



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

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**ADMINISTRATIVE HEARING STAFF REPORT**

Meeting Date: July 22, 2021

**Subject**

Architectural and Site Approval Permit to consider façade and landscape alterations to a bank building (Bank of America) located in the Crossroads Area of the Heart of the City Specific Plan (Application No.: ASA-2020-007; Applicant: Melissa Lee; Location: 20563 Stevens Creek Blvd; APN(s): 326-34-044)

**Recommended Action**

That the Hearing Officer adopt the draft resolutions (Attachment 1) to:

1. Find that the proposed actions are exempt from CEQA; and
2. Approve the Architectural and Site Approval Permit (ASA-2020-007)

**Discussion**

**Project Data**

<b>General Plan Designation</b>	Commercial/Office/Residential	
<b>General Plan Special Area</b>	Heart of the City Special Area	
<b>Zoning Designation</b>	P(CG, Res): Planned Development with General Commercial and Residential Uses	
<b>Lot Size (<i>entire project</i>)</b>	38,950 sq. ft. (0.89 acres)	
	<b>Existing</b>	<b>Proposed</b>
<b>Floor Area (<i>entire project</i>)</b>	7,933 (20%)	No Change
<b>Lot Coverage (<i>entire project</i>)</b>	6,605 sq. ft. (17%)	No Change
<b>Project Consistency With:</b>		
General Plan	Yes	
Zoning	Yes	
Environmental Assessment	Categorically Exempt per Section 15301 Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA)	

## Background

The project site is located north of Stevens Creek Boulevard and west of N. De Anza Boulevard within the Crossroads Area in the Heart of the City. The Heart of the City is a major commercial corridor primarily comprised of commercial and office uses.

The project site is developed with a free-standing single-story building currently occupied by Bank of America surrounded by an on-site parking lot. The Bank of America site is bounded by a commercial shopping center (Marina Plaza) to the north, office uses to the east, a free-standing building (Chase bank) to the west, and Stevens Creek Boulevard to the south (see Figure 1). The existing building was constructed in the early 1960's, which is prior to the property being designated as part of the Heart of the City Special area.



**Figure 1.** Project Site

The applicant is requesting to upgrade the exterior façade of the building, update on-site landscaping, replace bicycle racks, improve pedestrian pathways, and restripe on-site parking spaces to improve the overall site design. The proposed modifications to the building and the site are subject to the design regulation, guidelines, and concepts of the Heart of the City Specific Plan and the Cupertino Municipal Code.

## Analysis

The applicant is proposing exterior building façade and on-site modifications. The scope of work for the project is as follows:

- Façade modifications include repainting, replacing existing roof tiles with standing seam metal roof, replacing existing stone finish with painted stucco, adding faux wood metal panel cladding, adding four new windows, and replacing existing storefront fenestrations such as windows and doors.
- Landscape modifications include improving the landscape at the west and south facades with aesthetically pleasing and drought tolerant plantings.
- Replace existing bicycle racks with Class I facility bicycle lockers to comply with Cupertino Municipal Code Parking Regulations Ordinance (Chapter 19.124).
- Additional site modifications include restriping existing parking stalls, adding decorative pedestrian pathway, and upgrading the waste collection area with a raised curb and trash cans.

### *Exterior Building Facade Modifications*

The existing exterior materials of the building are mainly stucco with a terracotta tile roof. The south (front) elevation features a covered arcade with stucco finish. The north (rear) and east (right) side elevations of the building are plain stucco. The west (left) elevation has a stone finish with a covered arcade with stucco columns (See Figures 2-5 below).

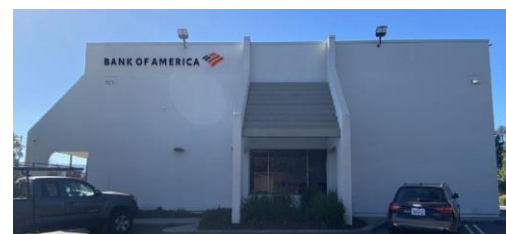


**Figure 2 & 3 – Existing Front (South) & Rear (North) Elevations**



**Figure 4 & 5 – Existing Left-Side (West) & Right-Side (East) Elevations**

The applicant is proposing to modernize the exterior building façade by repainting the stucco and window trims in a neutral color palette of white and grey and replacing the existing terracotta tile roof with a contemporary standing seam metal roof. The proposed building design incorporates a white base color on the building facades with grey accent colors incorporated into the windows, trim, and upgraded roof design. The applicant has proposed design features, including faux wood metal panel cladding, to emphasize the main building entrance on the south elevation. Four new windows on the rear (north) elevation are also proposed (see figures 6-9).



**Figure 6 & 7 – Proposed Front (South) & Rear (North) Elevations**



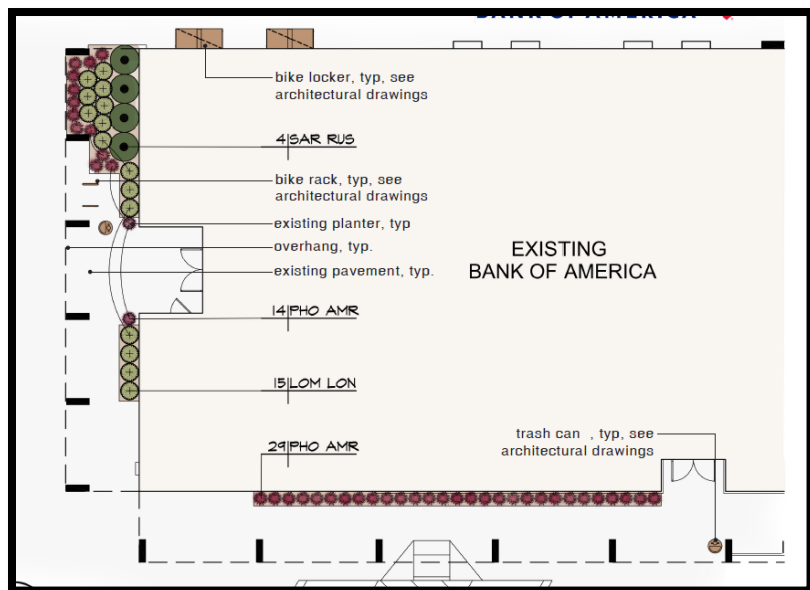
**Figure 8 & 9 – Proposed Left-Side (West) & Right-Side (East) Elevations**

The proposed design was reviewed by the City's consulting architectural review firm, RRM Design Group. The applicant has adequately modified the proposed design to be compatible with RRM's recommendations and the Heart of the City Specific Plan design guidelines. Consistent with the Heart of the City Specific Plan, the proposed design features articulation of the façade through various colors and materials, provides a prominent main entrance, and incorporates building design accents to create a harmonious color palette. Therefore, staff finds that the proposed building design complies with the Heart of the City Specific Plan design guidelines, and no further design considerations are recommended.

*Lighting:* The applicant is not proposing new lighting for the site. However, the existing, unpermitted, flood light fixtures affixed to the building are considered a prohibited light fixture type pursuant to Cupertino's Municipal Code Section 19.102.040 Outdoor Lighting Requirements of the Glass and Lighting Standards Ordinance. The Planning Division has included a condition of approval requiring the applicant/property owner to remove the existing flood light fixtures, unless required by State law, and submit a lighting plan that complies with Cupertino Municipal Glass and Lighting Standards Ordinance (Chapter 19.102) prior to building permit issuance.

#### *Landscape Modifications & Existing Tree Maintenance*

The applicant is proposing to modify approximately 260 square feet of the existing landscape on the west (left) and south (front) elevations of the building by replacing the existing plants along the building with new drought tolerant ground cover (Sheets L1.0 & L1.1, See Figure 10). The project is subject to a Prescriptive Compliance Application pursuant to the Cupertino Municipal Code Landscape Ordinance (Chapter 14.15). The Landscape Ordinance requires the applicant to submit a Water-Efficient Landscape Checklist and finalized landscape and irrigation plans prior to building permit issuance. Additional landscape documentation is required prior to final occupancy in accordance with the Landscape Ordinance.



**Figure 10 – Landscape Plan**

The proposed landscaping will be compatible with the new design of the building façade. However, Staff has found that the proposed planting plan at the main entrance of the building (south elevation) lacks visual interest. Staff has included a condition of approval for the project requiring the applicant/ property owner provide an assortment of shrub types with various heights and/or color profiles along the south elevation. Incorporating a variety of plantings will improve the visual interest of the façade that is most visible from the public right of way and bring the project into compliance with the Heart of the City Specific Plan landscaping guidelines, which encourages framing building entrances with flowering shrubs or trees.

The project site consists of a variety of existing trees planted in tree wells along the perimeter of the parking lot adjacent to the public right-of-way on Stevens Creek Boulevard. The trees were approved with a Building Permit processed in 2011 (Permit No. 11060151) and are required to be maintained on-site as protected development trees. To ensure consistency with the approved planting plan, Staff has included a condition of approval that the applicant/property owner show the existing trees on the site plan and verify that the tree species and locations as approved in the Building Permit plan are retained on-site.

#### *Vehicular/Bicycle Parking & On-Site Improvements*

Bank of America is classified as a commercial office by the Cupertino Municipal Code and is subject to the vehicular and bicycle parking standards of Parking Regulations Ordinance (CMC Chapter 12.124). The Parking Regulations Ordinance requires one parking space per 285 square feet of gross building area. The existing project site consists of 52 vehicular parking stalls, which exceeds the required 28 vehicular parking spaces for the office use. One parking stall will be displaced by the trash enclosure/are improvements required by the Environmental Services Division, resulting in 51 parking stalls on site. The proposed parking lot restriping will not change the total number of remaining vehicular parking stalls. The project is conditioned to accurately indicate the parking stall and aisleway dimensions on the site plan to verify that the restriping is consistent with the standards of Cupertino's Public Works Department and shall be reviewed and approved to the satisfaction of the Planning Division prior to building permit issuance.

The Parking Regulations Ordinance also requires one Class I Facility bicycle parking space per 1,250 square feet of gross building area. In accordance with the Code, the project requires seven Class I Facility bicycle parking spaces for the 7,933 square-foot building. As part of the project, the applicant is proposing to remove three existing bicycle rack parking spaces and provide replacement spaces for the site consisting of four bicycle locker stalls and three bicycle rack stalls. Staff reviewed the proposed bicycle parking and



[illegible]

### Figure 11 – On Site Improvements

Additional on-site improvements include adding a pedestrian pathway from the public right-of-way on Stevens Creek Boulevard to the main entrance of the building as shown outlined in red and a waste collection area with a raised curb and garbage, recycling, and organics bins outlined in blue (*see Figure 11*). The Heart of the City Specific Plan Section 2.01.040(A)(1) recommends a variety of paving materials for pedestrian pathways to improve the visibility of pedestrian crossings. The applicant has proposed a grey pedestrian pathway leading to the building. However, to further comply with the Heart of the City Specific Plan, the Planning Division has conditioned the project to indicate an alternative color or material (e.g., stamped concrete or colored/decorative brick) for the pathway and on the plan set prior to building permit issuance. The proposed waste collection area will have minimal impact to existing on-site parking as it will displace only one parking stall, resulting in 51 parking stalls on site where only 28 stalls are required by the Parking Regulations Ordinance. The waste collection area will be reviewed and approved by Cupertino's Environmental Services Division 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"><li>▪ Site Signage (<i>at least 10 days prior to hearing</i>)</li><li>▪ 13 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:*** January 19, 2021; ***Deemed Incomplete:*** February 18, 2021

***Revisions Received:*** April 29, 2021; ***Deemed Complete:*** May 27, 2021

The City has 60 days from when the project is deemed categorically exempt to decide on the project.

### Conclusion

The scope of work does not include any changes to existing uses, required parking supply or demand, floor area, lot coverage, or building height for the subject site and will not result in an increased intensity of the existing use. Staff therefore recommends approval of the Architectural and Site Approval 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 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 proposed project includes exterior building façade, landscape, and site modifications to an existing commercial office building occupied by Bank of America that would improve the design of the site and upgrade building materials. The exterior façade enhancements incorporate a fresh coat of paint to the stucco, accent paint to the window trim, a new metal seamed roof, and metal clad design at the main entrance. The landscaping on the south and west elevations of the building would be improved with new drought-tolerant plantings that frame the building entrances. Additional site improvements include a new waste collection area with garbage, recycling, and organics bins and curb to provide separation from the parking lot, restriping of parking stalls, and adding a pedestrian pathway to better delineate pedestrian access. Staff has also conditioned the project to remove the prohibited flood lighting, unless required by State law, and submit a lighting plan to be reviewed and approved by the Planning Division prior to building permit issuance to reduce the spill-over of light to adjoining property owners. There are no changes to the existing building square footage, height, location, or intensity of use on the site. The exterior building façade, landscape, and site 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 scope includes exterior façade modifications that do not increase floor area, lot coverage, or height of the existing building on the project site. The proposed exterior façade modifications include new paint on existing stucco walls, a new standing seam metal roof, adding four additional windows, and a metal cladding design at the main entrance. The south and west elevations also include new landscaping along the building façade to break up massing of the building and provide visual interest of the site. The building design would be an improvement to the shopping center and would not be modified in height or bulk compared to existing buildings within the vicinity. 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 exterior and landscape modifications are harmonious with the existing building form and are compatible with the proposed design upgrades of the adjacent buildings within the area. The neutral color palette of the design would be compatible with the existing office buildings at the rear and suitable for the location. The project site is located in a developed area with various commercial and office uses that consist of similar materials and colors as the proposed project. The proposed project does not include tree removal and staff has conditioned the project to maintain the trees on-site as protected development trees. Additionally, the proposed landscape improvements would provide visual interest to the main entrance of the building. Staff has also conditioned the project to remove the unpermitted, prohibited flood lighting, unless required by State law, and submit a lighting plan to be reviewed and approved by the Planning Division prior to building permit issuance to reduce the spill-over of light to adjoining property owners. Furthermore, the project includes restriping parking stalls and adding a decorative pedestrian pathway which would increase pedestrian access and would complement the new building design for the site.*

- 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. Proposed signage would be reviewed and approved to the satisfaction of the Community Development Department upon submittal for Building Permits.*

- 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.*

### **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 (August 5, 2021, at 5:00pm).

This approval is valid until July 22, 2023. 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-2020-007
2. Plan Set