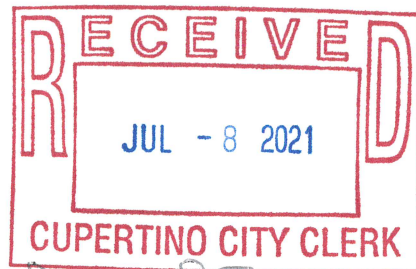




CUPERTINO

APPEAL FORM



1. Application No.: RM-2020-023; R-2020-025

2. Applicant(s) Name: SMART LILY, LLC (KHAN & HAFIZ)

3. Project Planner: SMART LILY?

4. Appellant(s) Name: JITESH VADHIA

Address: 1479 POPPY WAY, CUPERTINO, CA 95014

Phone Number: 408 410 6543

Email: J.VADHIA@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: 6/22/21

7. Specifically state the grounds and basis for appeal: SEE ATTACHED APPEAL LIST

DEAR SIR/MADAM,

GROUND AND BASIS FOR APPEAL:

1. Primrose Way is a community of beautiful single story homes. A two story construction will destroy the look and feel of the neighborhood. It's everyone's responsibility to uphold the integrity and feel of the neighborhood.

2. I paid a king's ransom to buy a home in Cupertino with views of the beautiful Cupertino Hills. The two-story proposal totally obscures my views of the beautiful Cupertino hills and skyline. The City's decision has now given my beautiful views to the applicant to enjoy! Does that seem fair? The City's decision discriminates established residents like myself relative to applicants that apparently don't live in Cupertino.

3. There's a deliberate five foot grade difference between my home and the Primrose Way home. This elevation difference ensures privacy from each-others backyard, even from my 2nd floor windows. The height of the applicant two story home, height of the balcony, and grade difference vastly increase my privacy concerns including vastly reduced sunshine into by backyard. Mr. Chairman and Vice-Chairman, I would like to personally invite you to my home to view for yourself ahead of another decision.



4. The rear facing balcony continues to raise severe privacy concerns. The balcony has direct views into all my 1st and 2nd floor bedrooms and backyard. The height of the balcony, balcony wall height, and balcony side walls are detrimental to our privacy. The balcony should be removed. Mr. Chairman and Vice-Chairman, I would like to personally invite you to my home to view for yourself ahead of another decision.

5. Privacy plantings along the utility easement will be inadequate. The height of the rear facing balcony requires very tall plantings. Those will take several years to grow. The planting run along and below the utility easement significantly below the rear facing balcony height. This in combination with the several foot grade difference ensures my privacy is violated. The applicant has not addressed my privacy mitigation concerns.

6. The ADU is planned to be a separate unit even though it's attached to the main residence. Over the long run the applicant has not demonstrated the ADU and main residence will continue to be separate. I still little evidence the City has addressed this long term issue.

7. The large windows on the ADU combined with the five foot grade difference raise my privacy concerns. These windows have direct line of sight into my bedrooms and backyard. Again, Mr. Chairman and Vice-Chairman, I would like to personally invite you to my home to view for yourself ahead of another decision.

8. I thank the Chairman for the opportunity to air by concerns against this most commercially driven residential application.

Regards,

Jitesh Vadhia
1479 Poppy Way, Cupertino, CA 95014

7/2/2021

 **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.