

EXC-2023-001 – Hillside Exception

Planning Commission

March 11, 2025



**CITY OF
CUPERTINO**

Project Site

Address

22346 Regnart Road

Land Use

Residential Hillside Very low density
(5-20 acre slope density formula)

Zoning District

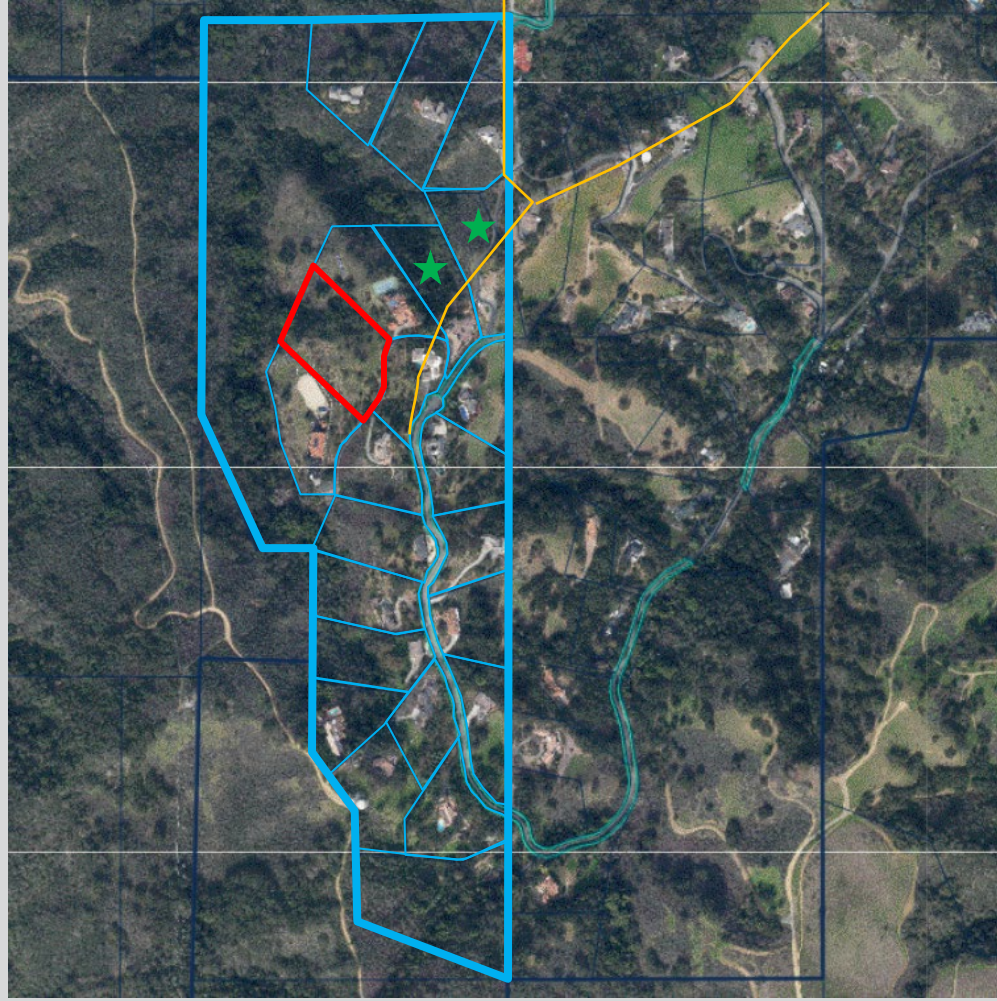
RHS-120

Request

Hillside Exception for grading more
than 500 square feet on slopes
exceeding 30%



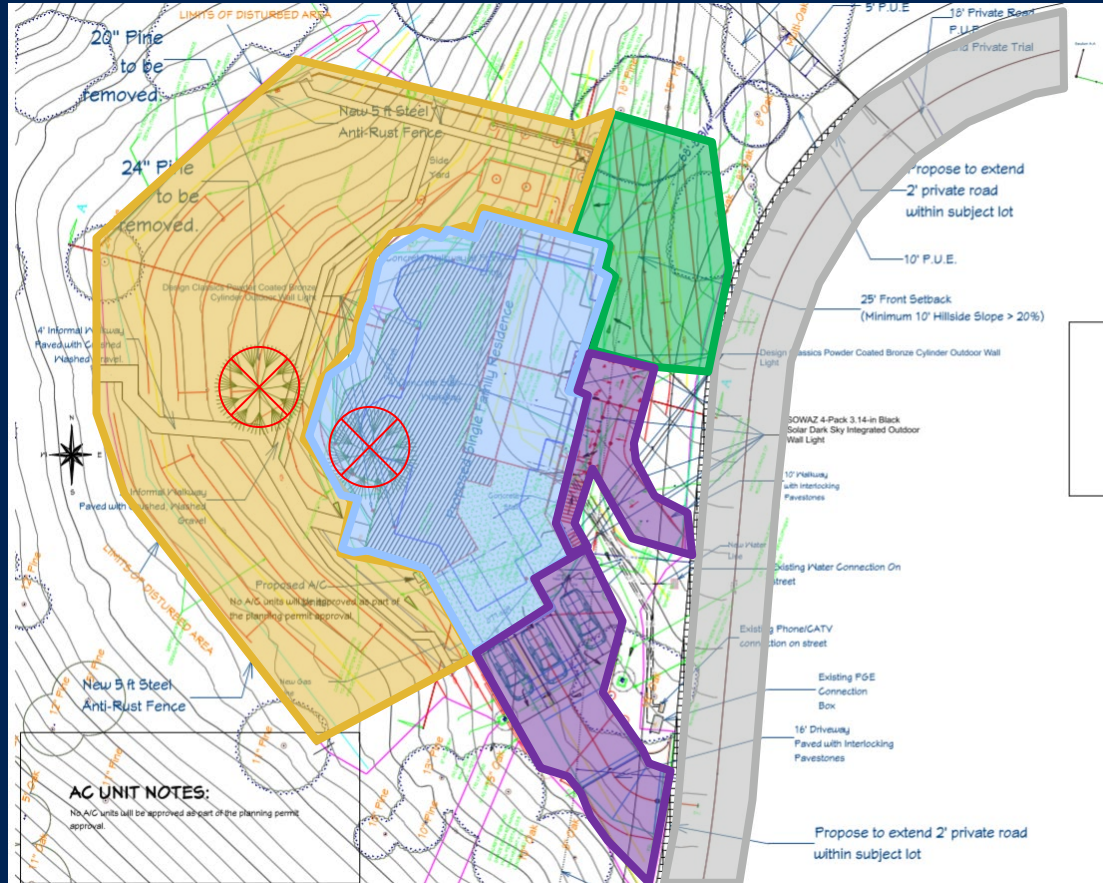
1977 Subdivision



Proposal Details

Project Data	Required		Proposed	
Maximum Allowable Development (sq. ft.)	6,500 max.		6,436	
Building Height	30' max.		29'	
Setbacks	1st Floor	2nd Floor	1st Floor	2nd Floor
Front	10'	25'	26'-6"	26'-6"
Sides	10'	15'	68'	74'
Rear	20'	25'	335'	340'
Grading Quantity (in cubic yards)	2,500 max. (excluding basements)		1,254	
Total Flat Yard Area (in square feet)	2,500 max. (excluding driveways)		2,351	
Parking (spaces)	6 min.		6	

Project Site Plan



Hillside Exception

Hillside Exception required for grading more than 500 square feet on slopes exceeding 30%

- No additional exceptions requested

Grading

- Total Grading: 1,254 cubic yards (cut and fill)
 - Allowed: 2,500 cubic yards
 - 1,231 cubic yards of cut
 - 843 cubic yards for foundation of home
 - 365 cubic yards for septic system and driveway etc.
 - 23 cubic yards of fill

Geologic Review

- Project is located within Slope Instability Geologic Hazard area
- Geologic and Geotechnical report prepared and peer reviewed
 - No evidence of landslides within building area
 - Geologic and geotechnical report conditions included in resolution

Fire Review

- Project reviewed by County Fire Department
- Fire Department requires:
 - Two-foot expansion of roadway onto the project parcel
 - Expansion and improvement of fire truck turn around at end of private road (*on neighboring property. Neighbor agrees with proposal*)

Hillside Design



Material #3: Metal Cable Deck Railing



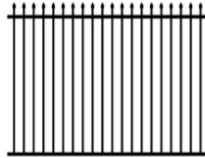
Material #2: Spanish Tile (Red)



Material #1: Stucco Finish Golden Safari, LRV 55



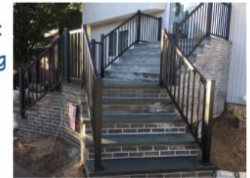
Material #4: Walkway Pavements Bricks



Material #5: Iron Fence



Material #6: Stair Railing



Lei's Home Material and Color Palettes

Trees and Landscaping

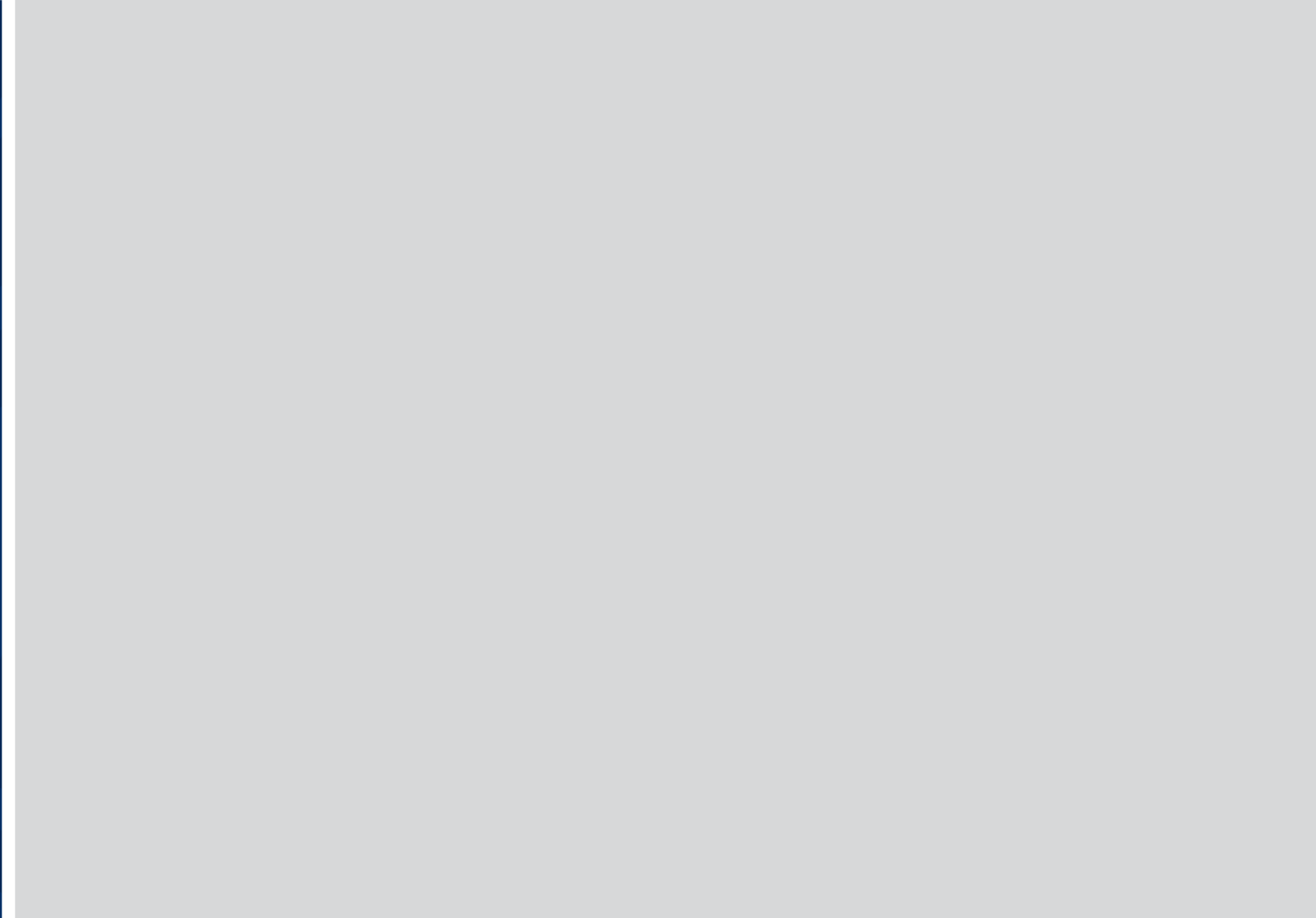
- Two non-protected trees are proposed for removal
- Replanting of graded areas (~14,500 s.f.)



Recommended Actions

That the Planning Commission adopt the proposed draft resolution (Attachment 1) to:

1. Find the project exempt from CEQA; and
2. Approve the Hillside Exception (EXC-2023-001)



Gate of Heaven Cemetery

M-2024-002, ASA-2024-002, & TR-2024-023

22557 Cristo Rey Drive



**CITY OF
CUPERTINO**

Subject

- Use Permit Modification, Architectural and Site Approval, and Tree Removal Permit for the construction of a 275-crypt garden Mausoleum and removal and replacement of 5 development trees.
- Applicant: Gate of Heaven Cemetery

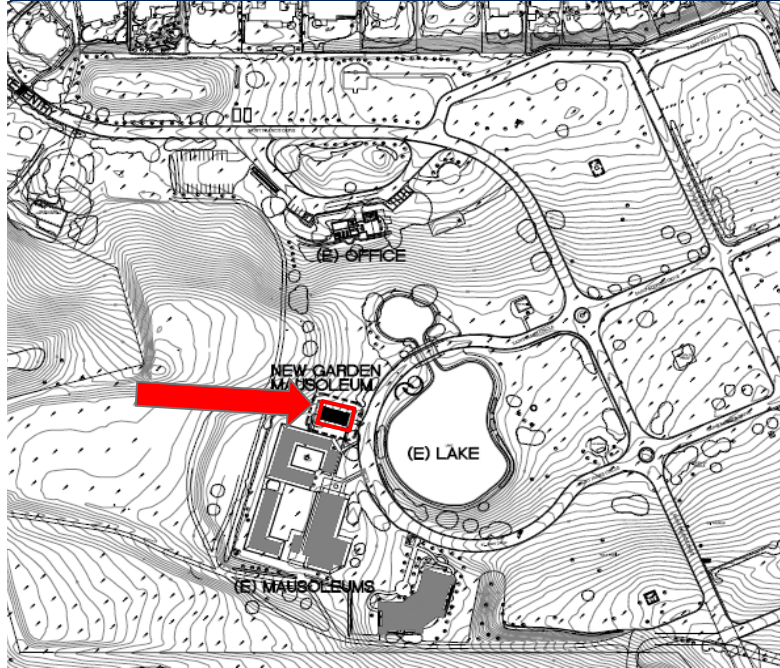
Background



Gate of Heaven Cemetery

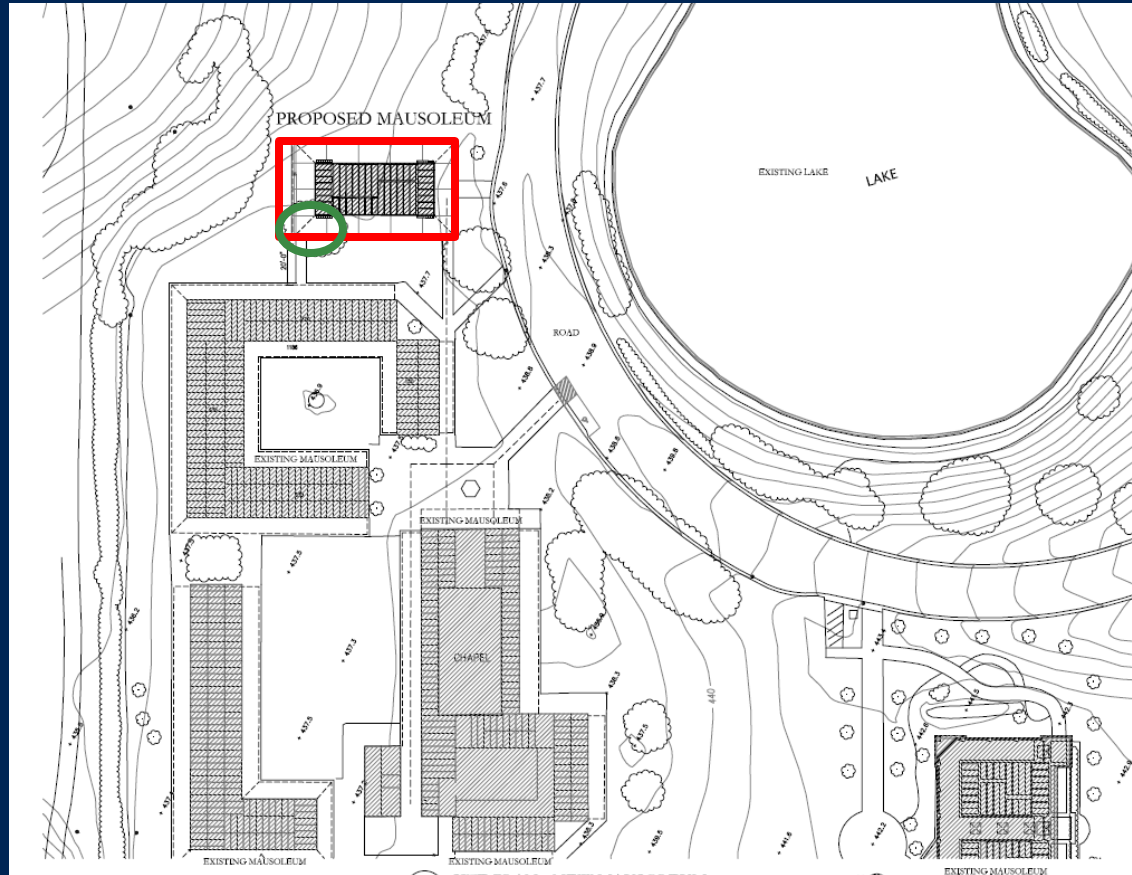
- 58-acres.
- Approved in 1962.
- Annexed into City 1986.
- Memorial park with flat horizontal markers.

Application Request

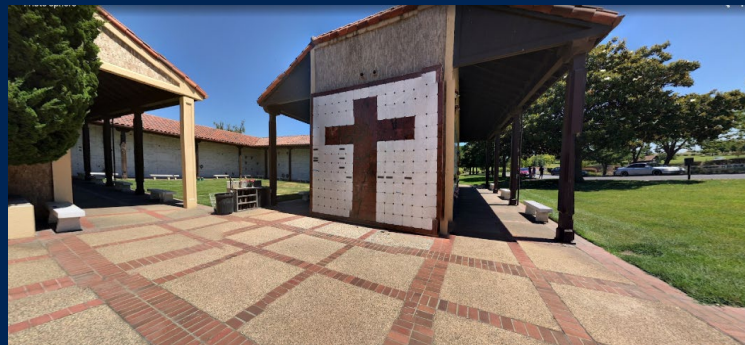
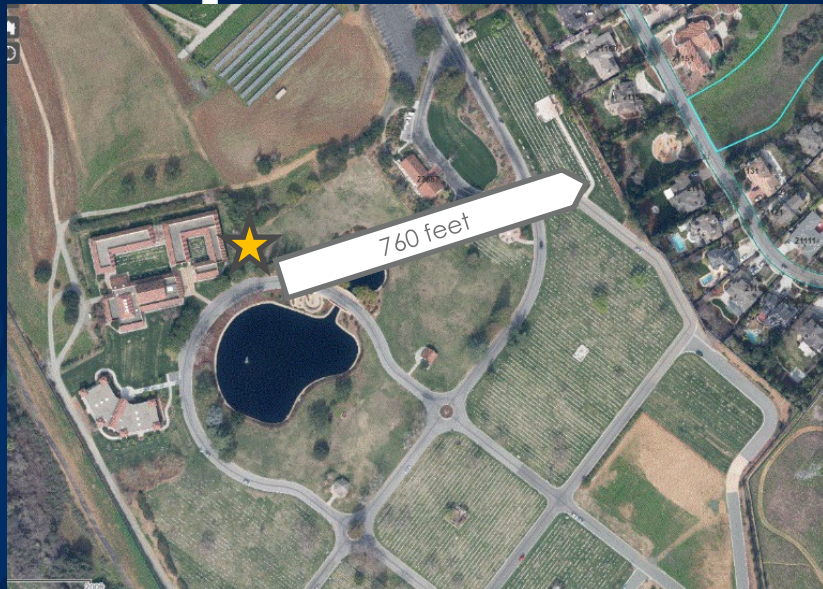


- A 3,400 square-foot, 275 crypt Garden Mausoleum.
- Replacement of 5 development trees.
- Adjacent to existing approximately 37,000 square foot mausolea and chapel.

Application Request



Application Request



Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Sections 15303: New Construction or Conversion of Small Structures.

Recommended Action

That the Planning Commission adopt the proposed draft resolutions to:

1. Find the project exempt from CEQA and approve the Use Permit Modification (M-2024-002);
2. Approve the Architectural and Site Approval Permit (ASA-2024-002); and
3. Approve the Tree Removal Permit (TR-2024-023).

Previous Approvals

Planning Permit	Description
12-U-94	Construction of a 3,500 square foot mausoleum crypt. Approved January 9, 1995.
U-2005-04	Approved statuary, Veterans markers and landscaping. Denied the request for upright markers. Approved January 17, 2005.
DIR-2005-33	Minor modifications to landscaping in the Veteran's Section of the cemetery. Approved December 20, 2005.
M-2011-01, ASA-2011-01	Detailed 14-year plan broken up into Four Phases. These include modifications to the interior road network, additional inground burial plots, terraced burial grounds, and a limited number of upright marker plots. Approved March 22, 2011.
DIR-2012-17	Installation of Phase I of a manufactured columbarium unit. Approved June 14, 2012.
DIR-2020-006	New pergola with above-ground cremains in the Veteran's Memorial section. Approved August 4, 2020.
M-2022-002	Modification of an existing Use Permit to allow above ground crypts on a portion of the Gates of Heaven Cemetery (Code Enforcement). Planning Commission denied on September 13, 2022.
DIR-2023-008	Installation of Phase II of a manufactured columbarium unit. Approved June 27, 2023.

M-2011-01, ASA-2011-01



Use Permit Findings

- The proposed development and/or use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.
The proposed 275 garden crypt mausoleum will not cause any further traffic, noise, or visual impacts to the existing uses onsite. Surrounding residential uses will be over 750 feet from the nearest residences, and for those visiting the cemetery, the crypts will be visually mitigated by being adjacent to the other mausolea onsite.
- The proposed development and/or use will be located and conducted in a manner in accord with the Cupertino Comprehensive General Plan, underlying zoning regulations, and the purpose of this title and complies with the California Environmental Quality Act (CEQA).
The proposed project is consistent with and will be conducted in a manner in accordance with, the General Plan, Zoning Ordinance and is consistent with previous approvals. Furthermore, the use is categorically exempt under CEQA in that the proposed project involves minor changes to an existing facility.

Architectural & Site Approval Findings

1. The proposal, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;
2. The proposal is consistent with the purposes of Chapter 19.168, the General Plan, any specific plan, zoning ordinances, applicable planned development permit, conditional use permits, variances, subdivision maps or other entitlements to use which regulate the subject property including, but not limited to, adherence to the following specific criteria:
 - a) Abrupt changes in building scale should be avoided. A gradual transition related to height and bulk should be achieved between new and existing buildings.
 - b) In order to preserve design harmony between new and existing building and in order to preserve and enhance property values, the materials, textures and colors of new building should harmonize with adjacent development by being consistent or compatible with design and color schemes with the future character of the neighborhoods and purposes of the zone in which they are situated. The location, height and materials of walls, fencing, hedges and screen planting should harmonize with adjacent development. Unsightly storage areas, utility installations and unsightly elements of parking lots should be concealed. The planting of ground cover or various types of pavements should be used to prevent dust and erosion, and the unnecessary destruction of existing healthy trees should be avoided. Lighting for development should be adequate to meet safety requirements as specified by the engineering and building departments and provide shielding to prevent spill-over light to adjoining property owners.

Architectural & Site Approval Findings (cont.)

- c) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures shall minimize traffic hazards and shall positively affect the general appearance of the neighborhood and harmonize with adjacent development; and
- d) With respect to new projects within existing residential neighborhoods, new development should be designed to protect residents from noise, traffic, light and visually intrusive effects by use of buffering, setbacks, landscaping, walls and other appropriate design measures.

Tree Removal Permit Findings

That the location of the trees restricts the economic enjoyment of the property by severely limiting the use of property in a manner not typically experienced by owners of similarly zoned and situated property, and the applicant has demonstrated to the satisfaction of the approval authority that there are no reasonable alternatives to preserve the tree(s).