



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, Director of Community Development
Date: February 10, 2021
Subj: REPORT OF PLANNING COMMISSION DECISIONS MADE **February 9, 2021**

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

1. Application

EXC-2020-007, Curt Cline (Raifi residence), 22637 San Juan Rd

Hillside Exception application to consider allowing the construction of an 864 square foot deck expansion on slopes greater than 30% to an existing single family residence

Action

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

Enclosures: Planning Commission Report February 9, 2021
Planning Commission Resolution(s) 6918
Plan Set



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

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

PLANNING COMMISSION STAFF REPORT

Meeting: February 9, 2021

SUBJECT

Hillside Exception application to consider allowing the construction of an 864 square foot deck expansion on slopes greater than 30% to an existing hillside residence. (Application No(s): EXC-2020-007; Applicant(s): Curt Cline (Rifai residence); Location: 22637 San Juan Rd. APN(s): 342-17-064)

RECOMMENDED ACTIONS

That the Planning Commission adopt the proposed draft resolution (Attachment 1) to:

1. Find the proposed project exempt from CEQA; and
2. Approve the Hillside Exception (EXC-2020-007)

DISCUSSION

Project Data:

General Plan Designation:	Very Low Density (1/2 Acre Slope Density Formula)			
Zoning Designation:	RHS-30 (Residential Hillside with minimum net lot area of 30,000 sq.ft.)			
Net Lot Area	15,770 sq. ft. (.36 acres)			
Project Data	Allowed	Existing	Proposed	Total
Flat Yard Area (square feet)	2,500 sq. ft. max., exclude driveways	1,148 sq. ft.	0 sq. ft.	1,148 sq. ft.
Project Consistency with:				
General Plan:	Yes			
Zoning:	Yes, with approved Hillside Exception			
Environmental Assessment:	Categorically Exempt per Section 15303 (Class 3) of the California Environmental Quality Act (CEQA) construction or conversion of small facilities or structures.			

Background:

The project site (Figure 1) is located within the Inspiration Heights neighborhood in a Residential Hillside (RHS) zoning district and is surrounded by hillside single-family residences to the north, south, and west, and a Single Family R-10 neighborhood to the east. The RHS district is intended to balance residential uses with preserving natural settings and protecting life and property from natural hazards.

The property is accessed off of San Juan Road by a shared private driveway. The site contains a 4,256 sf two story home developed in 1970 and remodeled in 2011.



Figure 1 Site Aerial

Proposed Project

The applicant, and property owner, Steven Rifai, is proposing adding an 862 sf deck extension to an existing deck and pool along the rear facade of the home. The deck will be made of Ipe wood with artificial grass in the middle and surrounded by a cable wire railing approximately 3.5 ft in height.

The developed deck will be supported by structural columns that require no grading to install. A new wooden staircase will replace an existing one along the southern edge of the new deck allowing access below the deck and maintain the yard downslope. No trees will be removed as part of this addition.

Hillside Exception:

The RHS Ordinance, Chapter 19.40 of the Cupertino Municipal Code, prohibits any structures or improvements over 500 square feet in area on slopes greater than 30% unless an exception is granted. The intent of the requirement is to minimize and discourage unnecessary hillside grading activities and visual disturbances. However, if the project/property presents unique circumstances or hardships (typically physical/topographic 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 granted exceptions to allow reasonable development of steeper hillside properties planned for residential use.

Much of the property has slopes greater than 30% (see Figure 2). Therefore, almost any development on the property, outside of the existing building footprint, including the addition of any type of accessory structure (except an Accessory Dwelling Unit) such as the proposed deck, cannot be feasibly constructed on the property without a hillside exception request.

The siting and design of the proposed structure eliminates the need for grading as it is adjacent to the house and existing deck and pool. Except that the proposed development is occurring on slopes greater than 30%, the proposed deck complies with all other aspects of the RHS zone's site development regulations. The development will be constructed with appropriate geotechnical review and inspections as described below.

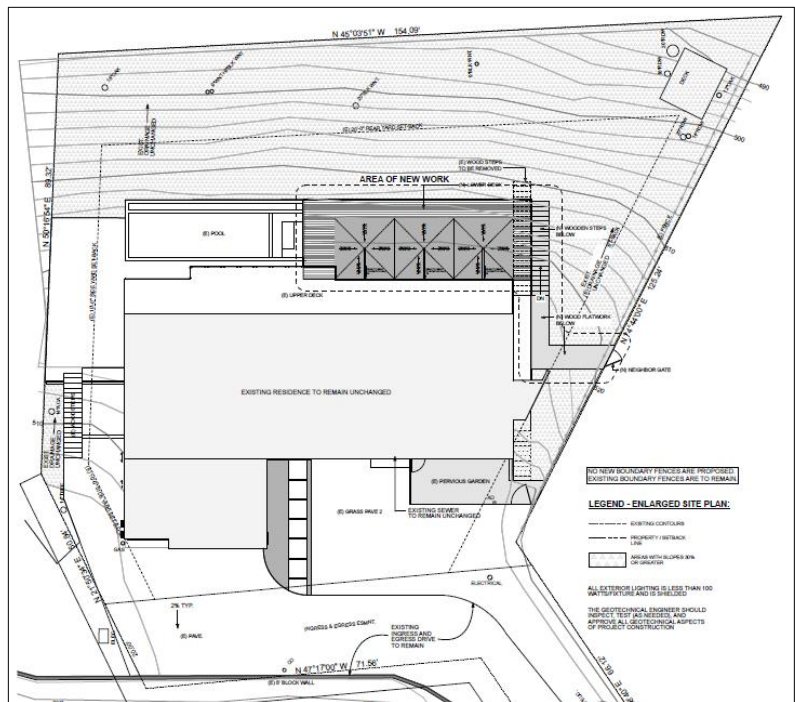


Figure 2 Slope Percentage over 30%

Geological Review:

The property is in a hillside and slope instability geologic hazard zone. The City's Geotechnical Consultant has peer-reviewed the applicant's geotechnical reports and has concluded that the project is feasible from a geologic standpoint. Their recommendations have been added as conditions of approval.

Environmental Assessment:

The project is categorically exempt from the requirements 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"), pursuant to CEQA Guidelines section 15303. The exemption applies to new construction or conversion of small facilities or structures, including single-family residences (see CEQA Guidelines § 15303(a)) and accessory structures, such as patios and swimming pools (see CEQA

Guidelines § 15303(e)), and none of the exceptions to the categorical exemptions in CEQA Guidelines section 15300.2 apply.

Other Department/Agency Review:

The City's Building Division, Public Works Department, and the Santa Clara County Fire Department have reviewed and conditionally approved the project. Their pre-hearing comments/conditions have been incorporated as conditions of approval in the draft resolution (Attachment 1).

PUBLIC NOTICING & OUTREACH

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

Public Notice	Agenda
<ul style="list-style-type: none">▪ Site Signage (<i>14 days prior to the hearing</i>)▪ Legal ad placed in newspaper (<i>at least 10 days prior to the hearing</i>)▪ 45 public hearing notices mailed to property owners within 300 feet of the project site (<i>10 days prior to the hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>one week prior to the hearing</i>)▪ Posted on the City of Cupertino's website (<i>one week prior to the hearing</i>)

No public comments have been received as of the date of production of this staff report (January 29, 2021).

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: November 4, 2020; ***Deemed Incomplete:*** December 5, 2020

Project Resubmission: December 9, 2020; ***Deemed Complete:*** January 8, 2021

The City has 60 days from when the project is deemed categorically exempt to decide on the project.

CONCLUSION

The lot is surrounded by existing hillside single-family residences and any onsite development that is greater than 500 square feet on a slope greater than 30% would require a Hillside Exception. Development cannot feasibly occur on the property without a Hillside Exception request as the undeveloped portion of the lot is virtually entirely sloped greater than 30%. The location and design of a proposed deck will align with the existing deck and also eliminate grading and minimize the removal of landscaping

necessary on site to develop the property in a manner consistent with the Residential Hillside Ordinance. 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. Staff recommends approval of the Hillside Exception since the plans and conditions of approval address all concerns related to the proposed project. Additionally, all the findings for approval of the proposed project, consistent with Chapter 19.40 of the Cupertino Municipal Code have been met.

NEXT STEPS

Should the project be approved, the Planning Commission's decision on this proposal is final unless an appeal is filed within 14-calendar days of the date of the mailing of the decision on February 9, 2021. The applicant may apply for building and other permits at the end of the appeal period.

This approval expires on February 9, 2023, at which time the applicant may apply for a one-year extension.

Prepared by: Gian Paolo Martire, Senior Planner

Reviewed by: Piu Ghosh, Planning Manager

Approved by: Albert Salvador, Acting Director of Community Development

ATTACHMENTS:

1 – Draft Resolution for EXC-2020-007

2 – Plan Set

RESOLUTION NO. 6918

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO
APPROVING A HILLSIDE EXCEPTION TO ALLOW FOR THE
CONSTRUCTION OF AN 864 SQUARE FOOT DECK EXPANSION ON
SLOPES GREATER THAN 30% TO AN EXISTING HILLSIDE RESIDENCE
LOCATED AT 22637 SAN JUAN ROAD

SECTION I: PROJECT DESCRIPTION

Application No.: EXC-2020-007
Applicant: Steve Rifai
Property Owner: Steve Rifai and Patricia Billard
Location: 22637 San Juan Road (APN#342-17-064)

SECTION II: FINDINGS FOR A HILLSIDE EXCEPTION:

WHEREAS, the Planning Commission of the City of Cupertino received an application for a Hillside Exception 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, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq.) ("CEQA"), together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) (hereinafter, "CEQA Guidelines"), the City staff has independently studied the proposed Project and has determined that the Project is exempt from environmental review pursuant to the categorical exemption in CEQA Guidelines section 15303 for the reasons set forth in the staff report dated February 9, 2021 and incorporated herein; and

WHEREAS, on February 9, 2021, the Planning Commission held a duly noticed public hearing to receive public testimony on the Project, including the categorical CEQA exemption in CEQA Guidelines section 15303, and reviewed and considered the information contained in the staff report pertaining to the Project, all other pertinent documents, and all written and oral statements received by the Planning Commission at or prior to the public hearing; 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 development will not be injurious to property or improvements in the area nor be detrimental to public health and safety;

The proposed site 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 storm water 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 deck will not create any new traffic impacts and/or driveways to the private driveway. 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 is accessed by the private driveway onto San Juan Road. In addition, water and sewer connections are available in the street. The proposed project does not propose any changes to such access or services. 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 prescribed in this chapter necessary to accomplish a reasonable use of the parcel;

Any onsite development that requires construction of a structure greater than 500 sf on slopes greater than 30% requires a Hillside Exception. Development cannot feasibly occur on the property without a Hillside Exception request as the site is constrained by steep slopes over 30%. The siting and design of the accessory structures will minimize grading, and minimize the removal of landscaping necessary on site to develop the property in a manner consistent with the Residential Hillside Ordinance.

-
5. 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;

The proposed development will be located adjacent to the existing home and swimming pool in order to avoid excessive grading of the site. Further, the site is constrained by steep slopes that limit areas on the parcel where development may occur. The siting and design of the accessory structure will minimize grading, and minimize the removal of landscaping necessary to develop the property in a manner consistent with the purpose of the Residential Hillside Ordinance.

Other alternative locations for development on the parcel would result in greater grading on the site and removal of additional landscaping and/or native trees. The proposed development is 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 which have been determined by expert testimony to be unsafe or hazardous to structures or persons residing therein (See General Plan Policies 2-49);

The geotechnical report and peer review do not indicate any significant conflicts with geological or environmental hazards. Additionally, all recommendations of the geotechnical engineers have been incorporated into the conditions of approval in order to ensure structural stability of the proposed building. 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 which will ensure that erosion and scarring of the hillsides caused by necessary construction of roads, housing sites, and improvements will be minimized (See General Plan Policies 2-53, 2-54 and 2-57);

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 (See General Plan Policies 2-46, 2-47 and 2-48);

The property is not located on a prominent ridgeline.

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 (See General Plan Policies 2-46, 2-50, 2-51 and 2-52);

The applicant is required to 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.

10. The proposed development is located on the parcel as far as possible from public open space preserves or parks (if visible there from), riparian corridors, and wildlife habitats unless such location will create other, more negative environmental impacts (See General Plan Policies 2-55, 5-14 and 5-28);

The parcel is not located adjacent to public open space preserves, parks, a riparian corridor, or wildlife habitats. The project site is adjacent to other developed properties with a similar zoning.

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 (See General Plan Policies 2-54, 5-15 and 5-16);

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 project shall also comply with Chapter 14.15: Landscape Ordinance of the City of Cupertino Municipal Code (CMC). Additionally, since the site is located in an area designated as Wildland Urban Interface by CMC Chapter 16.74, fire-prone plant materials and highly flammable mulches are strongly discouraged. In conformance with California Public Resources Code Section 4291, plants shall be selected, arranged, and maintained to provide defensible space for wildfire protection. The installation of invasive plant species and noxious weeds is also prohibited. Further, Residential Hillside homes are required to minimize turf areas on hillsides and turf may not be planted on slopes greater than 25%.

Through the proposed site design 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 (See General Plan Policy 5-17); and

To allow free movement of animals, in compliance with the RHS fencing standards, only 5,000 square feet (excluding the principal building) of net lot area may be enclosed with solid fencing.

13. The proposed development is otherwise consistent with the City's General Plan and with the purposes of this chapter as described in Section [19.40.010](#).

The development meets all the development standards for RHS 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.

WHEREAS, the Planning Commission has independently reviewed and considered the Project and the basis for the exemption prior to taking any approval actions on the Project, and exercising its independent judgment, based upon the entire record before it, has determined that the Project is exempt from CEQA pursuant to CEQA Guidelines section 15303, which applies to new construction or conversion of single-family residences and accessory structures, and that none of the exceptions to the categorical exemptions in CEQA Guidelines section 15300.2 apply.; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission takes the following actions:

1. Exercises its independent judgment and determines that the Project is exempt from CEQA pursuant to CEQA Guidelines section 15303 and that none of the exceptions to the categorical exemptions in CEQA Guidelines section 15300.2 apply.. The exemption in CEQA Guidelines section 15303 applies to new construction or conversion of single-family residences and accessory structures. The proposed project is accessory to the existing single-family residence.
2. Approves the application for a Hillside Exception, Application no. EXC-2020-007 subject to the conditions which are enumerated in this Resolution beginning on PAGE 6 thereof. The conclusions and subconclusions upon which the findings and conditions specified in this resolution are based, including those contained in the Public Hearing record concerning Application no. EXC-2020-007 as set forth in the Minutes of Planning

Commission Meeting of February 9, 2021, are hereby incorporated by reference as though fully set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the foregoing recitals are true and correct and are included herein by reference as findings.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval is based on the plan set consisting of seven (7) sheets, labeled Sheets A0.0 through A4.1 entitled, "Planning Permit Review Set: Rifai Residence," drawn and submitted by Modern House Architecture and Design, the Civil Drawings consisting of two (2) sheets, submitted by Westfall Engineers, Inc.

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. EXTERIOR BUILDING MATERIALS/TREATMENTS

Final building exterior treatment plan (including but not limited to details on exterior color, material, architectural treatments and/or embellishments) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits. The exterior colors and materials shall be natural earth tones and have low light reflectivity values of 60 or less. The final building exterior plan shall closely resemble the details shown on the original approved plans. Any exterior changes determined to be substantial by the Director of Community Development shall require a minor modification approval with neighborhood input.

5. 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.**

6. 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

7. CONSTRUCTION HOURS

The applicant shall comply with the 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, **prior to commencement of demolition and/or grading activities**.

8. LANDSCAPE PROJECT SUBMITTAL:

The applicant shall submit a full landscape project submittal, per sections 490.1, 492.1, and 492.3 of the Department of Water Resources Model Water Efficient Landscape Ordinance, **for projects with landscape area more than 500 square feet**; the applicant shall submit either a full landscape project submittal or submit the Prescriptive Compliance Checklist per Appendix D of the Department of Water Resources Model Water Efficient Landscape Ordinance **for projects with landscape area more than 500 square feet and less than 2,500 square feet**. The Landscape Documentation Package or Prescriptive Compliance Checklist shall be reviewed and approved to the satisfaction of the Director of Community Development **prior to issuance of building permits**.

9. 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.

10. INDEMNIFICATION AND LIMITATION OF LIABILITY

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

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

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

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

11. 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. GRADING

Grading shall be as approved and required by the Director of Public Works 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.

2. DRAINAGE

Drainage shall be provided to the satisfaction of the Director of Public Works. 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 Director of Public Works. 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.

3. FEES

The project developer shall provide 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 fees shall be executed and paid prior to issuance of Building permit.

Fees:

-
- a. Checking & Inspection Fees: Per current fee schedule (\$1,046)
 - b. Storm Drainage Fee: Per current fee schedule (\$3,875 per DU)

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 change or changes, the fees changed at that time will reflect the then current fee schedule.

4. 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.

5. EROSION CONTROL PLAN

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

6. 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.

7. 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.

8. GEOTECHNICAL AND STRUCTURAL ENGINEERING DESIGN COORDINATION

The Project Geotechnical Consultant and Project Structural Engineer should coordinate to provide a deck foundation system that performs in a manner consistent with the swimming pool and residence. Pier recommendations for the swimming pool and residential underpinning included minimum embedment depths of 8 feet into bedrock, whereas the deck pier recommendations include minimum bedrock embedment of 5 feet. If the residential structure was not underpinned, then the performance differences between the deck and residence should be taken into account in the new deck design.

9. STRUCTURAL PLANS

Structural plans and calculations should be generated that incorporate the recommendations of the Project Geotechnical Consultant.

10. GEOTECHNICAL PLAN REVIEW

The applicant's geotechnical consultant should review and approve all geotechnical aspects of the development plans (i.e., including site preparation and grading, site drainage improvements and design parameters for building foundations) to ensure that their recommendations have been properly incorporated. The Geotechnical and Structural Engineering Coordination, Structural Plans, and Geotechnical Plan Review should be submitted to the City for review and approval by the City Staff and City Geotechnical Consultant prior to approval of Building Permits. The following should be performed prior to final (as-built) project approval:

11. GEOTECHNICAL FIELD INSPECTION

The geotechnical consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for pier foundations 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 geotechnical consultant in a letter and submitted to the City Engineer for review and approval prior to final (asbuilt) project approval.

PASSED AND ADOPTED this 9th day of February, 2021, Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS: Chair Wang, Vice Chair Scharf, Saxena, Kapil,
Madhhipatla

NOES: COMMISSIONERS: none

ABSTAIN: COMMISSIONERS: none

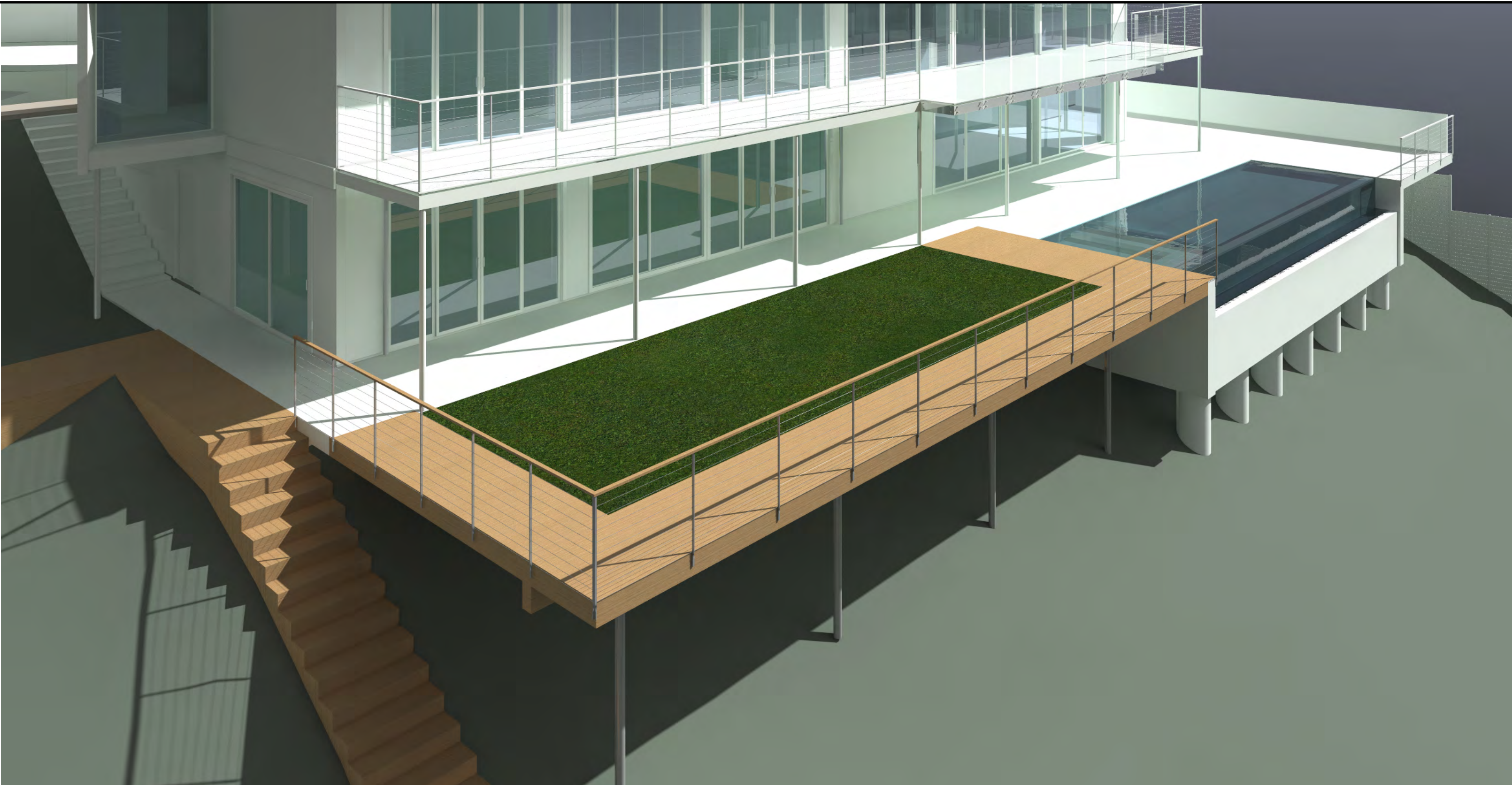
ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Piu Ghosh
Piu Ghosh
Planning Manager

/s/R Wang
R Wang
Chair, Planning Commission



NEW DECK, CONCRETE STEPS AND NEIGHBOR GATE FOR STEVE RIFAI AND TRISH BILLARD

ABBREVIATIONS

A.F.F.	ABOVE FINISHED FLOOR	J.H.	JOIST HANGER
AB	ANCHOR BOLT	JB	JUNCTION BOX
ABV.	ABOVE	JST.	JOIST
AC	AIR CONDITIONING	JT	JOINT
ADJ.	ADJUSTABLE	K.D.	KILD DRIED
ALUM.	ALUMINUM	L.H.	LEFT HAND
ASPH.	ASPHALT	LAV.	LAVATORY
B.O.	BOTTOM OF	LT.	LIGHT
B.U.R.	BUILT-UP ROOFING	MAX.	MAXIMUM
BD	BOARD	MED.	MEDIUM
BLDG.	BUILDING	MFR.	MANUFACTURER
BLKG.	BLOCKING	MIN.	MINIMUM
BLW.	BELOW	MIR.	MIRROR
BM.	BEAM	MTD.	MOUNTED
BRZ.	BRONZE	MTL.	METAL
BTW.	BETWEEN	(N)	NEW
C.I.	CAST IRON	N.T.S.	NOT TO SCALE
C.I.P.	CAST IN PIPE	NIC	NOT IN CONTRACT
C.	CLEAN OUT	OJ	OVER
CAB.	CABINET	OC	ON CENTER
CL	CENTER LINE	OPG.	OPENING
CLG.	CEILING	P.T.	PRESSURE TREATED
CLO.	CLOSET	PL.	PLATE
CLR.	CLEAR	PLAM.	PLASTIC LAMINATE
CMU	CONCRETE MASONRY UNIT	PLYWD.	PLYWOOD
COL.	COLUMN	PNL.	PANEL
CONC.	CONCRETE	PR.	PAIR
CONT.	CONTINUOUS	PTD.	PAINTED
CSK.	COUNTERSINK	R	RISER
CSMT.	CASEMENT	R.H.	RIGHT HAND
CTR.	CENTER	R.O.	ROUGH OPENING
CW	COLD WATER	R.W/L.	RAIN WATER LEADER
DF	DOUGLAS FIR	RAD. / R.	RADIUS
DH	DOUBLE HUNG	REINF.	REINFORCED
DIA.	DIAMETER	REQ'D	REQUIRED
DIM.	DIMENSION	RESIL.	RESILIENT
DISP.	GARBAGE DISPOSAL	RM.	ROOM
DN.	DOWN	RWD.	REDWOOD
DR.	DOOR	S.A.D.	SEE ARCHITECTURAL DRAWINGS
DTL	DETAIL	S.C.	SOLID CORE
DW	DISHWASHER	S.C.D.	SEE CIVIL DRAWINGS
DWG.	DRAWING	S.L.D.	SEE LANDSCAPE DRAWINGS
DWR.	DRAWER	S.P.	SOLID PIPE
(E)	EXISTING	S.S.	STAINLESS STEEL
EA.	EACH	S.S.D.	SEE STRUCTURAL DRAWINGS
EL.	ELEVATION	S.T.	STEEL TROWEL
ELEV.	ELEVATOR (OR ELEVATION)	SH.	SHIELD
EQ	EQUAL	SHR.	SHOWER
EXP.	EXPOSED	SIM.	SIMILAR
EXT.	EXTERIOR	SPK.	SPEAKER
F.G.	FINISHED GRADE/FIXED GLASS	STL.	STEEL
F.O.C.	FACE OF CONCRETE	STN.	STAIN
F.O.F.	FACE OF FINISH	T&G	TONGUE & GROOVE
F.O.S.	FACE OF STUD	T.	TREAD
FD	FLOOR DRAIN	TO.	TOP OF
FDN.	FOUNDATION	TO.C.	TOP OF CONCRETE
FIN.	FINISH	T.O.P.	TOP OF PLATE
FLR.	FLOOR	TO.S.	TOP OF STEEL / SLAB
FRPR.	FIREPROOFING	TO.W.	TOP OF WALL
FTG.	FOOTING	T.P.H.	TOILET PAPER HOLDER
G.I.	GALVANIZED IRON	T.S.	TUBE STEEL
G.W.B.	GYPSPUM WALLBOARD	THK.	THICKNESS
GL.	GLASS	TYP.	TYPICAL
H.C.	HOLLOW CORE	U.O.N.	UNLESS OTHERWISE NOTED
H.W.	HOT WATER	V.I.F.	VERIFY IN FIELD
HB	HOSEBIB	V.T.R.	VENT THROUGH ROOF
HDR.	HEADER	VP	VENT PIPE
HOR.	HORIZONTAL	W.O.	WHERE OCCURS
HT	HEIGHT	W.P.	WATERPROOFING
HTR.	HEATER	W.S.	WEATHER STRIPPING
I.D.	INSIDE DIAMETER	W/	WITH
I.D.	INSIDE DIAMETER	WC	WATER CLOSET
INS.	INSULATION	WD	WOOD
INT.	INTERIOR	WDW.	WINDOW
		WH	WATER HEATER

SYMBOLS

	GRID LINE - F.O.S. UNLESS OTHERWISE NOTED
	DIMENSION TO FACE OF FRAMING
	DIMENSION TO CENTERLINE
	DIMENSION TO FACE OF FINISH
	DETAIL REFERENCE SHEET LOCATION
	INTERIOR ELEVATION KEY AND SHEET LOCATION
	DOOR NUMBER, SEE DOOR SCHEDULE
	WINDOW NUMBER, SEE WINDOW SCHEDULE
	ELEVATION DATUM POINT
	CROSS SECTION SHEET LOCATION
	EXTERIOR ELEVATION
	SPOT ELEVATION
	DRAWING KEYNOTE
	MATCH LINE
	DRAWING REVISION

DIRECTORY

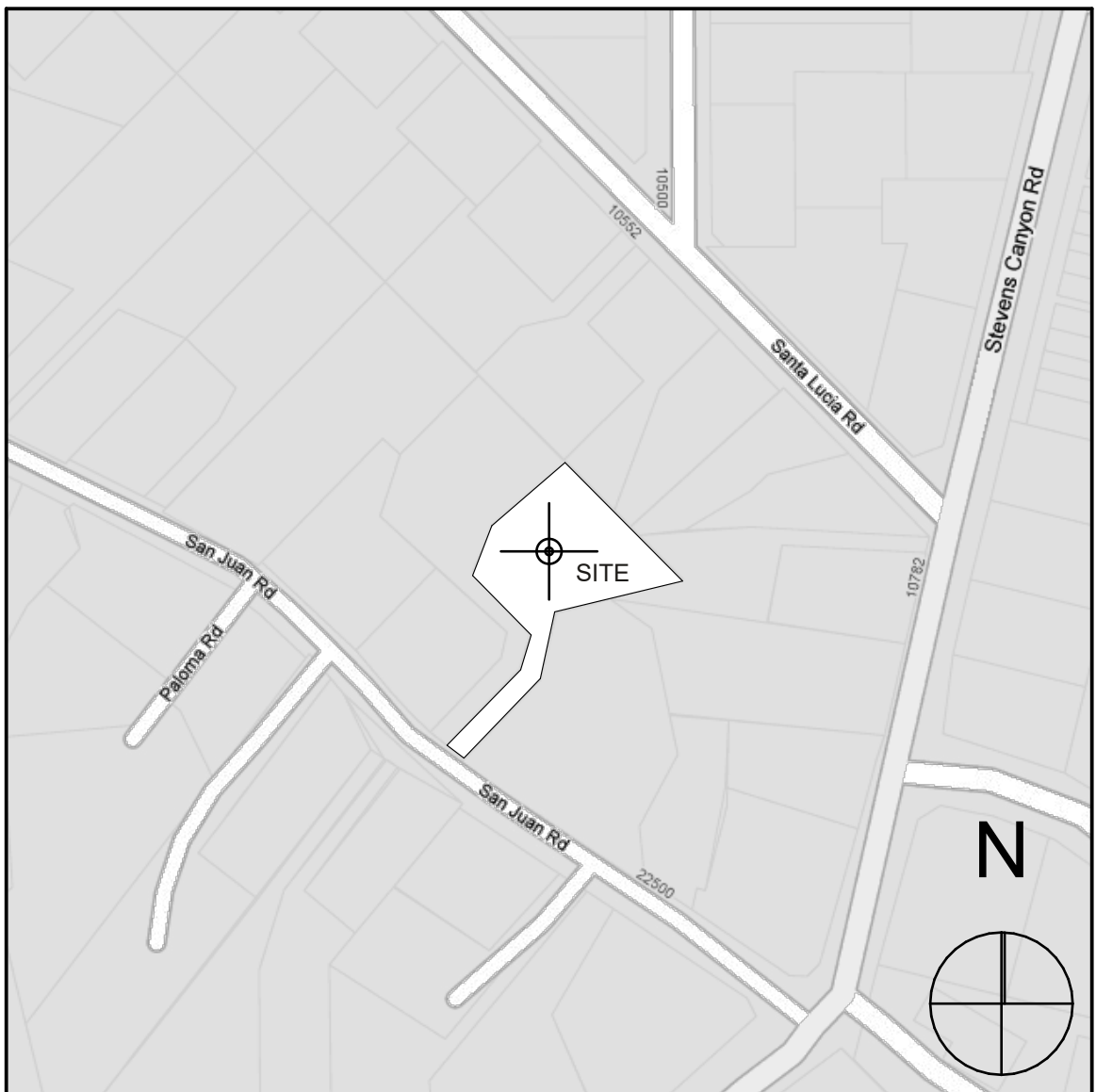
OWNER:	STEVE RIFAI AND TRISH BILLARD 22637 SAN JUAN RD., CUPERTINO, CA Tel: 408-230-5984 EMAIL: steve@endicia.com
ARCHITECT:	MODERN HOUSE ARCHITECTS 1265 INDIANA STREET SAN FRANCISCO CALIFORNIA TEL: (415) 800-8520 EMAIL: MODERNHOUSE@ME.COM
GENERAL CONTRACTOR:	*** GENRAL CONTRACTOR *** CONTACT ADDRESS CITY, STATE TEL: FAX:
CIVIL ENGINEER:	WESTFALL ENGINEERS BIG BASIN WAY SARATOGA CA PH:408-867-0244 EMAIL:karel@westf.com

NOTES

- PRIOR TO ANY SITE DISTURBANCE, A LICENSED SURVEYOR OR CIVIL ENGINEER SHALL STAKE THE BUILDING CORNERS, ESTABLISH AVERAGE NATURAL GRADE, AND SET A REFERENCE POINT (IF HEIGHT REFERENCE IS OTHER THAN NATURAL GRADE, LICENSED SURVEYOR OR CIVIL ENGINEER SHALL DETERMINE THE SPECIFIED REFERENCE POINT).
- CONSTRUCTION SHALL BE ENCLOSED BY 6' OPAQUE FENCE AT ALL TIMES DURING CONSTRUCTION.
- NO CONSTRUCTION MATERIAL, EQUIPMENT, PORTABLE TOILETS, TRASH CONTAINERS, OR DEBRIS SHALL BE PLACED IN THE PUBLIC RIGHT-OF-WAY.
- A TRASH CONTAINER SHALL BE MAINTAINED ON SITE AT ALL TIMES AND DEBRIS ON SITE WHICH COULD OTHERWISE BLOW AWAY, SHALL BE REGULARLY COLLECTED AND PLACED IN CONTAINER.
- ALL CONSTRUCTION DEBRIS (WOOD SCRAPS AND OTHER DEBRIS, WHICH CANNOT BLOW AWAY) SHALL BE PILED WITHIN THE PROPERTY LINES OF THE PROJECT IN A NEAT AND SAFE MANNER.
- PROJECT SHALL HAVE A SIGNAGE VIEWABLE FROM THE PUBLIC STREET THAT INDICATES THE HOURS OF CONSTRUCTION AS: MON-FRI FROM 7:30AM TO 6:00PM, SATURDAYS FROM 9:00AM TO 5:00PM.
- PRIOR TO REQUESTING A FOUNDATION INSPECTION BY THE CITY, THE GEOTECHNICAL ENGINEER OR CIVIL ENGINEER WHO PREPARED THE SOIL INVESTIGATION SHALL PROVIDE A FIELD REPORT (IN WRITING) WHICH SHALL STATE THE FOLLOWING:
A. THE BUILDING PAD WAS PREPARED AND COMPACTED IN ACCORDANCE WITH THE SOIL REPORT AND SPECIFICATIONS
B. THE FOUNDATION AND/OR PIER EXCAVATION, DEPTH AND BACKFILL MATERIALS, AND DRAINAGE (IF APPLICABLE) SUBSTANTIALLY CONFORM TO THE SOIL REPORT AND APPROVED PLANS.
- PRIOR TO FINAL INSPECTION FOR ANY BUILDING OR STRUCTURE, THE GEOTECHNICAL ENGINEER OR CIVIL ENGINEER WHO PREPARED THE SOIL INVESTIGATION SHALL ISSUE A FINAL REPORT STATING THE COMPLETED PAD, FOUNDATION, FINISH GRADING, AND ASSOCIATED SITE WORK SUBSTANTIALLY CONFORM TO THE APPROVED PLANS, SPECIFICATIONS, AND INVESTIGATION.
- POOL EXCAVATION, E.V. CHARGER AND CONSTRUCTION NOT APPROVED AS PART OF THIS PROJECT. A SEPARATE BUILDING PERMIT WILL BE OBTAINED PRIOR TO ANY POOL EXCAVATION/CONSTRUCTION.

ARCHITECT SHALL HAVE ACCESS TO THE SITE AT ALL TIMES

VICINITY MAP



PROJECT DATA

LOCATION:	22637 SAN JUAN ROAD CUPERTINO, CA 94022
APN:	342-17-064
ZONING:	RHS-30
LOT SIZE:	16,203 SQ. FT.
BLDG USE:	SINGLE FAMILY
LAND USE:	VERY LOW DENSITY (1/2 ACRE SLOPE DENSITY FORMULA)
CONSTRUCTION TYPE	TYPE V BLDG. CODE: 2019 CBC, CGB, CRC, CMC, CPC, CFC, CEC AND C ENERGY CODE
PROJECT SCOPE:	NEW DECK EXTENSION (862 SQ. FT.) TO ALIGN WITH EDGE OF ADJACENT POOL AND POOL DECK. ALSO THE ADDITION OF NEW WOODEN STEPS TO ACCESS REAR YARD AS WELL AS A NEW WOODEN WALK AND STOOP TO INCLUDE A NEW NEIGHBOR GATE IN EXISTING SIDE YARD FENCE

FLOOR AREA

PROPOSED FLOOR AREA:	
(E) WALKOUT BASEMENT	1,256 SQ. FT.
(E) FIRST FLOOR	2,370 SQ. FT.
(E) GARAGE	630 SQ. FT.
NEW DECK EXTENSION	862 SQ. FT.

BUILDING LOT COVERAGE:

PROPOSED LOT COVERAGE:	
TOTAL BUILDINGS:	2,664 sq. ft.
TOTAL LOT COVERAGE:	
MDA:	7,176 sq. ft.

DRAWING INDEX

CIVIL	
C1	TOPOGRAPHIC SURVEY
C2	GRADING & DRAINAGE PLAN

ARCHITECTURAL

A0.0	COVERSHEET
A0.3	WHITE MODEL RENDERING & COLOR/MATERIAL
A1.0	ARCHITECTURAL SITE PLAN
A2.1	NEW DECK EXTENSION PLAN
A3.1	SOUTH ELEVATION (PROPOSED)
A3.2	NORTH AND EAST ELEVATIONS(PROPOSED)
A4.1	SECTION

MODERN HOUSE

ARCHITECTURE & DESIGN

1245 Howard Ave.
Burlingame Ca. 94010
P. 650.347.9600
C. 415.596.7281
modernhouse@mac.com
www.modernhousearchitects.com



Curt Cline Architect

PLANNING PERMIT REVIEW SET
342-17-064
RIFAI RESIDENCE DECK EXTENSION
22637 SAN JUAN ROAD
CUPERTINO, CA

REVISIONS:	

COVERSHEET

SCALE : AS NOTED

DATE : 10/29/20

SHEET : A0.0

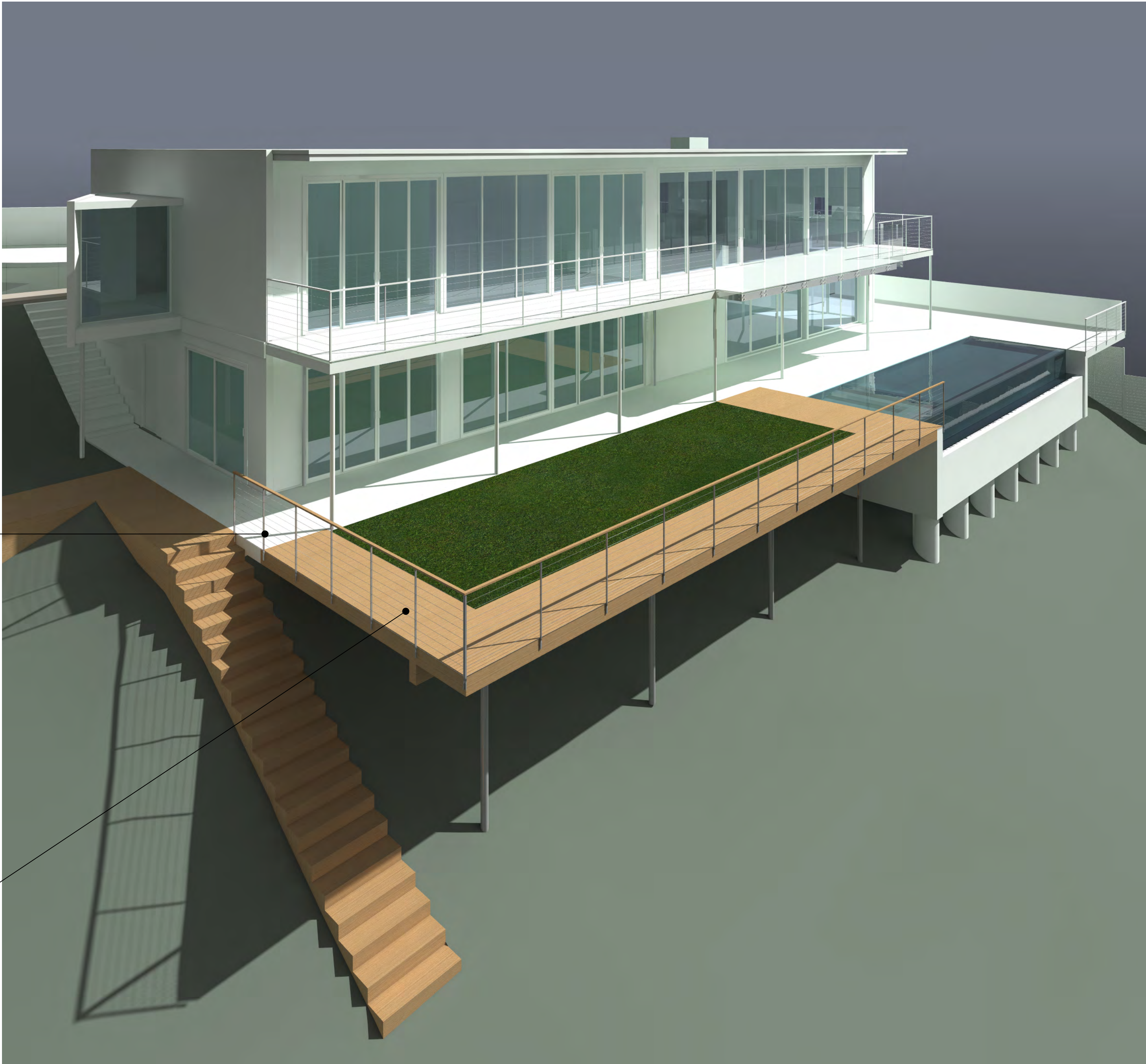
RESERVED FOR CITY STAMP



(E) REAR DECK AND GUARDRAIL PHOTO

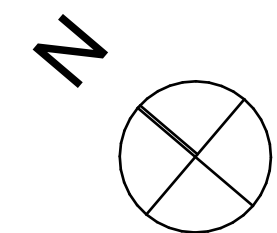
(N) CABLE GUARDRAIL
TO MATCH EXISTING

(N) IPE DECK WITH
NATURAL FINISH
TO MATCH EXISTING



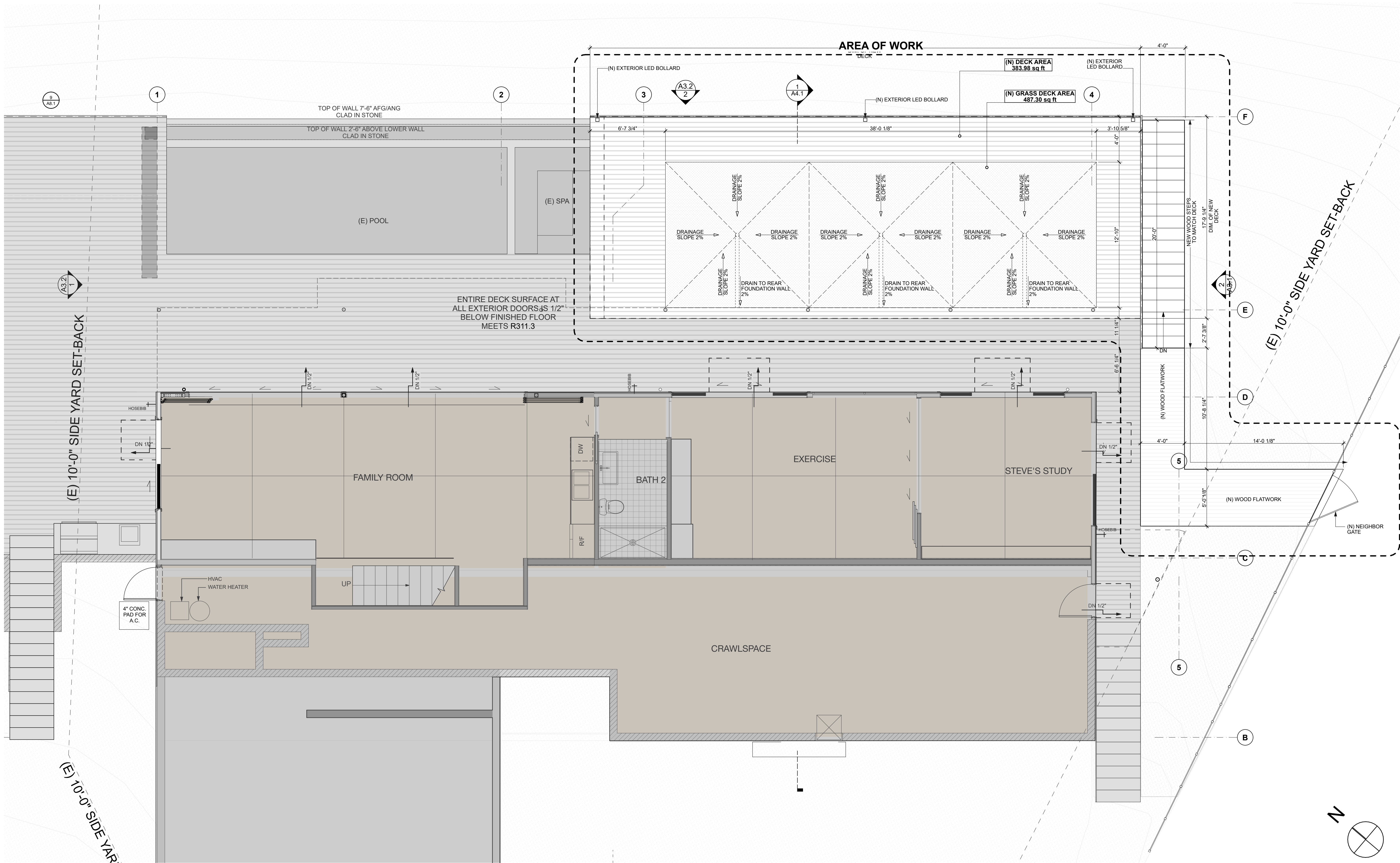
EXISTING REAR FACADE WITH PROPOSED DECK EXTENSION





FILE PATH: Users\moderndesignco\Desktop\00 Projects\Rifai\Rifai_DeckExtension 8-17-20.plt • LAST SAVED BY: Modern House - Natsumi • PRINTED ON 10/29/20 @ 4:14 PM
PROJECT COMPANY • RIFA RESIDENCE • A2.1

THESE DRAWINGS ARE THE ORIGINAL UNPUBLISHED WORK OF MODERN HOUSE ARCHITECTS. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
Curt Cline
MODERN HOUSE



- NOTES - FLOOR PLAN:**
- ALL GRIDLINES ARE TO FACE OF STUD, U.O.N.
 - ALL DIMENSIONS TO FACE OF STUD, U.O.N.
SEE DIMENSION SYMBOLS ON COVER SHEET

MODERN HOUSE

ARCHITECTURE
& DESIGN

1265 Indiana St.
San Francisco Ca. 94107
C. 415.596.7281
modernhouse@me.com
www.modernhousearchitects.com



Curt Cline Architect

PLANNING PERMIT REVIEW SET
342-17-064
RIFAI RESIDENCE DECK EXTENSION
22637 SAN JUAN ROAD
CUPERTINO, CA

Revisions:

**NEW DECK EXTENSION
PLAN**

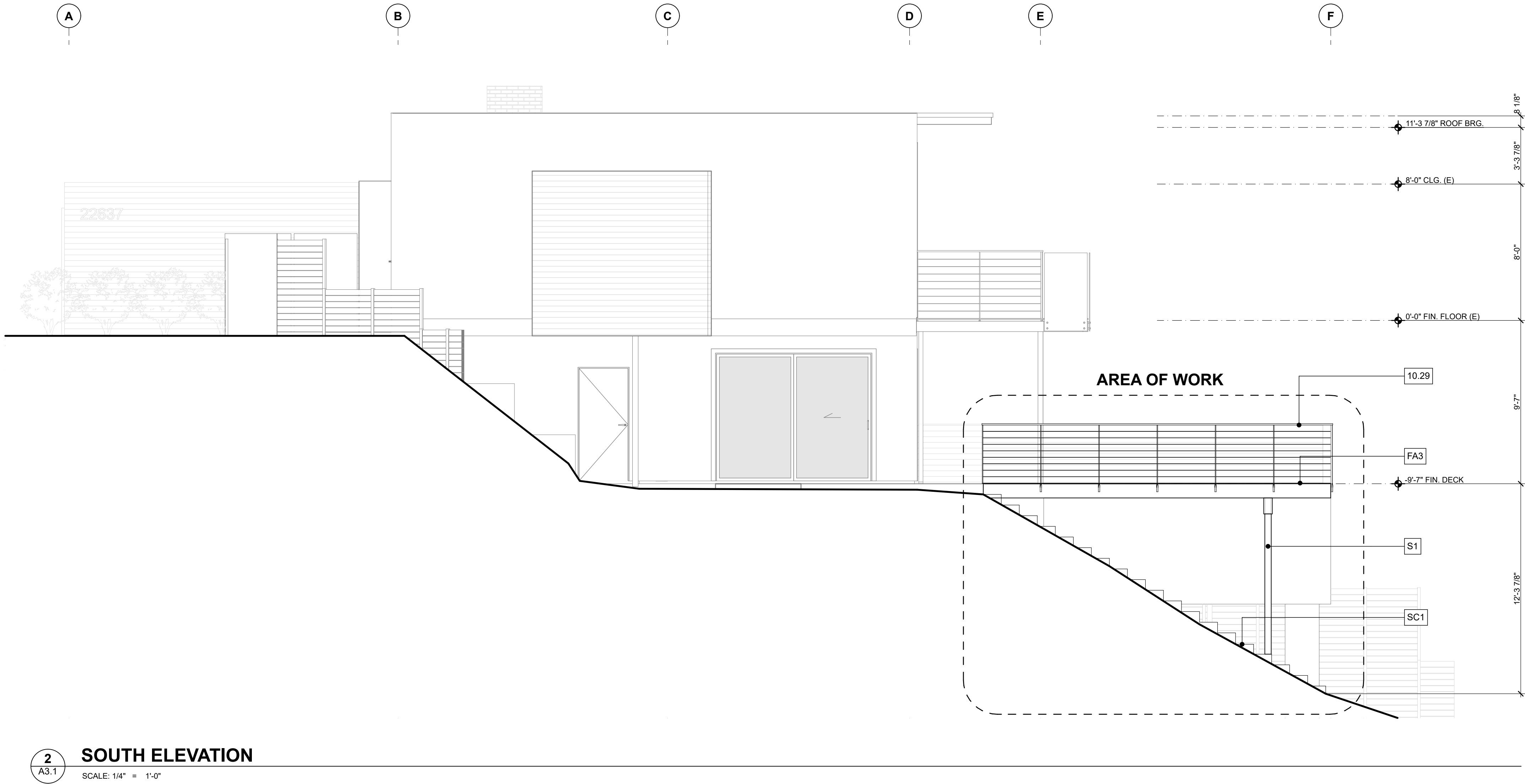
SCALE: AS NOTED

DATE: 10/29/20

SHEET: **A2.1**

FILE PATH: Users\moderndesignco\Desktop\00 Projects\Rifai\Rifai_DeckExtension 8-17-20.plt • LAST SAVED BY: Modern House - Natsumi • PRINTED ON 10/29/20 @ 4:15 PM
PROJECT COMPANY - RIFAI RESIDENCE - 4/15/2011 - A3.1

THESE DRAWINGS ARE THE ORIGINAL UNPUBLISHED WORK
OF MODERN HOUSE ARCHITECTS. NO PART OF THIS
DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN
ANY FORM OR BY ANY MEANS, ELECTRONIC OR
MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
Curt Cline
MODERN HOUSE



2
A3.1 **SOUTH ELEVATION**
SCALE: 1/4" = 1'-0"

NOTES: ELEVATION	
00	CONSTRUCTION ASSEMBLIES
FA3	(N) TYPICAL DECK CONSTRUCTION
SC1	(N) WOODEN STAIR CASE
10	SPECIALTIES
10.29	MIN. 42" TALL CABLE GUARDRAIL TO MATCH EXISTING

ANY CHANGES TO THE APPROVED COLORS,
MATERIALS, AND EXTERIOR FINISHES SHALL
BE REVIEWED AND APPROVED BY THE CITY
OF CUPERTINO PLANNING DIVISION PRIOR TO
INSTALLATION/APPLICATION.

**MOD
ERN
HOUSE**

ARCHITECTURE
& DESIGN

1265 Indiana St.
San Francisco Ca. 94107
C. 415.596.7281
modernhouse@me.com
www.modernhousearchitects.com



Curt Cline Architect

PLANNING PERMIT REVIEW SET
342-17-064
RIFAI RESIDENCE DECK EXTENSION
22637 SAN JUAN ROAD
CUPERTINO, CA

Revisions:

**SOUTH ELEVATION
(PROPOSED)**

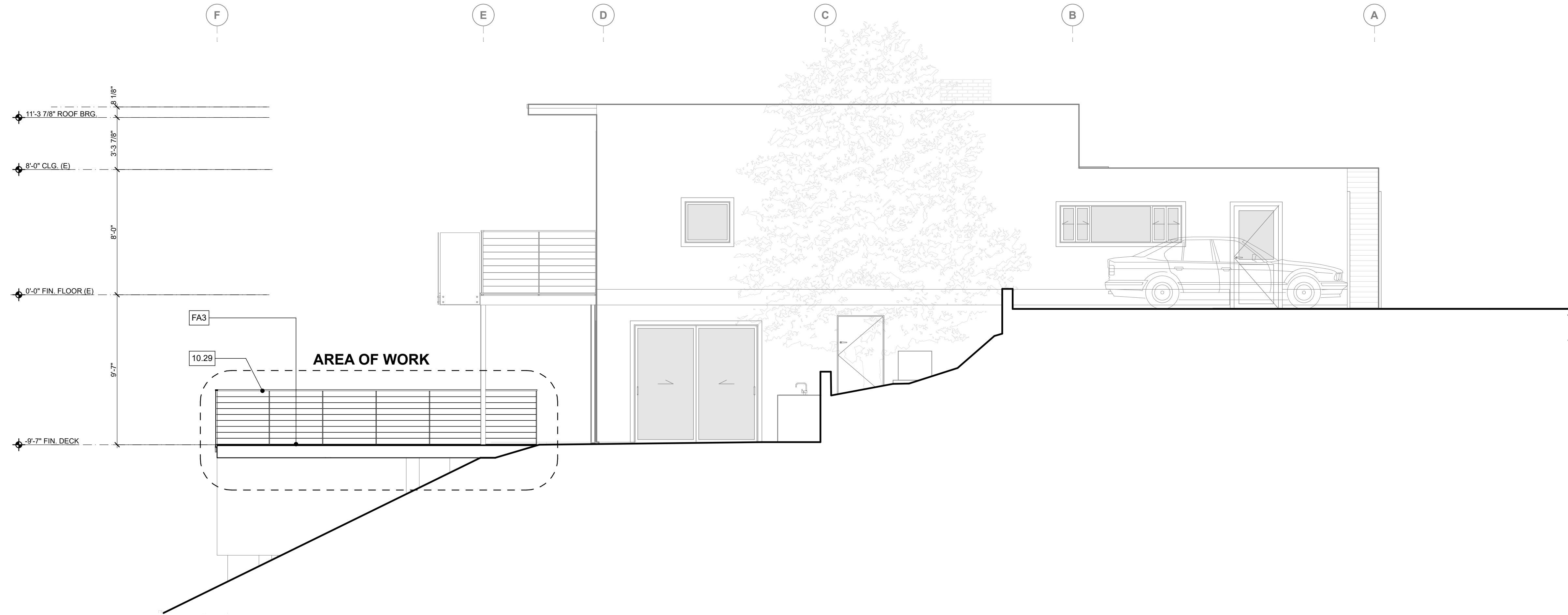
SCALE : AS NOTED

DATE : 10/29/20

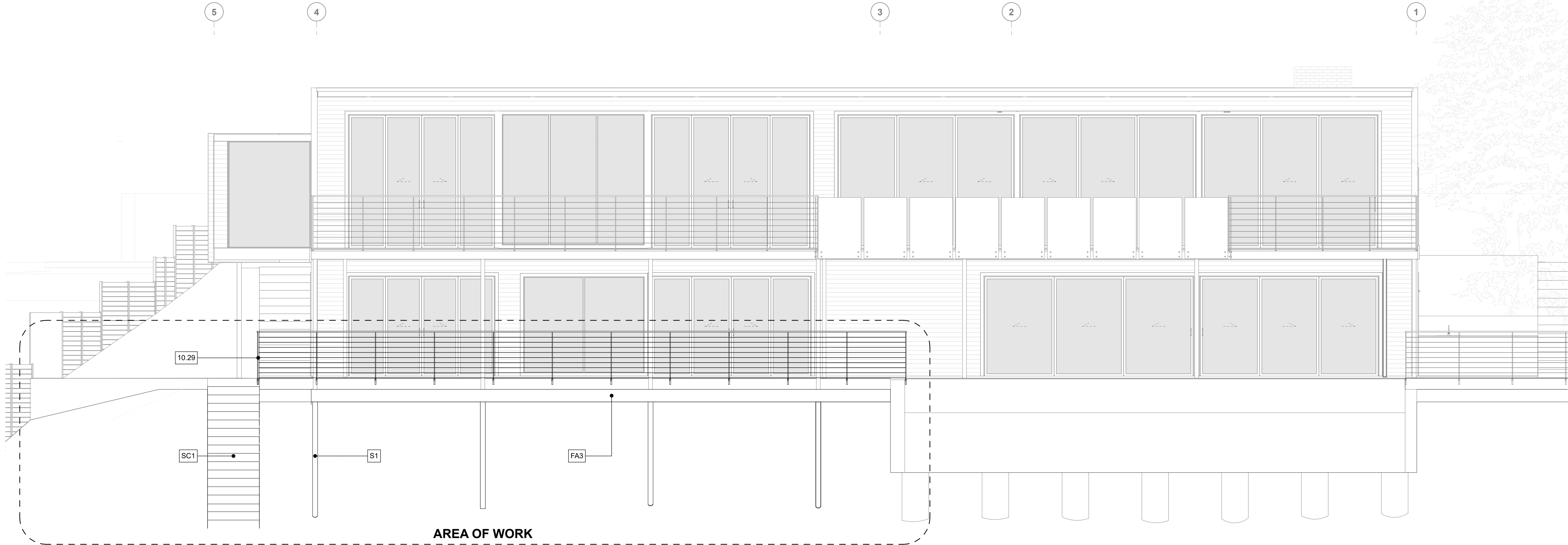
SHEET : **A3.1**

FILE PATH: Users\moderndesignco\Desktop\00 Projects\Rifa\Rifa_DeckExtension 8-17-20.plt • LAST SAVED BY: Modern House - Natsumi • PRINTED ON 10/29/20 @ 4:15 PM
PROJECT COMPANY • RIFA RESIDENCE • 4/15/2011 • A3.2

THESE DRAWINGS ARE THE ORIGINAL UNPUBLISHED WORK OF MODERN HOUSE ARCHITECTS. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
Curt Cline
MODERN HOUSE



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTES: ELEVATION

00	CONSTRUCTION ASSEMBLIES
FA3	(N) TYPICAL DECK CONSTRUCTION
S1	(N) STRUCTURAL COLUMN
SC1	(N) WOODEN STAIR CASE

10 SPECIALTIES

10.29	MIN. 42" TALL CABLE GUARDRAIL TO MATCH EXISTING
-------	--

ANY CHANGES TO THE APPROVED COLORS, MATERIALS, AND EXTERIOR FINISHES SHALL BE REVIEWED AND APPROVED BY THE CITY OF CUPERTINO PLANNING DIVISION PRIOR TO INSTALLATION/APPLICATION.

MODERN
HOUSE

ARCHITECTURE
& DESIGN

1265 Indiana St.
San Francisco Ca. 94107
C. 415.596.7281
modernhouse@me.com
www.modernhousearchitects.com



Curt Cline Architect

PLANNING PERMIT REVIEW SET
342-17-064
RIFA RESIDENCE DECK EXTENSION
22637 SAN JUAN ROAD
CUPERTINO, CA

Revisions:

NORTH AND EAST
ELEVATIONS(PROPOSED)

SCALE : AS NOTED

DATE : 10/29/20

SHEET : A3.2

LED Garden and Pathway Bollard - 77277 / 77276

By BEGA



Product Options

Finish: Black, Bronze

Model: In-Ground

Details

- Designed in 2015
- Made in USA

Dimensions

Fixture: Width 3.5", Height 9.9", Depth 3.5"

Lighting

- Integrated LED

Additional Details

Product URL:
<https://www.ylighting.com/led-garden-and-pathway-luminaire-77276-by-bega-BEGP15078-6.html>

Product ID: BEGP150786

Prepared by:

Project:

Room:

Placement:

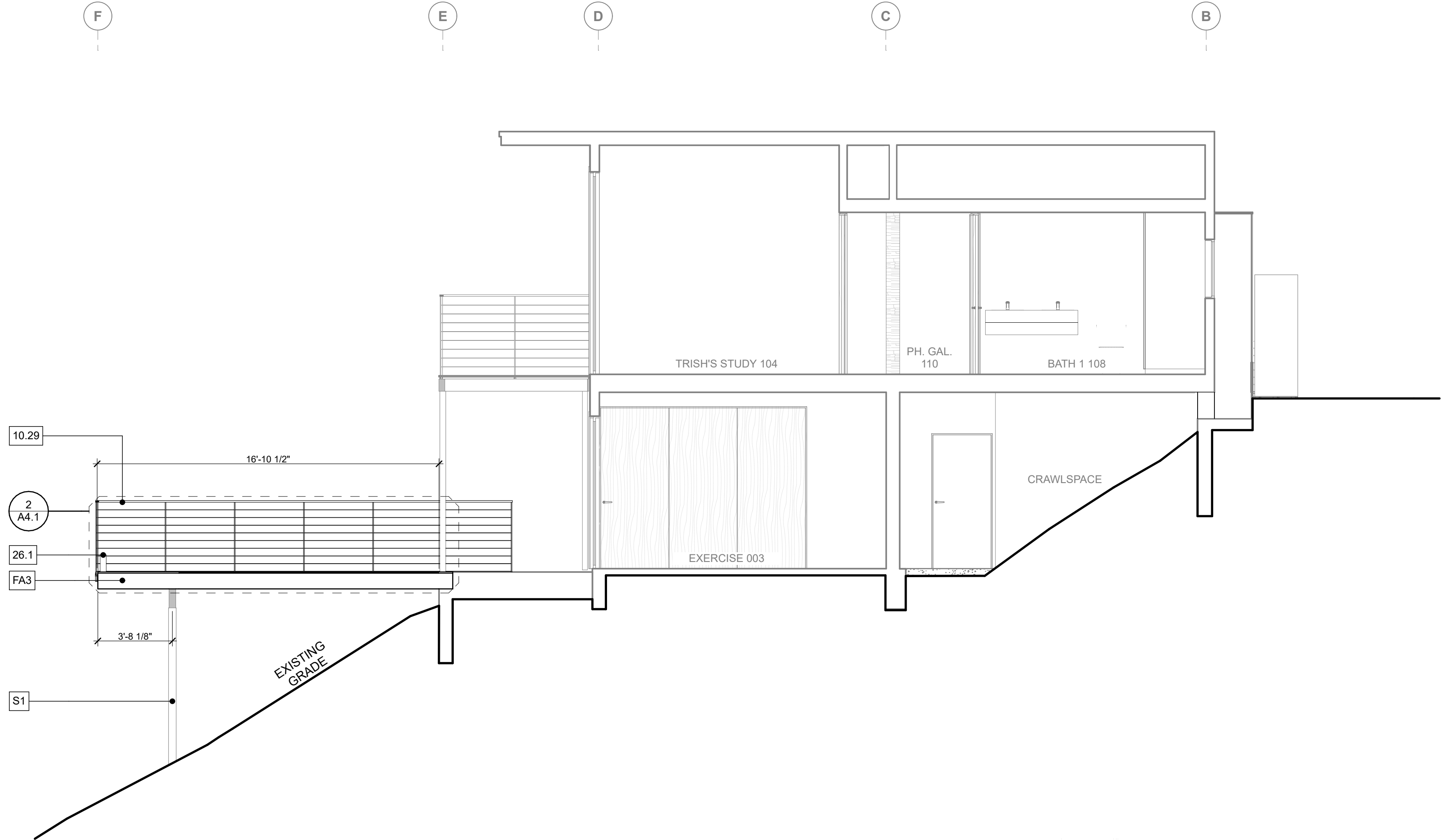
Approval:



Notes:



Created March 11th, 2020



NOTES: SECTION

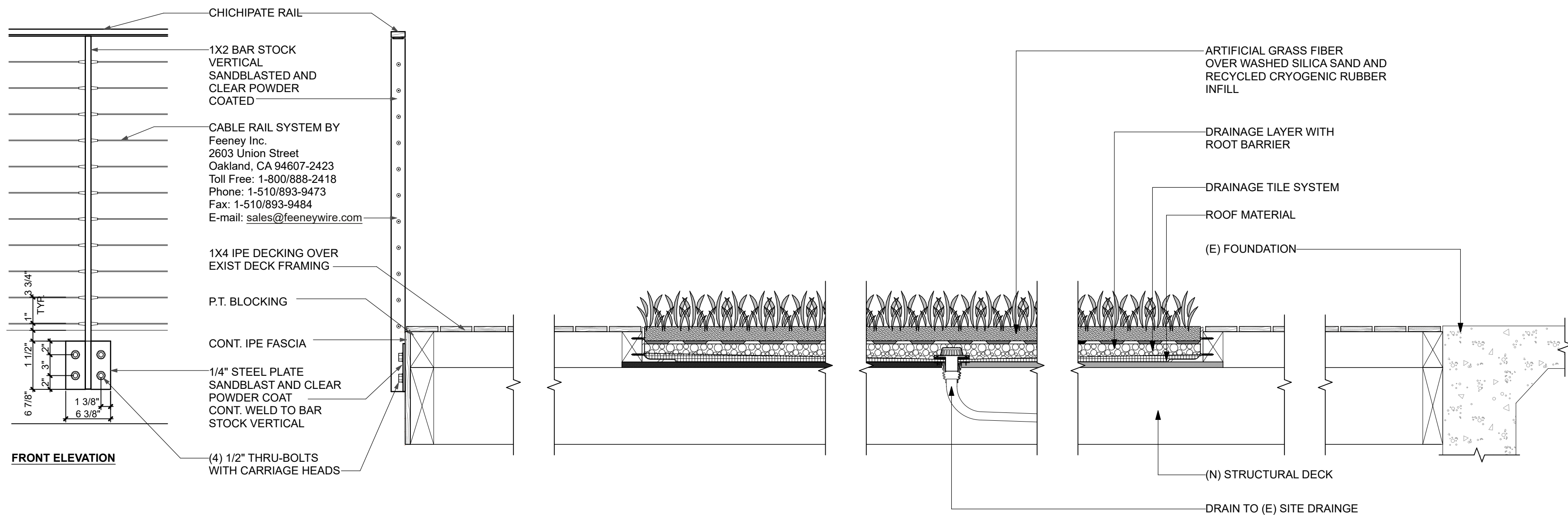
- | | |
|-----|-------------------------------|
| 00 | CONSTRUCTION ASSEMBLIES |
| FA3 | (N) TYPICAL DECK CONSTRUCTION |
| S1 | (N) STRUCTURAL COLUMN |
-
- | | |
|-------|--|
| 10 | SPECIALTIES |
| 10.29 | MIN. 42" TALL CABLE GUARDRAIL
TO MATCH EXISTING |
-
- | | |
|------|--|
| 26 | ELECTRICAL |
| 26.1 | (N) EXTERIOR BOLLARD FIXTURE
LED GARDEN AND PATHWAY BOLLARD - 77277
DIMENSIONS: 3.5"W X 9.9"H X 3.5"D
MANF.: BEGA |

3 EXTERIOR LIGHTING SPECIFICATION

SCALE: 1:1.11

1 CROSS SECTION AT NEW DECK

SCALE: 1/4" = 1'-0"



2 SECTION AT NEW DECK

SCALE: 1" = 1'-0"

MODERN HOUSE

ARCHITECTURE
& DESIGN

1265 Indiana St.
San Francisco Ca. 94107
C. 415.596.7281
modernhouse@me.com
www.modernhousearchitects.com



Curt Cline Architect

PLANNING PERMIT REVIEW SET
342-17-064
RIFAI RESIDENCE DECK EXTENSION
22637 SAN JUAN ROAD
CUPERTINO, CA

Revisions:

SECTION

SCALE: AS NOTED

DATE: 10/29/20

SHEET: A4.1