CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 2026-XX

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO APPROVING AN R1 EXCEPTION TO ALLOW FOR A GARAGE TO BE LOCATED CLOSER TO THE STREET THAN THE USABLE LIVING AREA OF THE PRINCIPAL DWELLING UNIT LOCATED AT 22068 SAN FERNANDO COURT(A.P.N. 357 12 012)

SECTION I: PROJECT DESCRIPTION

Application No.: EXC-2025-008
Applicants: David Kuoppamaki
Location: 22068 San Fernando Court; APN: 357 12 012

SECTION II: FINDINGS FOR AN R1 EXCEPTION

WHEREAS, the Planning Commission of the City of Cupertino received an application for an R1 Exception as described in Section I of this Resolution; and

WHEREAS, the City of Cupertino received an application for an R1 Exception to allow a garage to be located closer to the street than the proposed usable living area on a new single-family residence; 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 February 24, 2026 and incorporated herein; 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 meeting in regard to the application; and

WHEREAS, on February 24, 2026, 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 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, that:

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

   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. The proposed garage is sited to maintain the existing driveway curb cute and to avoid an additional front yard setback which would result in the residence being developed on the steeply sloping portion of the property. The living area being more setback than the garage is not inconsistent with the pattern of the existing neighborhood development.

   However, if the requirement for the garage to be more setback was enforced, the design of the residence could be altered resulting in either additional grading of steep slopes of additional massing of the second story which would be incompatible with the existing development in the neighborhood. 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.

   All other portions of the proposed residence, as conditioned, are compliant with the development and design standards required by the R1 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 stepped design of the living area and entry area. 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 new residence.

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

   The location of the garage in front of the living area will result in visual impacts from the right of way and would not otherwise affect the height or setbacks of structures that may be developed on the property. Therefore, the proposed exception will not result in a significant visual impact as viewed from abutting properties.

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 accessory structures; and

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 accessory structures. The proposed project is a new single-family residence.

2. Approves the application for an R1 Exception, Application no. EXC-2025-008 subject to the conditions which are enumerated in this Resolution beginning on PAGE 3 thereof. The conclusions and sub-conclusions upon which the findings and conditions specified in this resolution are based, including those contained in the Public Hearing record concerning Application no. EXC-2025-008 as set forth in the Minutes of Planning Commission Meeting of February 10, 2026, 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 DEPARTMENT

1. APPROVED EXHIBITS
   Approval is based on the plan set consisting of twenty one (21) sheets, labeled Sheets CRV1, C-0, C-2, PLN1 through PLN4, A0.1 through A0.3, A2.1, A2.2, A3.1, A3.2, A4.1, A5.1 through A5.3, L-1 through L-3, and TOPO, submitted by the Applicants, except as may be amended by the conditions in this resolution.

2. CONCURRENT APPROVAL CONDITIONS
   The conditions of approval contained in file nos. EXC-2025-007, R-2024-029, RM-2024-028, and TR-2024-043 shall be applicable to this approval.

3. ANNOTATION OF THE CONDITIONS OF APPROVAL
   The conditions of approval set forth shall be incorporated into and annotated on the building plans.

4. BUILDING PERMITS
   The applicant shall consult with the City Building Division to obtain the necessary building permits prior to commencement of work.

5. ACCURACY OF PROJECT PLANS
   The applicant/property owner is responsible for verifying 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.

6. CONSULTATION WITH OTHER DEPARTMENTS
   The applicant is responsible for consulting 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 any approval by the Community Development Department.

7. INDEMNIFICATION
   As part of the application, to the fullest extent permitted by law, the applicant shall agree to indemnify, defend with the attorneys of the City's choice, and hold harmless the City, its City Council, and its officers, employees, and agents (collectively, the "indemnified parties") from and against any liability, claim, action, cause of action, suit, damages, judgment, lien, levy, or proceeding (collectively referred to as "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 related to any Ordinance, Resolution, or action approving the project, the related entitlements, environmental

review documents, finding or determinations, or any other permit or approval authorized for the project. The indemnification shall include but not be limited to damages, fees, and costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities, and expenses incurred in connection with such proceeding whether incurred by the Applicant, the City, or the parties initiating or bringing such proceeding.

The applicant shall agree to (without limitation) reimburse the City its actual attorneys' fees and costs incurred in defense of the litigation. Such attorneys' fees and costs shall include amounts paid to the City's outside counsel 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. The applicant shall likewise agree to indemnify, defend, and hold harmless the indemnified parties from and against any damages, attorneys' fees, or costs awards, including attorneys' fees awarded under Code of Civil Procedure section 1021.5, assessed or awarded against the indemnified parties. The Applicant shall cooperate with the City to enter a Reimbursement Agreement to govern any such reimbursement.

The Applicant shall agree to (without limitation) reimburse the City for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an Environmental Impact Report, negative declaration, specific plan, or general plan amendment) if made necessary by proceedings challenging the project approvals and related environmental review, if the applicant desires to continue to pursue the project.

The Applicant shall agree that the City shall have no liability to the Applicant for business interruption, punitive, speculative, or consequential damages.

8. <u>NOTICE OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS</u>
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.

PASSED AND ADOPTED this 24th day of February, 2026, 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:

Piu Ghosh
Planning Manager

APPROVED:

Tracy Kosolcharoen
Chair, Planning Commission