



OFFICE OF COMMUNITY DEVELOPMENT

CITY HALL

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PLANNING COMMISSION STAFF REPORT

Agenda Date: November 14, 2017

SUBJECT:

Two Story Permit, and Minor Residential Permit to allow construction of a new single family residence with a second floor balcony. (Application No(s): R-2016-28, RM-2016-26; Applicant: Glush Dada (Qi/Juan residence); Location: Lot 1 Lindy Lane, APN# 356-25-031)

RECOMMENDED ACTION

That the Planning Commission adopt the proposed draft resolutions to:

1. Approve a Two-Story Permit to allow the construction of a single-family residence with a Floor Area Ratio of approximately 25%; (Attachment 2); and
2. Approve a Minor Residential Permit to allow a second floor balcony on the new residence (Attachment 3).

DISCUSSION:

Project Data:

General Plan Planning Area	Monta Vista South Neighborhood	
General Plan Designation	Low Density (1-5 DU/Ac.)	
Zoning Designation	R1-20	
Lot Area	19,898 sq. ft.	
Average Slope	36%	
Development Standards	Allowed	Proposed
Floor Area Ratio	45% of net lot area	25% of net lot area
Building Size	8,954 sq. ft.	5,084.70 sq. ft.
Lot Coverage	45% of net lot area	17% of net lot area
Building Height	28' max.	25'
Grading Quantity	2,500 cubic yards max.	1,626 cubic yards

Development Standards	Required		Proposed	
Setbacks	1 st Floor	2 nd Floor	1 st Floor	2 nd Floor
Front	20' min.	25' min.	25'	25'
Sides	15' combined (no side yard setback shall be less than 5 feet)	25' combined (no side yard setback shall be less than 10 feet)	25'	50'
Rear	20' min.	25' min.	130' min.	130' min.
Parking	6 spaces min.		6 spaces	

Background:

On June 28, 2016, the applicant, Glush Dada, submitted applications for the City to consider a Hillside Exception, a Two Story Permit and a Minor Residential Permit to allow the construction of an 8,962.70 sq. ft. two-story home which included a 1,986.6 sq. ft. basement on a previously undeveloped lot. The proposed project had a Floor Area Ratio (FAR) of 35%. The project necessitated the preparation of a Mitigated Negative Declaration to be compliant with the California Environmental Quality Act (CEQA.)

The proposed project was presented to the Planning Commission on its regular meeting on September 26, 2017. The report to the Planning Commission on this item is available at the City's website at: <https://cupertino.legistar.com/Calendar.aspx>. While the proposed project met all the zoning requirements of the district the project is located in, upon design review of the project and after public testimony, the Planning Commission approved Resolution 6840 (EXC-2016-07) and Resolution 6839 (EA-2016-01) for a Hillside Exception and Mitigated Negative Declaration, respectively, to allow the construction of a two-story home at this site.

However, with the agreement of the applicant, the Planning Commission provided direction to staff to work with the applicant on a redesign of the proposed residential development to, among other things, reduce the project's visual and other impacts in the area. The Planning Commission directed that the updated project:

- Continue to incorporate all the conditions of approval previously proposed to be imposed;
- Reduce the visual impact, particularly for the residents that live on the southern side of Lindy Lane.
- Reduce the mass and scale of the residence, by reducing the size of the home to a recommended maximum of approximately 25% FAR, which would be more compatible with the FAR of the residences in the surrounding neighborhood.
- Replace the flowering pear tree proposed for privacy mitigation with Coast Live Oaks.
- Consider widening the private road to better accommodate two-way traffic.

Analysis:**Two Story Permit**

The revised design of the proposed residence maintains its stepped design, consists of two levels, and a basement. The previously proposed attached accessory dwelling unit has been eliminated and replaced by a carport. A breakdown of the comparison of square footage between the prior design and the proposed revision is shown in Table 1. *House Size* below.

Table 1. House Size

	September 26, 2017 Previous	November 14, 2017 Current	Change
<i>Primary Residence</i>			
First Floor	3,756.9 s.f.	3,228.3 s.f.	-528.6 s.f.
Second Floor	2,027.0 s.f.	1,724.0 s.f.	-303.0 s.f.
Interior Areas >16' (Double Counted)	394.0 s.f.	132.0 s.f.	-262.0 s.f.
<i>Accessory Dwelling Unit</i>	798.2 s.f.	0.0 s.f.	-798.2 s.f.
Total towards Floor Area Ratio	6,976.1 s.f.	5,084.3 s.f.	-1,891.8 s.f.
FAR	35%	25%	-10%
Basement	1,986.6 s.f.	2,214.0 s.f.	+227.4 s.f.
Total House Size	8,962.7 s.f.	7,298.3 s.f.	-1,664.4 s.f.

The revised FAR of 25% is more compatible with the FAR ratios of the homes on the north side of Lindy Lane in the R1-20 zone and also with those residences on the south side of Lindy Lane, within the R1-10 zone.

In order to further reduce the mass and scale visible from the public right-of-way, the applicant has modified the project by completing the following:

- Lowering the roof pitch from 7:12 to 5:12 and dropping ceiling heights in the second and first floors, at various points, by one foot, thus reducing the overall height of the house from natural grade to a maximum of 25' from the previous height of 28'.
- Removing projecting architectural features, such as a previously proposed tower element and bay window along the southeast elevation, eliminating bulk.
- Minimizing the outdoor parking area to eliminate the previously proposed 10' high retaining wall facing Lindy Lane, which would reduce developed areas on the site enabling freer movement for wildlife.

Minor Residential Permit

Projects that propose a residence with an FAR greater than 35% on slopes over 20% in the R1-20 zoning district must obtain a Minor Residential Permit. However, since the FAR of the proposed residence has been reduced to 25% at the Planning Commission's direction,

the Minor Residential Permit is no longer required for this part of the application. Nevertheless, a Minor Residential Permit is required for the proposed balcony on the southwest elevation that potentially has a view into the side and rear yards of the neighbor to the west at 21989 Lindy Lane. The applicant is proposing to plant privacy planting trees as required by the City's ordinance. A condition of approval has been added to ensure that the privacy planting along the north side of the property are California Live Oaks as directed by the Planning Commission.

Other

At the Planning Commission's direction, a condition of approval has been added to widen the private roadway between 18' and 20', where reasonably possible, to better accommodate two way traffic, as determined by the City Engineer, consistent with the Planning Commission's direction. This will be evaluated during the grading permit stage and has to be completed prior to final occupancy.

Other Department/Agency Review

The City's Public Works Department reviewed the project and has no objections. The pre-hearing comments/conditions have been incorporated as conditions of approval in the draft resolutions.

PUBLIC NOTICING AND COMMUNITY OUTREACH

The following table is a brief summary of the noticing done for this project:

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>) ▪ Legal ad placed in newspaper (<i>at least 10 days prior to the hearing</i>) ▪ 31 notices mailed to property owners within 300 feet (<i>at least 10 days prior to the hearing</i>) 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (<i>five days prior to the hearing</i>) ▪ Posted on the City of Cupertino's Web site (<i>five days prior to the hearing</i>)

PERMIT STREAMLINING ACT

This project is subject to the Permit Streamlining Act (Government Code Section 65920 – 65964). The City has complied with the deadlines found in the Permit Streamlining Act.

Project Received: June 28, 2016

Project Resubmittal: July 15, 2016

Project Resubmittal: November 1, 2016

Project Resubmittal: June 10, 2017

Deemed Incomplete: July 19, 2016,

Deemed Incomplete: August 11, 2016,

Deemed Incomplete: November 22, 2016

Deemed Complete: June 27, 2017

The City has 60 days from the adoption of the Mitigated Negative Declaration, until November 26, 2017, to make a decision on the project, unless the applicant agrees to an extension of time.

CONCLUSION

Staff recommends approval of the Project. As explained in this staff report and the attached resolutions and exhibits, the amended Project and conditions of approval address all concerns related to the Project and per the direction provided by the Planning Commission, and all the findings supporting approval of the Project are consistent with Chapter 19.28 of the Cupertino Municipal Code.

NEXT STEPS

The Planning Commission's decision on this project is final unless appealed within 14-calendar days of the decision. The applicant may submit applications for grading and building permits to commence construction after the appeal period ends.

This approval expires on November 14, 2019, at which time the applicant may apply for a one-year extension.

Prepared by: Gian Paolo Martire, Associate Planner

Reviewed by: Piu Ghosh, Principal Planner

Approved by: Benjamin Fu, Assistant Director of Community Development

ATTACHMENTS:

1 – Draft Resolution, R-2016-28

2 – Draft Resolution, RM-2016-26

3 – Plan set