

**From:** Seema Mittal  
**To:** [Gian Martire](#)  
**Cc:** [REDACTED] [com](#); [edward.chan](#)  
**Subject:** 21987 Lindy Lane, Development  
**Date:** Wednesday, July 19, 2017 11:19:12 AM  
**Attachments:** [image.png](#)  
[image.png](#)  
[Lindy.lane.zoning.ordinance.pdf](#)

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Hi Gian,

I really appreciate your time and patience yesterday!! Here is a summary of some of the concerns, questions and clarifications I have (some of which are also stated in Shesha's letter from this morning)

**1. Zoning:** Please review attached **Ordinance No 07-2011** in it's entirety as well as page 30 of 19.28.050 - C.

Historically speaking, these Lindy lots (20 or so in number) were located in the R-1 zone but exhibited Hillside character (slopes greater than 20 or 30%). Since item C - (attachment above ) limited development significantly on those lots, the City created this special ordinance to give them additional leeway by allowing 4500 sf (excluding basement) max building area and anything larger by approval by PC. Shesha's home was constrained by that. So this zoning reduced greatly the allowable building area by R1-20, but increased it greatly from the RHS restriction.

Has this ordinance been removed? If it was, I may have missed any notification for this since it affects my property as well. Are we now under R1-20 without this overlay. Please let me know.

**2. Topology and Trees:** The contours shown in the drawings and the city topo map you shared with us do not seem to reflect actual topology. There are steeper areas along the private road and more gradual flatter areas at other parts which are not reflected on the plan. This has a huge impact on the grading quantities, height of retaining walls, light well depths and most importantly on overall building height since it is measured from the natural contour. Also the trees shown in the city arborist's plan needs to be part of the survey with accurately reflected drip lines shown on the plan. Please provide an survey prepared by a licensed surveyor, representing current topology and tree locations with accurately reflected drip-lines. This needs to be underlaid into all the plans(including roof plan). This will also allow us to understand the relative height above grade and above the private road and our existing residences., as well as ensure that the trees are well protected from construction. The trees along the private drive and Lindy lane are important to maintain the character of this neighborhood. The house seems to be located on the steepest part of the lot.

**3. Size of home, mass and scale:**

I calculated the size of the proposed house to be 7101sf (excluding basement). The three new homes across the street are in the 4500sf to 5100sf range, making the proposed home disproportionately larger. In addition, the steep pitched roof of 7 in 12 along with the tall 3 story appearing facades that will be highly visible from the private drive and Lindy Lane, make the home extremely massive. I do not concur with the finding reflected below under item c:

I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista? (5.024.41.44)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (5.011.24.34.41.44)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (1.12.19.44)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1.16.44)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Also under Hillside exceptions (above), I do not feel that the project complies with items

**19.40.080 Hillside Exception-Findings.**

The Approval Body may grant a request for a Hillside Exception only if all of the following findings are made:

1. The proposed development will not be injurious to property or improvements in the area nor be detrimental to the public health and safety.
2. The proposed development will not create a hazardous condition for pedestrian or vehicular traffic.
3. The proposed development has legal access to public streets and public services are available to serve the development.
4. The proposed development requires an exception which involves the least modification of, or deviation from, the development regulations prescribed in this chapter necessary to accomplish a reasonable use of the parcel.
5. All alternative locations for development on the parcel have been considered and have been found to create greater environmental impacts than the location of the proposed development.
6. The proposed development does not consist of structures on or near known geological or environmental hazards which have been determined by expert testimony to be unsafe or hazardous to structures or persons residing therein. (See General Plan Policies 2-49.)
7. The proposed development includes grading and drainage plans which will ensure that erosion and scarring of the hillsides caused by necessary construction of roads, housing sites, and improvements will be minimized. (See General Plan Policies 2-53, 2-54 and 2-57.)
8. The proposed development does not consist of structures which would disrupt the natural silhouette of ridgelines as viewed from established vantage points on the valley floor unless either:
  - a. The location of a structure on a ridgeline is necessary to avoid greater negative environmental impacts; or
  - b. The structure could not otherwise be physically located on the parcel and the size of the structure is the minimum which is necessary to allow for a reasonable use of the parcel. (See General Plan Policies 2-46, 2-47 and 2-48.)
9. The proposed development consists of structures incorporating designs, colors, materials, and outdoor lighting which blend with the natural hillside environment and which are designed in such a manner as to reduce the effective visible mass, including building height, as much as possible without creating other negative environmental impacts. (See General Plan Policies 2-46, 2-50, 2-51 and 2-52.)

number 4,7,9.

I would be very happy to interact with the home owner. In a nutshell my concerns are size, mass and visual appearance of the house on this extremely steep lot of greater than 30% slope, and its impact on this neighborhood. As a result of this more trees than necessary will need to be removed and there is a much higher likelihood of losing even those heritage oak trees intended to be preserved because of the proximity of construction.

Please let me know if any of my assumptions or interpretations of the city's codes are incorrect.

Thanks a lot,  
Seema

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July 19, 2017

Environmental Review Committee  
City of Cupertino

**Re: Subject on the July 20, 2017 Environmental Review Committee Agenda- 21987 Lindy Lane, APN 356-25-032**

Dear Members of the Committee,

Santa Clara Valley Audubon Society appreciates the opportunity to comment on the proposal to develop a 9,144 square foot house on Lindy Lane. Our organization has been headquartered at McClellan Ranch in Cupertino for 26 years, and we consider Cupertino our home. Our mission is to promote the enjoyment, understanding and protection of birds and other wildlife through birding, education, and conservation.

This project was brought to our attention by Audubon members who live in Cupertino and appreciate the abundance of wildlife that use this hillside. Santa Clara Valley Audubon Society is always concerned when development impacts hillsides, removes ancient oaks and other native trees, and adversely impacts wildlife habitat.

Nothing defines our region quite like the surrounding beautiful rolling hills, and the wildlife that use these ranges to navigate around our expanding cities. For years, Cupertino has implemented policies with the goal of protecting the City's foothills from unnecessary development. Considering the project is proposed on a steep hillside that is known to be used by wildlife, allowing development on this site would conflict with Goal LU-12 in Cupertino's General Plan to preserve and protect the City's hillside natural habitat and aesthetic values.

This project also conflicts with Goal ES-5 in Cupertino's General Plan to protect the City's urban and rural ecosystems and improve sustainability. There is nothing aesthetic or sustainable about a 9,144 square foot home that requires heating, cooling, landscaping and maintenance. Such a substantial development and associated fencing, human and pet behaviors, and maintenance may significantly impact wildlife movement, nesting, and foraging, yet mitigation measures for these impacts are not included in the Mitigated Negative Declaration.

Further, the property includes an abundance of coast live oaks, several of which are slated for removal. These trees are the backbone of our regions ecology and should be protected at every stage of maturity, not destroyed to accommodate development on a hillside. We are also dismayed to see the mitigated negative declaration does not include bird nesting surveys, as required by the Migratory Bird Treaty Act, for the proposed removal of 17 trees.

We believe that this project will have permanent, unmitigable impacts to land use in Cupertino – it will encourage additional inappropriate hillside developments and will induce growth. We believe it may destabilize the stability of the hillside and adversely impact biological and visual resources. We ask the City to evaluate alternatives, including a smaller home, before granting exceptions for the proposed project.

We respectfully request you do not certify the Mitigated Negative Declaration, and deny the project as proposed.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mackenzie Mossing". The signature is written in black ink and is positioned to the left of a vertical line.

Mackenzie Mossing  
Environmental Advocacy Associate  
Santa Clara Valley Audubon Society

**From:** Chi-I Lang  
**To:** [Shesha Krishnapura](#)  
**Cc:** [Gian Martire](#); [Seema Mittal](#); [edward chan](#); [Mark Santoro](#); [Luciano Dalle Ore C](#); [xihua sun](#); [mohan kanthappan](#); [Malini Minasandram](#)  
**Subject:** Re: Significant concern - Property address 21888, Lindy Ln on the proposed 9,144 sqft single family home with additional 2nd story balcony  
**Date:** Sunday, July 16, 2017 10:21:16 PM

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Hi Gian,

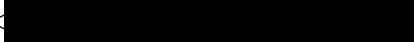
I have learned that a new construction 21888 will be started in this neighborhood. Though I will not be able to attend the environmental hearing, here are my question and comments,

- This FAR is bigger than the houses as mentioned in Shesha. how do we make sure there is no environmental impact of this project?
- The trees - I believe we need to have an effort to reserve the trees as much as possible for the entire neighborhood.
- The project - the final plan should also include the consideration of minimizing the inconvenience to the residents due to the construction.

Let me know if you have any questions.

Best,

Chi-I  


On Mon, Jul 10, 2017 at 3:07 PM, Shesha Krishnapura < > wrote:

Hello Gian: (Resending with updated email address of one of the neighbour)

I am the owner and resident of property address 21947 Lindy Ln. I have received your city letter "Notice of intent to adopt a mitigated negative declaration" on the project location 21888, Lindy Ln (APN: 356-25-031) indicating to receive comments within 20-day review period from July-10th to July-30th 2017. I have copied this email response to all my neighbours who are on the immediate north side of Lindy Ln to this property address and I am assuming they have received the same letter from you. Below are some of my significant concerns:

1. The size of the proposed project which is 9,144 sqft single family home with additional 2nd story balcony is on a highly narrow and irregular shape high slope lot. The effective lot size is significantly less than the mere geometrical calculation. The 3 homes that are newly built over last several years adjacent to this lot on the Lindy Ln private street are 5,500 sqft (Two properties - 21943 Lindy Ln and 21949 Lindy Ln) and 4,500 sqft (one property - 21947 Lindy Ln). The city had put the condition to limit the size of each of these 3 single-family home construction to make room for open space and address the slopes that are greater than 20%. The FAR is less than 25% of these 3 homes, whereas you have indicated the FAR for proposed project at 21888 Lindy Ln to be 35% FAR which is significantly larger. Request to limit the FAR to similar ratios on effective lot size as other 3 newly developed properties so

that the mass is proportional in the neighbourhood.

2. The 21888 Lindy Ln property has lots of mature Oak trees and pine trees which are providing natural screening from other residences and main street. Requesting to preserve all the trees while the construction allows for additional screening for existing homes.

I am sending the above "initial" set of comments one day ahead of time and I would immensely appreciate if you can acknowledge the receipt of the same and copy all my immediate neighbours who are on this email thread. My Cell Phone # [REDACTED].

Thanks,  
Shesha Krishnapura  
[REDACTED]  
Cupertino, CA 95014

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**From:** [Beth Ebben](#)  
**To:** [Gian Martire](#)  
**Subject:** FW: Objection to Lindy Lane Single Family Home 456-25-032  
**Date:** Thursday, July 20, 2017 11:03:53 AM

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For the file

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**From:** Julia Arzeno [mailto:████████████████████]  
**Sent:** Wednesday, July 19, 2017 3:13 PM  
**To:** City of Cupertino Planning Dept. <planning@cupertino.org>  
**Subject:** Objection to Lindy Lane Single Family Home 456-25-032

Good Afternoon,

I am writing to express my objection to the proposed construction on Lindy Lane. The housing development violates the hillside zoning rules that have been in place for years and violates previous agreements on the allowed square footage. Multiple constructions on Lindy Lane have already changed the neighborhood. When my family moved into our home nearly 20 years ago we were promised that the land across from our house could never be developed because of the hillside zoning and the presence of live oaks. The construction we have already experienced with other homes causes noise pollution and disrupts the neighborhood for years. In a city like Cupertino that supposedly protects the environment, development projects like this should be denied. The proposed construction violates the rights of many of the current residents of Lindy Lane and will only benefit the owner of the property. I ask the city of Cupertino to stand by its long time residents and the promises that were previously made to them, instead of allowing one person to benefit and disrupting the lives and neighborhood and many others.

Thank you,

Julia Arzeno

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To Whom It May Concern:

My name is Jonathan Arzeno and I am a lifelong resident of Cupertino, CA. I was born in 1994, and have lived my entire life as an active member of the community. Throughout middle school and high school, I spent my summers volunteering at City Hall in the Emergency Services Department and working as a Lifeguard for the City of Cupertino. I was an active member of Rolling Hills 4-H throughout my youth, where I served as a Junior Leader and taught beekeeping fundamentals to younger students at McLellan Ranch park, and in my free time I enjoy hiking through Open Space. I am deeply passionate about Cupertino and the natural beauty that our city possesses, and I am writing this letter to express my vehement opposition to the proposed development on 21987 Lindy Lane.

The purpose of the meeting on Thursday, July 20<sup>th</sup> is to discuss the environmental impact of a development on 21987 Lindy Lane, and the City Commissioners cannot in good faith assert that this development will not have a significant and negative impact on the environment. I have grown up across the street, and every single day I observe deer that actually live on that property, countless native birds, rabbits, as well as >15 protected California Oak trees. Have the City Commissioners, in their report, accounted for the impact that this development will have on the native deer that actually reside on that property? Furthermore, and closest to my heart, what about the large number of beautiful and irreplaceable native oak trees that have been growing on that property for decades, if not longer? Below, I will introduce several excerpts from the City of Cupertino Municipal code that I will use as evidence for my arguments against the proposed development on 21987 Lindy Lane.

**Section 14.18.010** of the Cupertino Municipal code states that the following:

*“the City of Cupertino recognizes the substantial economic, environmental and aesthetic importance of its tree population. Protected trees are considered a valuable asset to the community. The protection of such trees in all zoning districts is intended to preserve this valuable asset. The City finds that the preservation of protected trees, and the protection of all trees during construction, is necessary for the best interests of the City and of the citizens and public thereof, in order to:*

- A. Protect property values;*
- B. Assure the continuance of quality development;*
- C. Protect aesthetic and scenic beauty;*
- D. Assist in the absorption of rain waters, thereby preventing erosion of top soil, protecting against flood hazards and the risk of landslides;*
- E. Counteract air pollutants by protecting the known capacity of trees to produce pure oxygen from carbon dioxide;*
- F. Maintain the climatic balance (e.g., provide shade);*
- G. Help decrease potential damage from wind velocities;”*



I would like to specifically highlight the excerpt from this section that states, *“The City finds that the preservation of protected trees, and the protection of all trees during construction, is necessary for the best interests of the City and of the citizens and public thereof.”* Please note the use of the word ALL in this statement, If construction is to occur on this property, I fully expect the City of Cupertino to adhere to its own standards and ensure that ALL trees on this property are protected, in order to follow its promise and commitment that the City itself states is in the best interest of the citizens and the public of Cupertino.

**Section 14.18.030** of the Cupertino Municipal code states that the following:

*“It is unlawful to deliberately act in a manner that shall cause any protected tree to be irreversibly damaged or to die.”*

Again, the City continues to express its commitment to safeguarding protected trees, and I expect the City to uphold this commitment in considering this proposal for development.

**Section 14.18.070** of the Cupertino Municipal code states that the following

*“ A. Initiated by. Application for designation of a heritage tree may only be initiated by the owner of property on which the tree is located, unless the tree is located on public or quasi-public property. Any person may apply for a designation of a heritage tree if the tree(s) are located on public or quasi-public property.*

*B Application. In addition to requirements of Section [14.18.110](#), an application for a heritage tree designation shall include:*

- 1. Assessor’s parcel number of the site;*
- 2. Description detailing the proposed heritage tree’s special aesthetic, cultural, or historical value of significance to the community; and*
- 3. Photographs of the tree(s).*

*C. Approval authority.*

*1. Application for designation of a heritage tree shall be referred to the Planning Commission for review and determination in accordance with [Chapter 19.12](#) of the Cupertino Municipal Code.*

*2. The Planning Commission, may, by resolution, designate a tree or grove of trees as a heritage tree(s).”*

In **14.18.020**, titled Definitions, of **Chapter 14**, the term quasi-public is not defined. All other terminology used in this Chapter 14 of the municipal code is defined, yet Quasi Public is not. I therefore defer to the commonly accepted definition of quasi-public, which can be found on Merriam-Webster, *“is land that is open to all comers but which is under private ownership – classically, the public areas of shopping centers. As the law stands, owners of quasi-public space have absolute discretion over who can enter their property and what they can do there”* By this

definition, the land at 21987 Lindy Lane is quasi-public property. From my youth, I have had a swing hanging from the largest Oak tree on that property, and I have been free to use that swing when I please. Furthermore, the public enjoys the scenery of that property, and I frequently see people walking through the property and enjoying the property as they walk up and down Lindy Lane for pleasure. There are no fences restricting access to the property, and residents have been free to enter the property as they please, although the owner does ultimately have absolute discretion. In this light, the property meets the guidelines of a quasi-public property, **and I therefore will intend to submit an application for a heritage designation for the largest tree on the property** of 21987 Lindy Lane, the tree from which my swing hangs, and since I have enjoyed since I was a child.

I would also like to introduce further evidence into this letter that supports my opposition to this development.

- In the **Exhibit 1 [see schedule of exhibits]**, taken from Frank Sun's application No. TM – 2005-05, which was what ultimately allowed this lot to be subdivided in the first place, you can clearly see that **one of the main assertions upon which the entire proposal passed was that** “The applicant has no intention to build on the newly created lots over the short term” Will you hold Mr. Sun accountable for his promise to the community? A promise that ultimately serves as the basis for this subdivision that the Planning Commission approved, or will you allow him to go back on his word and develop this land?
- In **Exhibit 2 [see schedule of exhibits]**, taken from Frank Sun's application No. TM – 2005-05, the City of Cupertino Commissioners limit the building size to 3,200 and 3,660 square feet on the two lots respectively. This promise, again, one of the fundamentals upon which this proposal was passed, already serves as **an example of a broken promise to the community. The fact that the City of Cupertino has gone back on its word and is now considering allowing a development close to three times the size of the original restriction that the planning commission promised to hold is dishonest and shameful.**
- In **Exhibit 2 [see schedule of exhibits]**, taken from Frank Sun's application No. TM – 2005-05,, the Planning Commission requires a covenant on the property, as well as a tree bond prior to a building permit approval. **I am formally requesting to see the covenant as well as the tree bond at this point in time.**
- In **Exhibit 3 [see schedule of exhibits]**, I have included an excerpt from Appendix F of the City of Cupertino Slope Density Report. A direct quote from this report states that, *“The slope-density formulas do not represent by themselves a complete safe-guard against development detrimental to the environment; but, together with other conservation measures, they are considered a valuable planning device.”*

In this Appendix, the city itself addresses the large and negative impact that the development of sloped areas will have on the environment. **I am formally requesting that the City of Cupertino provide me with an in-depth report on the slope of the property of 21897 Lindy Lane, as well as the environmental impact that developing a property on this slope will have, in accordance with Appendix F of the Cupertino Slope Density Report as quoted in Exhibit 3.**

If it were not for the fact that I work full time and cannot take time off this Thursday, I would definitely be in-attendance to express my opposition in person. Due to the fact that this meeting is scheduled during a working day, I request that you grant me my right as a member of this community to let my opinion be heard, and share my sentiments with the attendees of the meeting. I am a lifelong resident Cupertino, an active community member, and someone who deeply cares about what is in the best interest for our City. As demonstrated by my arguments and provided evidence in this letter, a development at 21987 Lindy Lane is not only misaligned with the mission statement of the City of Cupertino, but directly opposed to the City Municipal code as well as the Cupertino Slope Density Report. On the basis of this, I urge the City commissioners to reject the proposal for development at 21987 Lindy Lane.

# SCHEDULE OF EXHIBITS

## EXHIBIT 1:

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### DISCUSSION

This project was originally scheduled to be heard on October 11, 2005, but was subsequently postponed twice by the applicant to the November 8<sup>th</sup> hearing date. During the postponements, the applicant contacted neighbors about his project and he submitted a petition of support from numerous neighbors. Other neighbors contacted staff and individual Planning Commissioners via email to express their opposition and concerns with the project and the ongoing construction along Lindy Lane. The petition and emails are attached to the Planning Commission staff report.

At the public hearing, the following comments, concerns and issues were raised:

#### Applicant Comments

- The subdivision is consistent with the general plan and zoning of the area.
  - The project has already been reduced in scope from four lots to three lots and is less dense than two previously approved Lindy Lane subdivisions: Moxley and Knopp, where 20,000 square foot lots were approved.
  - A geologist has studied the site and his evaluation has been reviewed by the City Geologist who has determined that the 3-lot subdivision is geotechnically feasible.
  - The land is being subdivided to preserve its economic value; applicant has no intention to build on the newly created lots over the short term.
  - As many trees as possible will be preserved when development is proposed. New trees will be planted to screen the residences.
  - The driveway on Lot #1 will be designed to save the large trees and minimize the visual impact.
-

## EXHIBIT 2:

### Planning Commission Comments

- A majority of the Commissioners approved the tentative map with three lots, adding numerous conditions of approval to mitigate potential concerns and impacts.
- A restriction was added to the Commission approval limiting the building area on Lot #1 to no more than 3,200 square feet. Per the R-1 ordinance, the potential maximum was 3,660 square feet.
- A restriction was added to the Commission approval that prohibits further subdivision of the property beyond the three lots.
- A restriction was added to the Commission approval modifying the slope easement condition allowing a house on Lot #1 and a yet-to-be-located driveway, while preserving existing land forms and trees.
- A restriction was added to the Commission approval requiring a covenant on the property, notifying the property owner(s) of all protected specimen trees.
- A restriction was added to the Commission approval requiring a tree bond prior to building permit approval.

**EXHIBIT 3:**

<b>Percent of Slope</b>	<b>Description of Slope; Problems</b>
0-5%	Relatively level land. Little or no development problems due to steepness of slope.
5-15%	Minimum slope problems increasing to significant slope problems at 15%. 15% is the maximum grade often considered desirable on subdivision streets. Above 15%, roads must run diagonally to, rather than at right angles to contours increasing the amount of cut and fill. For example, the lower segment of San Juan Road in the Cupertino foothills averages 20% in grade,
15-30%	Slope becomes a very significant factor in development at this steepness. Development of level building sites requires extensive cut and fill in this slope category and the design of individual houses to fit terrain becomes important.
30-50%	Slope is extremely critical in this range. Allowable steepness of cut and rill slopes approach or coincide with natural slopes resulting in very large cuts and fills under conventional development. In some cases, fill will not hold on these slopes unless special retaining devices are used. Because of the grading problems associated with this category, individual homes should be placed on natural building sites where they occur, or buildings should be designed to fit the particular site.
50%+	Almost any development can result in extreme disturbances in this slope category. Except in the most stable native material special retaining devices may be needed.

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**From:** Mackenzie Mossing  
**To:** [Gian Martire](#)  
**Subject:** Re: Lindy lane  
**Date:** Monday, August 21, 2017 11:11:24 AM

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Gian,

I asked to be kept informed back when I sent you our letter addressing the Environmental Review Committee. Understandably, this request may have been missed?

I am formally requesting Cupertino staff to keep Santa Clara Valley Audubon Society of any public information, meetings, or changes for this project.

Thank you,  
Mackenzie

On Aug 21, 2017, at 7:59 AM, Gian Martire <[GianM@cupertino.org](mailto:GianM@cupertino.org)> wrote:

Hi Mackenzie,


The item has been tentatively scheduled for September 26 as a request by the applicant. Again this is subject to change and should be confirmed whether or not it will be heard that date late this week/early next week.

Interested members of the public are usually advised to check in with staff directly (as you did below) to confirm meeting dates. I reached out to the neighbors as a courtesy. If you would like to be part of the email chain with them, I can add you.

Let me know if you have any further comments or questions.

Gian Paolo Martire  
Associate Planner  
City of Cupertino  
(408) 777-3319  
[gianm@cupertino.org](mailto:gianm@cupertino.org)

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**From:** Mackenzie Mossing [<mailto:>  ]  
**Sent:** Friday, August 18, 2017 11:25 AM  
**To:** Gian Martire <[GianM@cupertino.org](mailto:GianM@cupertino.org)>  
**Subject:** Lindy lane

Hi Gian,

I was told that the planning commission meeting for the Lindy Lane private home development has been moved to September. Can you please confirm?

I'm a little surprised I didn't hear this information from you directly - please keep me informed of any future changes.

Thank you,  
Mackenzie Mossing  
Environmental Advocacy Associate  
Santa Clara Valley Audubon Society

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**From:** Shesha Krishnapura  
**To:** [Gian Martire](#)  
**Cc:** [Seema Mittal](#); [Chi-I Lang](#); [Luciano Dalle Ore C](#); [Malini Minasandram](#); [Mark Santoro](#); [edward chan](#); [mohan kanthappan](#); [Chad Mosley](#); [Winnie Pagan](#); [SK-Gmail](#)  
**Subject:** Post 7/18/2017 meeting additional feedback - Significant concern - Property address 21888, Lindy Ln on the proposed 9,144 sqft single family home with additional 2nd story balcony  
**Date:** Tuesday, July 18, 2017 10:10:33 PM

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Hello Gian:

Thanks for meeting Seema and me today at the city at 2:15 pm. Appreciated the printouts. As we discussed, I am listing additional inputs and comments on the proposed plan to address some of our concerns. Seema will be sending her list also later today or tomorrow.

1. The proposed house is significantly larger than the other 3 homes on 21949, 21947, and 21943. The plans show 3 tiers of two-story massive construction within similar lot sizes of 21949, 21947, and 21943. The mass and bulk of 21888 are not proportional to recently built these 3 new homes. Please consider the reduction in size. This is R1-20 on greater than 30% average slope and not a flat lot.
2. The elevation markings from the city contour or topo drawings are showing 98 feet higher than the ones we had for all 3 properties (21949, 21947, and 21943 Lindy Ln). This matches my concern of ~100 feet off from my morning note. We all discussed that we go with the city reference contour for all the communication and discussion.
3. The contours per city drawings are not depicting the drop near the private street to the 21888 lot. You wanted to see pictures. Please find attached 6 pictures that show the drop after the private street towards the public Lindy Ln down the hill. Also, you wanted to show this to Chad as well to compare against the city and 21888 contours. Requesting city to check the topo in the plans to actual elevation on the lot so that we can get the accurate design.
4. Requesting relative cross section elevation of 21888 with respect to 21949, 21947, and 21943. We have provided the same during our plan review proposals so that we can see the relative height differences. Given that we do not have survey pole. this will aid us in providing additional feedback.
5. Requesting the proposed driveway entrance to be moved down the private street from the current position so that we can keep the driveway cuts separated in this narrow private street and also this helps reduce (eliminate) the fill needed for the driveway. Also, this approach gives longer driveway for 21888 which is advantageous. There is a space down the private road which does not require to cut any Oak trees
6. The plans show all of tall and big Sequoia/Redwood/Pine/Cypress trees to be cut. These trees along the edge of the private street are offering significant screening to the neighbors' houses (21949, 21947, 21943). Requesting to move the building pad towards south so that we can save some of these trees along the private street. If this is not possible for any good reason, then requesting 36" box fast growing Sequoia's or 36" box Oak trees to be planted along the private street edge.
7. All the new small plants that were planted along the private street by 21888 owners during rainy season have completely dried and dead. This is just for your information if any such report of planting new trees were provided to the city.
8. Not all trees on the property are shown in the plan. Requesting this to be shown as per arborist's report
9. Requesting the front setback from the curb of the private street to be moved from 20' to

30' so that we can get more openness from this massive multi tier structure. The 30' shown is from the center the private road on the plans.

10. There are few low voltage wires (AT&T, Comcast) that run along the private street inside the property 21888. Requesting this to be managed by moving it underground. These wires are very critical in offering connectivity to all basic services (phone, video, and the internet) to all the residences and any disruption during construction will be of significant safety and basic living condition concern.

Thanks,  
Shesha

On Tue, Jul 18, 2017 at 11:28 AM, Gian Martire <[GianM@cupertino.org](mailto:GianM@cupertino.org)> wrote:

Sorry. See attached.

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**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Tuesday, July 18, 2017 7:40 AM  
**To:** Seema Mittal <[REDACTED]>; Gian Martire <[GianM@cupertino.org](mailto:GianM@cupertino.org)>  
**Cc:** Chi-I Lang <[REDACTED]>; Luciano Dalle Ore C <[REDACTED]>; Malini Minasandram <[REDACTED]>; Mark Santoro <[REDACTED]>; edward chan <[REDACTED]>; mohan kanthappan <[REDACTED]>; xihua sun <[REDACTED]>; Shesha Krishnapura <[REDACTED]>  
**Subject:** Plans show enhanced significant concern - Re: Significant concern - Property address 21888, Lindy Ln on the proposed 9,144 sqft single family home with additional 2nd story balcony

Gian & Lindy lane private street neighbors:

Thanks to Seema for sending the link to the plan set. The link is below for you to download plans. Below are enhanced concerns:

- 1) As Seema mentioned not all trees are shown in the civil and/or topo diagrams.
- 2) The elevation shown on civil/topo diagrams is significantly incorrect by more than 100 feet as I could map to the topo drawings from adjacent 3 house construction. They are showing in 500+ where we had 400+ elevation.
- 3) All redwood trees are shown gone including couple of large oak tree clusters.

<https://cupertino.legistar.com/View.ashx?M=F&ID=5312314&GUID=1E27D961-2DF6-4D20-8BD6-870BF94CFA79>

I want to know if city did their own topo study and if anyone from city visited the site. More when we meet this afternoon at 2:15pm.

Thanks

Shesha

On Jul 17, 2017, at 8:54 PM, [REDACTED] wrote:

Thanks Seema & Gian. I will be there at 2:15pm. Gian: Can you email the PDF version of the plans to this list please? It will be easier for us to review and give feedback.

Thanks

Shesha

On Jul 17, 2017, at 4:17 PM, Seema Mittal <[REDACTED]> wrote:

Hi. Gian,

Thanks for your response. I'd like to confirm our meeting tomorrow at 2.15 please if it is ok. Shesha, it will be great if you can join too, that way we can get our clarifications together.

We really appreciate the owners notifications to view the plans a few weeks ago but we were out that weekend. Yes I did calculate the above grade Area to be 7100 or so to make sure this an even comparison.

Rest of the queries I will ask you tomorrow. Please do have a full size set of plans if possible.

Thanks,

Seema

On Mon, Jul 17, 2017 at 3:14 PM Shesha Krishnapura

<[REDACTED]> wrote:

Gian:

If Seema is okay, then I would like to attend at 2 pm tomorrow (Tuesday). In addition to oak trees, there are few tall Sequoia/Pine trees on the Lindy Lane roads on both sides. These trees offer significant screening for all the residences and would like to see them not removed given they are on the property edges. As I mentioned earlier, the max SqFt for 21949 (Seema's) and 21945 (Edward's) are 5,550 SqFt, and 21947 (mine) is 4,500 SqFt in R1-20 zone. Can you restrict to 5,500 just like other properties? What is the elevation at the max height of the roof? Does it follow the contour like the 3 homes 21945, 21947, 21949 Lindy Ln? Hope we can find answers to all these questions. It would be easier if we can get copies of the plans.

Thanks,

Shesha

On Mon, Jul 17, 2017 at 2:16 PM, Gian Martire

<[GianM@cupertino.org](mailto:GianM@cupertino.org)> wrote:

Hello Lindy Lane neighbors,

I just returned to the office this morning but would be willing to set up a meeting with any of you to answer any questions. I'd be happy to meet personally or as a group.

Seema, those times work for me tomorrow. 2pm? Let me know so I can put it on my calendar.

Shesha and Chi-I, same to you all also.

A couple of quick clarifications.

- The oak trees along Lindy Lane will not be removed. Rather we are requiring more to be planted.
- The allowed FAR for the home is 45% since this is an R1-20 zone. Although the square footage noted on the notice is around 9K, the total visible home is around 6,800 sf, with the rest being considered basement. So the FAR would be around 35%.
- Best Practice measures for constructions are always required and conditioned as part of the project. Any violations are subject to code enforcement.

Again, the meeting on Thursday is only to certify the Mitigated Negative Declaration (MND) for the project and not any approval of the home itself. The Planning Commission will make that determination whether to approve or not on August 22.

I also want to remind you that the applicants sent notices to all neighbors within 300' for a neighborhood outreach meeting last month. I recommend also contacting the applicants for any questions or concerns you may have. I have attached the notice for your review.

Gian Paolo Martire

Associate Planner

City of Cupertino

[\(408\) 777-3319](tel:(408)777-3319)

[gianm@cupertino.org](mailto:gianm@cupertino.org)

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**From:** Seema Mittal [mailto: [REDACTED]]  
**Sent:** Monday, July 17, 2017 1:44 PM  
**To:** Chi-I Lang < [REDACTED] >  
**Cc:** Shesha Krishnapura < [REDACTED] >; Gian Martire <[GianM@cupertino.org](mailto:GianM@cupertino.org)>; edward chan < [REDACTED] >; Mark Santoro < [REDACTED] >; Luciano Dalle Ore C < [REDACTED] >; xihua sun < [REDACTED] >; mohan kanthappan < [REDACTED] >; Malini Minasandram < [REDACTED] >  
**Subject:** Re: Significant concern - Property address 21888, Lindy Ln on the proposed 9,144 sqft single family home with additional 2nd story balcony

Hi Gian:

I live on [REDACTED] across the private drive from the proposed project.

I have several clarifications (some similar to the other neighbors) of which I am listing the three main ones and others I will clarify when I meet with you.

1. The oak trees along the private drive are not numbered in the arborist's list but just shown as a "clump" saying "protect Oak trees". These are important trees.
2. Also the contours seem a little different that the actual conditions, and this may be just something you may be able to explain. My primary question is to understand the heights relative to the road and my own finished floor. (since the city does not mandate story poles, it is hard to visualize the environmental impact.

3. The lot is the same size as the three lots across our street (under 20,000 sq ft), but the FAR is closer to the Santoro residence which is 1.76 acres.

I would like to set up a meeting with you urgently prior to the environmental review this Thursday. We could meet at your Planning office or on the site. I am available tomorrow between 2 and 4 pm and anytime on Wednesday.

Thanks a lot,

Best,

Seema Mittal

Seema Mittal

Principal and Founder

**Perspectives Design, Inc.**

Architecture. Planning. Interiors

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

On Sun, Jul 16, 2017 at 10:21 PM, Chi-I Lang

[REDACTED] > wrote:

Hi Gian,

I have learned that a new construction 21888 will be started in this neighborhood. Though I will not be able to attend the environmental hearing, here are my question and comments,

- This FAR is bigger than the houses as mentioned in Shesha. how do we make sure there is no

environmental impact of this project?

- The trees - I believe we need to have an effort to reserve the trees as much as possible for the entire neighborhood.
- The project - the final plan should also include the consideration of minimizing the inconvenience to the residents due to the construction.

Let me know if you have any questions.

Best,

Chi-I

[REDACTED]

On Mon, Jul 10, 2017 at 3:07 PM, Shesha Krishnapura

[REDACTED] > wrote:

Hello Gian: (Resending with updated email address of one of the neighbour)

I am the owner and resident of property address [REDACTED]  
[REDACTED] I have received your city letter "Notice of intent to adopt a mitigated negative declaration" on the project location 21888, Lindy Ln (APN: 356-25-031) indicating to receive comments within 20-day review period from July-10th to July-30th 2017. I have copied this email response to all my neighbours who are on the immediate north side of Lindy Ln to this property address and I am assuming they have received the same letter from you. Below are some of my significant concerns:

1. The size of the proposed project which is 9,144 sqft single family home with additional 2nd story balcony is on a highly narrow and irregular shape high slope lot. The effective lot size is significantly less than the mere geometrical calculation. The 3 homes that are newly built over last several years adjacent to this lot on the Lindy Ln private street are 5,500 sqft (Two properties - 21943 Lindy Ln and 21949 Lindy Ln) and 4,500 sqft (one



property - 21947 Lindy Ln). The city had put the condition to limit the size of each of these 3 single-family home construction to make room for open space and address the slopes that are greater than 20%. The FAR is less than 25% of these 3 homes, whereas you have indicated the FAR for proposed project at 21888 Lindy Ln to be 35% FAR which is significantly larger. Request to limit the FAR to similar ratios on effective lot size as other 3 newly developed properties so that the mass is proportional in the neighbourhood.

2. The 21888 Lindy Ln property has lots of mature Oak trees and pine trees which are providing natural screening from other residences and main street. Requesting to preserve all the trees while the construction allows for additional screening for existing homes.

I am sending the above "initial" set of comments one day ahead of time and I would immensely appreciate if you can acknowledge the receipt of the same and copy all my immediate neighbours who are on this email thread. My Cell Phone # [REDACTED]

Thanks,

Shesha Krishnapura

[REDACTED]

Cupertino, CA 95014

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Seema Mittal

Principal and Founder

**Perspectives Design, Inc.**

Architecture. Planning. Interiors

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

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**From:** sara arzeno  
**To:** [Sara Arzeno](#); [Gian Martire](#); [City of Cupertino Planning Dept.](#)  
**Subject:** Strong Opposition to the development of a 9000 square foot home on Lindy Lane, pls confirm receipt  
**Date:** Wednesday, July 19, 2017 3:44:01 PM

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Hello Gian and the Cupertino Planning Department,

Thank you for the opportunity to express our strong opposition to the proposed building of a 9000 sq ft home on Lindy Lane and to share our thoughts from current residents' point of view on what this proposal means to our lives and our neighborhood.

Lindy Lane history includes at least one catastrophic hillside at 21852 (James residence) subsequent to construction of pool on the hill. Additionally our neighborhood roads and hillsides experience chronic flooding every year when the rains come. Building yet another excessively large home on a hillside will only exacerbate this danger.

Zoning/building laws for hillsides/slopes have been designed and enacted precisely to avoid future damage and destruction to the hillside communities. There is no justification to provide exceptions that would endanger the hillside residents and their homes, especially in an area with a demonstrated precedent for devastating slides. Why would someone purchase property with the expectation of bypassing zoning requirements via exceptions? We, the long-time residents of Lindy Lane would for once like to see some support from the City on our behalf - we are the community members that have made Cupertino what it is, supported our schools and raised our children here with respect for our neighbors, the community and the environment. We would like to encourage city council members and planning department members to "walk a mile in our shoes" and to represent our interests fairly in what has become a very pro-development city atmosphere. Shouldn't preservation of the fundamental character and environmental safety of a long-time community be implicit in any planning process?

We imagine city engineers will be examining the destructive environmental impact of this building proposal and city planners will be evaluating the potential risks and, in the event of future negative environmental issues, the City will be held responsible.

Living in a hillside community requires respect for the environmentally sensitive geography and for the community and its residents. It is hard to imagine that the desire of one person to build an unreasonably and excessively large home on a small piece of hillside property could possibly trump the safety and preservation of an entire community of long-time residents.

The Cupertino city mission statement includes the following phrase "Trust leads to community engagement." Unfortunately the trust of our neighborhood in our city officials and processes has been severely eroded time and time again during the past years as we have witnessed pocket zoning, subdivisions and rezoning petitions (increasing allowance of 3000 sq ft homes to 9000 sq ft homes!) approved by the City in our neighborhood, an area that we were all originally told could never be developed due to the hillside zoning ordinances. The "YES"

(Youth, Environment, Seniors) slogan of our current mayor suggests that she is an advocate of responsible environmental growth; certainly approving the plans for building a 9000 sq ft home on a small hillside lot is in direct opposition to responsible environmental growth.

Questions for the ERC:

How many trees (total number) and what species will the developer cut down on this property?

How many heritage oaks currently exist on the property?

Has the environmental committee ensured no endangered wildlife will be affected?

Will nesting birds be disturbed?

Has the environmental committee evaluated the affects of increased traffic and exhaust on the delicate hillside environment?

Has the environmental committee/planning department required appropriate plans to accommodate increased parking requirements on the new owner's property vs spillover on Lindy Lane which is a curving narrow road with no sidewalks and limited lighting?

Has the environmental committee fully evaluated the impact of heavy machinery, excessive noise, use of building chemicals and materials on the environment, wildlife and health of current residents? What steps has the ERC recommended to minimize these effects?

Has the committee proposed a timeline - how long will the entire neighborhood be held hostage to the destructive and invasive process of building?

What has the committee done to ensure that the building process will be contained at the building site so the neighborhood does not suffer the consequences of unbridled construction noise, disruption, road blockages, illegal parking and abandonment of trailers, heavy machinery, trucks etc?

Will the code enforcement folks work with the neighborhood to ensure our rights are being upheld and enforced?

Has the City Attorney weighed in on these plans and recommendations?

Once again, we appreciate the opportunity to voice our concerns and opposition and we look forward to receiving detailed answers to our above questions.

Kindly confirm of receipt of this message.

Respectfully,

Sara Arzeno

[REDACTED]

Cupertino, CA

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