



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333  
CUPERTINO.ORG

**ADMINISTRATIVE HEARING STAFF REPORT**

Agenda Date: June 13, 2019

Subject

Architectural and Site Approval Permit to allow for the addition of 77 s.f. and modifications to the exterior materials for a single-family residence in a Planned Development zone; (Application No(s): ASA-2019-03; Applicant: Steven M. Dauber; Location: 10367 Heney Creek Place; APN(s): 342-48-027)

Recommended Action

That the Hearing Officer:

1. Find that the proposed actions are exempt from CEQA; and
2. Adopt the resolution to approve the Architectural and Site Approval Permit, in accordance with the draft resolution (Attachment 1).

Discussion

*Project Data:*

<b>General Plan Designation</b>	Very Low Residential ½ Acre Slope	
<b>General Plan Neighborhood</b>	Oak Valley	
<b>Zoning Designation</b>	P (R1 0-2) - Planned Single-Family Residential	
<b>Lot Size</b>	15,396 SF (0.35 acres)	
	<b>Existing</b>	<b>Proposed</b>
<b>Floor Area</b>	4,556 SF	4,633 SF
<b>Project Consistency With:</b>		
General Plan	Yes	
Zoning	Yes	
Environmental Assessment	Categorically Exempt per Section 15301 (Class 1) of the California Environmental Quality Act (CEQA)	

*Background:*

The property is within a planned development area located north of Stevens Creek Boulevard in the Oak Valley Neighborhood. The development was approved in 1977 with 37 single-family residences with hillside intent. The planned development is accessed off Alpine Drive and bounded to the east by N Foothill Blvd; to the south by single-family residential; to the north by properties within the City of Los Altos; and to the west by the Southern Pacific Transportation Company railroad tracks.

The home is located closest to the eastern property line with the majority of the property covered by existing native trees. The property is accessed by a driveway at the south end Heney Creek Place. The home is set back 160 feet from the front property line and not easily visible from the public right-of-way.

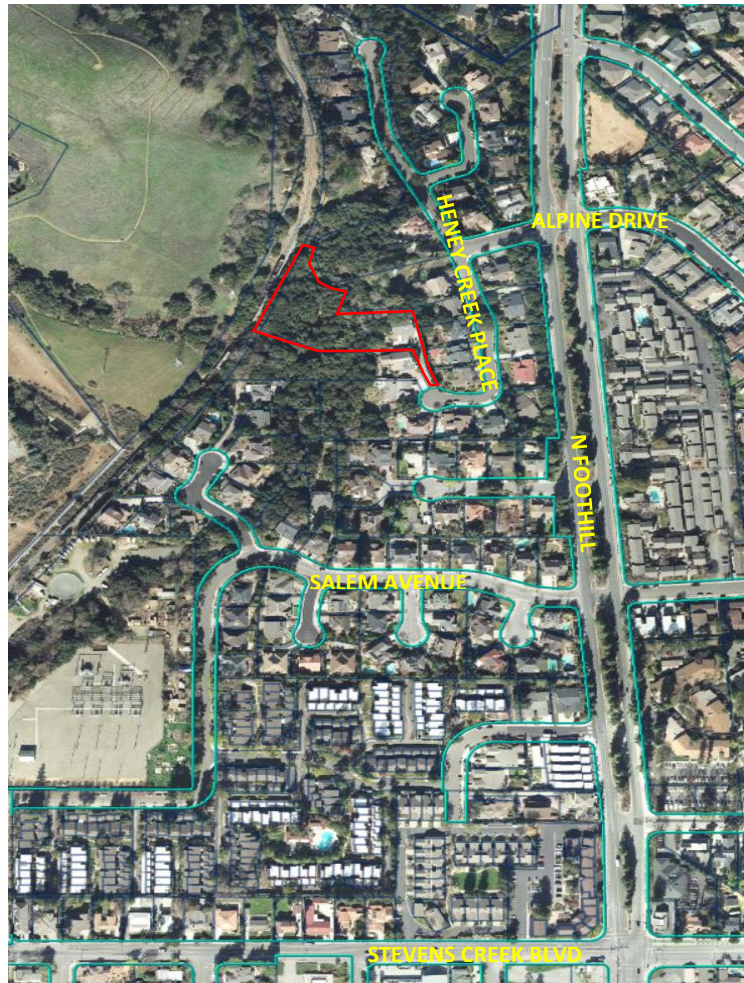


Figure 1 Site aerial

The applicant is proposing to reface the existing building, remodel the interior and add 77 s.f. on the main floor.

*Analysis:*

The existing planned development neighborhood, built in the late 1970s, was designed to preserve the hillside environment by using materials and colors compatible with it. The homes in the development were painted earthier tones such as beige, greens, grays, and browns and were built using more natural materials including wood siding, brick, and stone.

The proposed façade will be a combination of stucco (painted in an earthy tone), HardiePlank siding (to simulate wood siding) and stone accents. Refer to Sheets A 6.1-

6.4 of Attachment 2 for elevations. Since the property is located within the City's "High" Wildland Urban Interface Fire Area (WUIFA)<sup>1</sup> pursuant to Cupertino Municipal Code Chapter 16.74, the Building Code requires homeowners to select building materials that are fire resistant. HardiePlank is known for its durability and resistance to fire, and its use in this project will also maintain the wood siding appearance consistent with the original design intent for this development.

In addition to the façade remodel, the proposal includes adding 77 s.f. to the main floor by enclosing an existing balcony (area "L" in Figure 2) and a substantially enclosed alcove (area "K" in Figure 2). The areas will be added to the existing living room and dining room, respectively. The addition results in a marginal increase in floor area ratio (FAR) from 29.5% to 30.0%, and does not exceed the R-1 FAR limitation of 45%.

**Figure 2 Proposed floor plan**



#### Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301 – Existing Facilities and 15332 - In-Fill Development Projects.

#### Other Department/Agency Review

The City's Building Division and the Santa Clara County Fire Department have no objections to the project.

#### Public Noticing And Community Outreach

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

Notice of Public Hearing	Agenda
<ul style="list-style-type: none"> <li>Site Signage (<i>at least 10 days prior to hearing</i>)</li> <li>14 notices mailed to property owners 300 feet/adjacent to the project site (<i>at least 10 days prior to the hearing</i>)</li> </ul>	<ul style="list-style-type: none"> <li>Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>)</li> <li>Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)</li> </ul>

No comments have been received at the time of production of this staff report.

<sup>1</sup> The WUIFA is the area within the City which is prone to wildland fires.

### 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:** April 11, 2018;

**New Plans Received:** May 1, 2019; **Deemed Incomplete:** May 14, 2019

**Revisions Received:** May 30, 2019; **Deemed Incomplete:** May 30, 2019

Since this project is Categorically Exempt, the City has 60 days (until July 30, 2019) to make a decision on the project.

### Conclusion

Staff recommends approval of the Architectural and Site Approval permit, since the plans and conditions of approval address all concerns related to the proposed project. Additionally, all of the findings for approval of the proposed project, consistent with chapter 19.168 of the Cupertino Municipal Code, may be made as follows:

1. The proposed development, 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 applicant proposes a complete façade modification that utilizes existing material types that are compatible with the overall development and conversions of partially enclosed spaces into habitable living area totaling 77 s.f. The property is located in a High Wildlife Urban Interface Fire Area and the proposed materials improve fire resistance of the existing building in the event of a wildfire. The two conversions are a 54 s.f. front balcony and a 23 s.f. alcove off the existing living room. All of the proposed changes are minor improvements to the existing home and will not be detrimental or injurious to property or improvements in the vicinity*

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.

*The square footage added to the home will not abruptly change in scale. The proposal includes a conversion of an existing alcove located at the northwest corner of the home for additional living room area, and a balcony located at the front for a dining room expansion. Both the height and bulk between the proposal and existing buildings will be maintained.*

- b) In order to preserve design harmony between new and existing buildings 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.

*The neighborhood was designed to preserve and be respectful of the hillside environment by using materials and colors that comply with Residential Hillside standards. The proposed materials for re-facing the building will maintain this aesthetic. The façade changes will continue to use materials similar to the existing neighborhood and will integrate stucco, Hardie wood, and stone veneer on all four facades. Additionally, the colors will be compatible with the earth-tone color palette that currently exists.*

- c) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures have been designed to minimize traffic hazard, positively affect the general appearance of the neighborhood and harmonize with adjacent development.

*No signs are proposed as part of this residential project.*

- 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.

*The proposal includes small additions and a façade modification for an existing home located on a flag lot with significant tree screening. The additional square footage is a conversion of an existing balcony located at the front of the home and a partially enclosed alcove located at the northwest corner of the home. Both additions will not be visibly intrusive because of the size and location. Additionally, the chosen materials and architectural articulation are appropriately applied throughout the exterior of the home and complements the existing neighborhood in materials and colors. The project will not be visually intrusive or cause noise, traffic, and light impacts to the adjacent properties.*

### 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.

This approval is valid until June 13, 2021. The applicant team may apply for a one-time one year extension before the approval expires.

---

Prepared by:

Ellen Yau, Associate Planner

Reviewed and Approved for submission by:

Piu Ghosh, Principal Planner

### **ATTACHMENTS**

1. Draft Resolution for ASA-2019-03
2. Plan Set