

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

DRAFT RESOLUTION

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO
APPROVING A HILLSIDE EXCEPTION TO ALLOW THE CONSTRUCTION
OF A NEW 3,245-SQUARE-FOOT SINGLE-FAMILY RESIDENCE ON SLOPES
GREATER THAN 30% LOCATED AT 22823 SAN JUAN ROAD

SECTION I: PROJECT DESCRIPTION

Application No.: EXC-2014-15 (EA-2014-08)
Applicant: Amy Cheng
Location: 22823 San Juan Road (APN 342-22-078)

SECTION II: FINDINGS FOR DEVELOPMENT PERMIT:

WHEREAS, the Planning Commission of the City of Cupertino received an application for a Development Permit as described in Section I. of this Resolution; and

WHEREAS, the Environmental Review Committee has recommended adoption of a Mitigated Negative Declaration; 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 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 the public health and safety.
The proposed site is situated on the northside of San Juan Road. The lot is currently vacant and surrounded by existing hillside single-family residences in the Inspiration Heights area of the city. 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 an existing private driveway that is shared by other residences. The project proposes six parking spaces on site, thus minimizing the amount of parking on the shared access roadway. 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 properties will be accessed by a shared private driveway from San Juan Road. A shared maintenance agreements is already recorded for the driveway. In addition, sewer and water connections are available in the street. The development has legal access to public streets and public services are available 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.

Aside from the exception to allow construction of slopes greater than 30%, the proposed development complies with all other development regulations of the RHS 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.

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 average slope of the parcel is 55%, with no part being less than 30%. Therefore, no location on the parcel can be developed without a hillside exception. 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.

Design-level geotechnical plans shall be provided to the satisfaction of the City Building Official and all foundational piers shall extend into the bedrock. Additionally, a geotechnical consultant shall review and approve all geotechnical aspects of the project's building and grading plans to ensure the recommendations are incorporated. With the incorporation of the recommendations provided in the geotechnical report, 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 development will follow as closely as possible the primary natural contour of the lot to minimize erosion and scarring of the hillsides caused by necessary construction of the housing site and improvements.

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8. 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 development on the property shall use natural earth tone and/or vegetation colors which blend with the natural hillside environment and is designed in such a manner as to reduce the effective visible mass as much as possible.
 9. 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 proposed residence is located adjacent to an access road and preserves the vast majority of the existing natural landscape. The parcel is adjacent to other properties with a similar zoning and are developed. 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.
 10. The proposed development is otherwise consistent with the City's General Plan and Zoning Ordinance as described in Section 19.40.010.
The development meets all the requirements for RHS zoned properties and is consistent with the City's General Plan and Zoning Ordinance as described in Section 19.40.010.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of the initial study, maps, facts, exhibits, testimony and other evidence submitted in this matter, subject to the conditions which are enumerated in this Resolution beginning on PAGE 2 thereof,;

A Mitigated Negative Declaration (Application no. EA-2014-08) is hereby recommended for adoption; and the application for a Hillside Exception, Application no. EXC-2014-15 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. EXC-2014-15 as set forth in the Minutes of Planning Commission Meeting of January 17, 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 recommendation is based on the plan set dated March 01, 2016 consisting of 10 sheets, labled A-0.0, A-1.0, A-2.0, A3.0, A3.1, A3.2, Sheet 1, Sheet 2, and Civil Sheet 1 entitled, "Amy Project, 22823 San Juan Rd., Cupertino, CA 95014," drawn and submitted by SC Design Group; except as may be amended by conditions in this resolution.

2. ACCURACY OF PROJECT PLANS

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

3. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file nos. TR-2014-70 shall be applicable to this approval.

4. EXTERIOR BUILDING MATERIALS/TREATMENTS, LANDSCAPING

Final building exterior treatment plan (including but not limited to details on exterior color, material, architectural treatments and/or embellishments, lighting, retaining walls and landscaping) shall be reviewed and approved by the Director of Community Development prior to issuance of building permits for compliance to RHS zoning and other relevant regulations. Any exterior changes determined to be substantial by the Director of Community Development shall require a modification approval.

5. DEVELOPMENT ALLOCATION

The applicant shall receive an allocation of one residential unit from the Other Residential Neighborhoods residential allocation area.

6. 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. The estimated mitigation fee for this project is **\$40,433.76** based on the 2016-2017 fiscal year rate of \$15.48 per square foot of residential area.

7. 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.

8. LANDSCAPE PROJECT SUBMITTAL

Prior to issuance of building permits, the applicant shall submit a full landscape project submittal per section 14.15.040 of the Landscaping Ordinance. The Water-Efficient Design Checklist (Appendix A of Chapter 14.15), Landscape and Irrigation Design Plans, and Water Budget Calculations shall be reviewed and approved to the satisfaction of the Director of Community Development prior to issuance of building permits.

9. LANDSCAPE INSTALLATION REPORT

A landscape installation audit shall be conducted by a certified landscape professional after the landscaping and irrigation system have been installed and prior to final occupancy. The findings of the assessment shall be consolidated into a landscape installation report.

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

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

10. LANDSCAPE AND IRRIGATION MAINTENANCE

A maintenance schedule shall be established and submitted to the Director of Community Development or his/her designee, either with the landscape application package, with the landscape installation report prior to issuance of final occupancy, or any time before the landscape installation report is submitted prior to issuance of building permits.

- a) Schedules should take into account water requirements for the plant establishment period and water requirements for established landscapes.
- b) Maintenance shall include, but not be limited to the following: routine inspection; pressure testing, adjustment and repair of the irrigation system; aerating and de-thatching turf areas; replenishing mulch; fertilizing; pruning; replanting of failed plants; weeding; pest control; and removing obstructions to emission devices.
- c) Failed plants shall be replaced with the same or functionally equivalent plants that may be size-adjusted as appropriate for the stage of growth of the overall installation. Failing plants shall either be replaced or be revived through appropriate adjustments in water, nutrients, pest control or other factors as recommended by a landscaping professional.

11. TREE PROTECTION

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 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.

12. COMPLIANCE WITH MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

The project shall be required to adhere to the mitigation measures identified in the Mitigated Negative Declaration (EA-2014-08) and Mitigation Monitoring and Reporting Program (MMRP) for the project.

13. GEOLOGY AND SOILS MITIGATION MEASURES

MM GEO-1: Recommended a minimum of 2 discharges along this slope, and that the applicant should consider carrying water in a tightline pipe to drainage facilities downslope, with the neighbor's approval. We would prefer to see all drainage directed to San Juan Road, or to Mercedes Road with neighboring cooperation. If this is not possible, then we recommend, at a minimum, that two discharge locations be identified by the

Project Geotechnical Consultant, with widely dispersed (minimum 20 feet) dissipation pipes.

MM GEO-2: All retaining and residential structures at this site be pier supported. The consultant should review the plans and provide pier recommendations, as deemed appropriate.

MM GEO-3: Due to the steepness of this lot, grading shall not be permitted during the winter rainy season.

MM GEO-4: Prior to issuance of Building Permits, the applicant's geotechnical consultant should review and approve all geotechnical aspects of the Grading and Drainage Plan and the Development Plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations and retaining walls) to ensure that their recommendations have been properly incorporated. The results of the Drainage Considerations, Retaining Wall Design Criteria, and Geotechnical Plan Review should be submitted to the City for review and approval by the City Geotechnical Consultant and City Engineer.

MM GEO-5: Prior to final (as-built) project approval 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 foundations and retaining walls prior to the placement of steel and concrete.

The Project Geologist should be on site during the pier drilling operations to assure that piers are embedded into competent bedrock materials, and that bedrock materials are as anticipated. Consideration should be given to downhole logging select pier excavations to assure bedrock conditions are as anticipated.

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 prior to final project approval.

14. AIR QUALITY MITIGATION MEASURES

MM AIR-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.
- 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.

15. BIOLOGICAL RESOURCES

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.

MM BIO-2:

- A qualified arborist be required to inspect the root damage of Tree # 7 at the time of footing excavation to determine whether or not Tree # 7 could be preserved. All trees to be preserved on the property and all trees adjacent to the property shall be protected against damage during construction operations by constructing a four-foot-high fence around the drip line, and armor as needed. The extent of fencing and armoring shall be determined by the landscape architect. The tree protection shall be placed before any excavation or grading is begun and shall be maintained in repair for the duration of the construction work.
- 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.

16. CULTURAL RESOURCES MITIGATION MEASURES

MM HAZ-1.4: 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.

17. NOISE MITIGATION MEASURES

MM NOI-1: The following construction noise mitigation measures shall be taken in order to reduce noise event impacts to nearby receptor areas:

- 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.

18. 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) 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

19. CONSTRUCTION HOURS

The applicant shall comply with the construction hours standards described in section 10.48 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.

20. DEMOLITION REQUIREMENTS

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

21. 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.

22. INDEMNIFICATION

To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void this ordinance 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 City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

23. 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. PRIVATE UTILITY SERVICES

Developer shall work with both the City and affected neighboring property owners regarding the installation of private utility services to the property. Work associated with private utility construction will include obtaining the necessary permits and approvals from the respective utility companies and restoring the existing road pavement to pre-construction conditions.

2. STREET WIDENING AND DEDICATIONS

Public street widening and dedications shall be provided in accordance with City Standards and specifications and as required by the City Engineer.

3. CURB AND GUTTER IMPROVEMENTS

Curbs and gutters, sidewalks and related structures shall be installed in accordance with grades and standards as specified by the City Engineer.

4. STREET LIGHTING INSTALLATION

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

5. GRADING

At Building Permit stage, Civil Engineer shall work with the Project's Geotechnical Consultant and Public Works to modify the grading & drainage design, especially the stormwater energy dissipator. Provide a profile plan of the proposed storm system with dissipator. Demonstrate the size of dissipator is sized appropriately and away from the property boundary. A letter from the Geotechnical Consultant will be required for the review and approval of all geotechnical aspects of the final grading & drainage plan.

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.

6. 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.

7. UNDERGROUND UTILITIES

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

8. 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%)
b. Grading Permit:	\$ Per current fee schedule (\$2,825.00 or 6%)
c. Development Maintenance Deposit:	\$ 1,000.00
d. Storm Drainage Fee:	\$ 1,280
e. Power Cost:	**
f. Map Checking Fees:	\$ Per current fee schedule (N/A)
g. Park Fees:	\$ 63,000.00

** 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.

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. 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

Any required 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. NPDES CONSTRUCTION GENERAL PERMIT

When and where it is required by the State Water Resources Control Board (SWRCB), the developer must obtain a Notice of Intent (NOI) from the SWRCB, which encompasses preparation of a Storm Water Pollution Prevention Plan (SWPPP), use of construction Best Management Practices (BMPs) to control storm water runoff quality, and BMP inspection and maintenance.

13. 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.

14. 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.

15. OPERATIONS & MAINTENANCE AGREEMENT

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

16. FIRE PROTECTION

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

17. 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).

18. FIRE HYDRANT

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

19. DEDICATION OF WATERLINES

Developer shall dedicate to the City all water mains and public water appurtenances installed to City Standards and shall reach an agreement with San Jose Water Company for water service to the subject development.

20. 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.

21. SANITARY DISTRICT

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

22. UTILITY EASEMENTS

Clearance approvals from the agencies with easements on the property (including PG&E, AT&T, the water company, and/or equivalent agencies) will be required 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

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background. CFC Sec. 505.

SECTION VI: CONDITIONS ADMINISTERED BY THE CUPERTINO BUILDING DEPARTMENT

1. FIRE RESISTIVE CONSTRUCTION

Walls less than five (5) feet from the property line shall be one-hour fire-resistive construction per CRC Section 302.1. Metal railings are not allowed at carport parapet adjacent to east property line per CRC Section 705.11 and shall be of one-hour construction.

PASSED AND ADOPTED this 17th day of January, 2017, Special Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS: none
NOES: COMMISSIONERS: none
ABSTAIN: COMMISSIONERS: none
ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

Benjamin Fu
Assist. Director of Community Development

Alan Takahashi, Chair
Planning Commission