



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

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ADMINISTRATIVE HEARING STAFF REPORT

Meeting Date: June 10, 2021

Subject

Architectural and Site Approval Permit to consider exterior and landscape modifications to an existing amenity space in an apartment complex, and a Tree Removal Permit to allow the removal of two (2) protected trees at existing apartment complex. (Application No(s): ASA: 2020-005, TR-2021-005; Applicant: Mike Egusa; Location: 20800 Valley Green Drive; APN(s): 326-09-054)

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-2020-006) and the Tree Removal Permit (TR-2020-044).

Discussion

Project Data

General Plan Designation	Medium (10-20 DU/Ac.)	
Zoning Designation	R-3	
Lot Size (amenity area)	116,134 sq. ft. (2.69 acres)	
	Existing	Proposed
Floor Area (amenity area)	2,270 sq. ft. (1.95%)	No Change
Lot Coverage (amenity area)	3,355 sq. ft. (2.89%)	No Change
Project Consistency With:		
General Plan	Yes	
Zoning	Yes	
Environmental Assessment	Categorically Exempt per Section 15301 (Class 1) of the California Environmental Quality Act (CEQA)	

Background

The subject site is located at the center of the apartment development known as Villages at Cupertino. The current site provides community and fitness amenities to residents of the development. The subject site is surrounded by the development's apartments to the north, south, west and east (see Figure 1).

The 358-unit apartment project was approved in with application Z-1962-07 and constructed in 1964. The existing exterior materials for the complex and associated amenity area consist of stucco walls in a neutral color palette.



Figure 1: Project Area

The proposed project is limited to renovations within the existing amenity area of the Villages at Cupertino apartments. The amenity area consists of a club house, pool area, green space, and tennis courts.

The property owner is proposing to modernize this space by improving functionality and developing attractive gathering spaces for the users.

Analysis

The applicant is requesting exterior and landscape modifications as follows:

- Modifications to the existing club house including adding a new entrance and replacing an existing deck/railing;
- New outdoor gathering spaces that include a new lounge and replacing an outdoor barbeque area with a kitchen lounge;
- Additional fencing around the amenity spaces with new pedestrian gates;
- Installation of enhanced landscaping; and,
- Removal and replacement of two protected development trees.

The scope of work does not include any changes to existing uses, parking supply or demand, floor area, lot coverage, building height, or building color for the subject site and will not result in an increased intensity of the existing use. Pursuant to Chapter 19.36: Multiple Family Residential (R-3) Zones, the project is required to obtain an Architectural and Site Approval permit for the proposed improvements.

Clubhouse Modifications

The applicant is requesting to make several modifications to the existing amenity building. Currently, the space is used as a fitness room and clubroom. The applicant seeks to modify the space to be used solely as a fitness space. This requires the removal of an existing wall between the fitness space and club room.

Additionally, the proposal includes exterior modifications. New dormers and new panoramic doors are proposed along the north and south elevations, see Figure 2 below. Exterior colors and materials are not proposed for modifications. The new dormers will not extend past the existing ridgeline of the roof and therefore, will not increase the height or size of the building.

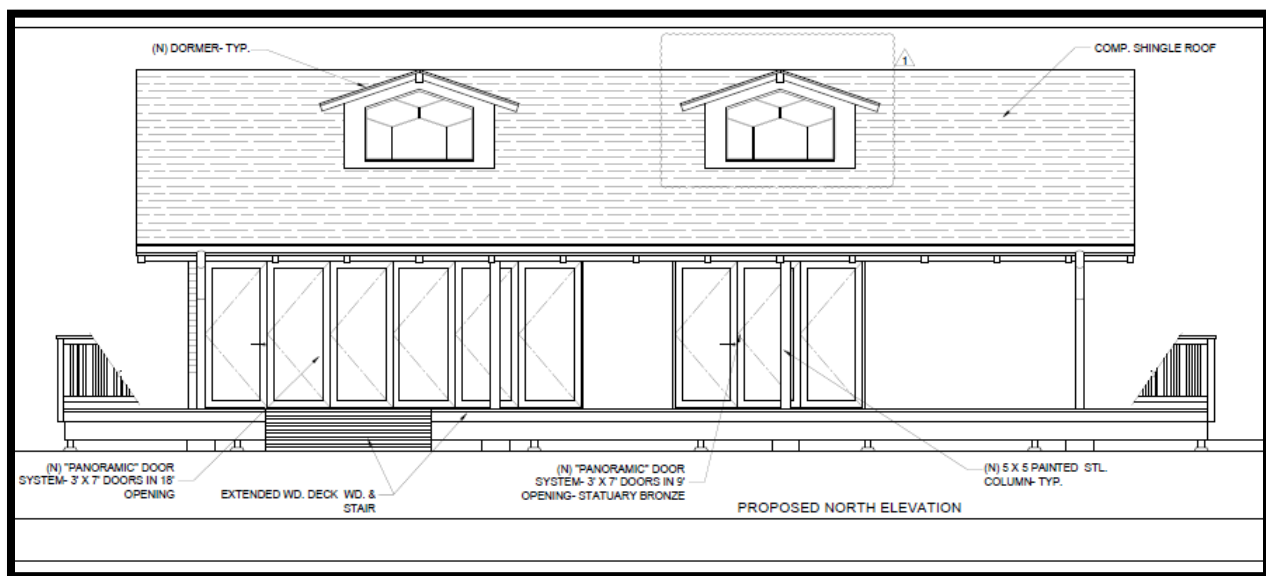


Figure 2: Proposed North Elevation

The building will be further modified with an updated concrete decking along the south elevation adjacent to the pool area, and replacing an existing deck and railing on the north side of the building with a new larger redwood deck and railing, *see Sheet A1.02*. New steel columns are proposed along the north elevation to support the roof structure. Additionally, as part of the site and building upgrades, the applicant is proposing a new entrance with an Americans with Disabilities Act (ADA) compliant ramp along the east elevation, *see Sheet A1.02 and Sheet A2.01*. Two trees are proposed for removal to accommodate the ADA upgrades.

Site Modifications

The area surrounding the pool area will be updated with new structures, updated landscaping, and fencing.

Two new structures, a lounge/fire pavilion and kitchen pavilion, are proposed in the pool area. The lounge/fire pavilion will measure approximately 19'9" by 38'10" by 12'4", and the kitchen pavilion will measure 19'9" by 30'3" by 12'4". Both structures are to have an open trellis as a roof, and the structures are to be made with red cedar. The lounge/fire pavilion will have a gas burning fireplace which separates the area into two distinctive areas. The kitchen pavilion includes two gas burning barbeque grills, a kitchen island with seating. There is additional room for seating/lounge area as well. While no outdoor furniture is indicated in this area at this time, it is anticipated that outdoor seating will be placed in these areas. These will be reviewed and approved by the City prior to issuance of building permits.

Landscaping has been updated to include additional plantings and to replace some of the water intensive lawn areas with drought resistant landscaping. Plantings have increased throughout the site, see Figure 3. A total of 19 trees are also proposed for planting.

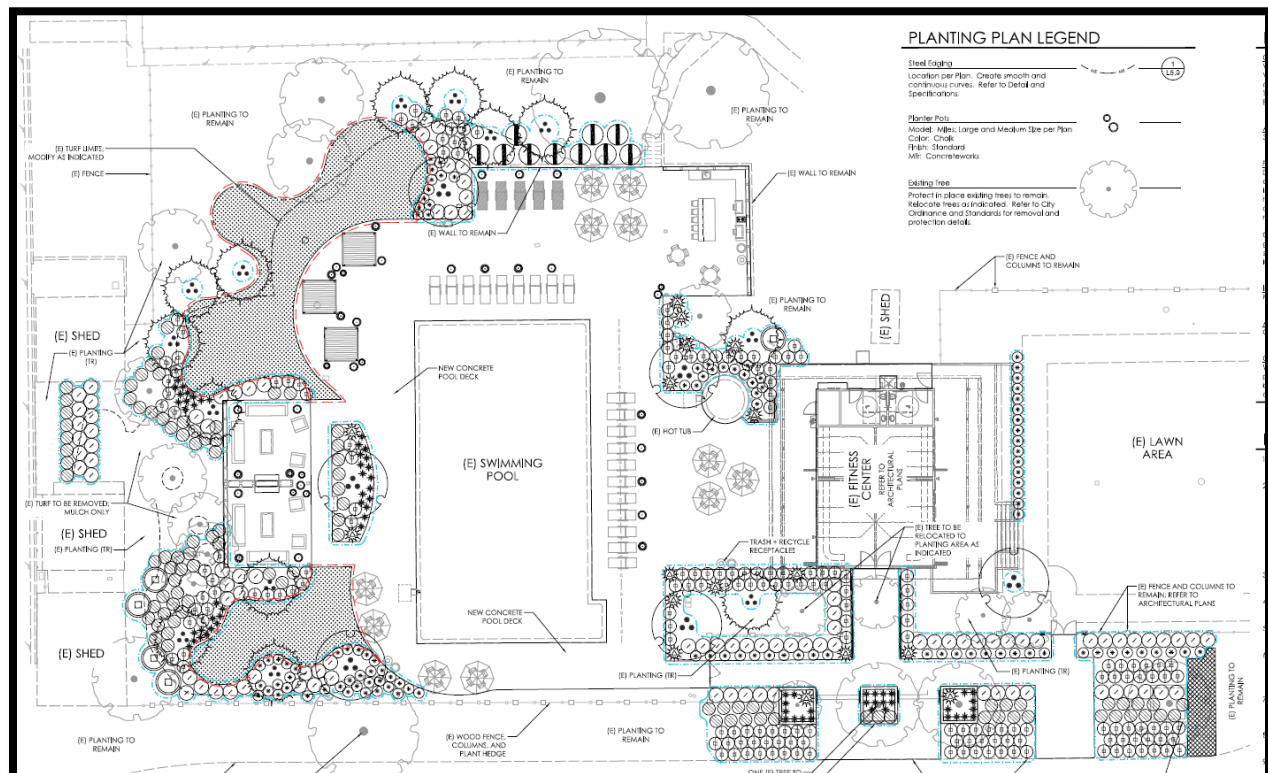


Figure 3: Proposed Planting Plan

Additional fencing is proposed along the northern edge of the parcel. There is existing wrought iron fencing along the perimeter of the amenities area except for the existing lawn area directly in front of the fitness building. The applicant proposed to fence this area off from public access. The proposed 6' tall fence is designed to match the existing onsite fencing. Three new pedestrian gates are also proposed for access.

Tree Removals/Replacements

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 proposed project will impact a total of two protected development trees as part of the proposed modification to accommodate the ADA ramp and associated modifications. One (1) Chinese Elm measuring 14” DBH will be removed and one (1) multi-trunk Japanese Maple tree measuring a combined 4” DBH will be transplanted. The trees are in conflict with the proposed ADA ramp to access the amenity building. The Japanese Maple is in the direct path of the proposed ramp, and the grading required to accommodate the ADA ramp will have significant and unavoidable impact to the roots of the Chinese Elm. The arborist report and supplemental materials was peer-reviewed by the City’s Consulting Arborist, who does not disagree with the assessment of the project Arborist.

Based on the size of the trees, removal of the Chinese Elm will require two (2) 24”-box trees as replacements per the City’s Municipal Code. The applicant is proposing to replace the Chinese Elm with two (2) 24”-box Chinese Pistache trees. The Municipal Code requires one (1) 24”-box tree if the Japanese Maple was to be removed; therefore, in the event the Japanese Maple does not survive the transplant, the applicant is required to plant one (1) 24”-box tree as a replacement. In the event the transplant fails, the final replacement tree shall be reviewed and approved by staff, prior to planting.

Bird-Safe and Dark Sky Ordinance

The proposed project was submitted as the City implemented the new ordinance for Bird-Safe and Dark Sky Regulations, Cupertino Municipal Code (CMC) Chapter 19.102 Glass and Lighting Standards. The ordinance went into effect on May 6, 2021. The project will be conditioned to implement bird-safe treatments and dark-sky compliant lighting as applicable to the project prior to building permit issuance.

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">▪ Site Signage (<i>at least 10 days prior to hearing</i>)▪ 11 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: July 22, 2020; ***Deemed Incomplete:*** August 26, 2020

Revisions Received: November 10, 2020; ***Deemed Incomplete:*** December 3, 2020

Revisions Received: January 15, 2021; ***Deemed Incomplete:*** February 11, 2021

Revisions Received: March 27, 2021; ***Deemed Incomplete:*** April 19, 2021

Revisions Received: April 28, 2021; ***Deemed Complete:*** May 17, 2021

The City has 60 days from when the project is deemed categorically exempt to decide 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 interior, exterior, and landscape modification to an existing amenity space located at the Villages at Cupertino. The exterior enhancements will incorporate new outdoor gathering spaces, updated landscaping, and provide for ADA accessibility to the primary building on the parcel. The proposal includes minor improvements to the existing use. No changes to the location of the use are being proposed. Therefore, the exterior and landscape 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 project proposes to add additional architectural details to the existing building, and new unenclosed accessory structures (kitchen and lounge pavilions). The existing building will include new dormers that will help to reduce the massing of the structure, and no increase in height or size of the existing structure is proposed. The new unenclosed accessory structures are located approximately 47' and 142' from Valley Green, the nearest public right of way. Due to the additional architectural details to the existing building and the large setback from Valley Green Drive, abrupt changes in building scale will be avoided.

- 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 exterior and landscape modification are harmonious with the existing development. The color scheme and design will remain the same and is consistent with the properties throughout the development. New structures are made of red cedar that is consistent with the neutral color palette throughout the development. Additional landscaping further harmonizes the development through its integration of the improvements and planting areas. The proposed tree removals (two trees) are due to their conflict with proposed ADA upgrades and their inability to be maintained based on good urban forestry practices. The project proposes replacements consistent with the Cupertino Municipal Code. Additionally, the project will be conditioned to implement bird-safe and dark sky compliant lighting to accommodate the City's new Bird-Safe and Dark Sky Regulations.

- 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:

- 2. That the location of the trees restricts the economic enjoyment of the property by severely limiting the use of property in a manner not typically experienced by owners of similarly zoned and situated property, and the applicant has demonstrated to the satisfaction of the approval authority that there are no reasonable alternatives to preserve the tree(s).

The proposed tree removals are to accommodate the proposed project with ADA access to the building. The City's consulting arborist has reviewed and determined that there are no reasonable alternatives to maintaining the trees because the trees are in direct conflict with

the ramp and grading to accommodate the proposed ramp. The City's consulting arborist has reviewed the arborist report and takes no exception to the proposal for removal.

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 trees are a detriment to the subject property in that they are in conflict with proposed ADA upgrades. The City's consulting arborist has reviewed the arborist report, drawings, and supplemental materials to determine that the proposed removals cannot be adequately supported according to good urban forestry practices.

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 (June 24, 2021 at 5:00pm).

This approval is valid until June 10, 2023. The applicant team may apply for a one-time extension before the approval expires.

Prepared by:

Erick Serrano, Senior Planner

Reviewed and Approved for submission by:

Piu Ghosh, Planning Manager

ATTACHMENTS

1. Draft Resolution for ASA-2020-005
2. Draft Resolution for TR-2021-005
3. Plan Set
4. Arborist Report