



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

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**PLANNING COMMISSION STAFF REPORT**

Meeting: January 27, 2026

**SUBJECT**

The project consists of the following applications: 1) a Hillside Exception for grading on slopes exceeding 30% in order to create several flat yard areas, 2) an R-1 Exception for garage design, 3) a Design Review Permit for a new two-story residence with second-story side setbacks of less than 15 feet and a second to first floor area ratio exceeding 66%, 4) a Minor Residential Permit for a balcony, and 5) a Tree Removal Permit for the removal and replacement of five Protected native oak trees (ranging in size between 12-inches DBH to 18-inches DBH) to allow the creation of the flat yard areas. (Application No(s): EXC-2025-007, EXC-2025-008, R-2024-029, RM-2024-028, TR-2024-043; Applicant(s): David Kuoppamaki; Location: 22068 San Fernando Court; APN(s): 357 12 012)

**RECOMMENDED ACTIONS**

That the Planning Commission:

- Find the project exempt from the California Environmental Quality Act (CEQA);
- Conditionally approve R-2024-029, EXC-2025-007, and TR-2024-043; and
- Approve EXC-2025-008 and RM-2024-028, based on the Draft Resolutions.

**DISCUSSION**

**Project Data:**

<b>General Plan Designation:</b>	Residential (0-4.4 DU/Ac.)	
<b>Zoning Designation:</b>	R-1-7.5 (Single-family residential with a minimum lot area of 7,500 sq. ft.)	
<b>Net Lot Area</b>	6,735 sq. ft. (0.16 acres)	
<b>Project Data</b>	<b><i>Allowed</i></b>	<b><i>Proposed</i></b>
Floor Area	3,030.75 sq. ft.	3,030 sq. ft.
Floor Area Ratio	45%	45%
Second to First Floor Area Ratio	66%*	81%*
Building Height	28 feet	26 feet, 9 inches

Grading Quantity (cubic yards)	2,500 cubic yards max. (excluding basements)		420 cubic yards	
Total Flat Yard Area	2,500 square feet max. (excluding driveways)		~1,200 square feet	
Setbacks	Required		Proposed	
	1 <sup>st</sup> Floor	2 <sup>nd</sup> Floor	1 <sup>st</sup> Floor	2 <sup>nd</sup> Floor
Front Setback	20'	25'	21'-8"	25'
Side Setbacks	Minimum: 5' Combined: 15'	Minimum: 10'* Combined: 25'	Left: 5' Right: 10'-3" Combined: 15'-3"	Left*: 13' Right*: 12'-3" Combined: 25'-3"
Rear Setback	20'	25'	37'-11"	41'-1"
Project Consistency with:				
General Plan:	Yes, as conditioned			
Zoning:	Yes, as conditioned (if exception is approved)			
Notes: * A Design Review Permit is required for residences with a second to first floor area ratio of more than 66% and/or second story side setbacks of less than 15 feet. As this project proposes both a second to first floor area ratio of more than 66% and second story side setbacks of less than 15 feet, a Design Review Permit has been required.				

## Background:

The project site (Figure 1) is located on a cul-de-sac, San Fernando Court, within the Monta Vista neighborhood in a Single-Family Residential (R-1) zoning district. At present, the project site is occupied with a small one-story residence built in the 1950s and is adjacent to a mix of comparable, older one-story homes and larger two-story homes built in recent decades. The rear of the property adjoins Blackberry Farm Park. The purpose of the R-1 district is to create, preserve and enhance areas suitable for detached, single-family dwellings. The 6,735-square-foot lot was created through a subdivision in 1942 when the property was part of Santa Clara County. The lot is mostly flat, with a significant (59%) downward slope in the rear.



**Figure 1: Site Aerial**

The applicant, David Kuoppamaki, is proposing the demolition of the existing residence and the construction of a new, contemporary-type designed, 3,030-square-foot, two-story, single-family residence with a balcony. The proposal also includes grading of the rear yard to create a flat yard area. Please refer to Attachment 6 for the site plan.<sup>1</sup>

## **Analysis:**

### *Design Review and Minor Residential Permits*

The proposed residence has second story side setbacks of less than 15 feet and a second to first floor area ratio of more than 66 percent. As such, a Two-Story Design Review Permit is required. The addition of a balcony also requires a Minor Residential Permit to ensure neighbor notification and review of proposed privacy measures.

While these permits are typically reviewed and approved at a staff level, the application is being brought forward for Planning Commission approval in accordance with Cupertino Municipal Code (“CMC”) Section 19.04.090. This Municipal Code section notes that applications for land use entitlements may be combined in one application for purpose of review and approval and that, in the event of such combination, the reviewing body having final approval over the combined application shall be the highest body in the City which must approve any element to the combined application.

Per CMC Section 19.28.110, projects that are subject to Design Review must meet the City’s single-family design principles, which include a requirement that the proposed design provide an identifiable architectural style that is reasonably compatible with the predominant neighborhood design pattern. To ensure that these architectural design requirements are met, staff refers projects subject to Design Review to an architectural firm, RRM Design Group (“RRM”), that has been selected by the City for this purpose.

Through this permit’s review, RRM provided recommended feedback on the proposed design, including that “the proposed design is not consistent with the predominant neighborhood pattern and is not included as a preferred style in CMC 19.28.110, Appendix A.” RRM specified that the proposed flat roof design contributed to building massing that is disproportionate to the existing neighborhood pattern. While the applicant has attempted to work with staff to address RRM’s design comments, , the applicant’s revisions do not address comments related to the building’s massing and flat roof design.

While the City allows flat roofs for some two-story residences, this allowance is based on the existing pattern of roof designs in the neighborhood where the flat-roofed residence

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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).

is proposed, as well as the reduction of the new construction's second story massing. As only one single-story residence with a flat roof is within a 500-foot radius of the proposed residence, staff could not find that the new flat roof matched the "predominant neighborhood pattern." As such, staff recommends that the Planning Commission approve the residence, subject to the conditions that the applicant revise the design to reduce building mass by: 1) lowering the building height to ensure that all portions of the first story fit within the required first story building envelope, and 2) adding sloped roof elements to a minimum of 25% of the first story and 50% of the second story.

#### R-1 Exception

The applicant is also seeking an R-1 Exception to allow the proposed residence to include an attached garage that is located closer to the street than the living area. The City's R-1 design principles require that usable living area, not including any architectural feature, porch, or patio, shall be a minimum of two feet closer to the street than the garage. This requirement is intended to reduce the apparent mass or size of garages on new single-family residences. This requirement, however, cannot always be met due to lot constraints on the proposed development. In these instances, an R-1 Exception may be approved to allow deviation from the City's design standard.

In this case, the applicant proposes that the garage be located in front of the living area to accommodate development within the existing flat areas of the lot and to accommodate required side setbacks. The lot has a significant slope starting approximately 40 feet from the rear property line. The lot also features a curved front property line, as it adjoins the terminus of the cul-de-sac. Thus, requiring that the garage be setback behind the living area would lead to a portion of the proposed residence being located on the steeply sloping portion of the lot.

Due to the topography, many residences in the immediate neighborhood were constructed with a garage configuration similar to what is proposed; at least five other homes on the cul-de-sac have a garage that is located in front of or in alignment with the residence's living area. The proposed garage is also in alignment with the existing driveway opening, keeping with existing driveway pattern of the neighborhood.

With consideration given to the existing neighborhood pattern as well as the grade restrictions of the lot, staff recommends approval of this R-1 Exception (EXC-2025-008) to allow for a garage that is located closer to the street than the living area.

#### Hillside Exception

The R-1 Ordinance, referencing the standards of the RHS Ordinance, CMC Chapter 19.40, prohibits any structures or improvements over 500 square feet in area on slopes greater than 30%, unless an exception is granted. The intent of the requirement is to minimize and discourage unnecessary hillside grading activities and visual disturbances.

However, if the project/property presents unique circumstances or hardships (typically physical/topographic challenges), the City may consider an exception provided that the project is designed to minimize the extent of the exception and impacts to the surrounding hillside. The City has historically granted exceptions to allow reasonable development of steeper hillside properties planned for residential or allowed accessory uses.

While much of the subject property is nearly flat, the rear 40 feet of the property has an average slope of 59%. Therefore, almost any development or grading on the rear of the property will require the City to consider a hillside exception request. This rear area also contains 12 native Coast Live Oak trees, six with a trunk diameter at breast height ("DBH") of less than 12 inches, five with a DBH between 12 and 24 inches, and one with a DBH of 36 inches.

The City's Protected Tree Ordinance, CMC Chapter 14.18, requires a Tree Removal Permit for the removal of any listed specimen tree with a DBH of 12 inches or more. The applicant has, therefore, requested the removal of all oak trees on the property with the exception of the 36-inch oak tree. As these oak trees are considered protected specimens, a Tree Removal Permit is required for the removal of the five trees with a DBH between 12 and 24 inches.

The proposed residence will be located almost entirely on the existing flat portion of the property. However, the applicant is requesting a Hillside Exception to allow for grading on the 59% slopes to allow for the creation of a usable flat yard area. Other homes in the neighborhood have been developed with similar flat yard areas and on similar degrees of slopes; however, as many of these homes were originally developed and graded prior to the neighborhood being annexed into the City of Cupertino, they were not subject to a Hillside Exception.

The applicant's original proposal included grading of the entire rear area of the property. This design posed concerns related to drainage and runoff, the visual impact of retaining walls from the adjoining Blackberry Farm Park, and potential disturbance and compaction within the root zone of the 36-inch oak tree that is to be retained.

To modify the proposed design to address concerns related to drainage, visible retaining wall height, and intrusion into the existing 36-inch oak's root zone staff recommends approval of the Hillside Exception to allow for the addition of usable flat rear yard area, with the conditions that the usable flat yard areas be limited to the area bounded by a 10-foot setback from the rear property line, a five-foot setback from the 36-inch oak tree dripline, and a requirement that the visible height of the retaining walls does not exceed five feet. The required 10-foot setback will allow for drainage and runoff requirements to

be met. Additionally, while the property is mostly screened by existing trees along Stevens Creek Trail, the setback will provide for an additional buffer between the retaining walls and the trail, therefore reducing potential visual impacts when viewed from the trail.

Staff is also recommending approval of the removal of four of the five protected oak trees, excepting one 12-inch oak tree located at the base of the sloped area which can be reasonably protected through the revised grading design. The project has also been conditioned to provide replacement trees, with an added requirement that any replacement trees be planted in the rear setback to add to the landscape buffer between the property and the trail.

#### Geological Review

The property is in a liquefaction-inundation and slope instability hazard zone. The City's consulting geologist, Cotton Shires Associates, has peer reviewed the geotechnical and geologic report submitted by the project geologist, Murray Engineers, Inc., and concludes that report is reasonable and the project geotechnically feasible. The City's geologist recommended that geotechnical plan review and geotechnical construction inspections occur at the time a Building Permit is processed. The recommendations of the City's geologist are incorporated as project conditions of approval.

#### **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. The findings for the Hillside Exception, R1 Exception, Tree Removal Permit, Design Review Permit, and Minor Residential Permit sought by the applicant that the City must make in rendering a decision whether to grant an exception on this project have been outlined and responded to in their respective resolutions (Attachments 1 through 5).

#### **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 15303. The exemption applies to new construction or conversion of small facilities or structures, including single-family residences (see CEQA Guidelines § 15303(a)) 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:

Public Notice	Agenda
<ul style="list-style-type: none"><li>▪ Site Signage (<i>14 days prior to hearing</i>)</li><li>▪ 35 public hearing notices mailed to property owners within 300 feet (<i>10 days prior to hearing</i>)</li></ul>	<ul style="list-style-type: none"><li>▪ Posted on the City's official notice bulletin board (<i>at least 72 hours prior to the hearing</i>)</li><li>▪ Posted on the City of Cupertino's website (<i>at least 72 hours prior to the hearing</i>)</li></ul>

No public comments have been received as of the date of production of this staff report (January 22, 2026).

## 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 February 10, 2026) 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 January 27, 2028, at which time the applicant may apply for a one-year extension.

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Prepared by: Emi Sugiyama, Senior Planner

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

## ATTACHMENTS:

- 1 – Draft Resolution for EXC-2025-007 (Hillside Exception)
- 2 – Draft Resolution for EXC-2025-008 (R1 Exception)
- 3 – Draft Resolution for R-2024-029 (Design Review)
- 4 – Draft Resolution for RM-2024-028 (Minor Residential Permit)
- 5 – Draft Resolution for TR-2024-043 (Tree Removal Permit)
- 6 – Site Plan