



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

CITY HALL
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CUPERTINO.ORG

SENT VIA ELECTRONIC MAIL

February 7, 2025

Nageshwara R. Vempaty
14486 Leland Circle
Saratoga, CA 95070
nvempaty@gmail.com

RE: Application Incomplete Letter
11841 Upland Way
Tentative Map, File # TM-2025-001
Architectural and Site Approval, File # ASA-2025-001
Hillside Exception, File # EXC-2025-001
Tree Removal Permit, File # TR-2025-001

Dear Nageshwara R. Vempaty,

Thank you for your application submitted for the above referenced permits on the property located at 11841 Upland Way. 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.

General Application Checklist Comments

1. Tree Removal Application

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. Please complete the City's [Tree Removal Permit Application Form](#) and provide the information and documents outlined on the form, including:

- a. Justification Statement providing an explanation of why the trees should be removed; and
- b. Site Plan showing the location of existing and replacement trees; and
- c. Replacement Plan showing the locations of the proposed replacement trees, approved by an ISA certified arborist.

Note: The arborist report provided as part of this application is subject to third party peer review. See Comment #2.

Applicant Response: _____

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

As outlined in Item 2 of the General Planning Application Checklist, please provide payment of the deposit required to cover the costs associated with the peer review of the provided Arborist Report. As noted in the project's reimbursement agreement, the estimate of collected fees did not include third-party review costs.

An invoice is included as Attachment A of this letter outlining the required deposit. Please note that the required deposit amount includes a non-refundable, 15% administrative fee.

Following payment of the deposit, the reports that have been provided 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.

Note: This invoice does not include consultant fees for CEQA review which shall be made payable following the selection of a consultant; consultant fees are subject to change.

Applicant Response: _____

3. General Planning Application Item 9 – Preliminary Trash Management Plan

As outlined in Item 9 of the General Planning Application Checklist, please provide a preliminary trash management plan. Refer to Chapters 6.24, 9.16 and 9.18 of the Municipal Code for the requirements related to Garbage, Recycling and Organic Waste Collection. You may also contact the City's Environmental Services Division's main line at (408) 777-3236 for coordination with Recology, the City's waste collection company.

Applicant Response:_____

4. General Planning Application Item 11 – Affordable Housing Plan

As outlined in Item 9 of the General Planning Application Checklist, please provide an Affordable Housing Plan describing how a housing development project will comply with the City’s Below Market Rate (BMR) Program requirements set forth in the [Cupertino BMR Manual](#).

The response provided in the document entitled "11841 Uplandway.AB2011.ItemwiseResponsiveSummary" did not provide a description of *how* the proposed development will comply with the requirements of the BMR Manual.

Applicant Response:_____

5. 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.

Attachment B outlines some objective zoning, subdivision, and design review standards identified by the City. Please clearly outline how each of these standards is met by the proposed project. If the applicant contends objective standards are inapplicable to the project, please specify how that determination was reached.

Applicant Response:_____

6. General Planning Application Item 13 – Statement of Design Intent

Please ensure that the Statement of Design Intent provided includes all required information outlined in Item 13 of the General Planning Application. Update the Statement of Design Intent to include:

- a. Describe how the architectural, landscape, and other elements have been integrated in compliance with the City’s objective standards.
- b. Describe the relationship of the project to adjacent properties and to the adjacent streets should be expressed in design terms.
- c. Define the site, building design, and landscape concepts in terms of:
 - Pedestrian circulation
 - Off-site influences

Applicant Response:_____

7. General Planning Application Item 15 – Title Sheet (Sheet A1.0)

As outlined in Item 15 of the General Planning Application Checklist, please provide a revised title sheet that includes a table of contents listing all sheets included in the plan set and the preparation dates for each of the sheets, and an updated vicinity map showing the boundary of the project, major cross streets, and General Plan and Zoning designations in the project vicinity.

Applicant Response:_____

8. General Planning Application Item 16 – Development Program

A standalone Development Program plan sheet was not provided. Item 16 of the General Planning Application Checklist requires that all information in the Development Program be provided in a tabular format. Please ensure the information requested is provided in a table and included on a Development Program sheet, including:

- a. Size of property including gross and net lot area (square feet and acres).
- b. For residential development, include:
 - the floor area for each unit type,
 - the number of bedrooms,
 - the number of units by type,
 - the number of units per building,
 - the total number of units,
 - the net density,
 - the unit types,
 - the total number of units by affordability level and tenure (rental or ownership),
 - the amount of private open space provided for each unit.
- c. Percent lot coverage, percent of net lot area covered by buildings (total area of site covered by roofs and eaves divided by net lot area).
- d. Percentage of net lot area devoted to landscaping, common open space and private useable open space.
- e. Height of structures that includes maximum height and number of stories.
- f. Required setbacks.
- g. Building elevations, 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.

Applicant Response:_____

9. General Planning Application Item 17 – Density Bonus

Please clarify if the project will incorporate the use of Density Bonus incentives, concessions, or waivers. If so, as outlined in General Planning Application Item 17, please provide a density bonus application pursuant to CMC Chapter 19.56 that clearly identifies the requested density bonus (and associated calculations), all requested waivers and concessions, including plans for the project that clearly indicate the following:

- a. Location and square footage of affordable units that qualify the project for a density bonus,
- b. Location and square footage of additional floor area, or units granted pursuant to Density Bonus law,
- c. For requested incentives/concessions: The existing development standard and the requested incentive/concession. Also provide justification that the requested incentive/concession results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision 65915(c), and
- d. For waivers: The existing development standard and the requested waiver. Also provide demonstration that the requested waiver will have the effect of physically precluding the construction of the housing development with the density bonus and incentives or concessions that the applicant is entitled to.

Applicant Response: _____

10. General Planning Application Item 18 – Site Plan (Sheet A1.1)

In addition to the information provided and as outlined in General Planning Application Item 18, please ensure that the provided Site Plan on Sheet A1.1 has been prepared by a licensed Civil Engineer, drawn at 1"= 20' scale, and includes all of the following:

- a. Graphic bar scale.
- b. North arrow.
- c. Topographic and Boundary survey information, prepared by a licensed surveyor, including but not limited to, existing and proposed property lines with dimensions, bearings, radii and arc lengths, easements, and net & gross lot area for existing and proposed parcels. Benchmark based on USGS NAVD 88 vertical.
- d. Location and dimensions of all existing and proposed structures extending 50 feet beyond the property.
- e. The entire width of Upland Way to the next property line, including driveways.
- f. Clearly labeled existing and proposed structures such as fencing, walls, all accessory structures including garages and sheds, mailboxes, and trash enclosures.
- g. Dimensions of all setbacks from property lines.
- h. 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).
- i. Location of all adjacent streets (public and private), both existing and proposed, showing both sides of streets, street names, street width, striping, centerlines,

- centerline radii of all curves, median and landscape strips, bike lanes, pedestrian ways, trails, bridges, curb, gutters, sidewalks, driveways, and edge of right-of-way including any proposed or required right-of-way dedication.
- j. All existing and proposed improvements including traffic signal poles and traffic signs.
 - k. Line of sight for all intersections and driveways based on current City of Cupertino standards.
 - l. Existing topography and proposed grading extending 50 feet beyond the property at 5-foot contour intervals.
 - m. Spot elevations, pad elevations, and all retaining walls with TOW/BOW elevations.
 - n. 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.
 - o. 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.
 - p. Dimensions of parking spaces.
 - q. Tentative locations for public artwork in compliance with Section 19.148.050(B) of the Municipal Code.

Applicant Response:_____

11. General Planning Application Item 19 – Contextual Plan

As outlined in Item 19 of the General Planning Application Checklist, please provide a *standalone* Contextual Plan using a topographic or aerial map as a base. Show the relationship of the project to the building and site features within 50 feet of the property line. The plan shall include:

- a. Building footprints, pad elevations and building height. Land use and zoning designation on all lots.
- b. Property lines and dimensions of the subject site and adjacent properties showing all easements.
- c. Location of streets, medians, curb cuts, sidewalks, driveways, and parking areas.
- d. Location of all creeks, waterways and trees.
- e. Vicinity map indicating site in relation to major streets.

Applicant Response:_____

12. General Planning Application Item 20 – Building Elevations (Sheets A2.0, A2.1, A2.2, and H1)

As outlined in Item 20 of the General Planning Application Checklist, please provide elevation drawings for each unit that are drawn at a minimum scale of $1/8''=1'$ and are dimensioned both vertically *and* horizontally. Provided elevations are drawn at varying scales and are not dimensioned both vertically and horizontally.

The elevations should *not* include superimposed landscaping and trees that hide the buildings. Please remove any superimposed landscaping or trees from elevation drawings.

Height on elevations is measured from natural grade established at subdivision. In addition to the information provided in the current elevation drawings, each elevation drawing shall be updated to include:

- a. 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.
- 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.

Applicant Response:_____

13. General Planning Application Item 21 – Floor Plans (Sheets A2.0, A2.1, A2.2, and H1)

As outlined in Item 21 of the General Planning Application Checklist, please provide floor plan drawings for each unit that are drawn at a minimum scale of $1/8''=1'$. Provided floor plans are drawn at varying scales. Additionally, each floor plan shall provide:

- a. Floor area diagrams with dimensions and tabulations of each area of each floor.
- b. Finished floor elevations set to USGS NAVD 88 Vertical datum.
- c. Clear identification of affordable (BMR) units.

Applicant Response:_____

14. General Planning Application Item 22 – Roof Plans (Sheets A2.4 and H1)

As outlined in Item 22 of the General Planning Application Checklist, please provide roof plan drawings for each unit that are drawn at a minimum scale of 1/8"=1'. Provided roof plans are drawn at varying scales. Additionally, each roof plan shall include:

- a. Property lines;
- b. Roof pitches;
- c. Any rooftop mechanical equipment and screening.

Applicant Response:_____

15. General Planning Application Item 23 – True Cross Sections (Sheets A1.2 and A1.3)

As outlined in Item 23 of the General Planning Application Checklist, please provide a minimum of two whole site cross-sections, drawn at a 1"=20' minimum scale, with scale noted, and a graphic bar scale. Provided Site Section drawings are drawn at a 1/16"=1' scale. Revised sections shall include:

- a. Areas extending 50 feet beyond the property line onto adjacent properties or to the property lines on the opposite side of adjacent streets;
- b. Existing topography;
- c. Slope lines
- d. Final grades
- e. Height of existing and proposed structures
- f. Location and height of fences and walls
- g. Locations of roadways, parking areas, landscaping, trees, and property lines.

Applicant Response:_____

16. General Planning Application Item 24 – Tree Survey

Consistent with the requirements of the General Planning Application Checklist Item 24, a tree survey must be provided that was prepared by an ISA certified arborist. The document entitled "Existing Condition Assessment and Tree Preservation Plan" does not identify the preparer's ISA certification. Please provide an updated or revised tree survey from an ISA certified arborist with certification information clearly displayed in the report.

Additionally, please ensure that the revised and/or updated report is drawn at a 1"=20' minimum scale and includes all of the following:

- a. Accurate trunk location and drip line for all existing trees on the site.
- b. Accurate trunk location and drip line for all existing trees adjacent to the site.

- c. For each existing tree, specify the species, diameter breast height (DBH) as defined in Chapter 14.18.020, and base elevation
- d. Clear indication of which trees are to be preserved or to be removed.
- e. Identification of all Protected Trees, as defined in Chapter 14.18.020.
- f. Identification of existing trees or plant materials on abutting properties that could influence site design or be impacted by the project.

Applicant Response:_____

17. General Planning Application Item 25 – Landscape Plans (Sheets L-1 through L-10)

As outlined in Item 25 of the General Planning Application Checklist, please provide landscape plans drawn at a 1"=20' minimum scale, with scale noted, and a graphic bar scale. The submitted landscape plans have been drawn at varying scales. Revised landscape plans shall include:

- a. Proposed Grading and Utility Plan, showing the location of existing and proposed utility lines and utility structures screened back, but legible.
- b. Final planting plan showing proposed trees, shrubs and shrub groupings, lawn, and groundcover areas, existing trees to be saved, stormwater treatment areas, special paving, hardscape, and site furnishings. Include a landscape legend with a list of proposed plant materials (indicate both Latin and common names), including size, spacing, total quantities, ultimate species height, and spread of plant materials.
- c. Show accurate representations of plant materials within three years.
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. Provide information on landscaping used as screening for utility equipment.
- d. Provide enlarged details (minimum of 1:10 scale) for focal points and accent areas.
- e. Location and details and/or manufacturers catalog cuts of walls, fences, paving, decorative planters, trellises, arbors, and other related site improvements.
- f. Landscape plans with more than two sheets shall show the plant legend with symbols for each species on every sheet.
- g. Statement indicating that a fully automatic irrigation system will be provided.
- h. Color and materials submittal for all special paving, hardscape treatment, walls, landscape lighting, and site furnishings.
- i. The Landscape plan shall be coordinated and consistent with the Stormwater Plan.
- j. Note signed and dated by project Landscape Architect that plans are in compliance with all City standards.

Applicant Response:_____

18. General Planning Application Item 27 – Lighting Plan

Consistent with the requirements of the General Planning Application Checklist, provide a lighting plan that shows the location and type of exterior lighting proposed. The lighting

plan must include both building-mounted and freestanding lighting fixtures, any and all lights for circulation, security, landscaping, building accent or other purposes.

Applicant Response:_____

19. General Planning Application Item 28 – Photometric Plan

Consistent with the requirements of the General Planning Application Checklist, provide a Photometric Plan that demonstrates that the project will not create lighting glare. The Photometric Plan must also demonstrate that lighting levels will not spill into adjacent properties.

Applicant Response:_____

20. General Planning Application Item 29 – Photo-Simulations

Consistent with the requirements of the General Planning Application Checklist, provide digital photo-simulations of the site with and without the project, taken from various points off-site that will have the best visibility of the project, once completed. Include a key map showing the location where each photo was taken.

Applicant Response:_____

21. General Planning Application Item 31 – Grading Plan (Sheet C3)

As outlined in Item 31 of the General Planning Application Checklist, please provide a grading plan that includes:

- a. The proposed natural grades.
- b. Compliance with the requirements of Chapters 16.08 and 18.52 of the Cupertino Municipal Code, as applicable.
- c. The relationship of the project to the building and site features within 50 feet.
- d. Proposed pad elevations and building heights.
- e. 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%).
- f. Source and date of the contour and spot elevation information.
- g. Limits of cut and fill.
- h. Cross-sections of the areas of greatest cut and greatest fill to scale (1":20')
- i. Topography and elevation of adjoining parcels (for a minimum of 50')
- j. Slope ratio

Applicant Response:_____

22. General Planning Application Item 32 – Tentative Map (Sheet TM)

Consistent with the requirements of the General Planning Application Checklist Item 32, provide a revised tentative map, compliant with the City's objective zoning and subdivision standards. Please ensure that this revised map is properly labeled as the proposed tentative map and includes:

- a. Existing Assessor's Parcel Numbers
- b. A title which shall contain the subdivision number, name and type of subdivision.
- c. Name and address of legal owner, subdivider and person preparing the map (include professional license number).
- d. Contour interval.
- e. Land Use (existing and proposed).
- f. Vicinity Map showing roads, adjoining subdivisions, Cities, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community.
- g. Existing Trees, type, diameter at breast height (DBH) and indicate drip line/canopy. Any trees proposed to be removed shall be clearly indicated.
- h. Lot area with density per gross acre for each parcel (net square footage).
- i. Exhibits indicating compliance with objective zoning standards (e.g. minimum lot sizes, lot widths etc.)
- j. Areas subject to inundation or storm water overland flow. Width and direction of flow for each water course should be shown with approximate location.

Applicant Response: _____

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 provided as a courtesy. 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 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 are *not intended to provide a comprehensive list* of inconsistencies, non-compliance, and non-conformity. Such a 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, environmental programs, sustainability, 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. **Consistent Sheet Numbering and References**

Please ensure that references to each sheet, as well as the labels provided for each sheet, are consistently used. Please also ensure that each sheet is provided a unique sheet number.

Additionally, there are references to both a six and seven-lot subdivision throughout the plan set. Please ensure that a consistent reference, matching the proposed scope of work is provided.

2. **Applicable City Standards**

Potentially applicable objective standards have been identified in Attachment B. Other development standards, fee standards, and post-entitlement requirements have been identified in Attachment C.

3. **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. Review letters from these departments and agencies have been included as Attachment D. Comments provided from these departments and agencies must be addressed as part of the project's resubmission.

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 is expected to 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.

Sincerely,

/s/

Emi Sugiyama

Associate Planner

City of Cupertino

Attachments: A – Invoice for Contracted Services Deposits

B – Objective Standards Matrix

C – Applicable Standards Matrix

D – Other Department and Agency Comments