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| 3. EXC-2014-15, TR-2014-70 (EA-2014-08) Amy Cheng | Hillside Exception to allow construction of a new 3,202 sq. ft. single family residence on slopes greater than 30%; Tree Removal Permit to allow removal and replacement of |
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22823 San Juan Rd.

6 specimen size Oak trees to facilitate the construction of the new residence; Mitigated Negative Declaration is proposed.

Gian Paolo Martire, Associate Planner, presented the staff report:

- Reviewed the application for Residential Hillside Exception to allow one single family residence to be constructed on slopes greater than 30% and Tree Removal Permit to allow removal and replacement of 6 Coast Live Oak trees as outlined in the staff report and overhead presentation. He reviewed the project site, project background, and project data.
- He reviewed the background of the application relative to the project site, dating back to the approval of a hillside exception and tree removal permit for a similarly designed residence on the property in 2009; discussed the residence and site plan description and exception for development on slopes greater than 30% geological review, tree removal request and environmental assessment as outlined in the staff report. To mitigate the trees being removed, the applicant will be required to plant twelve (12) 24-inch box Coast Live Oak trees consistent with the replacement requirements of the Protected Tree Ordinance.
- Reviewed the mitigation measures added as conditions of approval in the following areas, to reduce the potential environmental impacts of the project to less than significant levels: Air Quality, Biological Resources, Geology and Soils, Cultural Resources and Temporary Noise Levels.
- Staff recommends that the Planning Commission adopt the determination for Mitigated Negative Declaration and approve the Hillside Exception and Tree Removal Permit.

Gian Paolo Martire:

- Answered Commissioners questions regarding the proposed project, including those related to trees and parking. Said that two of the tree removals were being driven by the deck and four being driven by the house.

Chair Takahashi:

- Said the irony is they are trading trees for parking and cars in the most extreme scenario; is the applicant standing on the need for parking; i.e., he wants six spaces and is fine; or did the applicant ask if they really needed him to have six pieces and the city is forcing the applicant to take out the two trees?

Gian Palo Martire:

- Said the latter was appropriate.

Chair Takahashi:

- Said it was unfortunate they would have to write an exception to the parking requirement in order to save a tree.

Gian Palo Martire:

- Said they could add more trees as replacements beyond the twelve. Said that much of the neighborhood required exceptions; fewer of the homes were built prior to the ordinance being in place in the 70s and 80s but the more recent ones have required an exception.

Com. Sun:

- Said that assuming most of the neighborhood required exceptions already; relative to the general rule, when can they apply the general rules to the slope over 30%? If they grant exception to all, how can they deal with that kind of situation overall?

Gian Palo Martire:

- Said it is something they have to evaluate against the design of the property, the usability of the lot, number of parking spaces provided, trees removed vs. trees replanted and replaced; those are all factors

that have to be considered when reviewing the applications, and whether they want to grant the exception request or not.

Chair Takahashi:

- Said he assumed they wanted to set some standard, and because it requires more scrutiny and more review, and obviously because it exceeds that, it requires environmental review as well as the Planning Commission.

Gian Palo Martire:

- Said the geotechnical engineers looked at the retaining wall design; when they come in for building permits, when approved they will have to submit engineering to support that; in the discussions from the consulting engineers they also talked about how these retaining walls should be built. It is similar to how the house shall be built also.

The applicant did not speak.

Chair Takahashi opened the public hearing.

David Russell, Cupertino resident:

- Said he agreed with Chair Takahashi's comment about the procedures allowing more scrutiny; said it is an odd neighborhood, everything is on a slope; some of the houses similar to his were built in the 70s when the rules differed about how they were built. There have been some houses nearly destroyed from mudslides from houses that weren't built properly back when there was El Nino.
- Said he supported what was transpiring; the trees will be replaced and there are only two vacant lots in the entire Inspiration Heights area that he was aware of; one that the applicant is proposing to build on and another derelict piece of property that began being built on Mercedes Road which appears to be a mess where it is not being built on. Those are the only two remaining and he said it would be ideal to continue with appropriate scrutiny for those two lots.

Chair Takahashi closed the public hearing.

Chair Takahashi:

- Referred to the issue trees vs. cars. Questioned if it possible in the future to somehow assess that trade better especially if it is a case of the applicant having to stretch requirements or meet these requirements and therefore increase the cost of the project; take out more hillside space for a deck to support three cars and removal of two heritage trees? The city should somehow be able to assess that trade and be able to understand the requirement for six cars; is there some level of exception that can be granted without having it to be a big deal in the event that it is definitely making an impact on heritage trees? This is again assuming the applicant isn't desperate for six spaces; would assume there is parking regulations on San Juan from the standpoint of street parking and that is why we need six spaces, so there is kind of a self-enforcing element with regard to compliance to street parking, and if that's the situation if I were the landowner and never wanted to have six cars parked there and billed for six cars, and I could picture two large trees that are not there anymore, I would rather have those trees. It may be like moving mountains changing the R1 ordinance, but in this day and age it seems trying to do the more green thing, that is something that should be discussed.

Com. Lee:

- Commented that presently many garages are being used as storage, and although people may have only one car in the family, part of their garages may be full of junk or other things. Also keep in mind there needs to be parking spaces for maintenance workers, service people who come to the house. There is not a lot of yard to keep up, they need parking spots.

MOTION: Motion by Vice Chair Gong, second by Com. Sun, and unanimously carried 4-0-0, Com. Paulsen absent, to approve Application EXC-2014-15, TR-2014-70 (EA-2014-08).

OLD BUSINESS: None

NEW BUSINESS: None

REPORT OF THE PLANNING COMMISSION

Environmental Review Committee:

No meeting.

Housing Commission:

No meeting.

Economic Development Committee Meeting:

No meeting.

Mayor's Monthly Meeting With Commissioners:

Vice Chair Gong reported:

- The new Mayor's top priority is for the commissions to share each other's plans for the year and collaborate among the commissions. Encouraged commissioners to attend each other's meetings.

TIC:

- Putting together the cellular coverage map of the city by all providers; hope to have ready by June 2018.

Fine Arts:

- Reaching out to emerging and young artists and going to try to incentivize art teachers to encourage youngsters to apply since they haven't had a lot of applications. Main Street public art is being reviewed now; they have developed a checklist for the criteria of selecting public art. They plan to do an American Idol-like event in Cupertino.

Library:

- Selected a new librarian. Pending issue now is meeting space; the library program room has been taken over by other commissions and there is no space to house their programs. Parking is also a major issue.

Teen Commission:

- Sponsoring a Hack-A-Thon and would like all the commissions to pull their resources together and get tech companies to do presentations and to sponsor events at the Hack-A-Thon on April 7 and 8 at Quinlan Center. Contact the Teen Commission.

Public Safety:

- Doing an Education and Community Outreach, Burglary Prevention seminar; there is a rise in home burglaries. Also presenting women's self-defense class, looking to train the trainers to make more classes available.

Bike and Ped:

- Working on a class for bike lanes, planned to come forth in the next 4 to 6 months.

Sustainability:

- Encouraging neighbor-to-neighbor communication and will showcase neighbors who have gone very green, without identifying their homes to maintain their privacy.

Parks and Recreation:

- Working on completing their master plan and they are re-evaluating a consulting company to execute the master plan. They reported that every city space is over-used except for the teen center; they want to better examine how to better use the space.

Economic Development Committee:

- Meeting postponed until January.

REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

- City Council will be holding interviews January 30 and 31 for upcoming commissioners; ceremony will be held February 14th.

ADJOURNMENT:

- The meeting was adjourned to the next Planning Commission meeting on February 14, 2017 beginning at 6:45 p.m

Respectfully Submitted:


Elizabeth Ellis, Recording Secretary

Approved as presented: February 14, 2017