



OFFICE OF COMMUNITY DEVELOPMENT

CITY HALL

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ADMINISTRATIVE HEARING STAFF REPORT

Meeting Date: February 5, 2026

Subject

Minor Architectural and Site Approval to replace an existing single-story duplex with a new two-story duplex. (Application No(s): ASA-2025-010; Applicant(s)): Chi Tat Law & Wanchi So and GKW Architects, Inc.; Location: 22620 Alcalde Road; APN(s): 342-16-102.

Recommended Action

Staff recommends that the Hearing Officer, in accordance with the Draft Resolution, find the actions exempt from CEQA and approve the Minor Architectural and Site Approval, ASA-2025-010.

Discussion

Project Data:

General Plan Designation	Low / Medium Density (5-10 DU/Ac.)	
General Plan Planning Area	Inspiration Heights	
Zoning Designation	R2-4.25	
Lot Size	6,901 sq. ft. (no change)	
	Allowed	Proposed
Floor Area	45% of net lot area (3,105.45 sq. ft.)	44.9% of net lot area (3,099 sq. ft.)
Building Height	Two stories, not exceeding 30 feet	25 feet 9 1/32 inches
Setbacks	Required	Proposed
Front		
First Floor	20 feet	20 feet
Second Floor	20 feet	20 feet

	Required	Proposed
Side Yard*		
First Floor	20% of lot width measured at front setback line and not less than six feet (8 feet 10 3/4 inches)	Left (East) Side: 8 feet 11 inches Right (West) Side: 8 feet 11 inches
Second Floor	At least three feet more than first floor setback	Left (East) Side: 11 feet 11 inches Right (West) Side: 11 feet 11 inches
Rear		
First Floor	20 feet or no less than 20% of the lot depth (16 feet 1 3/16 inches), whichever is greater	20 feet 4 inches
Second Floor	20% of lot depth (17 feet 11 5/16 inches)	20 feet 4 inches
Parking	3 spaces/DU (1 1/2 enclosed + 1 1/2 open)	3 garage spaces + 3 open spaces
Project Consistency With:		
General Plan	Yes	
Zoning	Yes	
Environmental Assessment	Categorically Exempt per Section 15303(b) – New Construction or Conversion of Small Structures.	
* Setbacks are measured from the boundary of an existing access easement on the lot.		

Background

22620 Alcalde Road is located on an interior lot near the intersection of Merriman and Alcalde Roads within the Inspiration Heights neighborhood (see Figure 1). It is bordered by a fourplex development to the south and single- and two-story single-family residences to the north, east, and west.



Figure 1. Project site (highlighted in red) and surroundings

The 8,511 square foot lot was created through a subdivision in 1950 while the property was within the jurisdiction of Santa Clara County. A 20-foot north-south easement along the west property line provides access to 22632 Alcalde Road south of the subject site. This easement reduces the net lot area of the parcel to 6,901 square feet. In 1960, the property was developed with an 1,865 square foot duplex and a 422 square foot detached garage. The property was annexed into the City of Cupertino in 1970.

Application Request

The applicants, Chi Tat Law & Wanchi So and GKW Architects, Inc., are proposing a new 3,099 square foot, two-story, duplex on the 6,901 square foot (net) parcel. Chapters 19.32 and 19.168 of the Cupertino Municipal Code require an Architectural Site and Approval for the modification and development of duplex homes. The Municipal Code requires this project to be reviewed at a Hearing of the Administrative Officer.

Analysis

Architectural and Site Approval

The applicant has proposed a 3,099 square-foot, two-story, duplex development to replace the existing single-story duplex (see Attachment 2)¹.

The floor area ratio (FAR) of the proposed structure is 44.9% of the net lot area. With the limitation of the proposed duplex to an FAR of 45%, the massing of the structure is similar to the existing single-family homes that surround this development, which are also limited to an FAR of 45%. Unit 1 is a 1,702 square foot, two-story, dwelling. The 969 square foot first-story contains a kitchen, dining area, and a two-car garage with a driveway off Alcalde located on the east side of the lot. The 733 square foot second story includes three bedrooms and two bathrooms. Unit 2 is 1,397 square feet across two stories. The 479-square-foot first floor contains a kitchen, dining area, half bathroom, and a one-car garage with access from the existing access easement on the west side of the property. The 690 square foot second story includes three bedrooms and two bathrooms. The square footage of the two units are within 20% of each other, making them comparable in size.

The exterior design of the proposal utilizes a neutral color stucco siding and clay roof tiles, similar to existing neighboring developments. The north elevation, adjacent to Alcalde Road, implements several arched and casement windows with muntins and exterior shutters to reduce the mass of the structure. Bird-safe mitigation will be

¹ 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.

implemented at applicable windows in accordance with Chapter 19.102.030 of the Cupertino Municipal Code. Existing trees will be maintained, along with newly proposed shrubs, to further reduce the mass of the building when viewed from Alcalde Road. The proposal includes Dark Sky compliant light fixtures to reduce light intrusion to neighboring properties.

The project scope involves the removal of two non-Protected Trees – a 26-inch privet tree and an unprotected 23-inch locust tree, both in the rear yard. The existing 8-inch orange tree in the front yard is proposed to be retained.

While the Duplex (R2) ordinance does not require the implementation of privacy protection measures, the applicants have voluntarily implemented privacy protection measures to mitigate potential impacts caused by windows on the proposed second story. Second floor windows facing the eastern property line will have a minimum windowsill height of six feet above the second story finished floor. Eight 15-gallon Italian Cypress trees are proposed along the southern property line. Each tree will be maintained and protected with a covenant recorded against the property. An existing 22-inch diameter-at-breast-height pine tree on the neighboring parcel to the south, outside of the development area, will aid in privacy mitigation.

Offsite improvements are extensive as there is no sidewalk beyond the property line along Alcalde Road. The applicant has worked with the Public Works Department to include a detached sidewalk at the property's frontage, including across the ingress/egress area and easement. The applicant will also plant a new street tree within the public right of way per the requirements of the Public Works Department.

Environmental Review

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guideline Section 15303(b), which specifically includes the construction of a duplex or similar multi-family residential structure totaling no more than four dwelling units. However, the project must continue to comply with the applicable standard environmental protection requirements, adopted by the City pursuant to Chapter 17.04, which include but are not limited to, requiring adherence to dust control, nest protection, noise and vibration requirements, soil remediation requirements, preservation of paleontological and cultural resources, and stormwater requirements.

Other Department/Agency Review

The Building Division, Environmental Programs Division, Public Works Department and the Santa Clara County Fire Department have no objections to the project.

Public Noticing

A summary of noticing on the project is presented in the table below:

Notice of Public Hearing, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none">▪ Site Signage (<i>14 days prior to the hearing</i>). Sign Posted: January 7, 2026▪ Noticing to adjacent neighbors (<i>10 days prior to the hearing</i>): 8 Notices Mailed: December 23, 2025	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>one week prior to the hearing</i>)▪ Posted on the City of Cupertino's Website

Public Comments

As of the publishing of this report, two public comments have been received:

- 1) Commenter 1 inquired why the project was to be heard before the Administrative Hearing Officer rather than the Planning Commission. Chapters 19.12 and 19.168 of the Cupertino Municipal Code regulate the modification and construction of duplex units and establish the Administrative Hearing Officer as the approval authority for the ASA permit. The applicants are not requesting any exceptions or waivers from Chapters 19.12 and 19.168. Therefore, the project shall be heard at an administrative hearing.
- 2) Commenter 2 requested more information regarding the location of public utilities on the project site. The commenter was referred to the Public Works Department where no public utility easements were located on the tract map or the title report.

Conclusion

Staff recommends approval of the Architectural and Site Approval permit, as the plans and conditions of approval address all concerns related to the proposed project. Additionally, all applicable findings for approval of the proposed project, consistent with chapter 19.168 of the Cupertino Municipal Code, may be made as indicated in Draft Resolutions.

Next Steps

The permit will be effective 14 calendar days from the date of the hearing. The decision of the Administrative Hearing Officer is final, unless appealed within 14 calendar days from the date of the hearing. The applicant team may apply for building and/or other permits with the City at the end of the appeal period.

This approval is valid until February 5, 2028. The applicant may apply for a one-time two-year extension before the approval expires.

Prepared by:

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Reviewed and Approved for Submission by: Piu Ghosh, Planning Manager

ATTACHMENTS

1. Draft Resolution 26-XX
2. Project Plans (abridged due to limitations of state law pursuant to SB1214)