

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 4,077 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITHIN
THE 15% SITE LINE OF A PROMINENT RIDGELINE LOCATED AT
21650 RAINBOW COURT, APN# 366-38-007

WHEREAS, the proposed development ("Project") consists of a Hillside Exception permit for the construction of a new 4,076 square foot single-family residence within the 15% site line of a prominent ridgeline (Application No.: EXC-2018-07; Applicant: Walter Chapman; Location: 21650 Rainbow Court; APN: 366-38-007); 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 August 13, 2019 and incorporated herein; and

WHEREAS, on August 13, 2019, 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 Planning Commission of the City of Cupertino is the decision-making body for this Resolution; and

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

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 situated at the end of Rainbow Court and 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 residence will be serviced by a new driveway located off an existing street. A portion of the private road is located on the subject site. The location of the driveway is consistent with the location of driveways for adjacent properties. The proposed 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 is accessed by Rainbow Court. 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 prescribed in this chapter necessary to accomplish a reasonable use of the parcel;

Any onsite development that disrupts the 15% site line of the prominent ridgeline would require a Hillside Exception. Development cannot feasibly occur on the property without a Hillside Exception request as the site is constrained by a prominent ridgeline that runs along the western portion of the property. The site is constrained by steep slopes and an emergency access easement 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 landscaping and reduce the visibility of retaining walls 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 on the most relatively flat and previously graded portion of the property in order to avoid excessive grading of the site. Further, the site is constrained by steep slopes and an emergency access easement 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 landscaping and reduce the visibility of all retaining walls necessary to develop the property in a manner consistent with the purpose of the Hillside Ordinance.

Other alternative locations for development on the parcel would result in greater grading on the site, removal of additional landscaping and/or native trees, and possibly increased disruption of the 15% site line of the prominent ridgeline. 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 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 proposed development will be located in the previously graded portion of the property in order to avoid excessive grading of the site. Further, the site is constrained by steep slopes and an emergency access easement 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 landscaping and reduce the visibility of all retaining walls necessary to develop the property in a manner consistent with the purpose of the Hillside Ordinance.

Other alternative locations for development on the parcel would result in greater grading on the site, removal of additional landscaping and/or native trees, and possibly increased disruption of the 15% site line of the prominent ridgeline. The proposed development will be located to minimize environmental and grading impacts on the site.

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 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.

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, 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

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.

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.

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. The exemption in CEQA Guidelines section 15303 applies to new construction or conversion of single-family residences, and none of the exceptions to the categorical exemptions in CEQA Guidelines section 15300.2 apply.
2. Approves the application for a Hillside Exception, Application no. EXC-2018-07 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-2018-07 as set forth in the Minutes of Planning Commission Meeting of August 13, 2019, 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 12 sheets, labeled Sheets A-1 through A-10 entitled, "Michal & Zuri Barniv," drawn and submitted by Chapman Design Associates, the Topographic and Boundary Survey consisting of one (1) sheet, submitted by Barber Surveying, Inc., the Grading and Drainage Plan consisting of three (3) sheets, labeled C1 through C3, drawn by Green Civil Engineering, Inc., and the landscape plan consisting of two (2) sheets, labeled L1 and L2, drawn by W. Jeffrey Heid.

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. BASEMENT LIGHTWELLS

Prior to Building Permit submittal, the basement lightwell design shall be revised to be the minimum required by the California Building Code for egress, light, and ventilation per the Cupertino Municipal Code Section 19.28.070(I).

5. 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.

6. 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.**

7. 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

8. 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.**

9. 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**.

10. 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.

11. 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.

12. 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. EASEMENT DEDICATION

Dedicate additional Emergency Access Easement to align with the proposed driveway alignment.

2. CURB AND GUTTER IMPROVEMENTS

Curbs and gutters, driveway approach and related structures shall be installed in accordance with grades and standards as specified by the Director of Public Works.

3. 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.

At Building Permit stage, submit updated Geotechnical Report and/or letter as necessary to include any updated recommendations related to the project's grading, storm drainage system, site retaining wall, slope stabilization, and foundation work. The condition of the existing site retaining wall will need to be further evaluated at the Building Permit application stage.

4. 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 so that post-project runoff does not exceed estimated pre-project runoff rates and durations.

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.

All storm drain inlets shall be clearly marked with the words “No Dumping – Flows to Creek” using permanently affixed metal medallions or equivalent, as approved by the Environmental Programs Division.

5. TRAFFIC IMPACT FEES

The Project is subject to the payment of Traffic Impact Fees under City's Transportation Impact Fee Program under (Chapter 14.02 of the Cupertino Municipal Code).

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 (\$857)
b. Grading Permit:	\$ Per current fee schedule (\$2,941 or 6% of improvement costs)
c. Storm Drainage Fee:	\$ Per current fee schedule(\$2,402 per AC)
d. Traffic Impact Fee (TIF)	\$ Per current fee schedule (\$6,177 per unit)
e. Encroachment Permit Fee	\$ Per current fee schedule (\$2,537)
f. Storm Management Plan Fee:	\$ Per current fee schedule (\$1,382)
g. 3rd Party Geotechnical & Structural	Based on actual cost plus 15% Admin. Fee

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 Director of Public Works.

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.

8. SURVEYS

A Boundary Survey and a horizontal control plan will be required for all new construction to ensure the proposed building will be set based on the boundary survey and setback requirements.

9. 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 Director of Public Works.

10. TRANSFORMERS AND CABINETS

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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. TRAFFIC CONTROL PLAN

The developer must 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. 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.

17. FIRE PROTECTION

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

18. 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).

19. FIRE HYDRANT

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

20. SAN JOSE WATER SERVICE COMPANY CLEARANCE

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

21. 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.

22. SANITARY DISTRICT

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

23. UTILITY EASEMENTS

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

24. GEOTECHNICAL PLAN REVIEW AND DETENTION TANK FEASIBILITY LETTER

The Project Geotechnical Consultant should review the development plans to assure that the plans are in conformance with the geotechnical design recommendations. The Consultant should provide a letter that indicates that the foundation of the proposed detention tank is currently being investigated and designed to assure long-term stability of this feature. The Consultant should indicate whether the existing detention tank location is feasible in its current location. The Geotechnical

Plan Review shall be submitted to the City for review and approval by City staff and the City Geotechnical Consultant prior to issuance of building permits.

25. SUPPLEMENTAL GEOTECHNICAL CRITERIA

Prior to issuance of building permits, the Project Geotechnical Consultant shall provide geotechnical design recommendations to assure that the detention tank and associated drainage facilities are founded in stable bedrock materials. A geologic cross section should be generated through the site to depict the subsurface earth materials in relation to the existing foundation, proposed structures (residence with basement, and detention basins), and artificial fill.

SECTION V: CONDITIONS ADMINISTERED BY THE SANTA CLARA COUNTY FIRE DEPARTMENT

1. FIRE SPRINKLERS REQUIRED

An automatic residential fire sprinkler system shall be installed in all new one- and two-family dwellings. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by CUPMC. Note provided on Sheet A-1 indicating an automatic fire sprinkler system will be provided and installed per NFPA 13D 2016 edition.

2. WATER SUPPLY REQUIREMENTS

Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record.

Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7

3. CONSTRUCTION SITE FIRE SAFETY

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

4. 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.

5. FIRE APPARATUS (ENGINE) ACCESS DRIVEWAY REQUIRED

Provide an access driveway with a paved all weather surface, a minimum unobstructed width of 12 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1. Dimensions noted on the Sheet A-1 as well as indicating that the driveway surface will support the imposed load of 75,000 pounds. Variance for a slope of 17% for the length of the driveway and transitioning into a section (not on the subject property) noted as future emergency access, has been approved by SDFM Staiger.

6. FIRE DEPARTMENT (ENGINE) DRIVEWAY TURNAROUND REQUIRED

Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specification sheet D-1. CFC Sec. 503. Emergency Turnarounds shall be kept clear at all times. Indicate how you will delineate turnaround to maintain compliance. Provide dimensions on the plans for the proposed turnaround.

SECTION VI: CONDITIONS ADMINISTERED BY THE CUPERTINO BUILDING DEPARTMENT

1. WILDLAND URBAN INTERFACE HIGH HAZARD SEVERITY FIRE ZONE

As the site is within a Wildland Urban Interface High Hazard Severity Fire Zone, the building's design shall be subject to the construction requirements stated in R337 of the 2016 California Residential Code.

2. EXISTING RETAINING WALLS & DRILLED PIERS

The existing site retaining walls and drilled piers that had been constructed without permits must be removed, and the future design cannot interact with the drilled piers already in place.

PASSED AND ADOPTED this 13th day of August, 2019, Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Benjamin Fu
Director of Community Development

R Wang
Chair, Planning Commission

