



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333
CUPERTINO.ORG

DESIGN REVIEW COMMITTEE STAFF REPORT

Meeting: October 21, 2021

Subject:

Consider an R1 Exception Permit to allow a reduced side-yard setback of 5-feet to accommodate a new garage addition to an existing single-family residence where a combined side-yard setback of 15-feet is required in the R1-7.5 Zoning District (Application No.: EXC-2021-001; Applicant: Raghu Kumar Devarakonda; Location: 10300 Imperial Avenue; APN: 357-19-052)

Recommended Action:

That the Design Review Committee adopt the draft resolution (Attachment 1) to:

1. Find the project exempt from CEQA; and
2. Approve the R-1 Exception (EXC-2021-001).

Project Data:

General Plan Designation:	Residential (0-4.4 DU/Ac.)		
Zoning Designation:	R1-7.5		
General Plan Neighborhood:	Monta Vista		
Site Development Regulations:	Required/ Allowed	Existing	Proposed
Lot Area	7,500 sq. ft.	6,750 sq. ft.	No change
Lot Width	60'	50'	No change
Floor Area Ratio	45%	1,632 sq. ft. (24.2%)	2,350 sq. ft. (34.8%)
Lot Coverage	50%	N/A	2,999 sq. ft. (44.4%)
1st Floor Setbacks:	Required	Existing	Proposed
Front	20'	24'-10"	No change
Side	Combined 15' (min. 5')	12' Left 5'-7" Right 17'-7" Combined	5' Left 5'-7" Right 10'-7" Combined
Rear	20'	71'-10"	39'-6 1/2"

Project Consistency with:	
General Plan:	Yes
Zoning:	No, R-1 Exception requested for reduced side-yard setbacks of 10'-7" combined where 15-feet is required.
Environmental Assessment:	Categorically Exempt per Sections 15301 (Class 1) of the California Environmental Quality Act (CEQA)

Background:

Site Description

The subject single-family residential property is located on Imperial Avenue in the Monta Vista neighborhood (Figure 1). The site is surrounded by planned development light industrial, P(ML), to the north and east, with other single-family residential uses to the south and west.

The existing single-story residence with detached garage was originally built under the County of Santa Clara's jurisdiction in 1951 and was annexed into the City in 2004. The existing lot is substandard in area at 6,750 square feet where 7,500 square feet is the minimum lot area for R1-7.5 zoned properties. Furthermore, the lot is substandard in lot width at 50 feet, which is 10 feet less than the minimum lot width of 60 feet required for R1-7.5 properties.

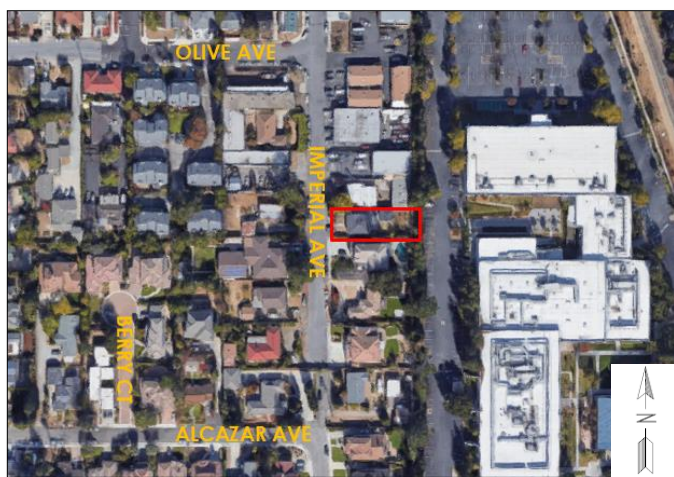


Figure 1: Project Vicinity

Applicant Request

The applicant/property owner, Raghu Kumar Devarakonda, is proposing to demolish the existing detached garage at the rear of the property, remodel the existing primary residence, and construct a 678 square-foot addition at the rear and a 442 square-foot garage addition at the front, resulting in a 2,350 square foot one-story single-family residence.

A combined side-yard setback of 15 feet is required in the R1-7.5 zoning district. However, since the applicant is proposing a reduced side-yard setback of five feet, and a combined side-yard setback of 10'-7", to accommodate a proposed attached garage, an R-1 Exception Permit is required. The City's Municipal Code (Chapter 19.12) requires Design Review Committee review for all proposed R-1 Exception applications.

Discussion:

Side-Yard Setback Exception

While the R-1 Ordinance (Chapter 19.28 of the Cupertino Municipal Code) requires a combined 15-foot first floor side-yard setback, with no side-yard setback less than five feet from the property line in most zoning districts, it allows properties located in the R1-5 zoning district (Rancho Rinconada neighborhood), where there are several hundred lots that have a lot width between 47 feet and 51 feet and lot areas ranging between 4,800 and 5,500 sq. ft., to have minimum five-foot side-yard setbacks on both sides. These reduced side-yard setbacks allow greater flexibility for these smaller and narrower lots to construct a reasonable and balanced floor plan and front elevation.

Additionally, the Parking Regulations Ordinance (Chapter 19.124 of the Cupertino Municipal Code) requires a two-car garage measuring 20' by 20' for single-family residences. Given the project's lot area and width constraints, the applicant is requesting an exception to the minimum 15-foot combined side-yard setback requirement to accommodate the two-car garage.

The project site is located in the Monta Vista neighborhood where there are numerous lots that are substandard in width. The original subdivision in this neighborhood subdivided lots into 25 feet in width. Over time, many lots were conveyed together and eventually merged into 50-foot-wide lots as allowed by the Subdivision Map Act. Furthermore, much of Monta Vista was developed while under the development regulations of Santa Clara County. Consequently, several neighboring homes have side-yard setbacks that do not conform to the City of Cupertino's development regulations.

There have been other properties in the Monta Vista neighborhood for which a reduced side-yard setback has been approved due to a substandard lot width and/or substandard lot size. While research indicates that some of these residences were built under the County of Santa Clara's jurisdiction with varying building setback and development parameters that are considered non-conforming under the City's requirements, there are nine recent first floor side-yard setback exception approvals¹ in the neighborhood to allow five-foot first floor side-yard setbacks on either side. See Attachment 3 for a map of R1-zoned Monta Vista residences with existing first floor side-yard setbacks less than 15 feet combined.

Since the exception is only proposed for the section of the home that serves to accommodate the required two-car garage, staff believes that the applicant has attempted

¹ **Note:** Prior to 2005, 5-foot first floor side-yard setbacks were allowed for all lots 60' or less in width and less than 6,000 sq. ft. in size, without the need for an exception throughout the City. This was amended by the City Council in 2005 to be limited to only the R1-5 zoning district. An exception would be required in all other zoning districts.

to minimize the exception to the least possible extent required. Therefore, in the interests of a more balanced front elevation and functional floor plan, staff recommends that this exception be granted to accommodate the garage.

Project Design

The proposed single-story residence (Figure 2) is designed to meet all aspects of the R-1 Ordinance, with the exception of the first-floor combined side-yard setback for the proposed garage only. The proposed design is generally consistent with the Single-Family Residential Design Guidelines and is compatible with other homes in the neighborhood in terms of massing and design with the architect proposing a design that features neutral-colored stucco and stone veneer.



Figure 2: Project Design

The site is not subject to the Monta Vista Design Guidelines, which regulate architectural style and materials within a portion of the Monta Vista Specific Plan area. Furthermore, the reduced five-foot side yard setbacks are appropriate to allow for a functional floor plan, to accommodate a 20' by 20' garage that is currently required for all single-family residences, and to create a balanced, aesthetically pleasing front elevation, that is not dominated by a two-car garage door, on the substandard lot.

The site is not subject to the Monta Vista Design Guidelines, which regulate architectural style and materials within a portion of the Monta Vista Specific Plan area. Furthermore, the reduced five-foot side yard setbacks are appropriate to allow for a functional floor plan, to accommodate a 20' by 20' garage that is currently required for all single-family residences, and to create a balanced, aesthetically pleasing front elevation, that is not dominated by a two-car garage door, on the substandard lot.

Site Improvements

The scope of work includes modifications to the front yard including the installation of new landscaping comprised of mulch and a variety of drought-tolerant plantings and the installation of pervious pavers for the driveway and entry walkway. The total new landscape area is approximately 340 square feet and as a condition of approval, the applicant shall submit a Prescriptive Compliance Application or a full Landscape Documentation Package prior to Building Permit issuance to be consistent with the Water Efficient Landscape Ordinance (Chapter 14.15) of the Cupertino Municipal Code. There are no proposed tree removals as part of this project.

The project shall comply with the requirements indicated on the Public Work Confirmation Form dated December 1, 2020, including but not limited to providing street improvement designs to be reviewed and approved by the Director of the Public Works Department prior to Building Permit issuance.

Environmental Assessment

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

Public Outreach and Noticing

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

Notice of Public Hearing and Intent, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none">▪ Site Signage (10 days prior to the hearing)▪ 6 public meeting notices mailed to adjacent property owners (10 days prior to the hearing)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (one week prior to the hearing)▪ Posted on the City of Cupertino's website (one week prior to the hearing)

No public comments have been received as of the date 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: February 16, 2021; **Deemed Incomplete:** March 9, 2021

2nd Submittal Received: April 19, 2021; **Deemed Incomplete:** May 18, 2021

3rd Submittal Received: June 10, 2021; **Deemed Complete:** July 8, 2021

Deemed Incomplete: August 4, 2021 due to project revisions proposed by applicant.

4th Submittal Received: August 17, 2021; **Deemed Complete:** September 16, 2021

The City has up to 60 days from the date of deeming the project complete (until November 16, 2021) to make a decision on the project.

Conclusion:

Staff recommends approval of the project since the project and conditions of approval address all concerns related to the proposed project and all of the findings for approval of the proposed project, consistent with Chapter 19.28 of the Cupertino Municipal Code, may be made.

With respect to the R-1 Exception, the following findings may be made:

1. The literal enforcement of this chapter will result in restrictions inconsistent with the spirit and intent of this chapter.

The project is consistent with the intent of the R-1 Ordinance in that it minimizes visual impacts to adjacent residential properties and that it is compatible with other homes in the neighborhood. The reduced five-foot side yard setbacks are appropriate to allow for a functional floor plan, to accommodate a 20-foot by 20-foot garage that is required for all single-family residences, and a balanced, aesthetically pleasing front elevation, that is not dominated by a two-car garage door, on a substandard lot.

2. The proposed development will not be injurious to property or improvements in the area, nor be detrimental to the public and safety, health and welfare.

The project will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, or welfare. The project is a single-story single-family residence that is compatible with other homes in the neighborhood in terms of massing and overall design.

3. The exception to be granted is one that will require the least modification of the prescribed design regulation and the minimum variance that will accomplish the purpose.

Due to the substandard lot width of the subject property and the two-car garage requirement for single-family homes, the strict application of the prescribed side-yard setback requirement per the R-1 Ordinance would create a situation that would result in an unbalanced floor plan, unbalance front elevation, and reduced interior garage size. All other aspects of the project comply with the R-1 Ordinance in terms of height, building envelope, front and rear setbacks, and design. The intent of the R-1 Ordinance is met since the R-1 Exception would result in a house that is comparable in siting, scale, and design as others in the neighborhood.

4. The proposed exception will not result in significant visual impact as viewed from abutting properties.

The project is a single-story single-family residence that is consistent with other existing homes in the Monta Vista neighborhood. The granting of a side-yard setback exception is not anticipated to create adverse visual impacts as viewed from abutting properties as it will allow for a balanced front elevation on the substandard lot. All other aspects of the project comply with the R-1 Ordinance in terms of height, building envelope, front and rear setbacks, and design.

Next Steps

Should the project be approved, the Design Review Committee's decision on this proposal is final unless an appeal is filed within 14 calendar days of the date of the decision, on November 4, 2021. The applicant may apply for building and other permits at the end of the appeal period.

This approval expires on October 21, 2022, at which time the applicant may apply for a one-year extension.

Prepared by:

Erika Poveda, Associate Planner
Brianne Reyes, Associate Planner

Reviewed and Approved by:

Piu Ghosh, Planning Manager

ATTACHMENTS:

1 – Draft Resolution

2 – Plan Set

3 – Monta Vista Residences with Reduced First-Floor Side-Yard Setbacks