<p>IMPACT D – BIO</p> <p>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>Mitigation Measure BIO-4:</p> <p>In order to allow the movement of wildlife, only 5,000 square feet (excluding the principal building) of net lot area may be enclosed with solid board fencing. Fencing shall not be located within the Slope Easement on the property.</p>	Ongoing mitigation.	Construction plan sets shall demonstrate compliance with mitigation measure. Prior to final occupancy and Ongoing monitoring by City Staff.	
IMPACT E - BIO	Mitigation Measure BIO-1:	At the final design	The	

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<p>1. The applicant shall plant replacement trees in accordance with the replacements requirements of the Protected Tree Ordinance. The trees shall be planted prior to final occupancy of site permits.</p> <p>2. Any replacement tree or tree required to be planted for screening, shall be a native California Oak (Coast Live Oak) or any native species listed in the Protected Tree Ordinance.</p>	<p>phase, the project proponent shall be responsible for including the mitigation measures on construction documents, contracts, and project plans.</p> <p>At the construction phase, the project proponent shall be responsible for ensuring the recommendations are implemented.</p>	<p>recommendations from the tree report shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Community Development prior to issuance of grading and/or building permits.</p>	
<p>IMPACT F – BIO</p> <p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</p>	<p>Mitigation Measure BIO-2:</p> <p>1. On-site irrigation shall be required at the start of construction until completion of construction to assure the survival of the trees near the construction envelope.</p> <p>2. The existing trees to remain shall be protected during construction per the City's Protected Tree Ordinance (Chapter 14.18 of the Municipal Code). The City's standard tree protection measures (City of Cupertino Standard Detail 6- 4) shall be listed on the plans, and protective fencing shall be installed around the trees to remain prior to issuance of building permits. A report ascertaining the good health of these trees shall be provided prior to issuance of final occupancy.</p> <p>Mitigation Measure BIO-5:</p>			

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	The project shall comply with Chapter 14.15: Landscape Ordinance of the City of Cupertino's Municipal Code. Turf shall not be planted on slopes greater than 25% and as the site is located within in an area designated wildland urban interface by Chapter 16.74, fire-prone plant materials and highly flammable mulches are strongly discouraged. Plants shall be selected, arranged and maintained to provide defensible space for wildfire protection, in conformance with California Public Resources Code Section 4291. The installation of invasive plant species and noxious weeds is prohibited.			
CULTURAL RESOURCES				
IMPACT A – CR Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Mitigation Measure CR- 1 In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. The City of Cupertino (or its representative) shall consult with a qualified archaeologist or paleontologist to assess the significance of	During site excavation, the project proponent shall be responsible for implementation of Archaeological monitoring. Monitoring shall be conducted during earthmoving activities by a qualified archaeologist.	All archaeological monitoring and reporting measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Community Development	Director of Community Development
IMPACT B – CR Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				
IMPACT C – CR Directly or indirectly destroy a unique				

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
paleontological resource or site or unique geologic feature?	the find. If any find is determined to be significant, the City of Cupertino (or its representative) and the archaeologist and/or paleontologist would meet to determine the appropriate avoidance measures. All significant cultural materials recovered shall be subject to scientific analysis, professional museum duration, and a report prepared by the qualified archaeologist according to current professional standards.	During construction, the project proponent and contractor shall be responsible for notification of any discoveries.	prior to issuance of grading and/or permits.	
IMPACT D – CR Disturb any human remains, including those interred outside of formal cemeteries?				
NOISE				
IMPACT A – NOI Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Mitigation Measure NOI- 1: <ul style="list-style-type: none">• Construction activities shall be limited to the hours of 7:00 am to 8:00 pm on weekdays and 9:00 am to 6:00 pm on weekends. Construction activities are prohibited on holidays.• All construction equipment shall use noise- reduction features that are no less effective than those originally installed by the manufacturer. If no noise- reduction features were originally installed, then the contractor shall require that at least a muffler be installed on the equipment.• No individual device will produce a noise level more than 87 dBA at a distance of twenty-five feet or the noise level on any nearby property does not exceed 80 dBA.	At the construction phase, the project proponent and contractor shall be responsible for completing all improvements.	All attenuation measures shall be printed on construction documents, contracts, and project plans and reviewed by the Director of Public Works prior to issuance of grading and/or building permits.	Director of Public Works
IMPACT D – NOI A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				

*As Amended at Planning Comm. Meeting
September 26, 2017*

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6840

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO
APPROVING A HILLSIDE EXCEPTION TO ALLOW THE CONSTRUCTION OF
A NEW SINGLE-FAMILY RESIDENCE WITH A REDUCED MASS AND SCALE,
INCLUDING A FLOOR AREA RATIO OF APPROXIMATELY 25% ON SLOPES
GREATER THAN 30% LOCATED AT LOT 1 LINDY LANE, APN# 356-25-031

SECTION I: PROJECT DESCRIPTION

Application No.: EXC-2016-07
Applicant: Glush Dada
Location: Lot 1 Lindy Lane (APN 356-25-031)

SECTION II: FINDINGS FOR DEVELOPMENT PERMIT:

WHEREAS, the Planning Commission of the City of Cupertino received an application for a Development Permit for a Two-Story Permit for the construction of a new two story 8,962.7 square foot residence at Lot 1 Lindy Lane, APN# 356-25-031, as identified in Section I of this Resolution; and

WHEREAS, the necessary public notices were given as required by the Procedural Ordinance 19.08 of the City of Cupertino, and the Planning Commission held a public hearing on September 26, 2017 to consider the application and hear public testimony; and

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

WHEREAS, prior to the Planning Commission meeting the Environmental Review Committee heard the item on July 27, 2017 during which it reviewed the Draft Mitigated Negative Declaration, received public comments, and recommended

adoption of a Mitigated Negative Declaration on a 5-0 vote, with minor modifications; and

WHEREAS, on September 26, 2017 the Planning Commission adopted the Initial Study/Draft MND as the Final Initial Study/Mitigated Negative Declaration for the project after adopting all the identified mitigation measures as conditions of approval for the project; and

WHEREAS, on September 26, 2017 the Planning Commission, found the proposed scale of the home to be incompatible and not in harmony with the surrounding neighborhood, due to its large size and adverse visual impacts in the neighborhood; and

WHEREAS, the Applicant agreed with the Planning Commission to work with City staff to implement changes to the Project, including reducing the project scope to make it more consistent with a Floor Area Ratio (FAR) of approximately 25%, and avoiding potential visual impacts that might be associated with the development; and

WHEREAS, since adoption of the Final Mitigated Negative Declaration ("MND") and approval of a Hillside Exception for the Project on September 26, 2017, the Project has been modified to reduce the massing and size of the home, and widen the private roadway to a width between 18'-20', where reasonable; and

WHEREAS, the modifications to the Project may result in a reduction in the size of the project, which will not have any new or substantially more severe significant effects on the environment requiring major revisions to the MND; therefore, no subsequent environmental impact report, subsequent MND or addendum is required; and WHEREAS, the Planning Commission finds as follows with regard to this application:

1. The proposed development will not be injurious to property or improvements in the area nor be detrimental to the public health and safety.

The proposed site is situated on the northside of Lindy Lane. The previously undeveloped lot is surrounded by existing hillside single-family residences. A geotechnical study has been conducted for the proposed project and all recommendations of the geotechnical consultant have been incorporated into the development conditions of the approval. In addition, the development is required to meet the Best Management Practices (BMPs), as required by the State Water Resources Control Board and the Bay Area Air Quality Management District's (BAAQMD) air quality standards for construction activities. The project is also required to adhere to the City's C.3 Municipal Permit for stormwater runoff management. Therefore, the development will not be injurious to property or improvements in the area nor be detrimental to the public health and safety.

2. The proposed development will not create a hazardous condition for pedestrian or vehicular traffic.

The proposed residence will be serviced by a new driveway located off of an existing shared private driveway. A portion of the private road is located on the subject site. The location of the driveway is not unique from the location of the driveways of other properties that share the private driveway. The addition of the driveway for one single family home is not expected to create a hazardous condition for pedestrian or vehicular traffic. During construction, the developer must also submit a traffic control plan by a Registered Traffic Engineer to be approved by the City. The plan shall include a temporary traffic control plan for work in the right of way as well as a routing plan for all vehicles used during construction. Therefore, the development will not create a hazardous condition for pedestrian or vehicular traffic.

3. The proposed development has legal access to public streets and public services are available to serve the development.

The property will be accessed by a shared private road off of Lindy Lane as required as a condition of approval of the Tentative Map approval for the creation of this parcel. A shared maintenance agreement is already recorded for the maintenance and use of the private road. In addition, sewer and water connections are available in the street. Therefore, the development has legal access to public streets and public services to serve the development.

4. The proposed development requires an exception, which involves the least modification of, or deviation from, the development regulations necessary to accomplish a reasonable use of the parcel.

As the parcel is steep, with an average slope of 36%, any development onsite that affects more than 500 square feet of the slope (e.g. any home, structure or driveway construction in an area over 500 s.f.) would require a Hillside Exception. The site is constrained by a slope easement, tree removal restrictions, and mandated driveway access restrictions that limit areas on the parcel where development may occur. The siting and design of a proposed house will follow the contours of the site to minimize grading, minimize the removal of oak trees and reduce the visibility of retaining walls necessary on site to develop the property in a manner consistent with the Residential Hillside ordinance. To the extent possible the proposed home on site must adhere to an FAR of approximately 25%.

5. Other homes in the neighborhood have been developed with similar FARs. Aside from the exception to allow more than 500 s.f. of construction on slopes greater than 30%, the proposed development will comply with all other development regulations of the R1-20 zoning district including, but not limited to, building height, setbacks, and floor area. The development involves the least modification of the prescribed development regulations necessary to accomplish a reasonable use of the parcel. All alternative locations for

development on the parcel have been considered and have been found to create greater environmental impacts than the location of the proposed development.

As the parcel is steep, with an average slope of 36%, any development (whether that of a home, garage, or even, a driveway) onsite that is over 500 square feet would require an exception. Further, the site is constrained by a slope easement, tree removal restrictions, and mandated driveway location restrictions which limit areas on the parcel where development may occur. The siting and design of a proposed house will follow the contours of the site to minimize grading, minimize the removal of oak trees and reduce the visibility of all retaining walls necessary to develop the property in a manner consistent with the purpose of the Hillside Ordinance. To the extent possible the proposed home on site must adhere to an FAR of approximately 25%. Further, in order to restrict the removal of protected trees on the property, the location of the building pad is further restricted.

Other alternative locations for development on the parcel would result in greater grading on the site, removal of additional native trees than currently proposed and possibly increased visibility of the structure to a greater number of neighbors. The proposed development will be located to minimize environmental and grading impacts on the site.

6. The proposed development does not consist of structures on or near known geological or environmental hazards that have been determined by expert testimony to be unsafe or hazardous to structures or persons residing therein.

The geotechnical report and peer review do not indicate any conflicts with geological or environmental hazards. Additionally, all recommendations of the geotechnical engineers in order to ensure structural stability of the proposed building have been incorporated into the conditions of approval. Therefore, the proposed development does not consist of structures that have been determined by expert testimony to be unsafe or hazardous to structures or persons residing therein.

7. The proposed development includes grading and drainage plans that will ensure that erosion and scarring of the hillsides caused by necessary construction of the housing site and improvements will be minimized.

The proposed development follows, as closely as possible, the primary natural contours of the lot to minimize erosion and scarring of the hillsides caused by necessary construction of the housing site and improvements. Drainage and grading plans have been reviewed, and will continue to be reviewed by the City Engineer and the City's consultant geotechnical engineers to ensure the safety of the development and of those neighboring residences.

8. The proposed development does not consist of structures which would disrupt the natural silhouette of ridgelines as viewed from established vantage points on the valley floor unless either:

- a. The location of a structure on a ridgeline is necessary to avoid greater negative environmental impacts; or
- b. The structure could not otherwise be physically located on the parcel and the size of the structure is the minimum which is necessary to allow for a reasonable use of the parcel.

The subject site is not located within an identified ridgeline. Thus, the proposed project will not consist of structures which would disrupt the natural silhouette of ridgelines as viewed from established vantage points on the valley floor

9. The proposed development consists of structures incorporating designs, colors, materials, and outdoor lighting which blend with the natural hillside environment and which are designed in such a manner as to reduce the effective visible mass, including building height, as much as possible without creating other negative environmental impacts.

The applicant shall use natural earth tone and/or vegetation colors which blend with the natural hillside environment (as a condition of approval) and has designed the project in such a manner as to reduce the effective visible mass to surrounding neighbors as much as possible. In addition, the applicant is required to plant additional screening trees along Lindy Lane and the private road to ensure that existing gaps in the coast live oak trees are eliminated in order to further reduce the effective visible mass of the proposed home.

10. The proposed development is located on the parcel as far as possible from public open space preserves or parks (if visible therefrom), riparian corridors, and wildlife habitats unless such location will create other, more negative environmental impacts.

The parcel is not located adjacent to public open space preserves and parks, and therefore, not visible from them. Additionally, the parcel is not located adjacent to a riparian corridor. The project site is adjacent to other developed properties with a similar zoning. Since wildlife (particularly deer) have been observed traversing through the property, the development has been required as a condition of approval (and mitigation measure) to limit the fencing allowed on site in order to allow the migration of wildlife habitats.

11. The proposed development includes a landscape plan which retains as many specimen trees as possible, which utilizes drought-tolerant native plants and ground covers consistent with nearby vegetation, and which minimizes lawn areas.

A preliminary landscape plan has been evaluated and the project is conditioned to provide a landscape plan to be reviewed and approved prior to Building Permit issuance. The proposed project preserves the vast majority of the existing natural landscape on the site. The project is additionally required to comply with Chapter 14.15: Landscape Ordinance of the City of Cupertino's Municipal Code (CMC) and additionally required to minimize turf areas on

hillsides. In addition, turf may not be planted on slopes greater than 25%. Also, since the site is located within in an area designated Wildland Urban Interface by CMC Chapter 16.74, fire-prone plant materials and highly flammable mulches are strongly discouraged. Plants shall be selected, arranged and maintained to provide defensible space for wildfire protection, in conformance with California Public Resources Code Section 4291. The installation of invasive plant species and noxious weeds is prohibited. Through the proposed site design, mitigation measures, and conditions of approval, which limit invasive species of plants and turf areas, a balance between the residential development and preservation of the natural hillside setting can be maintained.

12. The proposed development confines solid fencing to the areas near a structure rather than around the entire site.

Evidence of the presence of wildlife (particularly deer) was observed onsite. To allow free movement of animals, only 5,000 square feet (excluding the principal building) of net lot area may be enclosed with solid fencing. Fencing may not be located within the Slope Easement on the property per the original declarations on the face of the Tentative Map.

13. The proposed development is otherwise consistent with the City's General Plan and with the purposes of Chapter 19.40 as described in Section 19.40.010.

The development meets all the development standards for R1-20 zoned properties and is consistent with the City's General Plan and with the purposes of Chapter 19.40 as described in Section 19.40.010. These have been described in detail in each of the findings above.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of the initial study, maps, facts, exhibits, testimony and other evidence submitted in this matter, and subject to the conditions which are enumerated in this Resolution beginning on PAGE 6 thereof:

The application for a Hillside Exception, Application no. EXC-2016-07 is hereby approved and the conclusions and subconclusions upon which the findings and conditions specified in this resolution are based and contained in the Public Hearing record concerning Application no. EXC-2016-07 as set forth in the Minutes of Planning Commission Meeting of September 26, 2017, are hereby 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 site plans dated September 2016 consisting of 4 sheets,

labeled Sheets 1 -4 entitled, "Lands of Dr. Kang," drawn and submitted by Westfall Engineers, Inc. which indicate the maximum extent of development on the site and includes a grading quantity except as may be amended by conditions in this resolution.

2. 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.

3. 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.

4. REDUCED MASS AND SCALE OF PROJECT AND FLOOR AREA RATIO LIMITATION

The project mass and scale should be reduced to enhance compatibility and harmony with the surrounding neighborhood. To the extent possible, the new residence developed on site should maintain a recommended Floor Area Ratio (FAR) of approximately 25%.

5. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file no. EA-2016-01 The conditions of approval for application nos. R-2016-28 and RM-2016-26 shall be applicable upon Planning Commission review and approval .

6. PREVIOUS CONDITIONS OF APPROVAL

All previous conditions of approval from TM-2005-05 and M-2011-06 shall remain in effect unless superseded by or in conflict with subsequent conditions of approval, including the conditions contained herein in this resolution.

7. HOUSING MITIGATION FEES

The applicant shall participate in the City's Below Market Rate (BMR) Housing Program by paying the housing mitigation fees as per the Housing Mitigation Manual at **building permit issuance**. The estimated mitigation fee for this project is based on the 2017-2018 fiscal year rate of \$16.01 per square foot of residential area.

8. TREE PROTECTION BOND

Prior to grading permit issuance, a tree protection bond is required for all trees slated for preservation. The bond shall be for an amount equivalent to their replacement or approximately \$110,000.

9. DEMOLITION REQUIREMENTS

All demolished building and site materials shall be recycled to the maximum extent feasible to the satisfaction of the Building Official. The applicant shall provide evidence that materials were recycled prior to issuance of final demolition/grading permits.

10. PRE-CONSTRUCTION MEETING AND CONSTRUCTION MANAGEMENT PLAN

Prior to commencement of construction activities, the applicant shall arrange for a pre-construction meeting with the pertinent departments (including, but not limited to, Building, Planning, Public Works, Santa Clara County Fire Department), prior to issuance of grading and/or building permits, to review an applicant-prepared construction management plan including, but not limited to:

- a. Plan for compliance with conditions of approval
- b. Plan for public access during work in the public right-of-way
- c. Construction staging area
- d. Construction schedule and hours
- e. Construction phasing plan, if any
- f. Contractor parking area
- g. Tree preservation/protection plan
- h. Site dust, noise and storm run-off management plan
- i. Emergency/complaint and construction site manager contacts

11. CONSTRUCTION HOURS

The applicant shall comply with Mitigation Measure NOI-1 above and any additional standards in Chapter 10.48, Community Noise Control, of the Cupertino Municipal Code. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site and along Lindy Lane, prior to commencement of demolition and/or grading activities.

12. 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.

13. INDEMNIFICATION

Except as otherwise prohibited by law, the applicant shall indemnify and hold harmless the City, its City Council, and its officers, employees and agents (collectively, the "indemnified parties") from and against any claim, action, or 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 to attack, set aside, or void this Resolution or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The applicant shall pay such attorneys' fees and costs within 30 days following receipt of invoices from City. Such attorneys' fees and costs shall include amounts paid to counsel not otherwise employed as City staff 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.

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

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

SECTION IV: CONDITIONS ADMINISTERED BY THE PUBLIC WORKS DEPARTMENT

1. STREET IMPROVEMENTS

Curb and gutter, and related structures shall be installed in accordance with grades and standards as specified by the City Engineer. The proposed driveway connecting to the private road shall be designed to keep drainage from the private road from entering the site. Provide additional details such as a ridge line and pavement elevations at the Building Permit stage. More detailed review for the on-site driveway and grading & drainage design will be provided at the Building Permit stage.

2. GRADING

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

Tree protection and tree removal shall be clearly shown on the plans and shall be consistent with tree removal permit approved by Community Development Department. Any additional tree(s) to be removed as result of grading and/or retaining wall installation shall be approved by Community Development Department **prior to issuance of any grading, demolition or building permits.**

3. DRAINAGE

Drainage shall be provided to the satisfaction of the City Engineer. Hydrology and pre- and post-development hydraulic calculations must be provided to indicate whether additional storm water control measures are to be constructed or renovated. The storm drain system may include, but is not limited to, subsurface storage of peak stormwater flows (as needed), bioretention basins, vegetated swales, and hydrodynamic separators to reduce the amount of runoff from the site and improve water quality. The storm drain system shall be designed to detain water on-site (e.g., via buried pipes, retention systems or other approved systems and improvements) as necessary to avoid an increase of the ten percent flood water surface elevation to the satisfaction of the 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.

Provide a supplemental letter from the geotechnical consultant for their concurrence with geotechnical aspects of the proposed grading & drainage plan (especially the retaining wall, retention pipes and energy dissipater). Proposed dry well will need to be removed & redesigned **at the Building Permit review stage** as infiltration will not be allowed.

4. TRAFFIC IMPACT FEES

The Project may be subject to pay Traffic Impact Fees **prior to issuance of building permits.** The fee is currently estimated to be set at ~\$6,000 per new AM or PM peak-hour trip generated by the Project subject to be approved by the City Council in September 2017.

5. PRIVATE ROADWAY AND MAINTENANCE AGREEMENT

Developer shall enter into the Maintenance Agreement (if applicable), or shall record a covenant against the property agreeing to enter into a future maintenance agreement, for the private road portion of Lindy Lane contained within the

ingress/egress easement, **prior to issuance of a Building Permit**. The owner agreed to and shall widen the private roadway to between 18' and 20', where reasonably possible, to better accommodate two way traffic, as determined by the City Engineer. The owner will be required to repair any utility trenches and/or damage to the private road caused by construction activities, **prior to final occupancy** of the site. All pavement repairs and new pavement shall match the existing pavement section (3" AC/ 6" AB minimum) and shall be slurry sealed a minimum of 6' from the edge of any utility trench cuts or damage to the pavement.

6. 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 (\$3,349.00 or 5% of improvement costs) |
| b. Grading Permit: | \$ Per current fee schedule (\$2,825.00 or 6% of improvement costs) |
| c. Storm Drainage Fee: | \$Per current fee schedule(\$4,550 per AC) |
| d. Power Cost: | ** |
| e. 3rd Party Geotechnical & Structural | \$6,900 (includes 15% Admin Fee) Initial Review |
| f. Possible Park Fees (two units): | \$ Per current fee schedule (\$168,000 for 2 units) |
| g. Traffic Impact Fee (TIF) | +/- \$6,000 per new peak-hour trip generated |

** 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: 100% of site improvements.

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

7. C.3 REQUIREMENTS

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

8. 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 **prior to building permit issuance.** Said plans shall be subject to prior approval of the affected Utility provider and the City Engineer.

9. 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 and **prior to building permit issuance.** 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.

10. 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.

11. 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.

12. EROSION CONTROL PLAN

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

13. 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.

14. TRAFFIC CONTROL PLAN

The developer must submit a traffic control plan by a Registered Traffic Engineer to be approved by the City **prior to grading or building permit issuance**. The plan shall include a temporary traffic control plan for work in the right of way as well as a routing plan for all vehicles used during construction. All traffic control signs must be reviewed and approved by the City prior to commencement of work. The City has adopted Manual on Uniform Traffic Control Devices (MUTCD) standards for all signage and striping work throughout the City.

15. STREET TREES

Street trees shall be protected within the Public Right of Way to the satisfaction of the City Engineer on grading and/or building plans **prior to permit issuance**.

16. 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).

17. FIRE HYDRANT

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

18. SAN JOSE WATER SERVICE 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.**

19. 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 **prior to building permit issuance.**

20. SANITARY DISTRICT

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

SECTION V: CONDITIONS ADMINISTERED BY THE SANTA CLARA COUNTY FIRE DEPARTMENT**1. WILDLAND INTERFACE**

This project is located within the designated Wildland-Urban Interface Fire Area. The building construction shall comply with the provisions of California Building Code (CBC) Chapter 7A. Note that vegetation clearance shall be in compliance with CBC Section 701A.3.2.4 **prior to project final approval.** Check with the Planning Department for related Landscape plan requirements.

2. FIRE SPRINKLERS REQUIRED

An automatic sprinkler system shall be installed in one-and two-family dwellings (including detached workspaces) 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.

NOTE: Covered porches, patios, balconies, and attic spaces may require fire sprinkler coverage. 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.

3. 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 system, 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). 2010 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

4. CONSTRUCTION SITE FIRE SAFETY

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

5. PREMISES IDENTIFICATION

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

SECTION VI: CONDITIONS ADMINISTERED BY THE CUPERTINO BUILDING DEPARTMENT

1. PLAN AMENDMENTS

Amend plan to provide adequate ventilation and light to the hobby room, wet bar area, and home theater per 2013 CRC R303.

PASSED AND ADOPTED this 26th day of September, 2017, Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS: Chair Sun, Vice Chair Paulsen, Takahashi, Fung, Liu

NOES: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none

ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

/s/ Benjamin Fu

Benjamin Fu

Assist. Director of Community Development

/s/ Don Sun

Don Sun

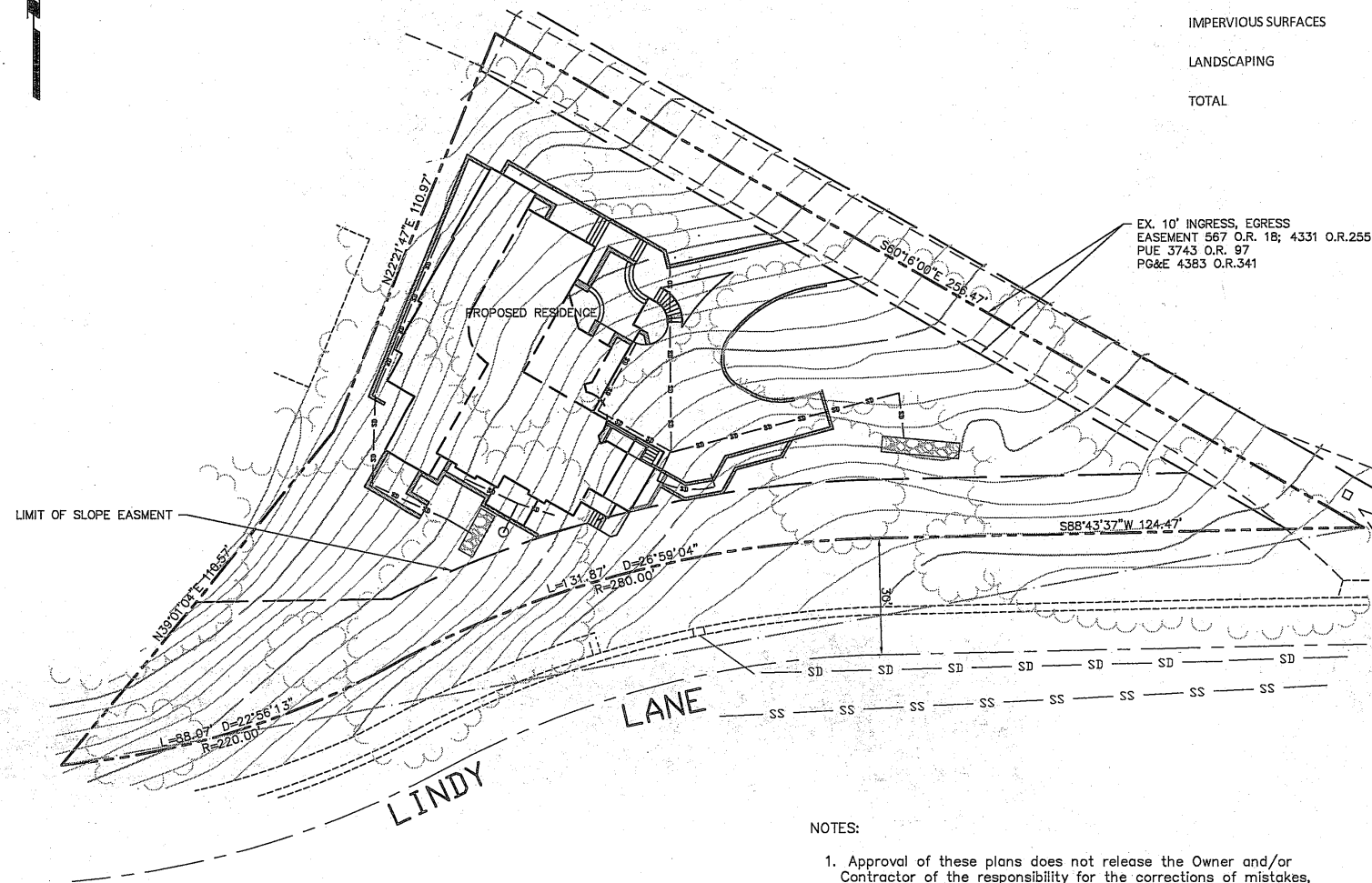
Chair, Planning Commission

EARTHWORK QUANTITIES

EXCAVATION	1930 C.Y.
FILL	177 C.Y.
EXPORT	1753 C.Y.

SURFACES

DESCRIPTION	EXISTING	PROPOSED
BUILDINGS	0	3811
COMMON DRIVEWAY	1273	1273
DRIVEWAY AC OR PCC	0	1230
PATIOS/WALKWAYS	0	1965
IMPERVIOUS SURFACES	1273	8279
LANDSCAPING	21101	14095
TOTAL	22374	22374



LEGEND

EXISTING	PROPOSED

NOTES:

- Approval of these plans does not release the Owner and/or Contractor of the responsibility for the corrections of mistakes, errors, or omissions contained therein. If during the course of construction improvements, public interest requires a modification of/or a departure from the City of Cupertino specification or these improvement plans, the City Engineer shall have the authority to require such modification or departure and to specify the manner in which the same is to be completed, at the sole expense of the Owner and/or Contractor.
- Contact Public Works, (408) 777-3104, for inspection of grading, storm drainage and public improvements.
- All public improvement must be completed prior to occupancy.
- Contractor is responsible for dust control and ensuring the area adjacent to the work is left in a clean condition.
- Contractor shall review City Detail 6-4 on tree protection prior to accomplishing any work or removing any trees.
- Utilize Best Management Practices (BMP's), as required by the State Water Resources Control Board, for ANY activity which disturbs the soil.
- A work schedule of Grading and Erosion & Sediment Control Plan shall be provided to the City Engineer by August 15. No hillside grading shall be performed between October 1 to April 15.
- All electrical service (power, phone, and/or cable) shall be undergrounded.
- To initiate release of bonds, contact the Public Works Inspector for Final Inspection.
- All downspouts to be released to the ground surface, directed away from building foundations and directed to landscape areas.
- Prior to beginning any work within the Public Right of Way, the Contractor will be responsible for pulling an encroachment permit from the Public Works Department.



VICINITY MAP

APPROVAL EXC-2016-07

Planning Commission 9-26-17

Signature

Case Manager

INDEX

SHEET 1	TITLE SHEET
SHEET 2	GRADING AND DRAINAGE PLAN
SHEET 3	SECTIONS AND DETAILS
SHEET 4	EROSION CONTROL PLAN

NO.	BY	DATE	REVISION	BY	DATE

DATE: SEPTEMBER, 2016
SCALE: HOR. 1"=20'
VERT.
DESIGNED: JC
CHECKED: KC
PROJ. ENGR: JC

BY: KAREL CYMBAL, RCE 34534
DATE:



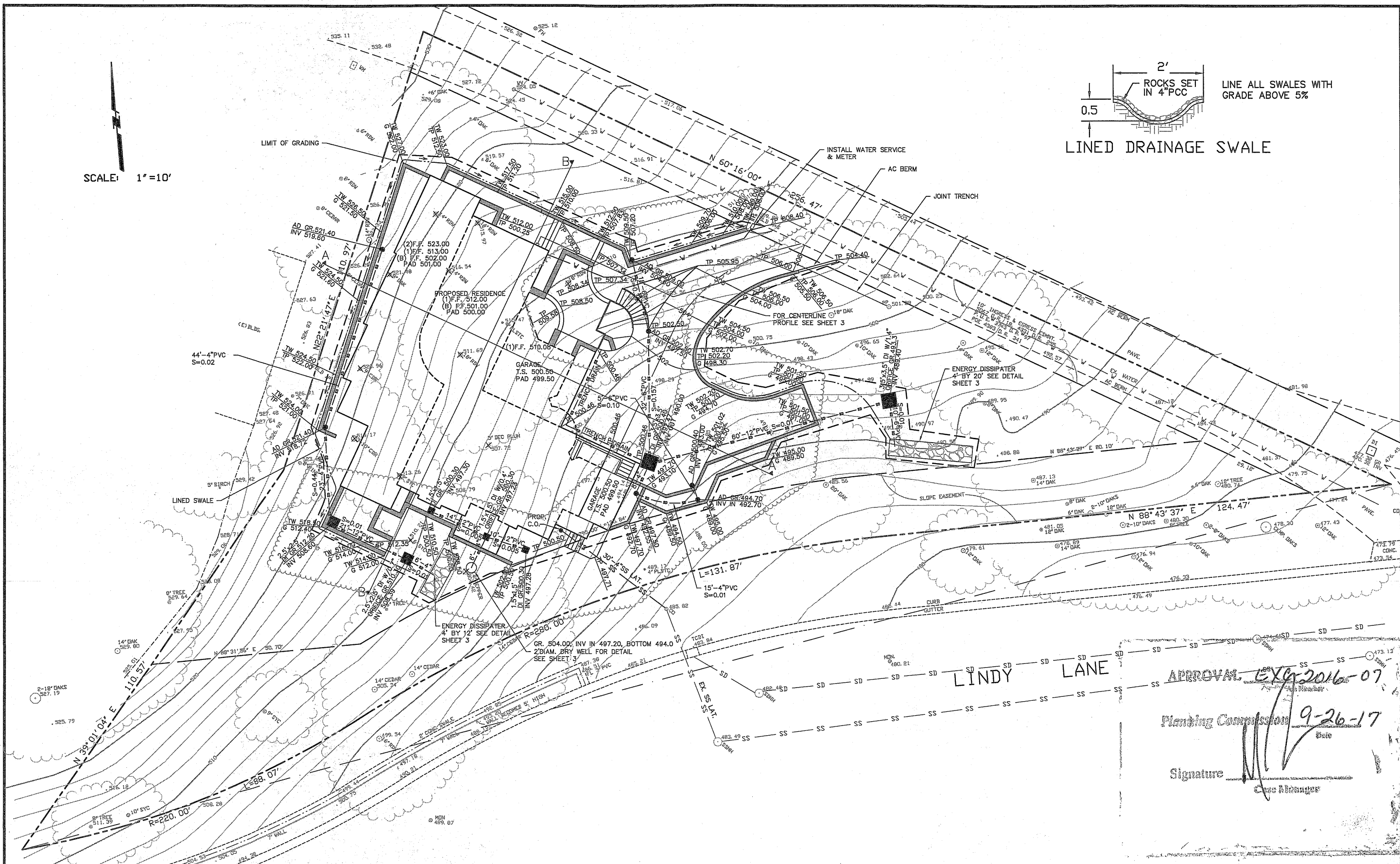
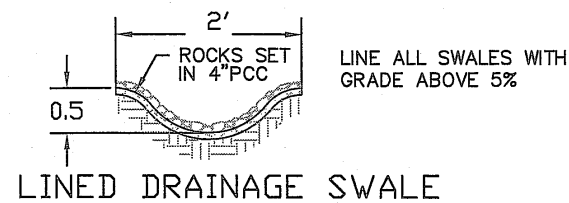
WESTFALL ENGINEERS, INC.

14583 BIG BASIN WAY, SARATOGA, CA 95070 (408) 867-0244

TITLE SHEET
LANDS OF DR. KANG
21989 LINDY LANE, CUPERTINO

JOB NO.
2014-048
SHEET
1
OF
4

SCALE: 1"=10'



LINDY LANE

APPROVAL: EX-2016-07

Planning Commission 9-26-17

Signature: [Signature]

NO.	BY	DATE	REVISION

BY: KAREL CYMBAL RCE 34534	DATE: SEPTEMBER, 2016
DESIGNED: JC	SCALE: HOR. 1"=10'
DRAWN: JK	VERT.
PROJ. ENGR: JC	

WESTFALL ENGINEERS, INC.

14583 BIG BASIN WAY, SARATOGA, CA 95070 (408) 867-0244

GRADING AND DRAINAGE PLAN

LANDS OF DR. KANG

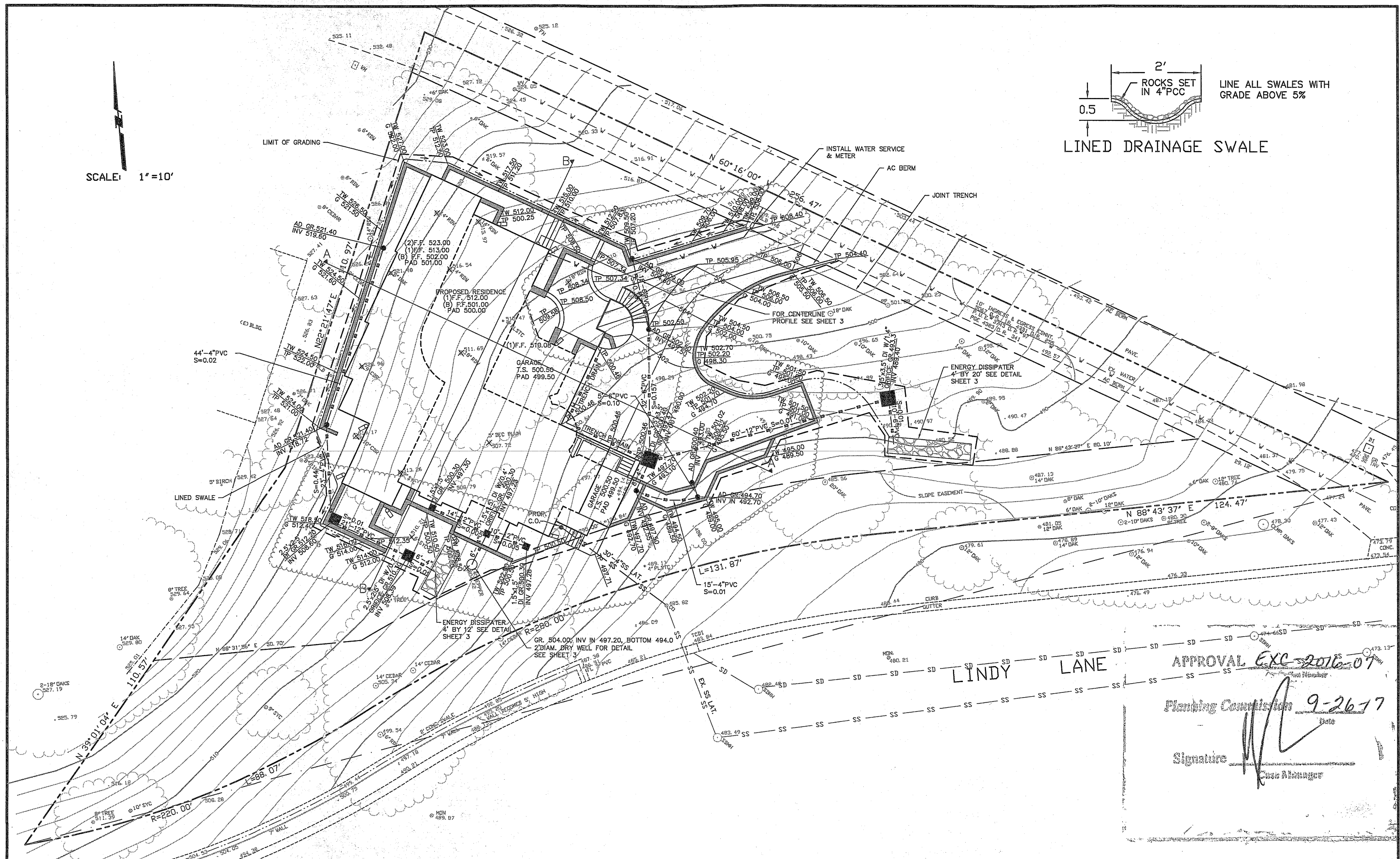
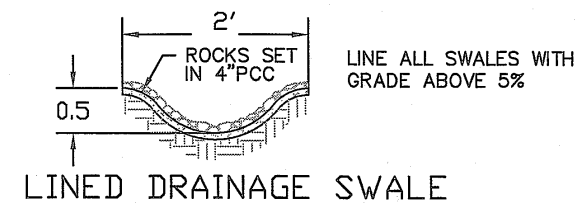
21989 LINDY LANE CUPERTINO

JOB NO. 2014-048

SHEET 2

OF 4

SCALE: 1"=10'



LINDY LANE

APPROVAL EXC-2016-07

Planning Commission 9-26-17

Signature [Signature]

NO.	BY	DATE	REVISION

DATE: SEPTEMBER, 2016	BY: KAREL CYMBAL RCE 34534
SCALE: HORIZ. 1"=10'	DATE:
VERT.	
DESIGNED: JC	
DRAWN: JK	
PROJ. ENGR: JC	

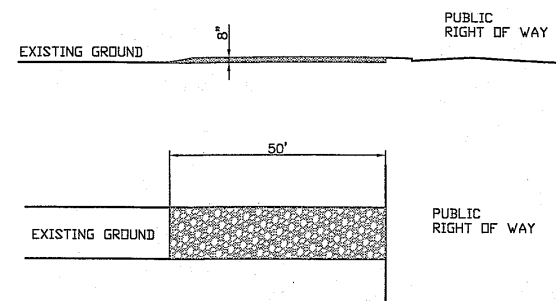
WESTFALL ENGINEERS, INC.
14583 BIG BASIN WAY, SARATOGA, CA 95070 (408) 867-0244

GRADING AND DRAINAGE PLAN
LANDS OF DR. KANG
21989 LINDY LANE CUPERTINO

JOB NO.
2014-048
SHEET 2
OF 4

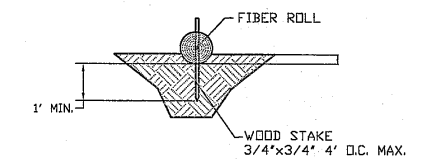


The material for construction of the pad shall be 2 to 3 inch rock. The width of pad shall not be less than the full width of access road. The entrance shall be maintained in a condition that will prevent tracking or flowing of the sediment onto public rights of way. When necessary, wheels shall be cleaned to remove sediment prior to entrance onto public rights of way. All sediment shall be prevented from entering storm drain, by use of sand bags, gravel or sediment barriers.

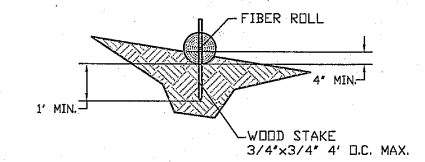


CONSTRUCTION ENTRANCE DETAIL

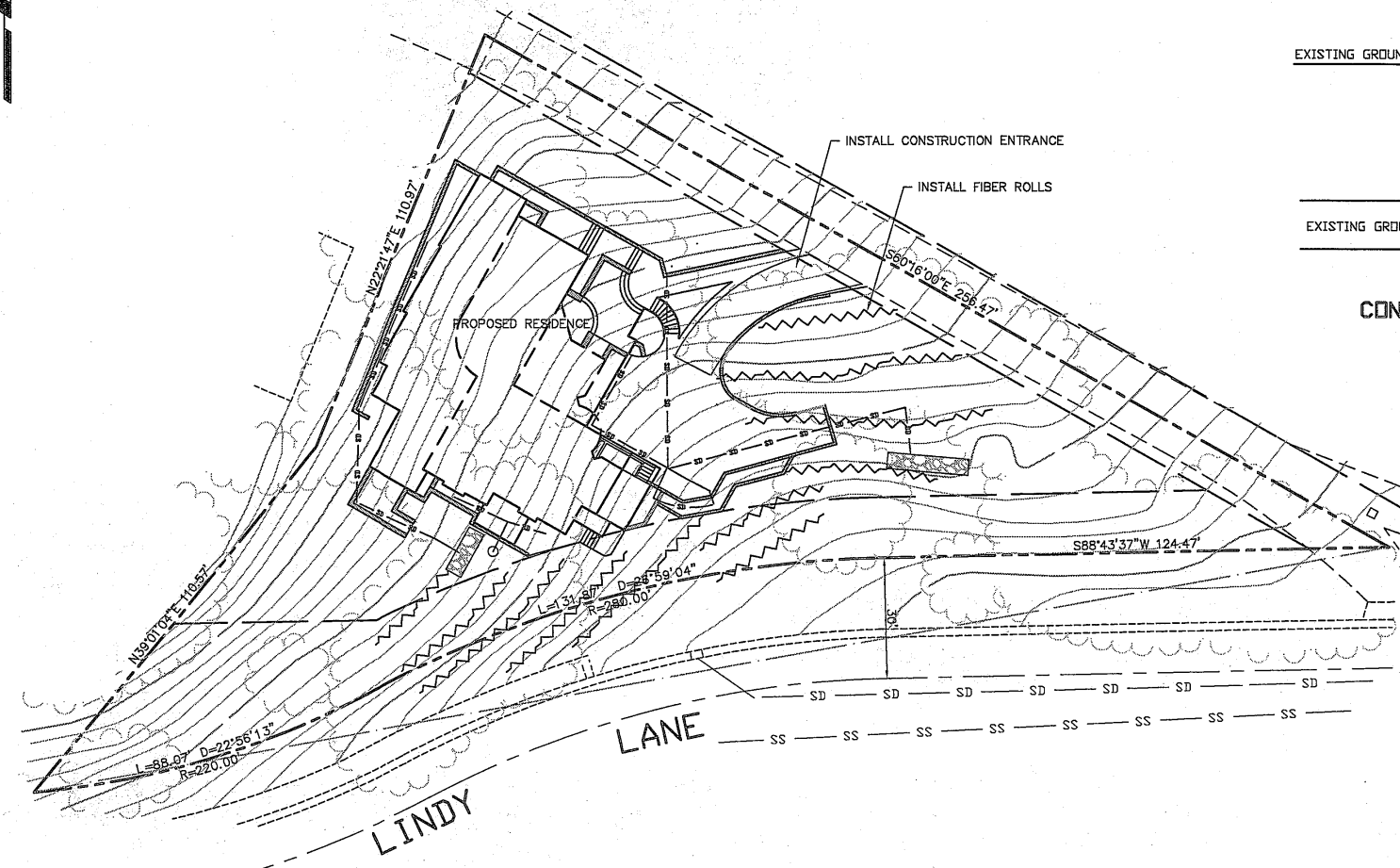
Place fiber rolls into the key trench and stake on both sides of the roll within 6 feet of each end and then every six inches with 1"x2"x23" stakes. Stakes are typically driven in on alternating sides of the roll. When more than one fiber roll is placed in a row, the rolls should be abutted securely to one another to provide a tight joint, not overlapped.



ENTRENCHMENT DETAIL FOR FIBER ROLLS



ENTRENCHMENT DETAIL FOR FIBER ROLLS



LEGEND

EXISTING	PROPOSED

APPROVAL EXC-2016-07

Planning Commission 9-26-17

Signature [Signature]

NO.	BY	DATE	REVISION

BY	DATE	DATE: SEPTEMBER, 2016

SCALE: HOR. 1"=20'
VERT. 1"=4'

DESIGNED: JC
CHECKED: KC
PROJ. ENGR: JC

BY: KAREL CYMBAL, RCE 34534
DATE:



WESTFALL ENGINEERS, INC.
14583 BIG BASIN WAY, SARATOGA, CA 95070 (408) 867-0244

EROSION CONTROL PLAN
LANDS OF DR. KANG
21989 LINDY LANE, CUPERTINO

JOB NO.
2014-048
SHEET
4
OF
4