



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

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ADMINISTRATIVE HEARING STAFF REPORT

Agenda Date: June 11, 2020

Subject

Architectural and Site Approval Permit to allow for the construction of a new 2,693 square foot, two-story single-family residence in a Planned Development zone. (Application No.: ASA-2019-008; Applicant: Chelsea Bright; Location: 10206 Orange Avenue; APN(s): 357-18-047)

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

General Plan Designation	Residential (4.4-7.7 Dwelling Units per Acre)	
General Plan Neighborhood	Monta Vista	
Zoning Designation	P (Res 4.4-7.7) - Planned Residential with 4.4-7.7 units/acre)	
Lot Size	6,000 SF (0.14 acres)	
Site Development	Allowed/Required	Proposed
Floor Area Ratio (<i>max. 45%</i>)	2,700 sf (45%)	2,693 sf (44%)
Lot Coverage (<i>max. 50%</i>)	3,000 sf (50%)	2,398 sf (39%)
First Floor Setbacks		
Front	20' <i>min.</i>	27' 3"
Rear	20' <i>min.</i>	38' 9"
Side	5' <i>min. on both sides</i>	Left: 5'; Right: 5'
Second Floor Setbacks		
Front	25'	27' 3"
Rear	25'	41' 9"
Side	Combined 25' with no side less than 10'	Combined: 26' 6" (Left: 10'; Right: 16' 6")

Site Development	Allowed/Required	Proposed
Second to First Floor Ratio	No limits	62%
Total Building Height	28'	25' 10"
Parking	4 (2 covered, 2 open)	4 (2 covered, 2 open)
Project Consistency With		
General Plan	Yes	
Zoning	Yes	
Environmental Assessment	Categorically Exempt per Section 15303 (Class 1) of the California Environmental Quality Act (CEQA)	

Background:

The property is located in the Monta Vista neighborhood south of Stevens Creek Boulevard between Lomita, Olive Avenue, and Pasadena Avenues. This lot was created in 2018 by subdividing an existing 12,960 square foot lot into two lots under Tentative Map Permit TM-2016-02. Subsequently, the single-family residence on the property was demolished and the two new lots are currently vacant.

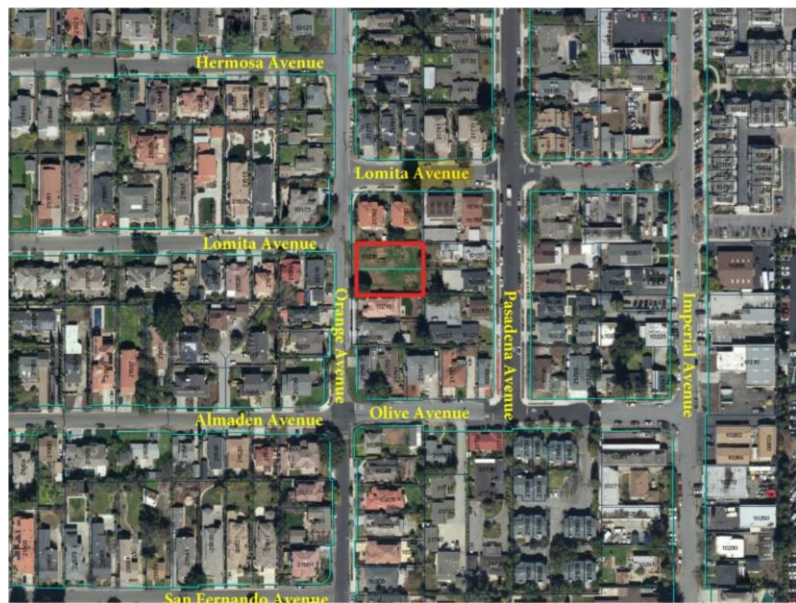


Figure 1: Project Aerial

The neighborhood is bounded by Stevens Creek Boulevard to the north, Imperial Avenue and Alhambra Avenue, to the east, McClellan Road, to the south, and Blackberry Farm and Blackberry Golf Course to the west. It is distinguished by a mix of residential and neighborhood commercial uses and was annexed from Santa Clara County in 2004 with a Planned Development with residential intent zoning to allow for design flexibility.

Due to the allowed design flexibility there is a varied mix of single-family homes and low-density multi-family units with R1-7.5 and P(Res) 4.4.-7.7 and P(Res) 10-15 zones and unit densities in this area. The property owner and applicant, Thomas James Homes, is proposing to build using the R1-5 zoning development standards on both the lots created by TM-2016-02. This report pertains to the home proposed on 10206 Orange Avenue. A separate application (ASA-2019-009) pertains to the home proposed on 10208 Orange Avenue.

In order to assure a high degree of architectural quality in design and materials and to address other development issues, new single-family residential proposals in a Planned Development zoning district requires Architectural and Site Approval by the Director of Community Development or his/her designee at an Administrative Hearing, and must meet the findings as listed in the Cupertino Municipal Code (CMC Chapter 19.12).

Analysis:

Architectural Style

The applicant is proposing an “Arts and Crafts” style house that is consistent with the scale and massing of other homes in the general neighborhood. The proposed façade is primarily white with smooth-coat stucco with black wood accents for the garage door. Additionally, the applicant proposes exposed rafter tails as decorative roof details, window trim, and a front porch railing all in white wood. The façade includes a black metal garage door and a black fiberglass front door, black exterior wall sconces, and charcoal roof shingles for the roof. The design elements were modified to be consistent with the comments received from the City’s architectural consultant, Larry Cannon. The proposed home is also consistent with the Monta Vista Design Guidelines. The windows will be Milgard Tuscany vinyl windows with grids, also appropriate for this architectural style according to Mr. Cannon. Refer to Sheets A 3.0 and A-5.1 of Attachment 2 for elevations.

Trees & Landscaping (WELO)

In conjunction with the original subdivision (TM-2016-02), six *Quercus agrifolia* (Coast Live Oak) were approved for removal with a Tree Removal Permit (TR-2018-19.) There were three trees removed from each new lot. As part of this redevelopment proposal, the applicant is providing specifics on where and what the replacement trees will be. The following table indicates the replacements for the trees removed from 10206 Orange Ave:

Size (DBH) and Species of Tree Removed	Replacement Trees		Notes
	Species	Size	
17" <i>Quercus agrifolia</i> (Coast Live Oak)	<i>Quercus agrifolia</i> (Coast Live Oak)	36-inch box	Front Yard Tree
15" <i>Quercus agrifolia</i> (Coast Live Oak)	<i>Arbutus marina</i> (Marina Strawberry)	36-inch box	Privacy Planting along the rear property line
23" <i>Quercus agrifolia</i> (Coast Live Oak)	<i>Arbutus marina</i> (Marina strawberry)	36-inch box	Privacy Planting along the rear property line

For R-1 properties, the privacy screening requirements are intended to protect the privacy of adjoining properties through partial screening and to address privacy impacts to the

greatest extent possible. The applicant is proposing a total of 3 *Arbutus marina* (Marina Strawberry) along the east property line and five *Laurus nobilis* (Grecian Laurel) along the north property line.

With respect to the south property line, the applicant has the ability to obtain a privacy protection waiver from 10208 Orange Avenue (also owned by the same applicant). However, due to the desire to provide privacy planting while being sensitive to the long term viability of the trees due to the small setback between the two properties, the applicant has elected to design the plans to plant privacy trees as follows (please see Fig. 2):

- six Grecian Laurel planted on 10206 Orange Avenue to address privacy impacts for the three windows toward the rear of the south elevation of 10206 Orange Avenue (please see windows identified in red in Fig. 2) and
- eight *Laurus Nobilis* (Grecian Laurel) planted on the shared property line between 10206 and 10208 Orange Avenue address the privacy impacts of the two front-most windows on the south elevation of 10206 Orange Avenue (see windows in blue in Figs. 2 and 3) and the two front-most windows on the north elevation of 10208 Orange Avenue (ASA-2019-009). (please see windows identified in orange in Fig. 3).

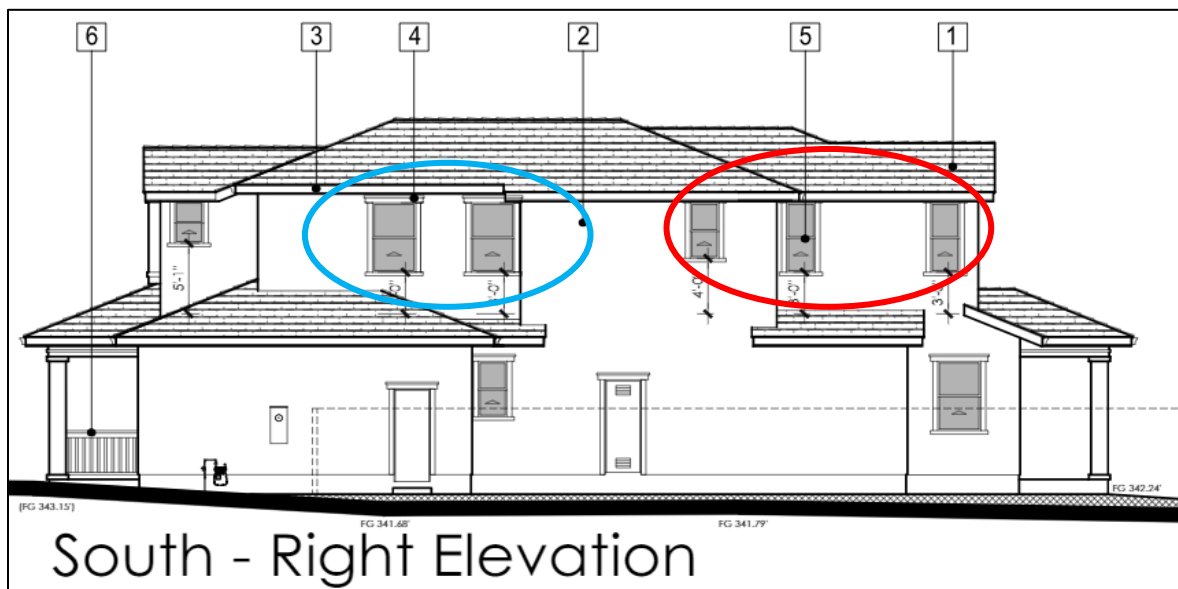


Figure 2: South Elevation of 10206 Orange Ave – 5 windows need privacy protection

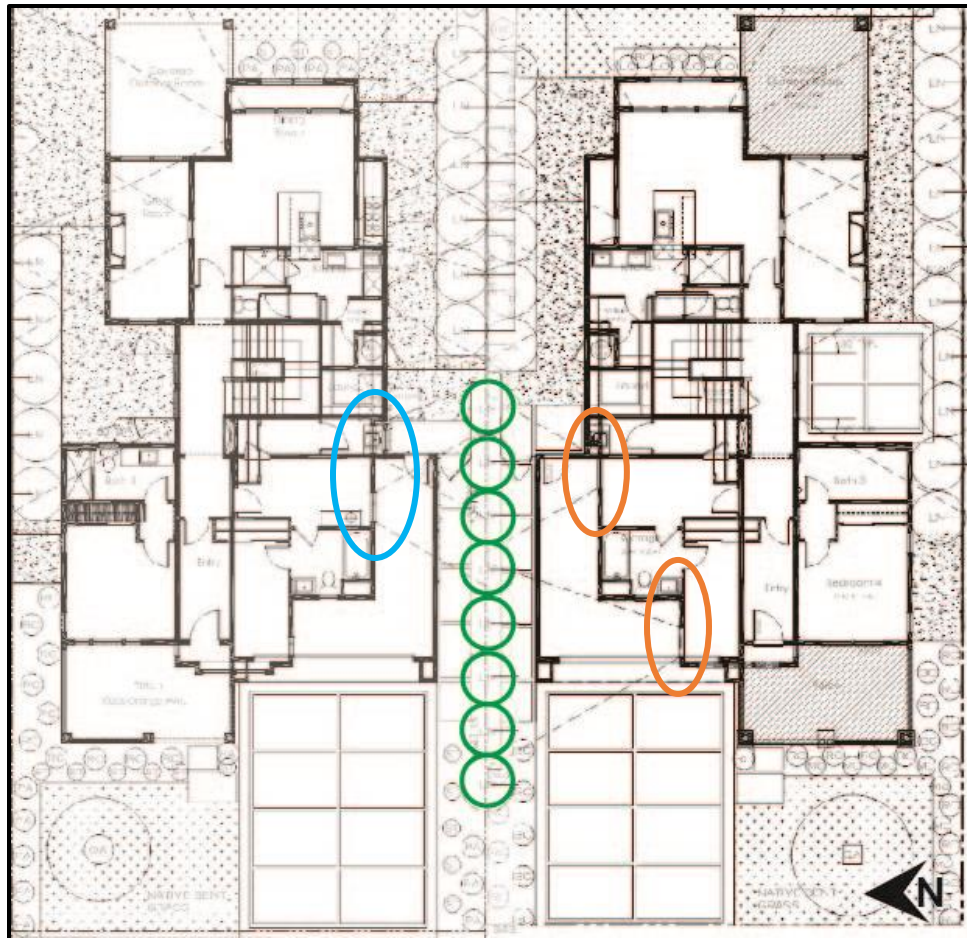


Figure 3: Landscape plans for 10206 Orange Ave (left) and 10208 Orange Ave (right) demonstrating shared privacy plantings

There are overlapping viewsheds along the shared property line for the two homes and with the proposed privacy plantings, the privacy impacts will be mitigated effectively. A condition of approval has been added to ensure the recordation of a joint maintenance agreement to ensure the protection, maintenance and replacement of the shared privacy protection trees. Should the privacy protection be waived in the future, the trees could be removed with a Tree Removal permit. With the proposed plantings and the added condition of approval, the project is consistent with the requirements outlined in Cupertino Municipal Code Chapter 19.28.120.

New development with landscape areas more than 500 square feet are required to comply with Cupertino Municipal Code Chapter 14.15 (Landscape Ordinance) to ensure outdoor water use for landscaping is efficient through irrigation technologies and climate-appropriate plantings. The applicant is required to provide the required documentation listed in Chapter 14.15 prior to obtaining building permits and staff will review for compliance during Building permit plan review.

Street Improvements

The applicant is required to provide off-site improvements including, but not limited to, new curb and gutter, detached sidewalk, driveways, streetlight, AC pavement in accordance with City standards, codes and policies as specific and to the satisfaction of the City Engineer.

Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303 – New Construction or Conversion of Small Structures Existing Facilities and 15332 - In-Fill Development Projects.

Other Department/Agency Review

The City's Public Works Department, Building Department, Santa Clara County Fire Department, Cupertino Sanitary District, and California Water Service reviewed the proposal and have no objections to the project. Their review comments have been incorporated as conditions of approval.

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"> ▪ Site Signage (<i>at least 10 days prior to hearing</i>) ▪ 12 notices mailed to property owners adjacent to 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.

Project Received: November 18, 2019;

New Plans Received: February 24, 2020; **Deemed Incomplete:** March 18, 2020

Revisions Received: April 15, 2020; **Deemed Complete:** May 15, 2020

Since this project is Categorical Exempt, the City has 60 days (until July 15, 2020) 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 new 2,693 two story home on a vacant lot. The development is utilizing R1-5 zoning development standards and is proposing an architectural style comparable to the surrounding homes. The proposed home is comparable in size to surrounding homes and is a compatible use with the existing uses surrounding it. Further the development 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.

Due to the allowed design flexibility there is a healthy mix of single-family homes and low-density multi-family units with R1-7.5 and P(Res) 4.4.-7.7 and P(Res) 10-15 zones and unit densities. The proposed development is comparable in massing, height and bulk of similar single-family residences and will not disrupt the character of the neighborhood.

- 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 Monta Vista Design guidelines call for “rectilinear form with “Queen Anne” or “Victorian” embellishments” with “muted “earth” tones” for the color palette to preserve the town-like feel of the Monta Vista neighborhood. The proposed Arts and Crafts style is in alignment with the intention of these architectural styles as well as the Design Guidelines set forth in the Cupertino Municipal Code Chapter 19.28. The color scheme of a blue gray smooth stucco and white stucco are also consistent with the Monta Vista design guidelines. The proposed home will utilize materials and a style compatible with the surrounding neighborhood by integrating smooth stucco, white wood accents, and stone veneer throughout the exterior of the home. Additionally, all utility elements have been shielded from exterior view.

- 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 is a new, single family two story-home consistent with the surrounding zoning and land use in the surrounding neighborhood. The project has been designed to be consistent with R1-5 development standards. The proposed home will not be visually intrusive as it is compatible with the size and mass of the neighboring homes. Additionally, the architectural style and colors are consistent with the neighborhood. The project proposal includes privacy trees, located exclusively on the subject property and shared with the adjacent property being developed at the same time. These trees are designed to provide sufficient screening within three years from the second story windows. 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 11, 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, Planning Manager

ATTACHMENTS

1. Draft Resolution for ASA-2019-008
2. Plan Set