



OFFICE OF COMMUNITY DEVELOPMENT

CITY HALL

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ADMINISTRATIVE HEARING STAFF REPORT

Meeting Date: July 25, 2024

Subject

Architectural and Site Approval permit to consider exterior façade improvements for five existing structures, two new covered walkways, new landscaping and lighting and parking lot improvements, including ADA upgrades and associated CEQA actions. Tree Removal Permit for removal and replacement of fourteen protected trees. (Application No(s): ASA-2023-006, TR-2023-039; Applicant: Michael Paluso (Steele Group) on behalf of Front Porch Communities and Services; Location: 22445 Cupertino Road; APN(s): 326-15-130, 326-15-133, 326-15-123, 326-15-124

Recommended Action

Staff recommends that the Hearing Officer, in accordance with the Draft Resolutions, (Attachment 1 and 2):

1. Find the actions exempt from CEQA and approve the Architectural and Site Approval, ASA-2023-006, and
2. Approve the Tree Removal Permit, TR-2023-039

Discussion

Project Data:

General Plan Land Use Designation	Quasi-Public / Institutional
General Plan Neighborhood	Creston-Pharlap Neighborhood
Zoning Designation	BQ
Lot Size	10.1 net acres (no change)
Consistency with General Plan	Yes
Consistency with Zoning	Yes
Environmental Assessment	Categorically Exempt per Section 15301 of the California Environmental Quality Act (CEQA)

Project location

The Sunnyview Retirement Community is located in the Creston-Pharlap neighborhood in the northwestern portion of the City, at the northeast corner of the intersection of North Foothill Boulevard and Cupertino Road. It is bordered by Cupertino Road to the south, North Foothill Boulevard to the west, Salem Avenue to the North, and adjacent to Hillcrest Road to the east (see Figure 1, vicinity map).

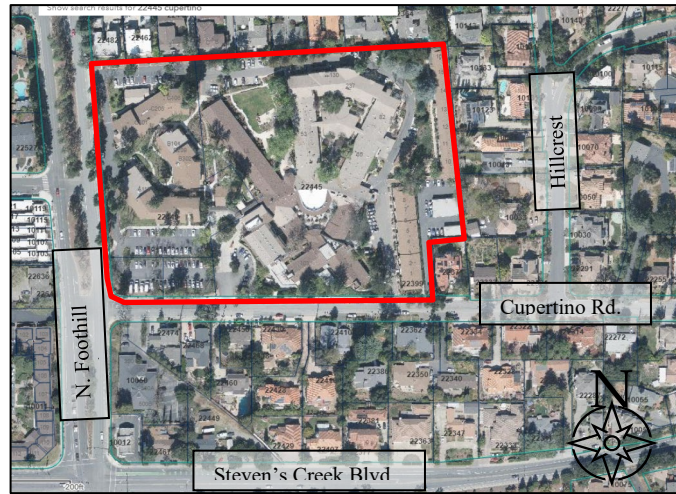


Figure 1: Vicinity Map

Application Summary

The applicant, Michael Paluso, is requesting to change the facades of five existing structures with new exterior siding and roof enhancements. Additional improvements include new landscaping in all improved areas, surface parking restriping and repaving, ADA updates, new lighting, and two new covered walkways. Additionally, to facilitate these improvements, a Tree Removal Permit for removal and replacement of fourteen protected (development) trees is required.

Background

The subject property is zoned quasi-public building (BQ). The Sunnyview Retirement Community is a congregate living facility in operation since the 1970s and include several federally funded and subsidized units. The operations at this facility have expanded over time with Use Permits processed with the City's review. A modification in the late 1990s (U-1997-13) indicated that the site was approved with 182 parking stalls. In 2008, the parking count was reduced onsite to 178 stalls due to the addition of a trash enclosure¹.

Analysis

Architectural and Site Approval

Covered Walkways: The project scope includes the construction of two new covered walkways, one above an existing uncovered pathway (see figure 2, location 1) and one replacing an existing covered walkway (see Figure 2, location 2).

¹ Building Permit No. 08060182: <https://chl-lf-app.cupertino.org/WebLink/PDFExport10.aspx?f=dd241bbb-ec18-4e7a-8f8e-5aee1d29d1ea&id=817226&t=0>

Improvements related to the first covered walkway include widening the existing pathway from approximately 5'-9" to 8'-6" by modifying an existing adjacent landscape area. The new covered structure will be in two sections – the pathway section (about 12 feet tall) and the portion leading into the Wellness Center (about 15 feet tall). Construction of the second walkway will involve the removal of an existing covered walkway, and installation of a new accessible ramp, with steel handrails, under the new walkway. The covered structure will be approximately 13' in height and terraced into sections to follow the approximate 8% slope.

The materials for the two covered walkways match and consist of wood framing, with decorative ledge stacked stone veneer—extending about 3' in height from base of each column. The covered walkways will have a gabled roof design, with asphalt shingles to match the existing roof structures. All exposed wood will be painted with a mixture of cool and warm earthtone colors; blending with the materials and colors schedule for the new façade improvements further discussed below.

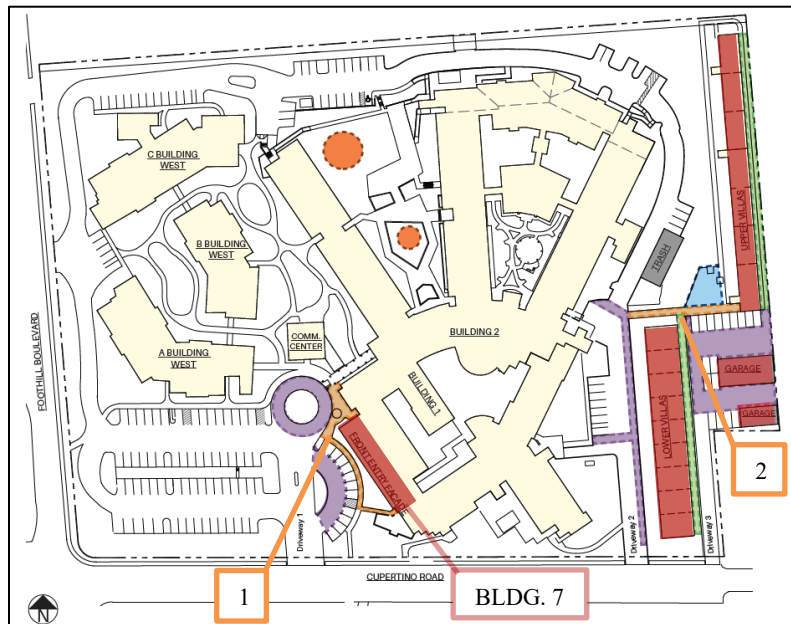


Figure 2: Locations of the proposed site improvements

■ Covered Walks,
 ■ Upper Patio,
 ■ Villas,
 ■ Façade Improvements,
 ■ Drive Aisle & Parking,
 ● Storm Water treatment,

Upper Patio: No changes are proposed to the existing upper patio slab (see Figure 2, area in blue). New steel guardrail will be installed along the covered accessible ramp discussed above and connect to the existing 42" guard rail that runs along the perimeter of the upper patio. New landscape and irrigation is proposed around the perimeter of the upper patio. The planting schedule includes both native and adaptive native flowering shrubs and leafy ground cover.

Façade improvements: Exterior renovation of the front entry (building 7), the lower villas, upper villas, and the two villa garages (located on the east side of the property) is proposed (see Figure 2, areas in red). New exterior siding and roof enhancements will be added to the exterior of each building, for a craftsman style resemblance. The improvements include the following for each structure:

- Front Entry-Building 7: The existing boxed gable roof is proposed to remain. Three new cross-gables will be added to the west elevation, replacing the existing shed roof that extends over the existing second floor balconies. The first-floor wall plane will receive a new color coat of paint. New shingle siding is proposed on the second story walls and to areas of the second story balcony walls. The fenestration pattern will remain unchanged, with some door replacements.
- Lower Villas and Upper Villas: The existing Dutch gable roof is proposed to remain on each of the single-story buildings. Several new cross-gable roofs will be added, with asphalt shingles to match existing. New gable roofed entry features will be added at each unit. The existing stucco walls on the north elevation will be painted a new color. New shingle siding, with lap siding wainscot below shall be installed on the west, east and south elevations on both villas. The fenestration pattern will remain unchanged, with some door replacements.
- Lower and Upper Villa Garages: No roof changes are proposed to the villa garages. The existing stucco walls on the east elevation will be repainted, while the south, west and north elevations of the two garages will receive new lap siding, with shingle siding wainscot below. The closed, short panel, garage doors will be replaced with a new craftsman style garage door; with decorative trellis that extends over the opening.

Drive Aisles & Parking: Two locations on site will undergo drive aisle replacement and/or parking lot restriping.

- Front Entry-Building 7: The existing landscape island at the front parking area has been reduced to accommodate two accessible parking spaces. Reduction of the size of the landscape island also made it possible to widen the drive aisle to meet city standards and to restripe 9 parking stalls in this area. Additionally, a new landscape planter island has been added in the center of the curved parking area. Additional improvements include new stamped concrete in the parking area and front entry roundabout.
- Lower and Upper Villa Parking Lot: The existing parking lot is proposed to be repaved with stamped concrete. An existing tree planter located in the north-east corner of the lot is proposed to be removed due to its odd placement, with which staff concurs. This will allow the addition of one new parking stall at this location. A new landscaped parking island, to replace the one removed, is proposed at center of the parking row along the north side of the lot. All restriped parking stalls meet the city standards.

Trash Enclosure: The existing trash enclosure located to the west of the 12-stall garage is proposed to be replaced by an expanded steel panel enclosure with a covered roof, with a shed design. The replacement and expansion of the trash enclosure will result in the

loss of one existing parking stall at this location. However, as previously discussed, the project proposes to create a new parking stall at the north end of the villa parking lot. The new trash enclosure will comply with the City's standards.

Additional Improvements: Additional improvements to the site will include removal and replacement of existing pole lighting with shielded pole lighting fixtures, new stormwater treatment system, ADA improvements, landscaping and irrigation that meet the city's water efficient landscape checklist and water budget calculation worksheets.

Tree Removal Permit

Seventy-six (76) trees – sixty-one (61) on site and fifteen (15) off site – were assessed in the Arborist Report. However, only fourteen trees have been identified for removal and replacement, of which three (3) trees (Tree no.s 8, 10 and 11) are California native species— Coast Live Oak. Table 1 below indicates the species, size, condition and reason for removal for each of the fourteen trees.

Table 1: Tree Removal Summary

#	Tree ID	Common Name (Scientific Name)	DBH Inches	Condition	Reason for Removal
1	8	Coast Live Oak (<i>Quercus agrifolia</i>)	26	2.5	Structural defects that cannot be corrected, internal decay and loss of trunk strength
2	10	Coast Live Oak (<i>Quercus agrifolia</i>)	10	3.5	Impacts due to modifications required to the planter to meet Building Code standards for required accessible parking ²
3	11	Coast Live Oak (<i>Quercus agrifolia</i>)	9	3.5	
4	12	Japanese maple (<i>Acer palmatum</i>)	5, 4, 4	3	Within construction footprint
5	13	Modesto ash (<i>Fraxinus velutina</i>)	10	2	Within construction footprint
6	14	Raywood ash (<i>Fraxinus angustifolia</i>)	13	2.5	Within construction footprint
7	24	Cherry (<i>Prunus</i>	6	3	Within construction footprint

² The original proposal, as noted in the arborist report, contemplated the removal of 12 protected trees. However, during the review process it was determined that the landscape island alteration was necessary to accommodate code compliant accessible parking, which necessitated the removal of two additional trees (#10 and 11).

#	Tree ID	Common Name (Scientific Name)	DBH Inches	Condition	Reason for Removal
		<i>spp.</i>)			
8	25	Cherry (<i>Prunus spp.</i>)	6	3	Within construction footprint
9	26	Chinese Evergreen Pear (<i>Pyrus kawakamii</i>)	12	3	Within construction footprint
10	30	Cherry (<i>Prunus spp.</i>)	4	2.5	Within construction footprint
11	31	Cherry (<i>Prunus spp.</i>)	5	2.5	Within construction footprint
12	32	Cherry (<i>Prunus spp.</i>)	5	2.5	Within construction footprint
13	43	Carob (<i>Ceratonia siliqua</i>)	16, 14, 14	3	Within construction footprint
14	75	Persimmon (<i>Diospyros spp.</i>)	3, 3, 2	2.5	Within construction footprint
Note: Tree Condition is identified on a scale of 2 thru 4: 2 being "poor", 2.5 being "fair-poor", 3 being "fair", 3.5 being "fair-good" & 4 being "good"					

The City's consultant arborist has conducted site visits, reviewed the preservation measures for the trees being retained and found the applicant's proposal acceptable and consistent with current urban forestry standards. Conditions of approval require regular inspections and reporting by an ISA certified arborist to ensure the trees are in good condition through construction. Additionally, conditions have been added that require that any tree removed be replaced in a manner consistent with the requirements of the Municipal Code (CMC 14.18.160 *Tree Replacement*.)

Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301 Class 1, categorical exemption allows for minor alteration of existing public or private facilities or topographical features, involving negligible or no expansion of existing or former use. The project proposes resurfacing existing parking lots, façade updates to existing structures and new covered walkways at an existing retirement facility. No expansion of the existing use is proposed. Furthermore, the project is not located in an environmentally sensitive area.

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: July 10th, 2024▪ Noticing to adjacent neighbors (<i>10 days prior to the hearing</i>): Notices Mailed: July 11, 2024	<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, one public comment has been received. The stake holder expressed concerns regarding construction noise, impacts to street parking and increased traffic from construction activity. Chapter 10.48.053 of the Cupertino Municipal Code regulates construction activity days, times and decibel level within residential and non-residential areas, which the contractor must adhere to. Furthermore, per city requirements, as a condition of approval, a Construction Management Plan³ must be prepared and submitted for review, prior to building permit issuance.

Conclusion

Staff recommends approval of the Architectural and Site Approval permit and Tree Removal Permit, since 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 chapters 19.168 and 14.18 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.

³ The Construction Management Plan typically includes procedures to attempt to minimize potential construction impacts related to construction crew parking, equipment staging, off-site circulation, noise, and air quality on neighbors during the construction phase.

This approval is valid until July 31, 2026. The applicant may apply for a one-time two-year extension before the approval expires.

Prepared by:

Danielle Condit, Associate Planner

Reviewed and Approved for Submission by:

Piu Ghosh, Planning Manager

ATTACHMENTS

1. Draft Resolution ASA-2023-006
2. Draft Resolution TR-2023-039
3. Project Plans (abridged due to limitations of state law pursuant to SB1214)