



CUPERTINO

APPEAL FORM

1. Application No.: R-2020-035; RM-2020-023
2. Applicant(s) Name: TARIGUL KHAN & CHAMAN HAFIZ
3. Project Planner: LAUREN WINKOVICH
4. Appellant(s) Name: JITESH VADHIA
- Address: 1479 POPPY WAY, CUPERTINO, CA 95014
- Phone Number: 408 410 6543
- Email: JVADHIA@MSN.COM

5. Please check one:

Note: Do not use this form for Administrative Citation decisions (1.16), Petitions for Reconsideration (2.08.096), or Damage to Public Trees (14.12)

a. Appeals regarding Title 19 (Zoning) and 14.18 (Protected Private Trees):

- ☐ Administrative decision (14 calendar days after decision to appeal)
- ☒ Planning Commission decision (14 calendar days after decision to appeal)
- ☒ Design Review Committee decision (14 calendar days after decision to appeal)

b. Other appeals:

- ☐ Director of Community Development decision regarding Tentative Maps (18.20) (14 calendar days after decision to appeal)
- ☐ Street Improvements (14.04) (30 calendar days after date of decision to appeal)
- ☐ Code Enforcement regarding Massage Permits (9.06) (5 business days after receipt of notice of decision to appeal)
- ☐ Solicitor's Identification Permit (5.20) (10 calendar days after denial notice to appeal)

6. Date of decision or mailing of notice of decision: 4/19/21

7. Specifically state the grounds and basis for appeal: PLEASE REFER TO THE ATTACHED
2 PAGES

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(Attach additional pages if necessary)

Please complete form, include appeal fee of \$325.00 pursuant to Resolution No. 20-038 (\$705.30 for massage application appeals), and return to the attention of the City Clerk, 10300 Torre Avenue, Cupertino, California (408) 777-3223.

Signature(s):

G:\City Clerk\Appeals & Call For Review\Appeal Forms\Appeal form.docx

GROUND AND BASIS FOR APPEAL:

1. Two permits on Primrose Way were only given single-story permission as approval by the City. The published permits state that single story was approved to ensure harmony in scale and design with the general neighborhood. The City appears to be using a different and unexplained set of principles for the permit in question.
2. Primrose Way is a community of single story homes. A two story construction will destroy the look and feel of the neighborhood and also encourage other builders to build more two story homes. The City is demonstrating little concern for the neighborhood.
3. The rear facing balcony raises severe privacy concerns. Irrespective of the privacy planting, the balcony has direct views into all my bedrooms and backyard. The height of the balcony, balcony wall height, and balcony side walls are detrimental to our privacy. The City has not demonstrated tangible privacy mitigation plans.
4. Privacy plantings will not work. The height of the rear facing balcony requires very tall plantings. Those will take several years to grow. Additionally, power and communications cables run along the rear property lines probably 15 feet above ground level, significantly below the rear facing balcony height. The City has not demonstrated tangible privacy mitigation plans.
5. The height of the home obscures totally our views of the beautiful Cupertino hills and skyline. Neighbors paid enormous sums to buy homes in Cupertino only to have the City ruin our dreams and views by approving this permit. The City has not demonstrated tangible mitigation plans.
6. There's a five foot grade difference between our home and the Primrose Way home. The height of the two story home, height of the balcony, and grade difference vastly increase my privacy concerns. The City has not demonstrated enough to mitigate my concerns.

7. The ADU is planned to be a separate unit even though it's attached to the main residence. Over the long run, say 20 years, the City has not demonstrated that the ADU and main residence will continue to be separate with inspections.

8. The ADU has large windows on the side of the building and combined with the five foot grade difference post great privacy concerns. Those windows have line of sight into my bedrooms and backyard. The City has not demonstrated adequate privacy mitigation plans.

9. The new residence plans do not include any 3-D line of sight drawing from the proposed residence projected into our bedrooms and backyard. My assessment is that the new residence will have direct line of sight into my bedrooms and backyard. The residence plans and the City need to demonstrate with adequate drawings by qualified surveyors that our privacy concerns have been addressed.

Regards,

Jitesh Vadhia

1479 Poppy Way, Cupertino, CA 95014

4/24/2021

19.12.170 Appeals.

A. An appeal may be filed by any person, firm or corporation aggrieved or affected by any grant, denial, modification or revocation of any permit, or any determination or interpretation related to any provision of this title.

B. Filing:

1. An appeal shall be in writing on forms prescribed by the City and shall be filed during regular office hours with the City Clerk within fourteen calendar days after the City decision or if a notice of decision is not required, from the date of the decision or determination, under this title. An appeal not filed within such time shall be barred. The appeal shall state the grounds and basis thereof.

2. Appeals under this chapter are subject to an appeal fee as prescribed by resolution of the City Council.

C. Noticing: Notice of hearing shall be given in the same manner in which the original notice was given. If a project with no noticing is appealed, appropriate noticing shall be determined by the Director of Community Development.

D. Appeal hearing body shall be determined in accord with Section 19.12.030.

E. Decision of the appeal hearing body: The decision or determination of the appeal hearing body on any appeal shall be final and effective immediately.

F. Notice of Decision: Notice of the appeal hearing body's decision shall be mailed to the original applicant, to the person filing the appeal, and to any other person who has filed a written request with the City Clerk.