



CUPERTINO

APPEAL FORM



1. Application No.: R-2020-035 & RM-2020-023
2. Applicant(s) Name: Smart Lily, LLC, Ken Zhai
3. Project Planner: Lauren Ninkovich
4. Appellant(s) Name: Chih-Lung Lin  
Address: 1493 Poppy Way, Cupertino, CA 95014  
Phone Number: 408-623-8856  
Email: clin88@hotmail.com
5. Please check one:  
*Note: Do not use this form for Administrative Citation decisions (1.16), Petitions for Reconsideration (2.08.096), or Damage to Public Trees (14.12)*
  - a. Appeals regarding Title 19 (Zoning) and 14.18 (Protected Private Trees):
    - ☐ Administrative decision (14 calendar days after decision to appeal)
    - ☒ Planning Commission decision (14 calendar days after decision to appeal)
    - ☐ Design Review Committee decision (14 calendar days after decision to appeal)
  - b. Other appeals:
    - ☐ Director of Community Development decision regarding Tentative Maps (18.20) (14 calendar days after decision to appeal)
    - ☐ Street Improvements (14.04) (30 calendar days after date of decision to appeal)
    - ☐ Code Enforcement regarding Massage Permits (9.06) (5 business days after receipt of notice of decision to appeal)
    - ☐ Solicitor's Identification Permit (5.20) (10 calendar days after denial notice to appeal)
6. Date of decision or mailing of notice of decision: April 19, 2021
7. Specifically state the grounds and basis for appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



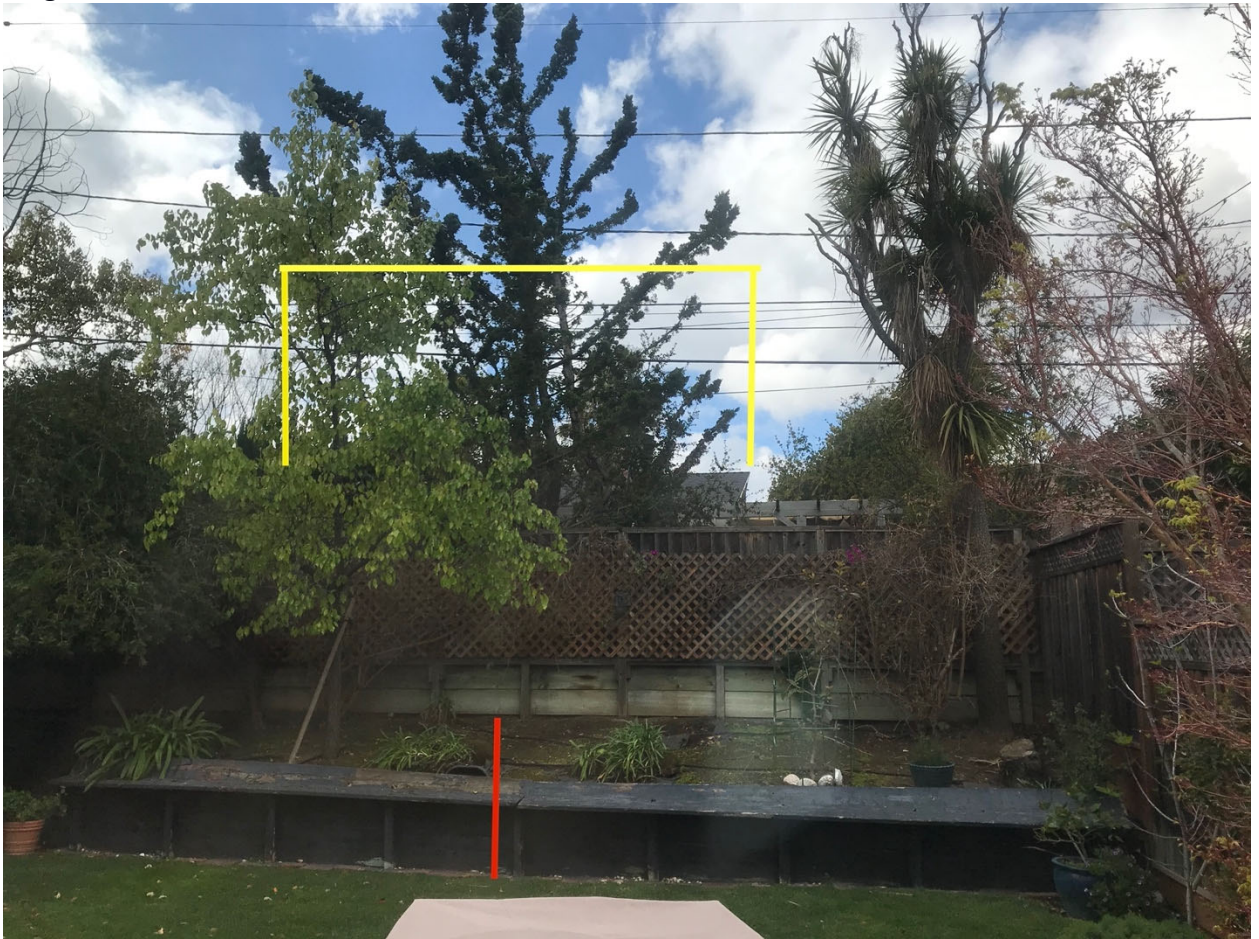


To Whom It May Concern,

After reviewing the revised design blueprint and planning department's decision, I want to appeal the decision based on the following reason:

- The planning department's response on the Cupertino Municipal Code Chapter 19.28.140 (A) and (B), 2, says the permit will not be detrimental to public health, safety, or welfare. I strongly disagree with this response. A backyard 2nd-floor balcony with a direct view into my backyard, master bedroom, bathroom, and living room creates mental stress to my family. It will create a long-term impact on us that feel someone to watching your daily activities. Privacy screening plans can't help to address this problem immediately and permanently. Please see the picture I included to show how this new house will look like from my backyard.

There are 12 windows facing the north side and will create a severe privacy issue for the neighbors or future residents.



- The planning department's response on the Cupertino Municipal Code Chapter 19.28.140 (A) and (B), 2, says the permit will be compatible with the surrounding uses of the neighborhood. The new house will have 2,992 S.F. with 746 S.F. ADU while other houses are only 1,420 S.F. in size. The new house will be more than double in size comparing with other houses on Primrose Way. The new house will be a mega house that reduces neighboring houses' access to the sun and natural scenery.



- The planning department's response on the Cupertino Municipal Code Chapter 19.28.140 (A) and (B), 3, says the applicant has worked with the staff to make significant design changes to be more harmonious in scale and design with the neighborhood. I checked the previous design and compared the changes. I can only see the following external changes on the building:
  - Front entry design changes
  - Reduce main unit size from 3015 S.F. to 2,992 S.F. Less than 1% reduction
  - Reduce ADU from 780 S.F. to 746 S.F. Less than 1% reduction.
  - Reduce the height from 25' 8" to 23'
  - More windows were created to the south. An increase from 2 to 4I can't see the significant design changes city mentioned in the revised design.
- Cupertino is known for its great schools and peaceful neighborhood. Buyers pay a premium for living in Cupertino for these reasons. Cupertino School is losing students. Due to that, the school district is planning to close two schools. We need more housing for the family with school-age kids. Converting a suitable house to a mega one will further reduce the enrollment and harmony of the neighborhood.

I sincerely request our city managers to reconsider this decision and ask the applicant to modify the design to:

1. Reduce the size of the house
2. Remove the backyard facing balcony
3. Reduce the size of the 2<sup>nd</sup> floor windows and make the sill height 5 feet or higher.
4. Reduce the number and the size of windows facing north

Sincerely Yours,  
Chih-Lung Lin  
1493 Poppy Way,  
Cupertino, CA 95014