



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

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ADMINISTRATIVE HEARING STAFF REPORT

Meeting Date: January 9, 2020

Subject

Development Permit to consider allowing a 2,235 square feet addition to an existing retail building (Scandinavian Design) for commercial uses; an Architectural and Site Approval to allow facade, parking, and site improvements; and a Tree Removal Permit to allow for the removal and replacement of twenty-five (25) development trees. (Application No(s): DP-2019-001; ASA-2019-006; TR-2019-032; Applicant: Nathan Ung; Location: 19900 Stevens Creek Blvd.; APN(s): 369-05-038)

Recommended Action

That the Hearing Officer adopt the draft resolutions (Attachments 1 – 3) to:

1. Find that the proposed actions are exempt from CEQA; and
2. Approve the Development Permit, Architectural and Site Approval Permit, and Tree Removal Permit.

Discussion

Project Data:

General Plan Designation	Office/Commercial/Residential		
General Plan Special Area	Central Stevens Creek Sub-area of the Heart of the City Special Area		
Zoning Designation	P(CG, Res)		
Lot Size	83,766 sq. ft. (no change)		
	Allowed	Existing	Proposed
Floor Area	N/A	26,578 SF	28,813 SF
Building Height	45 feet	20'-1"	21'-3"
Setbacks	Required	Existing	Proposed
Front	35 feet from back of curb	40 feet	No change
Side (<i>Greater of one-half (1/2) times height of building, or ten (10) feet</i>)	10'-8"	West side - 11'-1" East side - 71'-10"	No change

Rear (<i>Greater of one and one-half (1.5) times height of building or 20 feet</i>)	30'-11"	117 feet	No change
Project Consistency With:			
General Plan	Yes		
Zoning	Yes		
Environmental Assessment	Categorically Exempt per Section 15301 and 15332 (Class 1) of the California Environmental Quality Act (CEQA)		

Background:

The property is located south of Stevens Creek Blvd, between S. Blaney and S. Portal Avenues. The property is located within the Central Stevens Creek sub-area of the Heart of the City Special Area, which serves as the main commercial corridor in the City. The property is currently occupied by a Scandinavian Design furniture store and situated among other commercial and commercial



Figure 1: Site aerial

office uses (Cort Furniture, Pacific Workplaces, Travigne retail) to the north, single family residences to the south, a condominium complex to the east, and commercial uses (Arya Restaurant, a bank and a gas station) to the west.

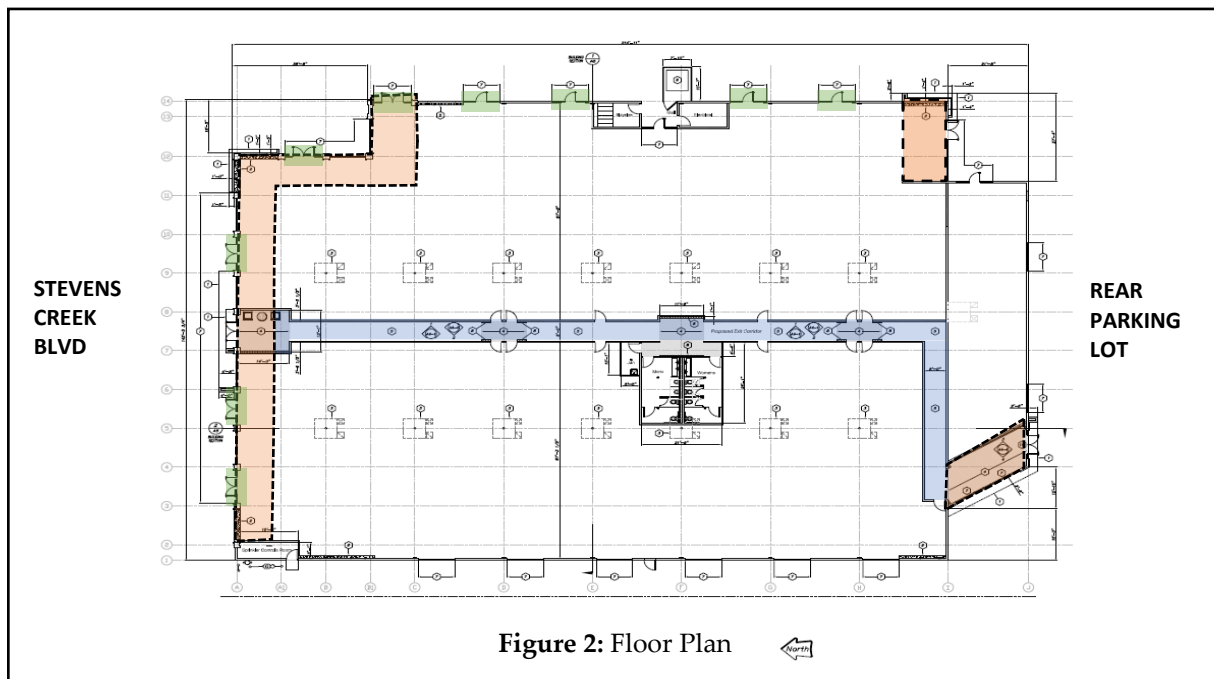
Application Summary

The applicant is requesting to add 2,235 square feet by enclosing existing covered arcade areas and an existing loading dock and to improve the building with an updated façade, outdoor amenity spaces, landscaping, and parking lot upgrades (see Attachment 4). The property is currently leased to a single tenant. The property owners plan to improve the building to have the flexibility to accommodate multiple tenants in the future and are proposing improvements to that end. The individual interior improvements and demising will occur when the tenanting process is completed. At this time, it is anticipated that all future tenants would be permitted uses allowed under the general commercial ordinance.

Analysis:

Development Permit

The building is currently designed with a covered arcade with arches leading to the storefront. The property owner will enclose two arcades that are located along the front (north) and in the southwest corner at the rear of the building and an existing dock at the southeast corner at the rear of the building (see orange areas in Figure 2 below).



These additions increase the size of the building by 2,235 square feet. The Heart of the City Special Area has 814,670 square feet available for allocation. With approval of this application, the available balance will be 812,435 square feet.

Architectural and Site Approval

A new interior hallway (see area highlighted blue in Figure 2 above) is proposed which will divide the space into two sections. As previously mentioned, interior improvements are not proposed at this time since the final number of tenants is unknown.

The reconfiguration will activate the northern (facing Stevens Creek Boulevard) and eastern (facing the driveway) elevation by adding storefront window and door systems for access into potential future tenant spaces (see areas highlighted green in Figure 2 above). Tenants along the west side of the building will not have direct exterior access to the west but instead would have entrances from the new interior hallway.

The existing red brick façade will largely be maintained as the base material. The applicant proposes to introduce metal cladding and wood plank finish painted in tones

of gray, silver, and black as secondary materials. A metal clad architectural feature will be added to the northeastern corner of the building which will raise the height at this corner by 1'-2". The entrance leading to the new hallway will be updated with a new glass storefront system with aluminum finishes. Other accents proposed to the building include metal canopies painted orange which provide a modern component to the existing, more traditional, red brick (see page A4-5 of the Plan Set for materials).

Two outdoor patio areas are proposed along the Stevens Creek Boulevard frontage. These will be within the front setback area on either side of the entrance to the new hallway but outside the required landscape easement in the Heart of the City Specific Plan (see Figure 3 for a rendering.) The patios will include low concrete seat walls (1-6" in height) and landscaping to delineate the space from the public sidewalk.



Figure 3 Front patio rendering viewed from the northwest
(proposed mural location circled in red)

Trees and Landscaping

In compliance with the Heart of the City landscape requirements, the applicant will install eight new flowering pear trees on either side of the public sidewalk within the required landscape easement.

The applicant proposes to remove a total of 25 trees on the property. The arborist report (see Attachment 5) indicates that, of the 25 trees proposed to be removed, 14 Camphor trees are in poor condition due to crown dieback and 11 Canary Island pines are in moderate to poor condition due to inadequate pruning leading to a top-heavy hazardous condition. The property owner is required to provide replacement trees consistent with the Protected Trees ordinance throughout the site. The final landscape plan will be reviewed prior to building permit approval. All other mature trees were identified for preservation; therefore, these will be protected during construction.

The applicant must also comply with Chapter 14.15, Landscape Ordinance, of the Municipal Code. As a condition of approval, the applicant must demonstrate to the City that the replacement trees for the trees being removed and other landscaping proposed meet the Municipal Code requirements prior to issuance of building permits.

Bicycle and Vehicular Parking

Based on the proposed tenant mix of 25% office uses (the maximum allowed in General Commercial CG zones) and 75% other permitted commercial uses, the project must include 112 parking spaces. The applicant proposes 114 vehicular spaces which is adequate. The project must provide 22 Class II bicycle parking spaces. The applicant proposes to provide 7 long-term bicycle stalls in a bike locker room and 18 short-term bicycle stalls provided at the front and east of the building to meet this requirement.

Public Art

The proposed project is not required to provide public art as a project requirement. However, the property owner has interest in incorporating an art mural to activate the building to support the Fine Arts Commission's "Art in Unexpected Areas" program. The proposed location is circled in red in Figure 3 above. This is not an ongoing obligation to keep the art work. However, this allows the property owner to maintain the artwork for as long as they retain it. Once the property has determined the featured art, the proposed art will be reviewed by the Fine Art Commission prior to installation.

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, Environmental Programs Division, Public Works Department, Cupertino Sanitary District, and the Santa Clara County Fire Department have no objections to the project.

Public Noticing And Community Outreach

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

Notice of Public Hearing	Agenda
<ul style="list-style-type: none">▪ Site Signage (<i>at least 10 days prior to hearing</i>)▪ 120 notices mailed to property owners within 300 feet of the project site (<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 hearing</i>)▪ Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)

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

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.

Plans Received: September 21, 2019; **Deemed Incomplete:** October 21, 2019

Revisions Received: November 26, 2019; **Deemed Complete:** December 12, 2019

Since this project is Categorically Exempt, the City has 60 days (until February 12, 2020) to make a decision on the project.

Conclusion

Staff recommends approval of the Development Permit, 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 14.18, 19.156, and 19.168 of the Cupertino Municipal Code, may be made as follows:

Development Permit

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 current building is a one-story retail commercial building that is located within the Heart of the City Special Area that promotes retail and active uses. The zoning district allows the construction of building of up to 45 feet in height while the existing building is measured approximately 20'. The proposal will not change the height of the building. The project will enclose the two arcades that are located along the front and in the southwest corner of the rear of the building. There will be no change to the massing and setbacks. Therefore, the proposal will not be detrimental or injurious to property or improvements in the vicinity.

2. The proposed development will be located and conducted in a manner in accord with the Cupertino Comprehensive General Plan and the purpose of this title and complies with the California Environmental Quality Act (CEQA).

The proposed development is in conformance with the Cupertino General Plan and the proposal has met the development standards specified in the Heart of the City Specific Plan and the City Municipal Code such as heights, setbacks and landscaping requirements. Furthermore, the use of the building is proposed to be consistent with the goals of the General Plan to maintain a commercial core along Stevens Creek Blvd. The project is categorically exempt from CEQA under Section 15301 since it is an addition to an existing structure of less than 10,000 sq. ft. Furthermore, since the building is already a developed site and merely

proposes to enclose existing areas already covered by a roof, the project is also categorically exempt from CEQA under Section 15332 - In-Fill Development Projects.

Architectural and Site Approval

3. 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 to enclose existing covered arcades; therefore, not increasing the lot coverage and overall massing. In addition, the project proposes a façade modification to modernize the existing building. The changes include material changes from an all brick façade to one with metal and wood accents in addition to the brick. The proposal includes the creation of two front patios on each side of the central walkway that leads to the entrance. The project also includes improvements in the parking lot and within the landscaped areas. All the proposed changes are minor improvements to the existing building and site and will not be detrimental or injurious to property or improvements in the vicinity.

4. 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.

There are no changes in building scale except the addition of a metal clad architectural feature at the northeast corner of the building. The architectural feature will add 1'-3" to 13'-7" feet along the north elevation (Stevens Creek Boulevard) and 13'-10" feet along the east elevation (facing the main driveway) at the northeast corner of the building. No other height or scale modifications are proposed that will impact the existing massing.

- 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.

Through this proposal the applicant has incorporated existing materials with attractive contemporary metal and wood elements that are suited and compatible with the character of the area. In addition, the applicant proposes to enhance the landscaping on the property. Existing mature trees that are in good health are proposed to be retained. Outdoor lighting incorporates appropriate shielding and is designed to meet the parking lot lighting requirements of the Municipal Code.

- 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.

There is currently a ground sign located within the front setback area and the applicant intends to reface the sign to reflect the new architectural style and tenants. At this point, no signs are proposed, nor approved, as part of this 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.

This application is not a new project and will maintain the existing buffering and setbacks established adjacent to the existing residential neighborhoods.

Tree Removal Permit

- 5. That the trees are irreversibly diseased, are in danger of falling, can cause potential damage to existing or proposed essential structures, or interferes with private on-site utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services;

The trees proposed for removal are either in conflict with the proposed site improvements, not suitable for preservation or relocation, or have an existing canopy form that would be hazardous under strong winds. These have been documented by an ISA certified arborist.

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 January 9, 2022. The applicant may apply for a one-time two year extension before the approval expires.

Prepared by:

Ellen Yau, Associate Planner

Reviewed and Approved for submission by:

Piu Ghosh, Planning Manager

ATTACHMENTS

1. Draft Resolution for DP-2019-001
2. Draft Resolution for ASA-2019-006
3. Draft Resolution for TR-2019-032
4. Plan Set
5. Arborist Report