



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

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**ADMINISTRATIVE HEARING STAFF REPORT**

Meeting Date: May 14, 2020

**Subject**

Architectural and Site Approval Permit to allow for façade and landscape modifications to the Courtyard by Marriott Hotel. Tree Removal Permit to allow for the removal and replacement of 15 development trees. (Application No(s): ASA-2019-007, TR-2019-034; Applicant: Tom Young (Spectrum Development); Location: 10605 N. Wolfe Road.; APN(s): 316-47-049)

**Recommended Action**

That the Hearing Officer adopt the draft resolutions (Attachments 1 and 2) to:

1. Find that the proposed actions are exempt from CEQA; and
2. Approve the Architectural and Site Approval Permit (ASA-2019-007) and the Tree Removal Permit (TR-2019-034).

**Discussion**

**Project Data**

<b>General Plan Designation</b>	Commercial/Residential	
<b>General Plan Special Area</b>	North Vallco Special Area	
<b>Zoning Designation</b>	P(Hotel)	
<b>Lot Size</b>	154,624 sq. ft. (3.55 Acres)	
	<b>Existing</b>	<b>Proposed</b>
<b>Floor Area</b>	79,406 sq. ft. (51.4%)	No Change
<b>Lot Coverage</b>	35,223 sq. ft. (22.8%)	35,911 sq. ft. (23.2%)
<b>Building Height</b>	47'-6"	No change
<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 located within the North Vallco Gateway in the North Vallco Special Area. The North Vallco Special Area is a major employment center for Cupertino and is primarily comprised of commercial and office development – including Courtyard by Marriott, Hilton Garden, Cupertino Village, and Apple Campus 2.

The project site is bounded by Homestead Road to the north, N. Wolfe Road to the east, HWY-280 to the south, and Linnet Lane the west (see Figure 1). The property is located adjacent to the Hilton Garden Inn and an approved (not constructed yet) 185-room hotel to the north, multi-family residential (Arioso Apartments & The Hamptons) to the north west and east and single-family residential to the west (off Linnet Lane). The 149-room Courtyard by Marriott Hotel was approved in 1986 by Planning Commission with the approval of U-1986-33.



**Figure 1.** Project site

## Analysis

The applicant is requesting façade and landscape modifications to the existing Courtyard by Marriott Hotel. The scope of work for the project is as follows:

- Replacement of the arrival porte cochere;
- Installation of architectural elements at the main and side entrances;
- Exterior façade architectural material upgrades;
- Demolition and replacement of the trash enclosure;
- Installation of a new bicycle parking rack;
- Removal and replacement of 15 development trees; and
- Landscape enhancements.

The scope of work does not include any increase to the existing room count, floor area, or height and will therefore not result in an increased intensity of the existing use.

### *Exterior Building Modifications*

The existing exterior materials for the Courtyard by Marriott consist of stucco walls with a tile roof in a neutral color palette (see Figure 2). In line with Courtyard's new contemporary aesthetic, the applicant is requesting to modernize the building by incorporating additional textures and finishes, including dry stone, faux wood (fiber cement) wall paneling, and metal elements, along with a more contemporary color scheme of white, greys, and brown.



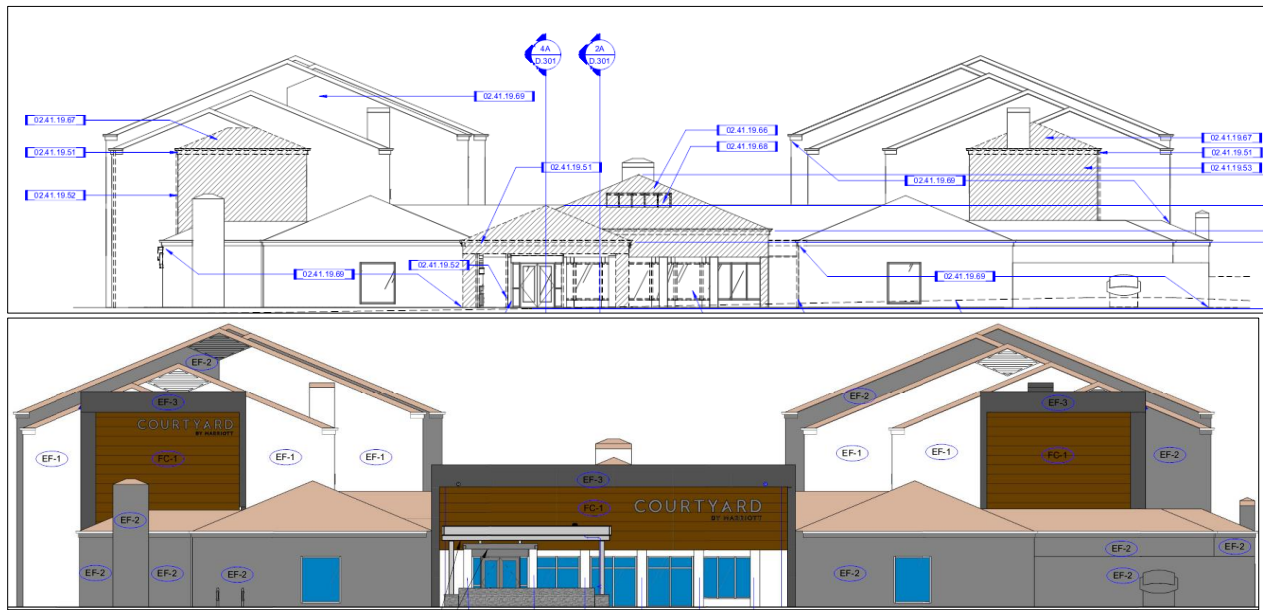
**Figure 2.** Existing Conditions

As part of this project, the arrival porte cochere, main entrance and two entry stair towers (on the east and west elevations) will be replaced with a more modern design feature with a contemporary flat-roof, faux wood paneling, and metal accents (see Figures 3 & 4).

The porte cochere will be reduced in height by ~5.5' (from 18'-4" to 12'-10") and the main entrance by one foot (from 23'-10" to 22'-10"). The proposed porte cochere will be slightly larger in size and will cause the lot coverage to marginally increase from 35,223 sq. ft. (22.8%) to 35,911 sq. ft. (23.2%). The North Vallco Special Area does not have a lot coverage limitation imposed on the site.

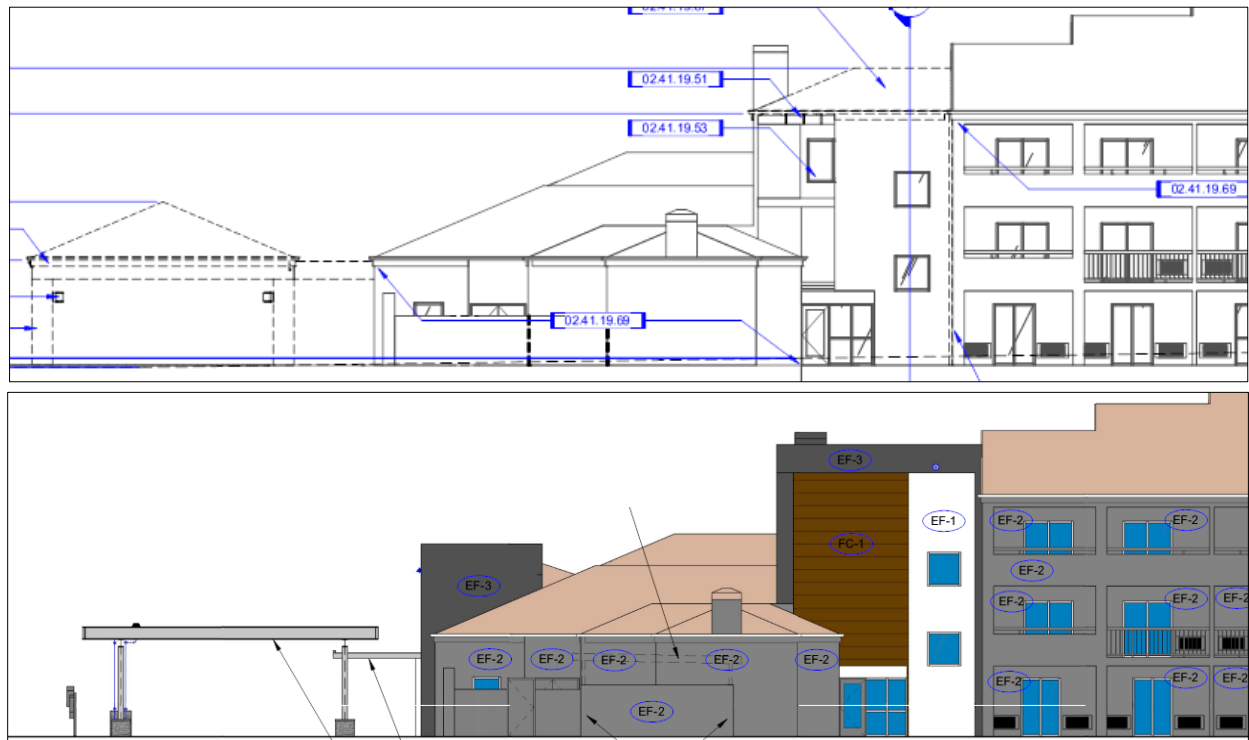
In order to achieve the desired aesthetic, the applicant has proposed a minor increase in the parapet height for the east and west entry stair towers, resulting in a total increase in height of ~one-foot (from 32'-3" to ~33'-4"). However, the overall height of the building

is not impacted since the existing roof forms of the bulk of the structure will remain unchanged.



**Figure 3 (above).** Existing and Proposed North Elevation

**Figure 4 (below).** Existing and Proposed West Elevation



The proposed design was peer-reviewed by the City's consulting architect who found that the proposed changes are minor in scope and are architecturally harmonious with the other portions of the building.



The existing floor area and the number of guestrooms will not be impacted by the proposed scope of work.

New lighting fixtures are also proposed as part of the scope of work. The applicant has provided site photometrics, which indicate that the new light fixtures will not cause light to spill-over onto adjacent residential or hotel properties.

Modifications to the existing signage are not part of this scope of work and have been reviewed and approved with a separate Building Permit (BLD-2020-0234).

#### *Tree Removals/Replacements & Landscape Modifications*

Per the Protected Trees Ordinance (Chapter 14.18) of the Cupertino Municipal Code (CMC), all approved development trees (i.e. trees required to be planted or retained as part of a development application, building permit, tree removal permit, or code enforcement action) are considered “protected” and require approval of a tree removal permit prior to removal. Replacements for the removed trees are required as part of the tree removal permit.

The applicant is proposing to remove a total of 15 development trees along the exterior of the building as part of the Tree Removal Permit (TR-2019-034). The arborist report (Attachment 4) assesses the location, size, current condition, and overall health of the trees proposed to be removed. These trees have generally been identified to be in good condition, with trees #2 and #7 in fair condition, and trees #15 and #16 in critical condition. Per the draft conditions of approval for TR-2010-034, all trees outlined in the arborist report for removal are approved, with the exception of Tree #3, which shall remain on site. The table below includes the trees proposed for removal (note: tree # corresponds with the tree inventory provided with the arborist report).

<b>TABLE 1 – TREES TO BE REMOVED AND REPLACEMENTS</b>			
<b>Tree #</b>	<b>DBH</b>	<b>Tree Species</b>	<b>Replacements</b>
1	15	Camphor ( <i>Cinnamomum camphora</i> )	2 – 24” box
2	6	Camphor ( <i>Cinnamomum camphora</i> )	1 – 24” box
4	15	Southern Live Oak ( <i>Quercus virginiana</i> )	2 – 24” box
5	15	Southern Live Oak ( <i>Quercus virginiana</i> )	2 – 24” box
6	14	Southern Live Oak ( <i>Quercus virginiana</i> )	2 – 24” box
7	14	Southern Live Oak ( <i>Quercus virginiana</i> )	2 – 24” box
8	8	Japanese black pine ( <i>Pinus thunbergiana</i> )	1 – 24” box
9	14	Australian Willow ( <i>Geijera parviflora</i> )	2 – 24” box
10	12	Southern Live Oak ( <i>Quercus virginiana</i> )	1 – 24” box
11	12	Southern Live Oak ( <i>Quercus virginiana</i> )	1 – 24” box

<b>TABLE 1 – TREES TO BE REMOVED AND REPLACEMENTS</b>			
<b>Tree #</b>	<b>DBH</b>	<b>Tree Species</b>	<b>Replacements</b>
12	12	Southern Live Oak ( <i>Quercus virginiana</i> )	1 – 24" box
13	2	Eastern Redbud ( <i>Cercis canadensis</i> )	1 – 24" box
14	3	Eastern Redbud ( <i>Cercis canadensis</i> )	1 – 24" box
15	10	Coast Redwood ( <i>Sequoia sempervirens</i> )	1 – 24" box
16	7	Coast Redwood ( <i>Sequoia sempervirens</i> )	1 – 24" box
<b>Total Replacements Required</b>			<b>21 – 24" box</b>

The required replacement trees per the Protected Trees Ordinance are 21 24"-box trees. The applicant exceeds the minimum number of replacement trees by proposing 27 trees to be planted on site as follows:

- 12 24"-Box Crape Myrtle (*Lagerstroemia Indica*)
- 7 24"-Box Fruitless Olive (*Olea Europaea*)
- 6 24"-Box Streetspire Oak (*Quercus Robur*)
- 2 24"-Box Coast Redwood (*Sequoia sempervirens*)

These trees will be retained on the site as protected development trees. The arborist report and proposed tree replacement species and locations were peer-reviewed by the City's Arborist who had no objections to the project. No trees along the westerly property line adjoining the existing residential development are proposed for removal.

The applicant is also proposing to modify the existing landscape by removing and replacing portions of the existing turf and planting area. The project is subject to a Full Landscape Documentation Package per the Landscape Ordinance (Chapter 14.15) of the CMC. The Landscape Ordinance requires the applicant to submit a Water-Efficient Landscape Checklist, Water Budget Calculations, and finalized landscape, irrigation, and grading design plan prior to building permit issuance.

#### *Additional Site Modifications*

The applicant is proposing to install a bicycle parking rack near the main entrance of the hotel. The Parking Ordinance (Chapter 19.124) of the CMC requires one Class II bicycle parking stall per every 20,000 sq. ft. of hotel floor area. The proposed bicycle rack complies with the Parking Ordinance by providing 4 Class II bicycle parking stalls for the 79,406 sq. ft. hotel. The proposed plan will maintain the existing 140 vehicular parking stalls required for the site.

The applicant is also proposing to replace the existing wood trash enclosure with a new 240 sq. ft. covered trash enclosure with a total height of 9'-9" in compliance with the City's requirements. The proposed trash enclosure will be located on the west building

elevation and will incorporate the same exterior materials and paint color scheme proposed throughout the primary building. The trash enclosure is considered an accessory structure and is consistent with the Accessory Buildings/Structures Ordinance (Chapter 19.100) of the CMC with regard to height and setbacks.

As part of the site modifications, the applicant has agreed to remove a portion of the existing 6' chain link fence along the east property line surrounding the pedestrian and bicycle access pathway off N. Wolfe Road.

Interior modifications and minor tenant improvements have been reviewed and approved by a separate Building Permit (B-2019-0205).

#### Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301 – Existing Facilities.

#### Other Department/Agency Review

The City's Building Division, Environmental Programs Division, Public Works Department, and the Santa Clara County Fire Department have no objections to the project.

#### Public Noticing & 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>▪ 7 notices mailed to property owners 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.

#### 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:** September 26, 2019; **Deemed Incomplete:** October 29, 2019

**Revisions Received:** January 5, 2020; **Deemed Incomplete:** February 5, 2020

**Revisions Received:** February 25, 2020; **Deemed Complete:** March 25, 2020

Since this project is Categorically Exempt, the City has 60 days (until May 25, 2020) to make a decision on the project.

### **Conclusion**

Staff recommends approval of the Architectural and Site Approval Permit and the Tree Removal Permit, as the proposed project will not create adverse impacts to the surrounding area. Additionally, all the findings for approval of the proposed project, consistent with Chapter 19.168 and 14.18 of the Cupertino Municipal Code, may be made as reflected in the draft resolutions.

With respect to the Architectural and Site Approval Permit, the following findings may be made:

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;

*The proposal includes façade modifications to the existing Courtyard by Marriott hotel that modernize the architectural style of the building. The exterior enhancements will incorporate a flat-roof design, additional textures and finishes, including dry stone, faux wood (fiber cement) wall paneling, and metal elements, and a more contemporary color scheme of white, greys, and brown. The existing floor area, number of guestrooms, and total building height will not be impacted by the proposed scope of work and the footprint of the existing hotel will largely be retained with a minor increase in lot coverage. The materials used will have to comply with building code and other state code standards for health and safety. Furthermore, the project is located at an established hotel site in a residential and commercial district and is surrounded by another hotel use, multi-family residential, and a small number of single-family residential uses. Therefore, the façade modifications 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.

*The scale of the building will be maintained with no increase to the height. The façade modifications will incorporate a flat-roof design at the main entrance, which will result in a minor reduction in bulk. Overall, the hotel will maintain the same form as the existing*



*structure with an enhanced contemporary design. Therefore, there will be no abrupt changes in building scale related to height and bulk and no new buildings are being proposed.*

- 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 façade modifications are harmonious with the existing building form and the proposed upgrades to the existing materials and colors will not impact the future character of the neighborhood. The new trash enclosure is located to the west of the building in an area not visible from the public right-of-way and is designed to be compatible with the proposed aesthetic of the hotel. The proposed tree removals are due to poor initial planting locations that are not suitable for the continued maintenance of the trees. The proposed tree replacements will improve the aesthetics of the site for its users. Additional landscaping is being proposed to enhance existing landscaping at the site. The proposed new lighting fixtures are designed in order to prevent spill-over light to adjoining properties.*

- 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 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 development project.*

With respect to the Tree Removal Permit, the following findings may be made:

3. That the protected trees are a detriment to the subject property and cannot be adequately supported according to good urban forestry practices due to the overplanting or overcrowding of trees on the subject property.

*The proposed tree removals are due to poor initial planting locations that are not suitable for the continued maintenance of the trees. The proposed tree replacements will improve the aesthetics of the site for its users. The City's consulting arborist has reviewed the arborist report and takes no exception to the proposal for removal.*

### **Next Steps**

The permit will become 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 (May 28, 2020 at 5:00pm).

This approval is valid until May 14, 2022. The applicant team may apply for a one-time two-year extension before the approval expires.

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Prepared by:

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Reviewed and Approved for submission by:

Piu Ghosh, Planning Manager

### **ATTACHMENTS**

1. Draft Resolution for ASA-2019-007
2. Draft Resolution for TR-2019-034
3. Plan Set
4. Arborist Report