



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

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**DESIGN REVIEW COMMITTEE STAFF REPORT**

Meeting: July 18, 2019

Subject

Residential Design Review for a new 4,170 s.f. two story house with a rear-facing balcony in a R1-a district. (Application No.: R-2019-03; Applicant: Alfred Devaraj and Usha Kanagaraj; Location: 10713 Larry Way.; APN: 316-02-007)

Recommended Action

That the Design Review Committee approve the proposed draft resolution (Attachment 1) to:

1. Find the project exempt from CEQA; and
2. Approve the Residential Design Review permit (R-2019-03).

Discussion

*Project Data:*

<b>General Plan Designation:</b>	Low Residential 1-5	
<b>Zoning Designation:</b>	R1-a Single Family Residential District with Semi-Rural Characteristics	
<b>Property Area:</b>	9,429 s.f.	
	<b>Allowed</b>	<b>Proposed</b>
<b>Floor Area Ratio:</b>	4, 243 s.f. (45%)	4,170 s.f. (44.2%)
<b>Lot Coverage:</b>	4,715 s.f. (45% + 5% for roof overhangs)	3,217 s.f. (34.1%)
<b>Building Height:</b>	28'-0"	27'-0"
<b>2<sup>nd</sup> to 1<sup>st</sup> Floor Ratio:</b>	40%	38.4%
<b>1<sup>st</sup> Floor Setbacks:</b>		
Front	30'-0"	30'-0"
Side	10'-0" both sides	10'-0" both sides
Rear	20'-0"	40'-0"
<b>2<sup>nd</sup> Floor Setbacks:</b>		
Front	30'-0"	30'-0"

Side	35'-0" combined; no side less than 15'-0"	35'-0" combined; no side less than 15'-0"
Rear	40'-0"	40'-0"
<b>Project Consistency with:</b>		
General Plan:	Yes	
Zoning:	Yes	
Environmental Assessment:	Categorically Exempt	

### *Background:*

In 2003, the City Council enacted an ordinance that rezoned the Linwood Acres neighborhood from A1-43 Agricultural-Residential Zone and R1-7.5 Single Family Residential Zone to the R1-a Single Family Residential Zone. The rezoning affected 68



**Figure 1 – Property Location**

parcels on Randy Lane and Larry Way bounded by Lucille Avenue to the north and Merritt Drive to the south shown on the map by a green dashed line. The R1-a district is intended to reinforce the semi-rural setting in neighborhoods with large lots.

The subject site currently has an existing second-story home with a 550 sq. ft. second story; is located across the

street from another two-story home; and shares its rear property line with the Apple Campus located at 1 Infinite Loop. There currently exist seven two-story homes in the Linwood Acres neighborhood.

### *Analysis:*

The project is consistent with the Cupertino General Plan as the development maintains the single family use and is designed to conform with the Single-Family Residence zoning regulations for R1-a districts.

### Floor Area

The proposed residence's floor area ratio is 4,170 square feet and within the 45% allowance for a 9,429 s.f. lot (please refer to the data chart above). In addition to the overall home size, the R1-a district allows a second story to be up to 40% of the first floor, not to exceed 1,100 square feet, and at least 750 square feet. The proposed second floor consists of a master bedroom and two bedrooms with attached bathrooms and closets for each room that totals 1,069 square feet in area.

### Balcony

Second story balconies are permitted on R1-a lots but must conform to the second story building setbacks and limited to the front and rear yards only. A rear balcony is required to be setback 40'-0" from the rear property line and setback a combined 35'-0" with no side less than 15'-0" to the side property line. The proposed second story balcony is located at the rear of the home – 40'-0" away from the rear property line, 25'-9" from the southern property line and 32'-0" from the northern property line; therefore, meets the required rear yard and exceeds the combined side yard setbacks.

### Architectural Design

The new residence is designed in a Mediterranean Style and includes the following features:

1. Stucco walls
2. Tiled hip roof with wide overhangs with decorative brackets
3. Deep set windows and garage doors
4. Arched heads above garage and entries
5. Decorative metal carriage lights and railings
6. Decorative columns and details with caps

The proposal was reviewed by the City's consulting architect and his comments were incorporated into subsequent revised plans. Furthermore, a condition of approval has been added to the draft resolution specifying the distinguishing features required as part of this approval.

### Privacy Impacts

Proposed second story windows and balconies with views into neighboring residential side or rear yards are required to mitigate potential privacy impacts. During the review process the property owner obtained a privacy waiver from their northern neighbor at 10727 Larry Way and the western neighbor is a non-residential property thus privacy plantings is not required and not proposed along those property lines. As shown on the

plans (Attachment 2), the property owner proposes to install screening trees along the southern property line to comply with the landscape screening requirement.

### Tree Protection

At this time, the property owner has stated that they intend on protecting the existing oak tree located along the northern property line in the rear yard. A condition of approval is included in the draft resolution specifying that the tree is to remain and a request for removal would need to be reviewed and approval beforehand.

### Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301 Existing Facilities (Class 1) consisting of new copy on existing on and off-premise signs.

### Public Noticing and Community Outreach

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

Notice of Public Hearing	Agenda
<ul style="list-style-type: none"><li>▪ Site Signage (<i>at least 10 days prior to the hearing</i>)</li><li>▪ Seven (7) public hearing notices mailed to adjacent property owners (<i>at least 10 days prior to the hearing</i>)</li></ul>	<ul style="list-style-type: none"><li>▪ Posted on the City's official notice bulletin board (<i>one week prior to the hearing</i>)</li><li>▪ Posted on the City of Cupertino's website (<i>one week prior to the hearing</i>)</li></ul>

Staff received an e-mail comment from a neighbor requesting information about mitigating privacy impacts of the rear-facing balcony. Staff responded with a clarification on the privacy planting requirements and received no further follow-up.

### Permit Streamlining Act

This project is subject to the Permit Streamlining Act (Government Code Section 65920 – 65964). The City has complied with the deadlines found in the Permit Streamlining Act.

***Project Received:*** February 8, 2019; ***Deemed Incomplete:*** March 7, 2019

***Project Received:*** April 12, 2019; ***Deemed Incomplete:*** May 7, 2019

***Project Received:*** May 30, 2019; ***Deemed Incomplete:*** June 4, 2019

***Project Received:*** June 11, 2019; ***Deemed Complete:*** June 13, 2019

Since this project is Categorical Exempt, the City has 60 days (until August 30, 2019) to make a decision on the project.

### Conclusion

Staff recommends approval of the project since the project and conditions of approval address all concerns related to the proposed development and all of the findings for approval of the proposed project, consistent with Chapter 19.28.140 of the Cupertino Municipal Code, may be made.

### Next Steps

Should the project be approved, the Design Review Committee's decision on this proposal is final unless an appeal is filed within 14 calendar days of the date of the mailing of the decision, on August 4, 2019. The applicant may apply for building and other permits at the end of the appeal period to complete installation of the proposed signs.

This approval expires on July 18, 2020, at which time the applicant may apply for a one-year extension.

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Prepared by: Ellen Yau, Associate Planner

Reviewed and Approved by: Benjamin Fu, Director of Community Development

### **ATTACHMENTS:**

1 – Draft Resolution for R-2019-03

2 – Plan Set