

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. XXX

OF THE ADMINISTRATIVE HEARING MEETING OF THE
CITY OF CUPERTINO APPROVING A MINOR RESIDENTIAL PERMIT TO
ALLOW ONE REAR SECOND-STORY BALCONY AT A NEW TWO-STORY SINGLE FAMILY
RESIDENCE
LOCATED AT 10621 MADERA DRIVE AVENUE (A.P.N. 357-35-061).

SECTION I: PROJECT DESCRIPTION

Application No.: RM-2024-026
Applicant: Ben Engelman (Property Owner)
Location: 10621 Madera Drive (A.P.N. 357-35-061)

SECTION II: FINDINGS FOR A MINOR RESIDENTIAL PERMIT:

WHEREAS, the Administrative Hearing Meeting of the City of Cupertino received an application for a Minor Residential Permit as described in Section I. of this Resolution; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the Administrative Hearing Officer has held at least one public meeting in regard to the application; and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, the Administrative Hearing Officer finds as follows with regard to this application:

- a) The project is consistent with the Cupertino General Plan, any applicable specific plans, zoning ordinances and the purposes of this title.
The proposed project is consistent with the General Plan as the project is within the Low Density (1-5 DU/acre) land use area. There are no applicable specific plans that affect the project. The project has been found to be consistent with the requirements of Cupertino Municipal Code Chapter 19.28 Single Family (R-1) Residential.
- b) The granting of the permit will not result in a condition that is detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or welfare.
The granting of the permit will not result in a condition that is detrimental or injurious to property improvements in the vicinity, and will not be detrimental to the public health, safety or welfare as

the project is located within the R1-10 (Single Family Residential) zoning district, and will be compatible with the surrounding uses and neighborhood.

- c) The proposed project is harmonious in scale and design with the general neighborhood.
The proposed project is located in a residential area consisting of single family homes. The proposed project maintains the single family home scale found throughout the neighborhood.
- d) Adverse visual impacts on adjoining properties have been reasonably mitigated.
The proposal includes one balcony and requires a Minor Residential Permit. Any potential adverse impacts on adjoining properties from the balcony have been resolved through Privacy Landscape Waivers signed by the adjoining property owners.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony, and other evidence submitted in this matter, subject to the conditions which are enumerated in this Resolution beginning on Page 2 thereof, the application for a Minor Residential Permit, Application no. RM-2024-026, is hereby approved; and

That the subconclusions upon which the findings and conditions specified in this Resolution are based and contained in the Public Meeting record concerning Application no. RM-2024-026 as set forth in the Minutes of Administrative Hearing Meeting of December 4, 2025, and are incorporated by reference as though fully set forth herein.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval is based on the plan set entitled, "10621 Mader Drive," drawn by Gorden K Wong, Architecture consisting of Thirty-one (31) sheets labeled G000, G001, G001.1, G002, G003, G004, G005, C0.0, C0.1, C1.0 C2.0, C3.0, C4.0, C5.0, C6.0, C7.0, L5.00, L5.01, L5.02, L5.03, L5.04, L6.00, L6.01, L6.02, L6.03, A101, A102, A103, A200, A300 and A700; except as may be amended by conditions in this resolution.

2. ANNOTATION OF THE CONDITIONS OF APPROVAL

The conditions of approval set forth shall be incorporated into and annotated on the building plans.

3. ACCURACY OF PROJECT PLANS

The applicant/property owner is responsible to verify 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.

4. CONCURRENT APPROVAL CONDITIONS

The conditions of approval contained in file nos. TM-2024-002 and TR-2024-040 shall be applicable to this approval.

5. PRIVACY PLANTING

The final privacy-planting plan shall be reviewed and approved by the Planning Division prior to issuance of building permits. The variety, size, planting distance shall be consistent with the City's requirements.

6. PRIVACY PROTECTION COVENANT

The property owner shall record a covenant on this property to inform future property owners of the privacy protection measures and tree protection requirements consistent with the R-1 Ordinance, for all second floor balconies and windows with views into neighboring yards and a sill height that is 5 feet or less from the second story finished floor. The precise language will be subject to approval by the Director of Community Development. Proof of recordation must be submitted to the Community Development Department prior to final occupancy of the residence.

7. CONSULTATION WITH OTHER DEPARTMENTS

The applicant is responsible to consult 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 an approval by the Community Development Department.

8. INDEMNIFICATION

Except as otherwise prohibited by law, the applicant shall indemnify and hold harmless the City, its City Council, and its officers, employees and agents (collectively, the "indemnified parties") from and against any claim, action, or 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 to attack, set aside, or void this Resolution or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The applicant shall pay such attorneys' fees and costs within 30 days following receipt of invoices from City. Such attorneys' fees and costs shall include amounts paid to counsel not otherwise employed as City staff 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.

9. NOTICE OF FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS

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 4th day of December, 2025 at a noticed Public Meeting of the Administrative Hearing Officer of the City of Cupertino, State of California, held by the Director of Community Development, or his or her designee, pursuant to Cupertino Municipal Code Section 19.12.120.

ATTEST:

APPROVED:

Danielle Condit
Associate Planner

Luke Connolly
Administrative Hearing Officer