



**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: May 27, 2025

**SUBJECT**

R-1 Exception to allow a detached garage to be attached to the primary dwelling unit, creating a reduced side yard setback for a portion of the principal dwelling unit.  
(Application No(s): EXC-2025-002; Applicant(s): Zhen Chen and Meng Wu; Location: 890 Brent Drive.; APN(s): 369 24 027)

**RECOMMENDED ACTIONS**

That the Planning Commission find the project exempt from CEQA and approve EXC-2025-002 based on the Draft Resolution for a R-1 Exception to allow a detached garage to be attached to the primary dwelling unit, creating a reduced side yard setback for a portion of the principal dwelling unit at 890 Brent Drive.

**DISCUSSION**

**Project Data:**

<b>General Plan Designation:</b>	Low Density (1-5 DU/Ac.)		
<b>Zoning Designation:</b>	R1-6 (Single-family residential with a minimum lot area of 6,000 sq. ft.)		
<b>Net Lot Area</b>	6,089 sq. ft. (0.14 acres)		
<b>Project Data</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Floor Area (square feet)	2,740.05	1,644	2,703
Floor Area Ratio	45%	28%	44%
<b>Setbacks</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Front Setback	20 feet	23 feet 1 inch	23 feet 1 inch
Interior Side Setback (northeast)	10 feet	7 feet 4 inches	Garage – 5 feet Addition – 9 feet 8 inches Existing – No change
Interior Side Setback (southwest)	5 feet	5 feet 4 inches	5 feet 4 inches
Rear Setback	20 feet	23 feet 7 inches	23 feet 7 inches
<b>Project Consistency with:</b>			
General Plan:	Yes		

Zoning:	Yes (if exception is approved)
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### **Background:**

The project site (Figure 1) is zoned R1-6 Residential and is located on the eastern side of Brent Avenue within the South Blaney neighborhood. The property is surrounded by other comparable single-family residences.

The 6,089 square-foot lot was created through a subdivision in 1958 when the property was part of the City of San Jose. The parcel was developed later that year with a 1,200-square-foot home and a 444-square-foot detached garage under San Jose's development regulations. The property was annexed into Cupertino in 1979; therefore, the City's regulations apply for any proposed additions/new development.



**Figure 1: Site Aerial**

### **Application Request**

The applicants, Zhen Chen and Meng Wu, are proposing a 1,059 square-foot addition, a portion of which lies between the principal dwelling and the detached garage, creating a non-conforming setback for the garage section of the principal unit.

The proposed 1,059 square-foot addition includes a 327 square-foot addition between the existing living room and detached garage and a 650 square-foot addition at the front of the existing house. The project also proposes a complete remodel of the existing home and a new 82 square-foot porch and front entry feature. No further setback modifications are proposed at the garage or at the rear of the home. Please refer to Attachment 2 for the site plan.<sup>1</sup>

### **Analysis:**

#### **R-1 Exception**

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<sup>1</sup> Government Code Section 65103.5 limits the distribution of copyrighted material associated with the review of development projects. Members of the public wishing to view plans that cannot otherwise be distributed under state law may make an appointment with the Planning Division to view them at City Hall by sending an email to [planning@cupertino.gov](mailto:planning@cupertino.gov).

The R-1 Ordinance, Chapter 19.28 of the Cupertino Municipal Code, requires a combined side yard setback of 15 feet for principal dwellings, with no single side yard setback less than 5 feet. Side yard setbacks provide privacy and access to natural light, reduce the mass of structures from the perspective of neighboring properties, and establish adequate rear yard access and emergency egress. Generally, detached accessory structures have less restrictive setbacks as their uses are incidental to the principal dwelling and their massing is smaller than the principal dwelling.

When the property was first developed, it comprised of the principal dwelling unit which had a southwest side yard setback of 5 feet 4 inches and a northeast side yard setback of 7 feet 4 inches, a detached garage with a 10-foot wall height (including all roofing material), and a compliant 5-foot setback from the northeast (left) property line (in compliance with the City of San Jose's setback standards). The proposed attachment of the detached garage to the principal dwelling will reclassify the garage as part of the main structure, and therefore, under R-1 zoning, would require the northeast side of the primary home to have a minimum 9-foot 8-inch setback from the property line.

However, to reduce the degree of non-conformity, the applicants propose to retain a setback of 9 feet 8 inches for the addition between the detached garage and the existing home, rather than extending the existing non-conforming 7-foot-4-inch setback at the northeast (left) property line. Additionally, no changes to the wall plane height or roof line are proposed at the garage, creating no new impacts to the north side neighbor. If willfully demolished or altered, the garage wall must meet a setback of 9 feet 8 inches on the northeast side. Lastly, conditions of approval have been added to ensure that future additions to the principal unit must meet a setback of at least 9 feet 8 inches, and no reductions to the setback of the garage portion of the property would be allowed on the northeast side.

Many residences in the immediate neighborhood were constructed with a similar configuration as the project site, consisting of modestly sized single-story residences with detached garages. A similar addition was completed through application EXC-2010-02 at 874 Brent Drive, just four parcels northeast of the project site. That addition, also between the detached garage and principal dwelling, was approved by the Design Review Committee in 2010.

Therefore, except that the proposed addition would create a non-conforming setback for the primary dwelling unit due to its being attached to the existing garage, the proposed addition complies with all other aspects of the R-1 zone's site development regulations.

### Cupertino Municipal Code Findings

The Cupertino Municipal Code includes 'findings' for approval of various permits necessary to approve the proposed project. These provide a framework for making decisions and facilitating an orderly analysis of the review of a project. Listed below are the findings the City must make for the R-1-Exception requested by the applicant in rendering a decision whether to grant an exception on this project.

#### *R-1 Exception (CMC 19.28.140 (D))*

1. The literal enforcement of this chapter will result in restrictions inconsistent with the spirit and intent of this chapter.

*The proposed addition will not reduce or alter any side yard setback beyond what exists on site. The applicant has increased the addition area setback on the northeast (left) side yard to 9-feet 8-inches to comply with the required combined 15-foot side yard setback.*

*The R-1 Chapter is intended to: enhance the identity of residential neighborhoods; ensure provision of light, air and a reasonable level of privacy to individual residential parcels; ensure a reasonable level of compatibility in scale of structures within residential neighborhoods; and reinforce the predominantly low-intensity setting in the community. Therefore, the literal enforcement of this chapter will result in restrictions inconsistent with the spirit of this chapter.*

2. The proposed development will not be injurious to property or improvements in the area, nor be detrimental to the public safety, health and welfare.

*The only portion of the project within the required side yard setback is the existing garage, which was constructed in 1958 when the property was created through subdivision, and no changes to the garage's dimensions, setbacks, or wall lines are proposed. Furthermore, all other portions of the proposed addition area are compliant with the setbacks required by the R-1 Ordinance. Therefore, the development will not be injurious to property or improvements in the area, nor be detrimental to the public safety, health and welfare.*

3. The exception to be granted is one that will require the least modification of the prescribed design regulation and the minimum variance that will accomplish the purpose;

*The proposed development reduces the degree of nonconformity by implementing a 9-foot 8-inch setback at the addition between the principal dwelling and detached garage. Additionally, the dimensions of the garage will not be altered. These standards will be maintained through conditions of approval of this permit. Therefore, the development is the least impactful option that will accomplish the purpose of the addition.*

4. The proposed exception will not result in significant visual impact as viewed from abutting properties;

*The project does not propose any change to the garage's wall lines, height, interior dimensions, or setbacks. Therefore, the proposed exception will not result in a significant visual impact as viewed from abutting properties.*

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 15301 (Existing Facilities - Class 1 Subsection 2). The proposed addition is categorically exempt under CEQA Class 1, Section 15301(e)(2) – Existing Facilities, as it proposes an incidental addition to an existing structure on a property with access to public services and facilities which is not located in an environmentally sensitive area. The project consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure involving negligible or no expansion of an existing use, including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances and none of the exceptions to the categorical exemptions in CEQA Guidelines section 15300.2 apply.

## **PUBLIC NOTICING & OUTREACH**

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

<b>Public Notice</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>▪ Site Signage (14 days prior to the hearing)</li><li>▪ 6 public hearing notices mailed to adjacent property owners (10 days prior to the hearing)</li></ul>	<ul style="list-style-type: none"><li>▪ Posted on the City's official notice bulletin board (at least 72 hours prior to the hearing)</li><li>▪ Posted on the City of Cupertino's website (at least 72 hours prior to the hearing)</li></ul>

No public comments have been received as of the date of production of this staff report (May 22, 2025).

## **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 (by June 10, 2025) from the date of the decision. The applicant may apply for building and other permits at the end of the appeal period.

This approval expires on May 27, 2026, at which time the applicant may apply for a one-year extension.

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Prepared by: Jelani Mora, Assistant Planner

Reviewed by: Piu Ghosh, Planning Manager

Approved for Submission by: Luke Connolly, Assistant Director of Community Development

**ATTACHMENTS:**

1 – Draft Resolution for EXC-2025-002

2 – Site Plan