



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

CITY HALL  
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**SENT VIA ELECTRONIC MAIL**

September 16, 2024

Chunhua Tang  
20739 Scofield Dr.  
Cupertino, CA 95014  
[chunhuatang911@gmail.com](mailto:chunhuatang911@gmail.com)

RE: Application Incomplete Letter  
APNs 359-09-016  
Architectural and Site Approval, File # ASA-2024-009  
Tentative Map, File # TM-2024-004  
Tree Removal Permit, File # TR-2024-031

Dear Chunhua Tang,

Thank you for your application submitted for the above referenced permits on the property located at APNs 359-09-016. After reviewing the plans, the [Cupertino Municipal Code](#) ("CMC"), [Cupertino General Plan](#), [Cupertino BMR Manual](#), the [Tree Removal Application Form](#), and the [Planning Permit Application Checklist](#), Planning Division staff has determined that your application is *incomplete* in accordance with the Permit Streamlining Act (California Government Code Section 65920).

**APPLICATION COMPLETENESS**

Please find below the remaining items that will need to be addressed prior to your application being deemed complete. Please provide a written response to each of the following comments for additional review.

Pursuant to California Government Code Section 65941.1(d)(1), if the City determines that the application for the development project is not complete, the applicant shall submit the specific information needed to complete the application within 90 days of receiving the City's written identification of the necessary information. If the applicant does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

### Tree Removal Permit Application Checklist Comments

1. Removal of Protected Trees, as defined by City Code Section 14.18.050, on the subject property requires a Tree Removal Permit to be applied for and approved by the Planning Division. Thank you for providing the [Tree Removal Permit Application Form](#), as well as the Arborist Report completed by Bo Firestone (WE-8525B). The information and documents outlined on the form that are missing include:
  - a. Replacement Plan, with Site Plan, showing the replacement trees showing the locations of the proposed replacement trees, approved by an ISA certified arborist.

A consultant arborist deposit will be required once application is deemed complete.

### General Application Checklist Comments

#### **2. General Planning Application Item 1 - Application Form**

Please ensure that Page 2 of the General Planning Application reflects the legal property owner names (all listed property owners), as listed in the provided Preliminary Title Report. Additionally, as outlined in Item 1 of the General Planning Application Checklist, please provide the contact information for the project's Civil Engineer, Architect, Landscape Architect, and all other consultants involved with the application on another sheet.

#### **3. General Planning Application Item 2 - Application Fees – Peer Review Consultant Fees**

As outlined in Item 2 of the General Planning Application Checklist, payment of deposits will be required to cover the costs associated with the peer review of a Phase I Environmental Site Assessment (“ESA”) once provided. As noted in the project's reimbursement agreement, the estimate of collected fees did not include third-party review costs.

Please note that the required deposit amounts include a non-refundable, 15% administrative fee.

Following payment of deposits, Phase I Environmental Site Assessments will be sent to third-party consultants for peer review. Upon receipt of a peer review report, any requests for additional information or changes to each report will be forwarded to the applicant. Any subsequent reports produced will require additional third-party consultant review at applicant cost.

#### **4. General Planning Application Item 5 – Title Report**

Application documents did not include a Title Report prepared within the past 90 days. The title report must include a legal description of the property and a listing of all easements, rights-of-way, and owners. Electronic copies of Title Reports must include live links.

#### **5. General Planning Application Item 7 – Environmental Site Assessment (ESA) Report**

A Phase 1 ESA report shall be provided with the application. If the Phase 1 ESA report indicates that a Phase 2 ESA report or additional assessment is recommended, a Phase 2 ESA report must accompany the application. The project submittal included a proposal for ASTM Phase I Environmental Site Assessment by Haley & Aldrich, Inc., not the actual report.

**6. General Planning Application Item 10 – Project Description**

A narrative project description that summarizes the proposed project and its purpose has been provided. However, the description needs to include a discussion of the project site context, including what existing uses, if any, adjoin the project site, as well as what is currently on the site.

**7. General Planning Application Item 11 – Affordable Housing Plan**

Submitted Affordable Housing Plan is incomplete. Please provide a written outline of the project's consistency with the City's [BMR Housing Manual](#). Ensure that the Affordable Housing Plan meets the requirements outlined in the BMR Housing Manual Section 2.3.3.

Please ensure that the Affordable Housing Plan clearly outlines the project's consistency with:

- a. Section 2.3.1 A – When a development proposes to provide ownership BMR units, the affordability requirements for units shall be fifty percent (50%) of BMR units as median-income and fifty percent (50%) of BMR units as moderate-income.
- b. Section 2.3.4 A through D for BMR Unit Design

**8. General Planning Application Item 12 – Consistency with Objective Standards**

Item 12 of the General Planning Application Checklist requires that all exhibits indicate how the proposed project is consistent with all applicable objective zoning, subdivision, and design review standards applicable to the project site. If the applicant contends objective standards are inapplicable to the project, please so specify.

Attachment B outlines the objective zoning, subdivision, tree removal, and design review standards identified by the City. Please clearly outline how each of these standards are met by the proposed project, paying close attention to the requirements outlined above.

**9. General Planning Application Item 13 – Statement of Design Intent**

Please ensure that the provided Statement of Design Intent has been prepared by the project architect/designer and includes the required information outlined in Item 13 of the General Planning Application.

The provided information does not provide a description of the design program, the designer's approach, and how the architectural, landscape, and other elements have been integrated in compliance with the City's objective standards, if applicable. Nor does it address the relationship between the proposed design of the project and adjacent properties and streets in design terms. The information also does not address the

requirement to define the site, building design, and landscape concepts in terms of site design goals and objectives, pedestrian circulation, outdoor-use areas, visual screening and enhancements, conservation of natural resources, mitigation of negative site characteristics, and off-site influences.

**10. General Planning Application Item 15 – Title Sheet (Sheets A0.0)**

Please provide revised title sheets that include the date prepared for sheets in the table of contents. Provide a vicinity map showing the General Plan and Zoning designations in the project vicinity, as well as the project site.

**11. General Planning Application Item 16 – Development Program (Sheets A0.0)**

The following was not included on Sheet A0.0:

- a. The number of bedrooms for each unit type.
- b. The net density.
- c. The total number of units by affordability level and tenure (rental or ownership).
- d. The amount of private open space provided for each unit.
- e. The percentage of net lot area devoted to landscaping, common open space, and private useable open space.
- f. The required setbacks.
- g. The building elevations and curb elevations (use curb that is nearest to a building).
- h. Parking requirements under City of Cupertino Municipal Code Chapter 19.124.040, unless a different parking standard is allowed under state law, and tabulation of the number of parking spaces proposed by type (universal and ADA compliant) and proposed parking ratios.
- i. Bicycle parking (required and proposed) under City of Cupertino Municipal Code Chapter 19.124.040.

**12. General Planning Application Item 18 – Site Plan (Sheet C1.0 – 3.0)**

Ensure that the provided site plans are drawn at 1"= 20' scale. Each site plan shall include the following, which is determined to be missing:

- a. Existing and proposed property lines with dimensions, bearings, radii and arc lengths, easements. No site plan showing the existing home's setback provided.
- b. Net and gross lot area for existing and proposed parcels.
- c. Benchmark based on USGS NAVD 88 vertical.
- d. Location and dimensions of all existing and proposed structures extending 50 feet beyond the property. Lacking complete sample of structures to the north, west and east.
- e. Clearly identify and label all existing and proposed structures such as fencing, walls, all building features including decks and porches, all accessory structures including garages and sheds, mailboxes, and trash enclosures.
- f. Dimensions of proposed setbacks from property lines and between neighboring structures as well.

- g. Location, dimension, and purpose (i.e. water, sewer, access, etc.) of all easements including sufficient recording data to identify the conveyance (book and page of official records).
- h. Show all existing and proposed improvements including traffic signal poles and traffic signs.
- i. Show line of sight for all intersections and driveways based on current City of Cupertino standards.
- j. Existing topography and proposed grading extending 50 feet beyond the property.
- k. Include spot elevations, pad elevations, and show all retaining walls with TOW/BOW elevations.
- l. Drainage information showing spot elevations, pad elevations, existing catch basins, and direction of proposed drainage, including approximate street grade, existing and proposed storm drain locations and storm water treatment facilities.
- m. Location and dimensions of existing and proposed utilities, including water supply system, sanitary sewers and laterals, drainage facilities, wells, septic tanks, underground and overhead electrical lines, utility poles, utility vaults, cabinets and meters, transformers, electroliers, street lights, lighting fixtures, underground irrigation and drainage lines, backflow prevention and reduced pressure devices, traffic signal poles, underground conduit for signals and interconnect, and traffic signal pull boxes, signal cabinets, service cabinets, and other related facilities.
- n. Location and dimensions of parking spaces, back-up, safe pedestrian paths to building entrances, loading areas, and circulation patterns.
- o. Survey of all existing trees on the site and adjacent to the site, at 1"=20' scale, indicating species, diameter at breast height (DBH) as defined in Chapter 14.18 of the Cupertino Municipal Code, and base elevation. Trunk locations and the drip line shall be accurately plotted. Identify all protected trees as defined in Chapter 14.18 of the Cupertino Municipal Code.
- p. Tentative locations for public artwork in compliance with Section 19.148.050(B) of the Municipal Code.

**13. General Planning Application Item 20 – Building Elevations  
(Sheets A3.2 – A3.5)**

Each elevation has been drawn at 1/8"= 1' minimum scale and dimensioned vertically and horizontally. Thank you. Clarify that height has been measured from natural grade established at subdivision. Each elevation drawing shall include:

- a. Fully dimensioned buildings identifying materials, details, and features including visible plumbing, electrical meters, and method of concealment.
- b. Vertical dimensions from all points above natural, existing, and finished grade on all elevations.
- c. Topography with natural, existing, and proposed grades accurately represented to show building height to show the relationship of the building to the site and adjacent properties.
- d. Location, height and design of rooftop mechanical equipment and proposed screening.

- i. Provide a section detail showing height of equipment in relation to the height of the proposed screen structure.
- e. Location and type of building mounted exterior lighting.
- f. Detailed building sections showing depth of reveals, projections, recesses, etc.
- g. Details of vents, gutters, downspouts, scuppers, external air conditioning equipment, etc.
- h. Details including materials and dimensions of door and window treatments, railings, stairways, handicap ramps, trim, fascia, soffits, columns, fences, and other elements which affect the building. Provide wall sections at  $\frac{1}{2}''=1'$  scale to clarify detailing as appropriate.

**14. General Planning Application Item 21 – Floor Plans  
(Sheets A2.1 and A2.2)**

Plans shall be drawn by a licensed Architect at  $\frac{1}{8}''=1'$  or larger scale. Provide the missing information for each floor plan:

- a. Finished floor elevations set to USGS NAVD 88 Vertical datum;
- b. Identification of affordable (BMR) units; and
- c. If structured parking is provided, identify compliance with requirements of Chapter 19.124 of the Municipal Code and clearly identify required pedestrian paths pursuant to General Plan Policy M-3.6.

**15. General Planning Application Item 22 – Roof Plans  
(Sheets A2.3)**

Roof Plans were not provided for the proposed community center or the townhomes. Each roof plan shall be drawn by a licensed Architect at  $\frac{1}{8}''=1'$  or larger scale. The roof plan shall include:

- a. Property lines; and
- b. Rooftop mechanical equipment, and screening.

**16. General Planning Application Item 23 – True Cross Sections**

Consistent with the requirements of the General Planning Application Checklist, please provide a minimum of two whole site cross-sections drawn at 1:1 scale (same scale used for both vertical and horizontal axis),  $1''=20'$  minimum scale, with scale noted, and a graphic bar scale, through critical portions of the site extending 50 feet beyond the property line onto adjacent properties or to the property lines on the opposite side of adjacent streets. Sections shall include existing topography, slope lines, final grades, location and height of existing and proposed structures, fences, walls, roadways, parking areas, landscaping, trees, and property lines. Section locations shall be identified on the Site Plan.

**17. General Planning Application Item 25 – Landscape Plans (sheets L1-L3)**

Consistent with the requirements of the General Planning Application Checklist, please provide landscape plans. Plans shall be drawn at  $1''=20'$  or larger scale by a licensed Landscape Architect. The plans shall incorporate the existing and proposed property

lines, proposed Grading and Utility Plan, showing the location of existing and proposed utility lines and utility structures screened back, but legible, and shall include the following missing items:

- a. Replacement trees shall comply with the requirements of Chapter 14.15 of the Cupertino Municipal Code.
- b. Identify the location and screening of any above ground utilities and bio- swales or other stormwater treatment areas with 1:10 scale cross sections showing the planting within the bio-swales and screening of the utilities.
- c. The Landscape plan shall be coordinated and consistent with the Stormwater Plan.
- d. Note signed and dated by project Landscape Architect that plans are in compliance with all City standards.
- e. Provide information on landscaping used as screening for utility equipment.
- f. Compliance with the landscaping requirements in Chapter 19.124 of the Municipal Code.

**18. General Planning Application Item 26 – Fence Plan**

Consistent with the requirements of the General Planning Application Checklist, please provide a fence plan that is drawn at 1"=20' scale showing the location, height and type of all fences and walls.

**19. General Planning Application Item 27 – Lighting Plan**

Consistent with the requirements of the General Planning Application Checklist, please provide a lighting plan that shows the location and type of exterior lighting, both fixed to the building and freestanding, any and all lights for circulation, security, landscaping, building accent or other purpose.

**20. General Planning Application Item 28 – Photometric Plan**

Consistent with the requirements of the General Planning Application Checklist, please provide a Photometric Plan that indicates the projects compliance with no lighting glare. The Photometric Plan must indicate that lighting levels do not spill into adjacent properties.

**21. General Planning Application Item 29 – Photo-Simulations**

Consistent with the requirements of the General Planning Application Checklist, please provide digital photo-simulations of the site with and without the project, taken from various points off-site with the best visibility of the project. Include a key map showing the location where each photo was taken. **Simulation not to scale.**

**22. General Planning Application Item 31 – Grading Plan (Sheet C4.0)**

Consistent with the requirements of the General Planning Application Checklist, please provide a grading plan, indicating the existing and proposed natural grades. Include on the grading plan the following missing information:

- a. Proposed building footprints, pad elevations and building height

- b. Existing and proposed contours which can be easily differentiated (2ft intervals if slope is 10% or less, 5 ft intervals for slopes greater than 10%)
- c. Spot elevations of survey points
- d. Source and date of the contour and spot elevation information
- e. Limits of cut and fill
- f. Grading Quantities (Cut and Fill Cubic Yards)
- g. Cross-sections of the areas of greatest cut and greatest fill to scale (1":20')
- h. Topography and elevation of adjoining parcels (for a minimum of 50')
- i. Slope ratio
- j. Show all existing and proposed retaining walls with Top Of Wall /Bottom Of Wall elevations.

Grading shall comply with requirements of Chapters 16.08 and 18.52 of the Cupertino Municipal Code, as applicable. Consistent with Item 12 of the General Planning Application Checklist, please clearly indicate how the proposed grading plan meets these requirements.

Additionally, show on grading plans the relationship of the project to the building and site features within 50 feet.

### **CONSISTENCY, COMPLIANCE, AND CONFORMITY**

The following is a partial list of some of the project components that are inconsistent, out of compliance, and/or non-conforming with City standards. Please note that, pursuant to California Government Code Section 65589.5, the City is not obligated to identify inconsistencies with project plans and the City's objective design and development standards until 30 days after the application has been deemed complete. Revisions to plan sheets and/or provision of the required additional project information required for application completeness will result in additional compliance notes in the next round of review since most standards cannot be adequately evaluated without the required additional information. As such, the following comments constitute an initial assessment and is not intended to provide a comprehensive list of inconsistencies, non-compliance, and non-conformity. Such list will be provided within 30 days of the project being deemed complete.

Objective standards that may be unenforceable under Government Code section 65589.5(d)(5) are provided for informational purposes. Building, engineering, fire, and other standards associated with Building Permit review may not be reflected in this list. Additional requirements may be identified after plans and documents are submitted/revised to address application incompleteness.

#### **1. Project Inconsistencies**

Applicable objective standards have been identified in Attachment B. Other developments standards, fee standards, and post-entitlement requirements have been identified in Attachment C. The standards from these General Plan policies and CMC sections may contain applicable project and application standards.



**2. Review of Stormwater and Drainage Plans**

Please provide a preliminary review letter from a third-party reviewer approved by SCVURPPP. The letter shall state that the proposed treatment measures and have been sized adequately and that any modifications required during the design phase will not impact the Project's overall site concept. The letter and plans shall be reviewed and approved by Public Works.

**3. Traffic Study**

Please coordinate with the Public Works Department to determine the level of transportation analysis required. Please provide all documentation necessary to address the requirements of the Transportation Study Guidelines, as identified by Public Works.

**4. General Planning Application Item 7 – ESAs**

An ESA has not yet been provided and peer reviewed. Once reviewed, a Phase II ESA may be required to be submitted.

**5. Other Department and Agency Reviews**

The project has been sent to the Public Works Department, the Environmental Services division, the Building division, the Santa Clara County Fire Department ("SCCFD"), the Cupertino Sanitary District, and the Sustainability Department for review. Comments provided from these departments and agencies shall be addressed as part of the project's resubmission. All letters from these agencies are in the file's ProjectDox file.

**CEQA REVIEW**

This application constitutes a "project" under Section 15378(a)(1) of the California Environmental Quality Act ("CEQA") Guidelines. The level of review required under CEQA will be determined following the application being deemed complete. Please be aware that the City may require additional documentation necessary to conduct the environmental review after the project has been deemed complete, including further deposits to cover completion of any environmental documentation.

Sincerely,

/s/

Gian Paolo Martire

Senior Planner

City of Cupertino

Attachments:

A – CGC Section 65941.5 Applicant Notification of Timelines

B – Objective Standards Matrix

C – Applicable Standards Matrix