



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

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SENT VIA ELECTRONIC MAIL

January 9, 2025

Chunhua Tang
20739 Scofield Dr.
Cupertino, CA 95014
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 resubmission 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](#), comments from other divisions, departments, and agencies, 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 list of items that were identified in the project incompleteness letter dated September 16, 2024, but were not addressed in the application resubmission on December 13, 2024:

General Application Checklist Comments

1. 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 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.

Staff Response: Applicant response indicated that as the project is vested under SB330 standards for a "Builder's Remedy" project, objective standards do not apply as there were no means to determine which zoning and general plan standards apply to the project. However, Planning staff in its Incomplete Letter dated September 13, 2024 attached an Objective Standards Matrix which lists applicable zoning, general plan, and municipal code objective standards that would apply to the project. No response to the Objective Standards Matrix was provided by the applicant.

2. 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 was 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.

Tentative locations for public artwork in compliance with Section 19.148.050(B) of the Municipal Code.

Staff Response: The applicant has provided the existing and proposed site plan only with the civil drawings. However, the following items were not submitted as requested:

- *None of the site plans demonstrated the setbacks for the existing structure on the property.*
- *Site plans were drawn to a 1" =10' scale, not 1" =20' as required and specified on the application checklist.*
- *Dimensions for parking spaces, as well as safe pedestrian paths to building entrances were not provided.*

3. 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 1/2"=1' scale to clarify detailing as appropriate.

Staff Response: The applicant has provided sheets depicting the proposed building elevations of the development. However, the following items were not submitted as requested in the September 16 letter and required on the application checklist:

- *Vertical dimensions (as well as topography) showing natural and existing grades.*
- *Details were not shown at a 1/2" = 1' scale, and were not dimensioned, rendering staff review infeasible.*

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

Plans shall be drawn by a licensed Architect at 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.

Staff Response: Applicant has not responded to Item 21(c) as requested:

- *The applicant has not identified compliance with requirements of Chapter 19.124 of the Municipal Code and has not clearly identified required pedestrian paths pursuant to General Plan Policy M-3.6 since a structured parking level (podium) has been proposed.*

5. 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.

Staff Response: The applicant response indicated that "True Cross Sections" were demonstrated on Sheet C3.0. However, Item 23 requires that the Cross section be a "site cross section" which extends 50-feet beyond the property line onto adjacent properties or to the property lines on the opposite side of adjacent streets. The cross sections provided on sheet C3.0 do not meet this standard as specified on the application checklist.

6. 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.

Staff Response: The applicant response indicated that the photometric plan was submitted as Sheet SP1.0. However, the plan sheet failed to indicate the project's compliance with no lighting glare, as well as indicating that lighting levels do not spill into adjacent properties.

7. 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 the 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.

Staff Response: The applicant has provided a Grading Plan. However, the following items were not submitted, as requested and specified on the application checklist:

- *Building height was not provided on the grading plan.*
- *Proposed contours for the site have not been provided.*
- *Slope ratio of the parcel was not provided.*
- *Applicant has not provided any indication/direction that the proposed grading complies with Chapters 16.08 of the Cupertino Municipal Code.*

8. Please provide a Narrative Waste Management Plan (WMP) explaining and describing the following and please update plan sheet A4.4 and other related plan sheets as needed to augment the WMP:

- a. Please provide a summary of what will be expected of the waste hauler to access and service the trash room. Include the number of days waste hauler service of the development will be needed.

- b. Please identify the surface type (e.g. smooth concrete, pavers, etc.) and slope of the Trash Bin Hauling route for waste carts and bins to be rolled from the trash room to the collection vehicle staged on Scofield Drive.
- c. Please identify in the WMP and on Sheet A4.4 the linear distance in feet, of the Trash Bin Hauling Route.
- d. All waste carts and bins must be contained within the trash room. Please explain in the WMP what the Trash Staging Area on Sheet A4.4 means.
- e. Please identify on an appropriate plan sheet and describe in the WMP how parked vehicles on Scofield Drive will be kept from parking adjacent to the curb so waste hauler collection vehicles have access. If a designated "No Parking" zone will be utilized, please identify it on the plan sheet and in the WMP, include the distance in feet, for the collection vehicle to have access to during collection. Please note that any parking restrictions on Scofield Drive, will require review and approval by the Public Works Transportation Division.
- f. Please describe in the WMP how and where residents of the project will dispose of used cooking oil, used motor oil/filters, household batteries, CFL lamps, and Christmas trees for recycling. Please revise Sheet A4.4 accordingly.
- g. Please describe in the WMP the type of door (e.g. roll-up, swing, other) to the trash room the waste hauler staff will be accessing and include how they will gain access (e.g. key, passcode, other).
- h. Please revise Sheet A4.4 that the minimum unencumbered width of the trash room service door should be nine feet in width.
- i. Please revise Sheet A4.4 and remove all references to "R-C" and "R-P" on the drawing and in the table. Cupertino utilizes a mixed recycling program. Please label all three stream as "Recycle, Trash, Organics" on the drawing and within the table.
- j. Please explain in the WMP and identify on Sheet A4.4, the contingency for unexpected waste generation overages and where additional waste carts and bins will be located.
- k. Please explain in the WMP how the trash room will be maintained in a clean and sanitary condition, who is responsible for that task, and the frequency.
- l. Please explain in the WMP if a separate two or three yard bin will be provided specifically for cardboard boxes. This is a recommended consideration as the project only shows carts for recycling.

Staff response: A narrative WMP explanation for the comments below must be provided. Making a note on the plan sheet is considered incomplete, however, notes on the plan sheet, which are separate from and inform the narrative WMP may be included with your WMP for clarity.

*This comment from the City's Environmental Services Division is consistent with their comment from the first round of review, as well as enforcing the **General Planning Application Item 9 – Preliminary Trash Management Plan.***

Pursuant to California Government Code Section 65941.1(d)(1) and 65941.1(d)(2), the City has determined that the application for the development project is not complete because the specific information needed (as listed above) to complete the application has not been

submitted within 90 days of receiving the City's written identification of the necessary information. Since this information has not been submitted within the 90-day period, the preliminary application pursuant to Govt. Code Section 65941.1 has expired and has no further force or effect.

Pursuant to California Government Code Section 65943(c) and Cupertino Municipal Code Section 19.12.040(F), the applicant may appeal this decision in writing to the Planning Commission, at which time a final written determination by the City on the appeal is due no later than 60 calendar days after receipt of the applicant's written appeal. (CA Government Code Section 65943(c))

Sincerely,

/s/

Gian Paolo Martire

Senior Planner

City of Cupertino

Attachment

A – Department Review Letters:

- Development Review Comments, dated 1/03/2025, by Sean Hatch, Building Official.
- Development and Building Permit Plan Review and Comment, dated 12/23/2024, by Alex Wykoff, Environmental Programs Division.
- Development Review Comments, dated 1/08/2025, by Kenny Ip, Santa Clara County Fire Department.
- Project: 20739 Scofield Dr – Proposed 5-story, 20-unit residential building (ASA-2024-009, 2nd Review), dated 1/03/2025, by Jennifer Chu, Senior Civil Engineer Public Works.