

Cyrah Caburian

From: City of Cupertino Planning Dept.
Sent: Tuesday, November 29, 2022 7:53 AM
To: Luke Connolly; Piu Ghosh (she/her)
Subject: FW: Request to be added to the housing elements sites

Follow Up Flag: Follow up
Flag Status: Flagged

FYI/From Planning Inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: Daisy Zuniga [REDACTED]
Sent: Monday, November 28, 2022 4:01 PM
To: City Council <CityCouncil@cupertino.org>; City of Cupertino Planning Dept. <planning@cupertino.org>
Subject: Request to be added to the housing elements sites

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor, Vice mayor, City Council and Planning Department,

My family and I will be the new owner of 11041 Stevens Canyon Rd by the end of Nov 2022. It is a property with 19 acres that we believe could allow for 4 homes, an engineer previously identified that 3 with a General Plan Amendment.

The intention currently is to build these homes for family members to all live nearby. If possible, we would like to be added to the Housing Element Site Selection, pending of course all necessary requirements.

Thank you for your consideration,

Daisy Zuniga (daughter)
Victor & Hortencia Zuniga (Dad & Mom)

Cyrah Caburian

From: City of Cupertino Planning Dept.
Sent: Tuesday, December 6, 2022 1:46 PM
To: Luke Connolly
Cc: Piu Ghosh (she/her)
Subject: FW: Housing Element Update question - Site 11a: South Blaney
Attachments: HEU_Draft_ 10787 S. Blaney Ave.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From Planning General inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: Blake Wellen [REDACTED]
Sent: Tuesday, December 6, 2022 1:33 PM
To: City of Cupertino Planning Dept. <planning@cupertino.org>
Subject: Housing Element Update question - Site 11a: South Blaney

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings, Cupertino Planning.

The captioned property, 3.23 Acres at 10787 S. Blaney Ave (et al), is listed in the recent Housing Element Update draft; Target Number of Housing Units: 98 units; HEU Proposes “minimum of 30 dwelling units per acre”.

- If the “minimum density is proposed at 30 du/ac, what would the maximum density be?
- Could a proposed project, that aligns with the proposed updates and standards, be 100% residential? Or would there need to be a mixed use component?

Kindly,

Blake Wellen
Bella Vista Land Advisors



Site 11a: South Blaney

Address: 10787 S. Blaney Ave (et al)

Target Number of Housing Units: 98 units

Description: The South Blaney 11a site is located in the South Blaney Neighborhood, which is a mix of single- and multi-family housing and commercial uses located immediately north of Bollinger Road. Existing uses on the site include commercial structures. Neighboring uses include commercial and single-family uses. This site has been targeted for rezoning to P(CG-Res), which would allow a total of 98 units built at a minimum of 30 dwelling units per acre. There are no existing units on the site; the number of net new units would be 98 units.

Constraints: Rezoning required

Figure B4-23, South Blaney (Site 11a), shows an aerial view of the South Blaney 11a site.

Figure B4-23 South Blaney (Site 11a)



Cyrah Caburian

From: City of Cupertino Planning Dept.
Sent: Tuesday, December 6, 2022 3:27 PM
To: Luke Connolly
Cc: Piu Ghosh (she/her)
Subject: FW: Housing Element Update question - Site 08c: Monta Vista South
Attachments: HEU_Draft_ 21710 Regnart Road (et al).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From Planning General inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: Blake Wellen [REDACTED]
Sent: Tuesday, December 6, 2022 1:55 PM
To: City of Cupertino Planning Dept. <planning@cupertino.org>
Subject: Housing Element Update question - Site 08c: Monta Vista South

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings, Cupertino Planning.

The captioned property, 1.5 Acres at 21710 Regnart Road (et al), is listed in the recent Housing Element Update draft; Target Number of Housing Units: 23 units; HEU Proposes “minimum of 15 dwelling units per acre”.

- If the “minimum density is proposed at 15 du/ac”, what would the maximum density be?

Kindly,

Blake Wellen
Bella Vista Land Advisors



Site 08c: Monta Vista South

Address: 21710 Regnart Road (et al)

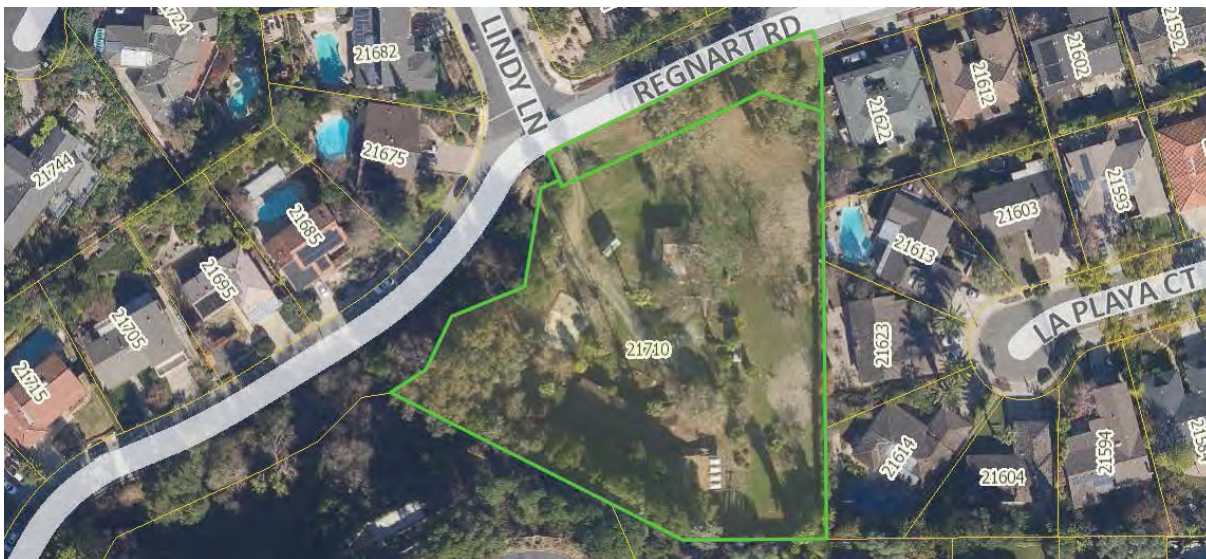
Target Number of Housing Units: 23

Description: The Monta Vista South 08c Site is located in the Monta Vista South Neighborhood, which is predominantly defined by single-family residential homes and located immediately east of the foothills. Existing uses on the site include one single-family home and open space. Neighboring uses include single-family homes. This site has been targeted for rezoning to R1-5, which would allow a total of 23 units built at a minimum of 15 dwelling units per acre. There is one (1) existing unit on the site that would be lost; the number of net new units would be 22 units.

Constraints: Rezoning required

Figure B4-18, *Monta Vista South Site (Site 08c)*, shows an aerial view of the Monta Vista South 08c site.

Figure B4-18 **Monta Vista South Site (Site 08c)**



Cyrah Caburian

From: Housing
Sent: Tuesday, December 20, 2022 1:01 PM
To: Luke Connolly
Cc: Kerri Heusler
Subject: FW: Public Comment response to City of Cupertino Draft Housing Element

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Luke,

Forwarding your way from the Housing inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: J Shearin [REDACTED]
Sent: Tuesday, December 20, 2022 11:43 AM
To: Housing <Housing@cupertino.org>
Subject: Public Comment response to City of Cupertino Draft Housing Element

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Honorable Cupertino City Council, Planning Commissioners, and Planning Staff:

I write today in response to the draft Housing Element for our city. I see several areas of concern in this draft, including that it is clearly not ready for public review. The draft includes many areas of cross-outs and red highlighting which is puzzling for a draft ready to be shared with the public. It is not clear if staff plans to update these areas further or why the older information was included. In B1-8, cut and pasted information was not updated, as the city name listed is "Larkspur" instead of Cupertino.

The greatest concern I have with this draft is in the overall process to create the Housing Element, especially the required community outreach to reach the Housing Element goals. The Housing Element lists several forms of community outreach including surveys, Community Workshops, and online mapping. Unfortunately, these community outreach actions did not drive the final Cupertino Housing Element to (per AFFH), "address significant disparities in housing needs and in access to opportunity."

The Community Workshops were listening sessions, wherein those who most need housing (renters, students, young adults, the unhoused) had a chance to tell their stories for other community members to greater understand their needs. Though on the surface these sessions appeared to bring marginalized viewpoints into the process, in practice the input did not influence the final Housing Element. Stated needs from these underserved communities were not incorporated when choosing locations, densities, or heights of the new housing sites.

One of the Cupertino *Housing Element Strategy Team* members, all of whom are Single-Family Homeowners (SFHO) and proponents of the group *Better Cupertino*, a group known for its anti-growth stance, led the site determination sessions. The input from the public at the meetings came overwhelmingly from SFHO and those who are longtime residents (generally 20 years+), especially those who speak often at City Council meetings.

The Housing Site meetings did not focus on the unmet housing needs of those wishing or struggling to live in Cupertino, but instead centered the needs and wants of those who can already afford to live here.

Furthermore, input from the online survey also skewed toward homeowners. 68% of survey respondents own their own home, while the vast majority of respondents (77%) live in single family homes. 94% of people who answered the survey already live in Cupertino. The output from this survey clearly does not capture those underserved by the current housing situation in Cupertino. Using it to guide the ultimate Housing Element plan for Cupertino will naturally result in building housing where current homeowners want it, instead of where it could most benefit those who need it.

One further overall concern regarding the Housing Element is the reliance on “pipeline” projects to fulfill Cupertino’s share of the regional housing need. One of these projects, the Hamptons, has had an approved plan to expand their current apartment complex for over six years but has yet to take any steps toward doing so. It would be surprising if they did build the expansion as doing so would be a loss of all income from current tenants during a long construction phase. A bigger concern for the community is that it would remove that housing with the displacement of those tenants during that period. This displacement would cause a further housing shortage (albeit temporary) for Cupertino—the exact opposite of what the Housing Element is supposed to address.

Thank you for considering my feedback during this Public Comment period. I wish you success in crafting a Housing Element that addresses the needs of all residents, current and future.

Sincerely,

Jennifer Shearin
Cupertino resident

Cyrah Caburian

From: Housing
Sent: Tuesday, December 20, 2022 4:31 PM
To: Luke Connolly
Subject: FW: Notice of Release: Draft Housing Element

Follow Up Flag: Follow up
Flag Status: Flagged

From Housing inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: S B [REDACTED]
Sent: Saturday, November 26, 2022 10:38 AM
To: Cupertino City Manager's Office <citymanager@cupertino.org>; Housing <Housing@cupertino.org>
Subject: Fwd: Notice of Release: Draft Housing Element

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the city manager and the housing department ,

thank you for giving us access to this document. Glad it was out out for review, before submitting it.

A few quick comments on this document, (1) there is no easy way to navigate through the document. It feels like the good old days when you had to print everything. Most consultants know to put links into the document, I'm surprised this came through without the links.

(2) Also there are places where it says city to fill out, not sure how much time the city had to review this document, but those paragraphs have not been filled out.

I was wondering if a final review of this document was completed before it was put out for review to the residents

Regards

Sashi

Sent from my iPhone

Begin forwarded message:

From: City of Cupertino <cupertino@public.govdelivery.com>
Date: November 18, 2022 at 1:45:37 PM PST

To: sashibegur@gmail.com

Subject: Notice of Release: Draft Housing Element

Reply-To: cupertino@public.govdelivery.com

Having trouble viewing this email? [View it as a Web page.](#)



**CITY OF
CUPERTINO**

Notice of Release of City of Cupertino Public Review Draft Housing Element

Project

The Housing Element is a state required element of the City's General Plan. The Housing Element must be updated every eight (8) years and includes goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing within the City. In addition, the Housing Element Update identifies sites appropriate for the development of new housing that would be available to households at all levels of income. The Housing Element Update also includes other amendments necessary to comply with recent changes in State law. Prior to the submittal of the Draft Housing Element to HCD for their review and comment, the Draft Housing Element must be available for a 30-day public review and comment period. Following review of the Draft, the City will consider all comments received in the manner outlined below, including those from HCD staff, and will revise the Housing Element for consideration and final adoption by the City's Planning Commission and City Council. Separate public notice for all future Commission and City Council meetings hearings will be provided at that time.

More Information and Providing Comments

The public comment period runs from November 18 through December 23.

The Draft Housing Element is available for review on the City's website at the link below. A physical copy of the Draft Housing Element is also available for public review at City Hall, Community Development Department (10300 Torre Avenue, Cupertino, CA). Please call (408) 777-3308 to make an appointment to view the document.

Draft Housing Element

Written comments on the Draft Housing Element Update must be submitted prior to the December 23 deadline. Comments can be submitted by:

- Email: housing@cupertino.org; or
- In-person or via Mail to:
 - Community Development Department
Attn: Luke Connolly, Acting Community Development Director
10300 Torre Avenue
Cupertino, CA 95688



cupertino.org



City of Cupertino, California
Website | 408.777.3200
10300 Torre Avenue, Cupertino, CA 95014-3202



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Cyrah Caburian

From: Housing
Sent: Tuesday, December 20, 2022 4:32 PM
To: Luke Connolly
Subject: FW: Housing Element Review

Follow Up Flag: Follow up
Flag Status: Flagged

From Housing inbox:

Cyrah Caburian
Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374

-----Original Message-----

From: Jenny Griffin [REDACTED]
Sent: Tuesday, November 29, 2022 3:15 PM
To: Housing <Housing@cupertino.org>
Cc: [REDACTED]
Subject: Housing Element Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning for the Housing Element,

The RHNA numbers given to the cities in California were calculated incorrectly and are too high To begin with. These numbers used created error that was propagated along the whole Housing Element process resulting in massive amounts of statistical error. These RHNA numbers should never Have even been used in the first place. The whole process was flawed from the beginning and Should have been halted immediately. The whole process for this cycle is flawed and highly questionable.

Thank you.

Sincerely,

Jennifer Griffin

Cyrah Caburian

From: Housing
Sent: Tuesday, December 20, 2022 4:33 PM
To: Luke Connolly
Subject: FW: Housing Element resident input by Yuko Shima

Follow Up Flag: Follow up
Flag Status: Flagged

From Housing inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: Yuko Shima [REDACTED]
Sent: Tuesday, December 20, 2022 2:20 PM
To: Housing <Housing@cupertino.org>
Subject: Housing Element resident input by Yuko Shima

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The City of Cupertino
Dear Mr. Luke Connolly

Acting Community Development Director

Hi, I'm Yuko Shima, a Cupertino resident.

I would like to request an addition to the housing element draft.
Today is 12/20/2022 Monday.

I would like to request a housing for 12 beds for homeless individuals in Cupertino.

Thank you so much!

Yuko Shima

President

God's Promise



God's Promise | Humanitarian Outreach | Cupertino

God's Promise is a California nonprofit organization providing humanitarian assistance to those living on the street by offering temporary shelter, 24/7-bathroom, warm shower, meals, clothing, a daytime resting place, transportation services, and other services to save lives and restore lives.

www.godspromisehumanitarianoutreach.org

Cyrah Caburian

From: Housing
Sent: Tuesday, December 20, 2022 4:33 PM
To: Luke Connolly
Subject: FW: Housing Element resident input by Yuko Shima

Follow Up Flag: Follow up
Flag Status: Flagged

From Housing inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: Yuko Shima [REDACTED]
Sent: Tuesday, December 20, 2022 2:20 PM
To: Housing <Housing@cupertino.org>
Subject: Housing Element resident input by Yuko Shima

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The City of Cupertino
Dear Mr. Luke Connolly

Acting Community Development Director

Hi, I'm Yuko Shima, a Cupertino resident.

I would like to request an addition to the housing element draft.
Today is 12/20/2022 Monday.

I would like to request a housing for 12 beds for homeless individuals in Cupertino.

Thank you so much!

Yuko Shima
President
God's Promise



God's Promise | Humanitarian Outreach | Cupertino

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www.godspromisehumanitarianoutreach.org

Cyrah Caburian

From: Housing
Sent: Tuesday, December 20, 2022 4:34 PM
To: Luke Connolly
Subject: FW: Housing Element resident input by Yuko Shima

Follow Up Flag: Follow up
Flag Status: Flagged

From Housing inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: Yuko Shima [REDACTED]
Sent: Tuesday, December 20, 2022 2:27 PM
To: Housing <Housing@cupertino.org>
Subject: Re: Housing Element resident input by Yuko Shima

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The City of Cupertino
Dear Mr. Luke Connolly

Acting Community Development Director

Hi, I'm Yuko Shima.

A local homeless housing shelter is necessary.

I have seen and talked to at least five homeless individuals near around Target and Marina grocery store in Cupertino.

One person is alcoholic and sleeping on the ground with beer cans on the ground. He is a white man, his hand is black.

Another is probably a homeless veteran who never took a shower for more than 2 months at least. He said he wants to trim his beard but he refused to take a ride to a San Jose shelter. He was willing to go to a place if it was local. He could only mumble. He could not speak fluently.

There is another who he says he can't sleep housed after his father passed away in his house. So he keeps himself sleeping under the sky.

All three people need medical care.

And I hope city will take part in saving lives of individuals like them. It is better to be humane than cold.

Yuko Shima
President
God's Promise



God's Promise | Humanitarian Outreach | Cupertino

God's Promise is a California nonprofit organization providing humanitarian assistance to those living on the street by offering temporary shelter, 24/7-bathroom, warm shower, meals, clothing, a daytime resting place, transportation services, and other services to save lives and restore lives.

www.godspromisehumanitarianoutreach.org

Cyrah Caburian

From: Housing
Sent: Wednesday, December 21, 2022 8:57 AM
To: Luke Connolly
Subject: FW: Feedback on Draft Housing Element

Follow Up Flag: Follow up
Flag Status: Flagged

From Housing inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: Randal Salvatore [REDACTED]
Sent: Tuesday, December 20, 2022 4:52 PM
To: Housing <Housing@cupertino.org>
Subject: Feedback on Draft Housing Element

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cupertino has an overcrowding problem, not a housing problem. A government should not and cannot force residents to downsize. This solution of adding more and more housing is not a scalable solution. Eventually, homes will be the size of jail cells.

Continuing to add more and more homes and apartments vastly lowers the quality of life. The local crime rate rises directly with density. More law enforcement will be needed, and more severe law enforcement events will result. More water will be needed, yet the government is forcing water reductions per person even when the same number of people live in the city.

Traffic will further reduce the standard of living. These cute "solutions" that cities have tried by shutting down roads are now found to make people drive double the distance to get from point A to point B (compared to how they would get there when the roads were open). Schools are becoming over-burdened, parks are overcrowded and less desirable. Safety is degraded. Cleanliness of streets declines.

If I wanted to live in a dirty, overcrowded, unsafe, environment, I would move to San Francisco, but this is exactly the reason I don't live in San Francisco. Please, don't force Cupertino residents to suffer the uncomfortable, overcrowded, high-traffic, high-crime, dirty environment as we have seen in the many already existing, overcrowded cities.

Sincerely,

Randal Salvatore, Ph.D.

Cupertino resident

Cyrah Caburian

From: Housing
Sent: Wednesday, December 21, 2022 8:57 AM
To: Luke Connolly
Subject: FW: Housing Element Comments

Follow Up Flag: Follow up
Flag Status: Flagged

From Housing inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: Sashi Begur [REDACTED]
Sent: Tuesday, December 20, 2022 4:54 PM
To: Cupertino City Manager's Office <citymanager@cupertino.org>; Housing <Housing@cupertino.org>
Cc: City Clerk <CityClerk@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>; Liang Chao <LiangChao@cupertino.org>
Subject: Housing Element Comments

To the city manager and Acting Director of Community Development,

The following is my feedback on the document

Some positive points about the document:

- (1) Very pleased to see that the pipeline projects have been taken into consideration. City council's jurisdiction is only up to approving projects, they have no control over the timeline for building these projects. Not taking the pipeline projects into consideration does not make any sense, very happy to see that this has been considered.
- (2) It is very nice to see that the projects suggested are distributed all over the city, often when development occurs only on one side of the city, the amenities and services such as parks and schools become compromised. We don't want to create multiple Cupertinos, we want to have one city and one city that has to bear the burden of the RHNA requirements, even if that happens to be in my backyard.
- (3) Last but not the least, I am very glad we have the opportunity to review this document, seeking your customer's (Cupertino's residents specifically) input is very critical and kudos to you for doing this,

A few ideas that we may consider with other cities in our county, to improve the buffer for the middle income level.

- (1) Apply a vacancy tax. This way the much needed housing is used up as it should be, and not have rents and house prices rising while apartments and homes are staying vacant. Especially those that qualify for the middle income category. Anyone in the middle income category can benefit from this.
- (2) Apartment owners receive a tax rebate or some other incentive so that they offer 10% of the available apartments to middle income essential service personnel that work in each city, at a discounted rate. My definition of middle income essential services personnel, are teachers, firefighters, police and some essential city

staff. I do not believe that school district administrative staff qualify for this. Also, the assumption here is that the household income falls into the category of middle income level, and qualification is not based upon an individual's income if married, or not based upon occupation.

(3) For middle income essential services personnel, like teachers, police and fireman, an option of rent to buy with some incentives to sellers, must also be considered. Also, the assumption here is that the household income falls into the category of middle income level, and qualification is not based upon an individual's income if married, or not based upon occupation.

Now the changes to be made to the document:

Chapter 4:

(1) **Page 4-1 Section 4.2**, Under the paragraph "RHNA Summary", second sentence has a typo there are only **four** income categories not five as stated in the document

(2) **Page 4-2 Table 4-2** There is no purpose to unless it is filled out, given the tight schedule, perhaps it makes more sense to **remove the table** unless the information is readily available

(3) **Page 4-3 Table 4-3 Add a NOTE** to make it clear that the ADUs are not accounted for in the total. So, if the ADUs are added, the percentage is much better than 117%.

Appendix B4

(1) **Section B4.1** Introduction is the same as the introduction for Chapter 4, with the exception that the words RHNA and HCD have been expanded. Since this report is for HCD, I think this whole section must be removed, with the Appendix starting at the Site Inventory. It is referenced in Chapter 4 that the site selection will be provided in Appendix B, so the appendix can start at the site selection and repeating everything serves no purpose

(2) **Section B4.2 Page B4-3** In the section titled "Overview of Selected Sites", The 3rd paragraph, bullet (4) is unnecessary, this is not about schools, we are not building housing for filling the schools, we are building housing because HCD believes we need it. So, there is no need for this sentence.

This sentence is copied below for your reference:

"(4) The housing Element should include new housing sites that could support the City's public schools and help counteract declining enrollment trends that are occurring city and county wide."

(3) **Page B4-4 3rd Paragraph on the page** This paragraph is incorrect and therefore needs to be removed. The first two lines are the controversial statements. The reasons for it being unnecessary are the following:

(a) HCD has not stipulated that the housing element cannot consist of pipeline units.

(b) HCD has not stipulated that the Very Low Income, Low income and Moderate Income RHNA requirements have to be met through pipeline projects either.

(c) Also the city meets all the RHNA requirements in all categories. For the Moderate income level we do not meet the HCD "recommended" buffer. The HCD requirements is 755 and we have allocated 769 as Moderate Income Level units. This is not including the 60 ADU units, which would make our allotted number increase to 829.

(d) the obvious grammatical error in the first sentence

The paragraph is copied below for your reference:

"Due to the significant amount of pipeline and units, the City is already exceeding its RHNA for the Low and above-moderate income categories for the 2023-2031 planning period. The city, however, was unable to meet its Very Low and moderate income RHNA requirements through the pipeline projects. Additionally, HCD recommends a "buffer" of between 15-30% additional units be included in the sites inventory for each of the below market rate income categories (Very low, Low and Moderate incomes) in accordance with the State "No Net loss" Law.

(4) **Page B4-5 the paragraph under the Figure B4-1** is not relevant to the Figure, nor does it contain any information that makes sense. This paragraph would also be removed for the following reasons:

(a) The three areas listed in the paragraph are not shown in the picture.

(b) the number provided are incorrect - Stelling gateway/homestead should be 339 not 440, south de Anza should be 471 not 462.

(c) Providing a statistic of 71% of the 2090 recommend units, is unnecessary, it is not clear where did the 2090 recommended units come from?

(5) Page B4-91 the ADUs have not been added into the totals, a NOTE needs to be added to clarify that should these ADUs be added the percentage would be much better than 117%

regards
Sashi



Sashi Begur

Parks and Recreation Commission Vice Chair
SBegur@cupertino.org



Cyrah Caburian

From: Housing
Sent: Wednesday, December 21, 2022 8:57 AM
To: Luke Connolly
Subject: FW: Housing Element Comments

Follow Up Flag: Follow up
Flag Status: Flagged

From Housing inbox:



Cyrah Caburian

Administrative Assistant
Community Development
cyrahc@cupertino.org
(408) 777-1374



From: S B [REDACTED]
Sent: Tuesday, December 20, 2022 4:59 PM
To: Cupertino City Manager's Office <citymanager@cupertino.org>; Housing <Housing@cupertino.org>
Cc: City Clerk <CityClerk@cupertino.org>; Kitty Moore <kmoore@cupertino.org>; Liang Chao <LiangChao@cupertino.org>
Subject: Re: Housing Element Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the city manager and Acting Director of Community Development,

The following is my feedback on the document

Some positive points about the document:

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- (3) Last but not the least, I am very glad we have the opportunity to review this document, seeking your customer's (Cupertino's residents specifically) input is very critical and kudos to you for doing this,

A few ideas that we may consider with other cities in our county, to improve the buffer for the middle income level.

(1) Apply a vacancy tax. This way the much needed housing is used up as it should be, and not have rents and house prices rising while apartments and homes are staying vacant. Especially those that qualify for the middle income category. Anyone in the middle income category can benefit from this.

(2) Apartment owners receive a tax rebate or some other incentive so that they offer 10% of the available apartments to middle income essential service personnel that work in each city, at a discounted rate. My definition of middle income essential services personnel, are teachers, firefighters, police and some essential city staff. I do not believe that school district administrative staff qualify for this. Also, the assumption here is that the household income falls into the category of middle income level, and qualification is not based upon an individual's income if married, or not based upon occupation.

(3) For middle income essential services personnel, like teachers, police and fireman, an option of rent to buy with some incentives to sellers, must also be considered. Also, the assumption here is that the household income falls into the category of middle income level, and qualification is not based upon an individual's income if married, or not based upon occupation.

Now the changes to be made to the document:

Chapter 4:

(1) **Page 4-1 Section 4.2**, Under the paragraph "RHNA Summary", second sentence has a typo there are only **four** income categories not five as stated in the document

(2) **Page 4-2 Table 4-2** There is no purpose to unless it is filled out, given the tight schedule, perhaps it makes more sense to **remove the table** unless the information is readily available

(3) **Page 4-3 Table 4-3 Add a NOTE** to make it clear that the ADUs are not accounted for in the total. So, if the ADUs are added, the percentage is much better than 117%.

Appendix B4

(1) **Section B4.1** Introduction is the same as the introduction for Chapter 4, with the exception that the words RHNA and HCD have been expanded. Since this report is for HCD, I think this whole section must be removed, with the Appendix starting at the Site Inventory. It is referenced in Chapter 4 that the site selection will be provided in Appendix B, so the appendix can start at the site selection and repeating everything serves no purpose

(2) **Section B4.2 Page B4-3** In the section titled "Overview of Selected Sites", The 3rd paragraph, bullet (4) is unnecessary, this is not about schools, we are not building housing for filling the schools, we are building housing because HCD believes we need it. So, there is no need for this sentence.

This sentence is copied below for your reference:

"(4) The housing Element should include new housing sites that could support the City's public schools and help counteract declining enrollment trends that are occurring city and county wide."

(3) **Page B4-4 3rd Paragraph on the page** This paragraph is incorrect and therefore needs to be removed. The first two lines are the controversial statements. The reasons for it being unnecessary are the following:

(a) HCD has not stipulated that the housing element cannot consist of pipeline units.

(b) HCD has not stipulated that the Very Low Income, Low income and Moderate Income RHNA requirements have to be met through pipeline projects either.

(c) Also the city meets all the RHNA requirements in all categories. For the Moderate income level we do not meet the HCD "recommended" buffer. The HCD requirements is 755 and we have allocated 769 as Moderate Income Level units. This is not including the 60 ADU units, which would make our allotted number increase to 829.

(d) the obvious grammatical error in the first sentence

The paragraph is copied below for your reference:

"Due to the significant amount of pipeline and units, the City is already exceeding its RHNA for the Low and above-moderate income categories for the 2023-2031 planning period. The city, however, was unable to meet its Very Low and moderate income RHNA requirements through the pipeline projects. Additionally, HCD recommends a "buffer" of

between 15-30% additional units be included in the sites inventory for each of the below market rate income categories (Very low, Low and Moderate incomes) in accordance with the State “No Net loss” Law.

(4) Page B4-5 the paragraph under the Figure B4-1 is not relevant to the Figure, nor does it contain any information that makes sense. This paragraph would also be removed for the following reasons:

(a) The three areas listed in the paragraph are not shown in the picture.

(b) the number provided are incorrect - Stelling gateway/homestead should be 339 not 440, south de Anza should be 471 not 462.

(c) Providing a statistic of 71% of the 2090 recommend units, is unnecessary, it is not clear where did the **2090 recommended units** come from?

(5) Page B4-91 the ADUs have not been added into the totals, a **NOTE** needs to be added to clarify that should these ADUs be added the percentage would be much better than 117%

regards
Sashi

PS; to my feedback you received from an earlier Email, it was accidentally sent from my Cupertino email. I am providing this input as a Cupertino resident and not in any other capacity. City Clerk please make a note of it.

Cyrah Caburian

From: Peggy Griffin [REDACTED]
Sent: Wednesday, December 21, 2022 9:58 PM
To: Luke Connolly; Housing
Cc: City Clerk
Subject: Comments for Cupertino's Draft Housing Element 6th Cycle
Attachments: PG_Comments_for_HE_Draft.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Date: Wednesday, Dec. 21, 2022

Dear Housing Department and Acting Director Luke Connolly,

Thank you for all the hard work you have and will continue putting in on this Housing Element project.

Below and attached are my comments on Cupertino's Draft Housing Element document. I have distinguished editing errors (in BLUE) such as inaccurate numbers so they can easily be spotted and corrected.

Sincerely,
Peggy Griffin

**Comments for
Cupertino Housing Element Draft, dated Oct. 10, 2022
By Peggy Griffin**

BLUE = simple edit/error corrections

General Comments

- 1) I am pleased to see the city is using the pipeline projects towards the City's RHNA total requirements as HCD has said can be done.
- 2) This site inventory list distributes housing across the city which distributes the access to amenities, reduces segregation and helps our schools with low enrollment BUT it does not go far enough. The Bubb Road area is ideal for housing. It is within walking distance of De Anza College and K-12 schools. It has easy access to Hwy 85 and bus lines.

Chapter 1.0 Introduction

Page 1-2 (PDF Page 8) 3rd paragraph of section 1.2 California's Housing Crisis

ACTION: Add something like..."It should be noted that during the 2015-2023 planning period, Cupertino has approved projects on all 5 housing element sites."

REASON: It's significant that Cupertino has approved all the Priority Housing Element sites it identified for the 2015-2023 planning period. It should be mentioned.

Page 1-5 (PDF Page 11) section “Segregation Patterns in the Bay Area” 2nd line

ACTION: Change “Appendix 2” to “Appendix B2”

REASON: To match appendix name

Page 1-5 (PDF Page 11) section Segregation in City of Cupertino

ACTION: Add an explanation of the population of Cupertino to give the reader an overview of what we have before going into details.. Add this Table 15 from the ABAG/MTC document.

Table 15: Population by Racial Group, Cupertino and the Region

Race	Cupertino		Bay Area	
	2000	2010	2020	2020
Asian/Pacific Islander	44.34%	63.21%	70.17%	35.8%
Black/African American	0.63%	0.55%	0.6%	5.6%
Latinx	3.98%	3.62%	3.86%	28.2%
Other or Multiple Races	3.21%	3.31%	3.7%	24.4%
White	47.84%	29.3%	21.67%	5.9%

Page 1-6 (PDF Page 12) 3rd bullet

ACTION: DELETE it.

REASON: Footnote 6 and the second sentence in the bullet says the dissimilarity index is not reliable which means what they stated is unreliable so don't use it.

Page 1-7 (PDF Page 13) section Effectiveness of Previous Housing Element, 2nd to last paragraph, 4th line

ACTION: DELETE this phrase “...and the overall lack of support for new affordable housing development in the community”

REASON: It's not substantiated.

Page 1-10 (PDF Page 16) section Consistency with General Plan, paragraph 1

ACTION: Add at the end of paragraph 1 the amendments that have been made to the General Plan since 2014.

REASON: To show that the City does try to keep its General Plan up to date.

Page 1-11 and 1-12 (PDF Page 17-18) section Community Workshops, Bullets 2, 3 and 4

ACTION: Insert the bullet list of outreach efforts.

REASON: There's a reminder to do so but not highlighted in YELLOW.

Page 1-12 (PDF Page 18) sentence below 3rd bullet

ACTION: Replace Appendix F with Appendix B6

REASON: There is no Appendix F.

Page 1-12 (PDF Page 18) section City Publications...

ACTION: Update current date in 2 places

REASON: There's a reminder to do so

Chapter 2.0 Goals, Policies and Strategies

General comments on this chapter:

- 1) Strategies should be added to all policies that don't have any strategies.
- 2) Add a policy and strategies to significantly increase housing for people with developmental disabilities because they are at significant risk of losing housing and care. 85% of developmentally disabled persons in Cupertino live with family/guardians.
- 3) Add a policy and strategies to help female-head of households.
- 4) Add a policy and strategies to ensure that housing is not placed on contaminated land without being remediated.
 - a) Sites that were contaminated but mitigated/cleaned-up and closed for commercial use levels need those levels to be re-examined when the land use changes to include residential uses.
 - b) Any site that is next to (adjacent to) a current or past gas station or dry cleaner needs to be tested because contaminants are known to flow to adjacent sites.
 - c) Any site downhill from a known contaminated site (open or closed) needs to be tested.
 - i)

Page 2-2 (PDF Page 22), Former Policy HE-1.1 Provision of Adequate Capacity...

ACTION: Add strategies for how to accomplish this policy.

Page 2-2 (PDF Page 22), Former Policy HE-1.2 Housing Densities...

ACTION:

- 1) Expand on this old Policy HE-1.3 by adding strategies to encourage duplexes, tri-plexes and quad-plexes. With careful design standards, they can co-exist in a neighborhood without being noticeably different than single family homes.
- 2) Consider a strategy to prevent downsizing. There are some sites in Cupertino that are zoned R1 but they have multiple units (duplexes?) on them. If these sites get redeveloped, they should, at a minimum, provide the same number of units that currently exist.

Page 2-2 (PDF Page 22), New Policy HE-1.3 Priority Housing Sites...allowable by right without rezoning or any discretionary action by the City

ACTION: Delete or instead replace it with the requirement that the City update the land use, zoning and minimum densities of the sites within x amount of time as required by law.

REASONS:

- 1) The new designated land use, zoning and density of each site is already specified in Table B4-3 Vacant, Partially Vacant, and Available Sites. These new designations already allow the densities specified. Just implement it!
- 2) (Page B-68, PDF 389 of 534 of the current General Plan) In the previous RHNA cycle, the term "Priority Housing Sites" was given to selected sites in the 5th HE cycle allowing them to have the density specified for the 5th RHNA cycle because a majority were already zoned P. "A majority of the P districts are governed by a Specific or Conceptual Plan which provides additional guidance to facilitate development review and provide more certainty regarding community expectations."
- 3) The majority of the new sites are NOT zoned P but have residential zoning with expectations.
- 4) The last phrase "...allowable by right without need for rezoning or any other discretionary action on the part of the City" basically allows anything to be built which conflicts with having objective standards.
- 5) Also, references to 3a, 3c, 5c and 5d don't exist in Table B4-3

Page 2-4 (PDF Page 24), Strategy HE-1.3.1, Objectives

ACTION: [Correct the unit counts.](#)

REASON: [Total units does not add up to 4,588. Above moderate-income units should be 1953.](#)

Page 2-4 (PDF Page 24), Strategy HE-1.3.2 Accessory Dwelling Units

ACTION: Modify Part 1, delete Part 2, modify Part 3

There are 3 parts to Strategy HE-1.3.2 but they are buried in the paragraph.

PART 1 of HE-1.3.2 - The City WILL review and revise its Second Dwelling Unit Ordinance to ensure consistency with state law.

ACTION: Modify sentence to be “The City will review and if needed revise its...”

REASON: No need to update it if it’s compliant. Save the City money!

PART 2 of HE-1.3.2 - [The City WILL] ...institute a forgivable loan program for homeowners that construct accessory dwelling units (ADUs) that are held affordable to lower-income households for a minimum period of 15 years.

ACTION: Delete Part 2

REASONS:

- 1) There is no justification in the analysis found in Appendix B1 or B2 to substantiate this requirement. In fact,
 - a) Page B3-17 Availability of financing states that there are “no mortgage-deficient areas and no identifiable underserved groups in need of financing assistance.”
- 2) Also, there is a financial assistance program currently being developed by Housing Trust Silicon Valley Small Homes, Big Impact ADU Program that will “consist of a planning grant and a construction loan.” The city should not duplicate efforts.
- 3) Use the money toward permanent affordable housing. Also, public funds for loans should not be spent to increase the value of a private property owner through the use of loan forgiveness! 15 years to forgive a loan is nothing!

PART 3 of HE-1.3.2 – Update of the Second Dwelling Unit Ordinance should also include a program to streamline the ADU review and production process as part of the City FY 2023-24 work program.

ACTION: Delete the phrase “...as part of the City FY 2023-24 work program.”

REASONS:

- 1) The City needs to decide when its best to do this.
- 2) A streamlined program was part of the FY 2020-21 work program.
- 3) The City already has pre-approved ADU Plan sets to expedite the permit process that offers the fastest, lowest-cost permit process.
- 4) Since 2021 building permits for 41 ADUs have been issued. That’s significant!
Reference: Page 471, Table B5-1 Overview of Adopted Programs, HE-1.3.2

Page 2-5 and 2-6 (PDF Page 25-26), Strategy HE-1.3.4, 1st bullet, “...and are designed so that they do not pose an undo burden on the development of affordable housing.” 2-6

ACTION: Remove this phrase.

REASONS:

- 1) The objective standards should be written to encourage all housing, not just affordable housing. Remove the phrase.

Page 2-6 (PDF Page 26), Strategy HE-1.3.4, 2nd bullet, “Provide flexibility in development standards...”

ACTION: Delete this bullet. Contradicts Strategy HE-1.3.4 Objective Development Standards.

REASONS

- 1) This bulleted item is under the strategy statement for “Objective Development Standards”! How can you have objective development standards if they are flexible? It’s a contradiction.

Page 2-7 (PDF Page 27), Strategy HE-1.3.7 Priority Housing Sites, last sentence “...Accordingly, the City will amend Cupertino Zoning Code Section 19.89.30 (C) so that Subsection Cupertino Zoning Code Section 19.80.030 (E) applies to all sites zone for Planned Development, not just mixed-use sites.

ACTION: Fix reference to 19.80.030 (E) to be 19.80.030 (E2)

REASONS:

- 1) The entire 19.80.030 (E) does not apply.

Page 2-9 (PDF Page 29), Strategy HE-1.3.9 Subdivision of Single-Family Lots (SB-9)

ACTION: Delete

REASONS:

- 1) Already done.

Page 2-9 (PDF Page 29), Strategy HE-1.3.10 Lower Fees for Multi-Family Housing Projects

ACTION: Replace with several strategies

- 1) City will periodically do nexus studies to insure it's fees are in line.
- 2) City should consider lowering fees 5% for each 5% additional BMR units. (percentage is just an example)
- 3) City should consider lowering fees 5% for every 5 additional years all BMR units remain BMR.

REASONS: We need affordable housing not luxury market rate and above housing units!

Page 2-9 (PDF Page 29) Policy HE-2.1 Housing Mitigation

ACTION: Clarify what exactly this means. Add strategies to get there.

Page 2-9 (PDF Page 29) Policy HE-2.2 Range of Housing Types

ACTION: Add strategies to get there.

Page 2-10 – 2-11 (PDF Page 30-31) Strategy HE-2.3.2 Residential Housing Mitigation Program

ACTION REQUESTED: Change the bullets to be numbered a-g.

REASONS:

- 1) So reference in 2nd bullet makes sense.

Page 2-14 (PDF Page 34), Strategy HE-2.3.5 Surplus Properties for Housing GREEN FIELDS!!!!

- 1) ACTION: Change "The City will partner with..." to "The City will explore partnerships with..."
 - a) REASON: Forcing the City to partner with a developer puts the City at a negotiating disadvantage. The City needs flexibility to pick and choose.
- 2) ACTION: Delete "infill lots" and "other green fields"
 - a) REASON: As density increases, people need open space.

Page 2-14, Strategy HE-2.3.6 Incentives for Affordable Housing Development

ACTION REQUESTED: Correct format to match our existing HE chapter page H-28

REASONS: The first 2 bullets are missing. They've been sucked into the paragraph by mistake.

ACTION REQUESTED: Delete bullet "Flexible development standards"

REASONS: Conflicts with HE-1.3.4 Objective Development Standards

Page 2-22, Strategy HE-4.1.3 Sustainable, Energy-Efficient Housing

ACTION REQUESTED: Delete completely

REASONS:

- 1) **Redundant** –
 - a) Current GP Chapter "Environmental Resources and Sustainability" under Goal ES-1 "Ensure a sustainable future for the city of Cupertino", has
 - i) Policy ES-1.1 Principles of Sustainability

- ii) Strategy ES-1.1.1 Climate Action Plan
- b) Current GP Chapter “Environmental Resources and Sustainability” under Goal ES-2 “Promote Conservation of Energy Resources”, has
 - i) Policy ES-2.1 Conservation and Efficient Use of Energy Resources
 - ii) Strategy: ES-2.1.4 Incentive Program for developers
 - iii) Strategy ES-2.1.5 Urban Forest
 - iv) Strategy ES-2.1.6 Alternate Energy Sources
- c) Current GP Chapter “Environmental Resources and Sustainability” under Goal ES-3 “Improve Building Efficiency and Energy Conservation” has Strategy ES-3.1.1 referring to the City’s Green Building ordinance.

2) Not consistent with General Plan Policy LU-5.2

POLICY LU-5.2: MIXED-USE VILLAGES

Where housing is allowed along major corridors or neighborhood commercial areas, development should promote mixed-use villages with active ground-floor uses and public space. The development should help create an inviting pedestrian environment and activity center that can serve adjoining neighborhoods and businesses.

Page 2-24 (PDF Page 44) Policy HE-6.2 Housing Equity Education

ACTIONS:

- 1) Make all it’s text RED because it’s a new policy.
- 2) Add strategies to get there.

Page 2-26 (PDF Page 46) Policies HE-7.1 and HE-7.2

ACTIONS: Add strategies to get there.

Chapter 3.0 Overview of Housing Needs and Constraints

Pages with missing figures and tables:

- 1) Page 3-3, Insert Figure IV-11
- 2) Page 3-7, Insert Figures II-25 through II-28
- 3) Page 3-7, Insert Figure I-30, Figure IV-32, Figure IV-33
- 4) Page 3-8, Insert Figure IV-28
- 5) Page 3-9, Insert Figure II-166, Figure II-20, Figure II-19
- 6) Page 3-11, Insert Figure II-13, Figure II-14, Figure III-17 through III-21
- 7) Page 3-12, Insert Figures IV-21 through IV-24

Page 3-1 (PDF Page 49) section 3.1 Introduction, paragraph 1

Line 4: change Appendix B to B2

Line 6: change Appendix B, Part 3 to Appendix B3

Page 3-3 (PDF Page 51) 3rd bullet

ACTION: Clarify this entire statement...”except for Black/ African American applicants”

Page 3-8 (PDF Page 54), Housing Type, 1st bullet

ACTION: Change 57.2 percent to 57.1

REASONS: Refer to page 6, last bullet “Housing Type” of ABAG/MTC Housing Needs Data Report: Cupertino, dated 4-2-2021

Page 3-10 (PDF Page 58), Female Headed Households section

Reference: Page 50, last sentence of ABAG/MTC Housing Needs Data Report: Cupertino, dated 4-2-2021

ACTION: Add this sentence to the end of the last paragraph

“Of these female-headed households, 18.8% of households with children fall below the Federal Poverty Line and 8.8% of households without children live in poverty.”

REASON: Female-headed households have a higher risk of being in poverty in Cupertino.

Page 3-11 PDF Page 59), People with Disabilities (continued from 3-10) section

Reference: Page 54, of ABAG/MTC Housing Needs Data Report: Cupertino, dated 4-2-2021

ACTION: Add to end of last paragraph in this section the sentence below and accompanying table.

“The most common living arrangement for individuals with disabilities in Cupertino is the home of parent /family /guardian.”

Table 6: Population with Developmental Disabilities by Residence

Residence Type	value
Home of Parent /Family /Guardian	255
Community Care Facility	23
Foster /Family Home	11
Other	5
Independent /Supported Living	5
Intermediate Care Facility	0

Universe: Population with developmental disabilities

Notes: The California Department of Developmental Services is responsible for overseeing the coordination and delivery of services to more than 330,000 Californians with developmental disabilities including cerebral palsy, intellectual disability, Down syndrome, autism, epilepsy, and related conditions. The California Department of Developmental Services provides ZIP code level counts. To get jurisdiction-level estimates, ZIP code counts were crosswalked to jurisdictions using census block population counts from Census 2010 SF1 to determine the share of a ZIP code to assign to a given jurisdiction.

Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Residence Type (2020) This table is included in the Data Packet Workbook as Table DISAB-05.

REASON: In Cupertino, 85% of people with developmental disabilities live with a parent, family member or guardian. As the family member/guardian age or become ill the disabled are at risk of losing access to housing and care!

Page 3-12 (PDF Page 60), Homelessness (continued from 3-11)

Reference: Page 58, last paragraph of ABAG/MTC Housing Needs Data Report: Cupertino, dated 4-2-2021

ACTION: Add a paragraph to the end of the section.

“In Cupertino, there were no reported students experiencing homelessness in the 2019-20 school year. Although by comparison, Santa Clara County has seen a 3.5% increase in the population of students experiencing homelessness since the 2016-17 school year.”

Page 3-12 (PDF Page 60), section Summary of Governmental Constraints, 1st sentence

ACTION: Delete “In general”

Appendix B1 Cupertino Fair Housing Assessment

ACTION: Change references to Larkspur to Cupertino everywhere.

Appendix B2 Housing Needs Assessment

Page B2-1 (PDF Page 295) section Summary of Key Facts, Race/Ethnicity

ACTION: Present Cupertino’s race/ethnicity percentages in table format so it’s clearer. Use Table 15 from the ABAG/MTC document

Table 15: Population by Racial Group, Cupertino and the Region

Race	Cupertino			Bay Area
	2000	2010	2020	2020
Asian/Pacific Islander	44.34%	63.21%	70.17%	35.8%
Black/African American	0.63%	0.55%	0.6%	5.6%
Latinx	3.98%	3.62%	3.86%	28.2%
Other or Multiple Races	3.21%	3.31%	3.7%	24.4%
White	47.84%	29.3%	21.67%	5.9%

Appendix B3 Housing Constraints

Page B3-2 (PDF Page 350), last sentence on this page

ACTION REQUESTED: Correct reference to Code Section 19.80.030 (E) to be 19.80.030 (E)(2) in the 2nd to last line on page.

REASON: All of section (E) should not apply to (C). It’s an error.

Page B3-16 (PDF Page 364), first bullet, last 2 sentences starting with “Rather than retool specific zoning districts...”

ACTION: Delete these last 2 sentences

REASON: Land use and zoning are key to planning along with objective standards. To protect future residents there needs to be guidelines which are achieved through zoning. The act of re-zoning these sites will allow the city to achieve its RHNA and protect the future residents – a win-win.

Page B3-16 (PDF Page 364), 3rd bullet, (HOME Act, SB9)

ACTION: Replace this bullet with text mentioning the SB-9 ordinance the city has implemented.

Appendix B4 Vacant and Available Sites

Reference: "Council Approved Sites and Units (09-14) – Revised Final" document which is the 6-page spreadsheet with heading "PC Recommended vs Council Authorized Sites Inventory (August 31, 2022).

LINK: https://ehq-production-us-california.s3.us-west-1.amazonaws.com/ce600b9891daac78215aed2830012dca8e044d02/original/1663179819/b22eefacc4f5e288faed1207567098c9_Council_Approved_Sites_and_Units_%2809-14%29_-_Revised_Final.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20221209%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20221209T004018Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=a35390ee6b127a38888a452c407af879f8874507bd92900314bffc43efd9d19b

Page B4-5 (PDF Page 377), Figure B4-1 Potential Sites Inventory Map

ACTION: Use the Key Map IDs from Table B4-3 to identify the sites on the map.

REASON: The identifiers on the map don't make sense.

Page B4-32 (PDF Page 404), South Blaney Site 11b Description section, line 5

ACTION: change "P(Res)" to "a combination of P(CG/Res) and P(Res)"

REASON: it's wrong. Does not match Council approved list.

Page B4-77 (PDF Page 449), Site 26a (Cupertino Village) Description section, line 4

ACTION: change "P(Res)" to "P(CG,Res) with increased density..."

REASON: It's wrong. Does not match Council approved list.

Page B4-86 (PDF Page 458), South Blaney Site 11b, 1st parcel APN 36937028

ACTION: change P(Res) to P(CG/Res)

REASON: It's wrong. Does not match Council approved list.

Page B4-90 (PDF Page 462), North Vallco Park (Cupertino Village) all 6 parcels for Site 26a

ACTION: change P(Res) to P(CG/Res) for all 6 parcels

REASON: New zoning is wrong. Does not match Council approved list.

Appendix B5 Review of Previous Housing Element

ACTION: Change all references to "Town" to "City".

Cyrah Caburian

From: [REDACTED]
Sent: Thursday, December 22, 2022 11:34 AM
To: Housing
Subject: Draft HE Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

After seeing many other cities 1st draft housing elements, this submission feels like a half hearted attempt to gain a place in line with HCD. The consultant has provided a lot of the required historical information like AFFH, etc...but the detail about how the city is going to implement this plan seems to be really lacking in detail. The polices are vague (when compared to other cities) and the implementation of those polices are too long. Cupertino is going to miss the HCD deadline and therefore will only have one year (not three) to implement this housing element along with the updated zoning & GP to match it. I did not see future infrastructure comments, etc...

Unfortunately, this reads like a housing element from a consultant that was fired and is giving it the old "college try". I think the City should prepare of a long and lengthy comment letter from HCD.

The one item that was most disappointing, is there are pagination errors in how the sites inventory is presented. I just looks like a half hearted effort by a consultant that doesn't really take any pride in what and how they present in their information. This is going to be a reflection on the City, not the consultant, who has already been terminated. The City has done a good job...staff has done great. I think it's unfair that the City will bear the burden of a draft HE that seems as if it was put together in haste.

Below are specific items of how the information was presented in the draft that should be easy fixes.

Pg 374 has yellow highlight that appears to be missing information

Pg 384: Site 6d is not called out on the map of yellow sites

Pg 398: The map pagination doesn't fit here...the map should be on page 398, followed by Site 7a on page 399. The map that is currently on page 399 has two sites (7a & 7b). Site 7b doesn't have a summary page and is not listed.

Pg 409: Why is there a blank page in between the map & the site summary?

Pg 411: The map pagination doesn't fit here...the map should be on page 411, followed by Site 15a on page 412.

Pg 413: Why is there a blank page in between the summary of sites?

Pg 415: The map pagination doesn't fit here...the map should be on page 415, followed by Site 16a on page 416.

Pg 417: Why is there a blank page in between the summary of sites?

Pg 419: The map pagination doesn't fit here...the map should be on page 419, followed by Site 18c on page 420.

Pg 424: The map pagination doesn't fit here...the map should be on page 424, followed by Site 19a on page 425.

Pg 431 & Pg 433: Why are there blank pages here?

Pg 430: There are two parts to the S. De Anza Blvd Special Area with a lot of sites. There are maps on pages 430 and 431. These should be split out and the map on page 430, should be followed by the summary pages of those sites from page 430. Then followed by the map for "Part 2" and those summary sites. This is really hard to follow.

Page 445: Why is there a blank page here?

Page 448: Why is there a blank page here?

Council, PC and Staff all did a great job with this complex process. The consultant...absolutely terrible.

Thank you for the opportunity to comment.

Scott

Cyrah Caburian

From: Dan Marshall [REDACTED]
Sent: Thursday, December 22, 2022 12:05 PM
To: Housing
Subject: Cupertino Resident comment about housing proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have read through the housing proposal and I wanted to share a few thoughts.

For context, I've lived in Cupertino since 1985 in a 3,000 square foot home on a quarter acre lot, and it's been delightful. We raised two children and appreciated the excellent public schools. I love running in the hills.

Your policy recommendation covers many topics including low income housing, homeless housing, housing for critical service providers such as teachers, and simply more housing. I think that we can't boil the ocean. We need to focus on simply more housing in general, and ADU's for critical service providers. When we have more housing, in particular some of the other issues will resolve themselves. It appears that this is already happening in Sunnyvale and Mountain View.

Regarding more housing...

We need to replace houses similar to ours with zero lot line homes, 3 to 4 stories high with solar on top and parking below.

Architect Vishaan Chakrabarti describes how this sort of housing can meet humanities housing needs while reducing each families carbon footprint in [this 12 minute podcast](#).

To accomplish this, it has to be economically feasible for a developer to purchase one or more single family homes similar to ours, and replace them with buildings similar to Mr Chakrabarti's recommendation. This is a tough hill to climb, but possible. Clearly it is easier in areas of Cupertino that have relatively lower priced homes. A developer's costs could be reduced if there is a simple set of plans for them to follow. If these plans are followed, permitting is super streamlined. Also, perhaps the city could offer low interest loans to developers. Transit could be a big attraction if reliable frequent services are provided in the areas which look attractive for these conversions because the home buyers may use the money they'd normally spend on car expenses, for mortgage or rent payments.

Several current tax policies make us reluctant to sell our house. Changing these policies would also make the transition much easier.

Regarding ADU's, we need a streamlined process. Imagine if...

I could schedule an appointment with an ADU consultant. They'd come out and look at our property, utilities, and situation. They'd make a recommendation regarding an ADU and tell us what it would cost, and how much rent we could expect to collect.

Perhaps there would be 3-4 prefab ADU units to choose from. The process of installing utilities and foundations would be streamlined. A truck carrying prefab ADU's would come down the street along with a crane which would lift the ADU and swing it into our back yard.

Dan Marshall



Cyrah Caburian

From: k k [REDACTED]
Sent: Thu [REDACTED] M
To: Housing; Luke Connolly; City Clerk
Subject: Draft Housing Element comment ideas and suggestions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have listed several proposals and recommendations to the draft housing element.

1. It is important to see that the city has distributed its priority housing element sites across the city as required. This provides equal access to amenities such as parks and helps our schools with declining enrollment BUT more sites on the west side are needed such as along Bubb Rd. Housing along Bubb Rd would be close to De Anza College, major transportation corridors (Hwy 85, Stevens Creek Blvd) and amenities. There needs to be more housing proposed on the West side of Cupertino.
2. Page 1-7, 2nd to last paragraph, line 4, "...and the overall lack of support for new affordable housing development in the community." Is not substantiated! The lack of support is for huge office complexes that worsen the jobs-housing balance, not less affordable housing.
3. Page 2-9, HE-1.3.10 "Lower Fees for Multi-Family Housing Projects...Cupertino has development fees that are among the highest in the region." I disagree with this statement. Cupertino has done Nexus Studies to determine what are appropriate mitigation fees that will cover the actual costs to mitigate development project issues. If these fees are lowered, they should only apply to BMR housing projects and not market rate housing projects.
4. Page 2-14, HE-2.3.5 Please remove the reference to "green fields". "Green Fields" refers to parks, school sites, land that has never had buildings on it. As the population density increases in our city, the need for open space increases to help with mental and physical health of our growing population as well as places to see the hills and view the sky.
5. Page 2-22, Strategy HE-4.1.3 says development should include green roofs – This Strategy should refer to our Climate Action Plan rather than try to dictate what is needed. Also our city building codes and certifications should be referenced rather than trying to specify exactly what is needed.
6. Several policies do not have any strategies listed to implement the policy. Examples include:
 - a. Policy HE-1.1
 - b. Policy HE-1.2
 - c. Policy HE-2.1
 - d. Policy HE-2.2
 - e. Policy HE-3.2
7. There are no goals regarding the health and safety of future housing residents. They need to be added including these:
 - a. Housing Element sites that were zoned non-residential WILL be reviewed to ensure that any closed GeoTracker or other cases that are closed are still closed when residential limits are applied to the contaminant levels.

- b. Housing Element sites on or adjacent to past or present dry cleaners or gas station sites WILL be examined for contaminants at the levels acceptable for residential use.
- c. All contaminant issues need to be mitigated prior to a building permit is issued.

Thank you for your consideration of these suggestions to improve the draft housing element.

Robert McKibbin

Cyrah Caburian

From: Shree Dharasker [REDACTED]
Sent: Friday, December 23, 2022 11:02 AM
To: Housing
Cc: [REDACTED]
Subject: FW: Notice of Release: Draft Housing Element

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Housing Element for the City of Cupertino (City), and has the following comments:

- 1) Ensuring an adequate water supply to support existing and future development is one of the key priorities for Valley Water. To help achieve this common goal, Valley Water encourages the City of Cupertino to expand Policy HE-7.2, and related strategies, to include water supply as an important quality of life issue. Valley Water is available for coordination regarding water conservation efforts, updated water demand management opportunities, and understanding anticipated growth.
- 2) The City Housing Element lists proposed sites for redevelopment. Development plans should be consistent with Valley Water's [Guidelines and Standards for Land Use Near Streams](#). Valley Water strongly advocates for maximizing vegetated areas to enhance the riparian corridor by increasing setbacks from the existing creek top of bank to any hardscape, roadways, or parking areas associated with the development.
- 3) Valley Water has several facilities including creeks and pipelines within the City limits. In accordance with the Water Resources Protection Ordinance, an encroachment permit will be required for modification of Valley Water facilities and encroachment into Valley Water right of way.
- 4) Most new development and redevelopment is subject to stormwater quality requirements. Some of the methods used to meet these requirements, such as low impact development (LID), work by retaining stormwater on the site for infiltration, which supports natural groundwater recharge. However, other methods only work to improve the quality of stormwater prior to releasing it into the stormwater system. To address the long-term cumulative impacts on natural groundwater recharge, the City should require new development and redevelopment proposals to include stormwater quality elements, such as LID that meet state standards, with onsite retention to maintain, and in some cases, increase natural groundwater recharge and protect groundwater quality

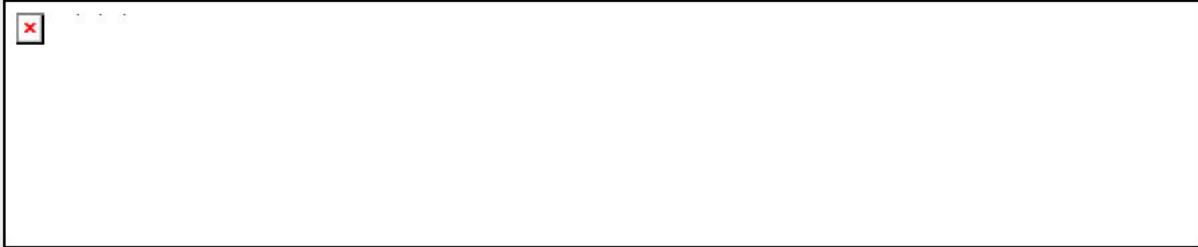
Please forward future environmental documents when available for public comment. If you have any questions or need further information, you can reach me by email at [REDACTED] or by phone at [REDACTED]

Shree Dharasker
Associate Engineer Civil
Community Projects Review Unit
[REDACTED]

From: City of Cupertino <cupertino@public.govdelivery.com>
Sent: Friday, November 18, 2022 1:46 PM

To: Usha Chatwan [REDACTED]
Subject: Notice of Release: Draft Housing Element

Having trouble viewing this email? [View it as a Web page.](#)



Notice of Release of City of Cupertino Public Review Draft Housing Element

Project

The Housing Element is a state required element of the City's General Plan. The Housing Element must be updated every eight (8) years and includes goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing within the City. In addition, the Housing Element Update identifies sites appropriate for the development of new housing that would be available to households at all levels of income. The Housing Element Update also includes other amendments necessary to comply with recent changes in State law. Prior to the submittal of the Draft Housing Element to HCD for their review and comment, the Draft Housing Element must be available for a 30-day public review and comment period. Following review of the Draft, the City will consider all comments received in the manner outlined below, including those from HCD staff, and will revise the Housing Element for consideration and final adoption by the City's Planning Commission and City Council. Separate public notice for all future Commission and City Council meetings hearings will be provided at that time.

More Information and Providing Comments

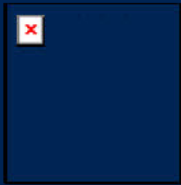
The public comment period runs from November 18 through December 23.

The Draft Housing Element is available for review on the City's website at the link below. A physical copy of the Draft Housing Element is also available for public review at City Hall, Community Development Department (10300 Torre Avenue, Cupertino, CA). Please call (408) 777-3308 to make an appointment to view the document.

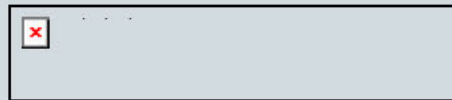
Draft Housing Element

Written comments on the Draft Housing Element Update must be submitted prior to the December 23 deadline. Comments can be submitted by:

- Email: housing@cupertino.org; or
- In-person or via Mail to:
 - Community Development Department
Attn: Luke Connolly, Acting Community Development Director
10300 Torre Avenue
Cupertino, CA 95688



cupertino.org



City of Cupertino, California
Website | 408.777.3200
10300 Torre Avenue, Cupertino, CA 95014-3202



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This email was sent to [REDACTED] using GovDelivery Communications Cloud, on behalf of: City of Cupertino, California
10300 Torre Avenue · Cupertino, CA 95014-3202



Cyrah Caburian

From: E. Poon [REDACTED]
Sent: Thursday, December 22, 2022 11:59 PM
To: Housing
Subject: Comments on Housing Element - must provide sound insulation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

In the Housing Element, there are a number of sites with proposed mid rises, 4 or 5 stories tall. Such mid-rises can be quite pleasant to live in. However, if there is not enough sound insulation between floors, the experience of living in such a building is stressful and not conducive to good neighborly relations.

We had an experience owning a top floor condo in a 4 story building in Cupertino. As there was not enough between floor sound proofing, the third floor resident was always complaining of footfall noise from our unit, even though we live and move quietly. The situation was worse when we moved out after seven years, and started renting our condo. As many rental families have children, who move around a lot more than adults, the complaint about footfall noise increased.

It was really embarrassing. Are we to tell our tenants that their children should not run about their own home, because the downstairs residents are disturbed? The best we could do was to ask the new tenants to introduce themselves to the downstairs residents as soon as they moved in, which does nothing to mitigate the noise, only to let the neighbors know we are all nice people.

In an HOA, there is not much the Board can do about such complaints. We are told to resolve the problem ourselves. After a series of complaints, we started to avoid our downstairs neighbors. When there is a fresh complaint, we rack our brains thinking how to respond. Eventually, we just ignored the complaints. It is a great pity that some condo complexes in a nice location like Cupertino do not have sound proofing between floors, which the builder can easily provide at the beginning of designing the building.

The builder should be responsible. What about the City?

I wonder if the CA building code is too lax in this respect. We never had such experience of lack of sound insulation while we lived abroad.

This is an important aspect that should not be overlooked as more condo complexes are built. We do want residents to feel the condos are their permanent homes, not to get frustrated and disturbed just because the builder did not provide the best construction.

A two bedroom condo in Cupertino costs at least \$1 million. Having paid such a high price, the residents deserve to have quality built condos, with adequate sound proofing between floors. I hope the City can make builders aware of this. The City can insist on between floor sound proofing even if the CA building code does not.

Regards,
E Poon

Cyrah Caburian

From: Caryl Gorska [REDACTED]
Sent: Friday, December 2, 2022 1:50 PM
To: Housing
Cc: City Council; City of Cupertino Planning Commission; HousingCommission; City Clerk
Subject: A few corrections to Housing Element document
Attachments: CG_CupertinoHE_Draft_Comments.pdf; Untitled attachment 00019.htm
Signed By: gorska@gorska.com

Hello,

I went through Appendix B4 (Vacant and Available Sites) and I found some small, easy-to-fix errors. I am attaching them as a pdf and also pasting them below.

Caryl Gorska
[REDACTED] Cupertino

Growth for the sake of growth is the ideology of the cancer cell. — Edward Abbey

Appendix B4: Vacant and Available Sites

Summary: Comments are listed in page order. These are mostly errors of misplaced or omitted pages. Of substance:

1. Six of the net total units for sites do not match what the Council approved (see “PC Recommended vs. Council Authorized Sites Inventory (August 31, 2022)” chart (column title: “Authorized Council Tier 1 Totals”). **These are highlighted in bold red.**
2. I believe this appendix is meant to include only Tier 1 sites; there are couple of mentions of Tier 2 sites that should be removed. **These are highlighted in bold blue.**

Suggestion: On the individual site pages, it might be helpful to include other data such as total acreage, max. building height, etc.

Page 369 of pdf:

Site 07b listed in TOC does not exist as a page. It is also the only Tier two site included, so it probably should just be removed from the TOC.

Page 380 of pdf:

Site 01b net units approved by council is 7, not 6, per “PC Recommended vs. Council Authorized Sites Inventory (August 31, 2022)” chart

Page 384 of pdf:

Map of Jollyman neighborhood does not include a label for Site 6d

Page 387 of pdf:

Site 06c net units approved by council is 3, not 2, per “PC Recommended vs. Council Authorized Sites Inventory (August 31, 2022)”

Page 389 of pdf should change places with page 390:

Currently: **389** Site 7a — **390** Monta Vista North

Should be: **389** Monta Vista North — **390** Site 7a

Page 390 of pdf:

Site 7b shown on Neighborhood map is Tier 2, not Tier 1. Remove if you mean to show only Tier 1 sites.

Page 394 of pdf:

Site 08a net units approved by council is 7, not 8, per “PC Recommended vs. Council Authorized Sites Inventory (August 31, 2022)”

Page 403 pf pdf:

Site 11a net units approved by council is 97, not 98, per “PC Recommended vs. Council Authorized Sites Inventory (August 31, 2022)”

Page 412 of pdf should change places with page 411:

Currently: **411** Site 15a — **412** Heart of the City Crossroads

Should be: **411** Heart of the City Crossroads — **412** Site 15a

Pages 411 – 414 of pdf out of order:

Currently: **411** Site 15a — **412** Crossroads Special Area — **413** blank — **414** Site 15b

Should be: **411** Crossroads Special Area — **412** Site 15a — **413-14** blank and Site 15b

Page 420 of pdf should change places with page 419:

Currently: **419** Site 18c — **420** East Special Area

Should be: **419** East Special Area — **420** Site 18c

Also, Site 18c has net 94 units approved by council, not 93

Page 423 of pdf:

Move “Homestead Road Special Area” from pdf page 425 to page 423

Insert between pdf pages 427 and 428:

“Stelling Gateway — Special Area” neighborhood map is missing from both TOC and document

Page 449 of pdf:

Net units approved by council is 324, not 323, per “PC Recommended vs. Council Authorized Sites Inventory (August 31, 2022)”

Cyrah Caburian

From: Santosh Rao [REDACTED]
Sent: Friday, December 23, 2022 11:37 AM
To: City Council; Cupertino City Manager's Office; Housing
Subject: Housing element draft input.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council, Housing commission and city staff,

Please kindly submit the existing 1st draft of the housing element AS IS NOW to the state in order to avoid late submission and the builders remedy penalties that come with a late submission.

Please do not delay submission. Let the city work on revisions following feedback from the state.

Please do not make Cupertino housing element resemble Emeryville housing element.

Cupertino is not Emeryville. We have our own unique culture.

Please keep in mind the slump coming in commercial real estate due to macro economic conditions. The rising interest rates is causing a housing and CRE slump. Office market has 20% vacancy in Bay Area right now. Companies are now operating in hybrid or remote mode forever. There is neither a demand for more office space nor a corresponding need for excess housing in Cupertino to meet the needs of office that is yet to be built and likely will not be built.

Please submit the housing element draft now and avoid builders remedy.

Separately please work with Sandhill to understand their updated plans for Vallco. On this environment it is unlikely any developer wants to be building 2M sq ft of new office. If office space reduces housing ratios must be re-calculated.

Please also work with the state and county to communicate the lack of flexibility in the housing requirements allocated by state to factor in current remote and hybrid work after Covid as well as pullbacks due to the recession and rising rates.

Thank you for your action and keeping Cupertino culture alive and not turning it into Emeryville as requested by one of your public comment speakers during the last city council. We are not Emeryville. We did not elect you to turn Cupertino into Emeryville. Thank you for your service.

Thanks,
Santosh Rao

Cyrah Caburian

From: GEOFFREY PAULSEN [REDACTED]
Sent: Friday, December 23, 2022 12:52 PM
To: City Council; Housing
Cc: [REDACTED]
Subject: Housing element comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Council Members:

Thank you for taking the time to address this issue that is both controversial and time consuming.

I've provided site-specific comments earlier; here are a few general comments:

1) Change is inevitable - and often unpopular at first.
PLEASE... accept this fact, and be open to change.

2) Compassion is important. It's tempting to "pull up the drawbridge" and create barriers to those who desire to come after us.
PLEASE... consider those less fortunate than (or different from) yourselves, and open our doors.

3) Resistance to change is often based on fear.
PLEASE... Be courageous, and help others to be the same. There is no fear in love.

4) Change brings opportunities.
PLEASE... Be creative, and borrow the creative ideas of others. By doing so, we can meet our regional housing needs allocation while building a beautiful, economically vital, and sustainable community.

It's interesting that these comments are due during the season where nations around the world celebrate light, life, and the beginning of a new era. May we do the same for Cupertino.

Regards,

Geoff Paulsen, MPA

Former chair, Cupertino Planning Commission



Cyrah Caburian

From: Kai Stockwell [REDACTED]
Sent: Friday, December 23, 2022 1:48 PM
To: Luke Connolly
Cc: Housing
Subject: The Rise Comments on Draft Cupertino 6th Cycle Housing Element Update
Attachments: The Rise_ Letter to Cupertino re Draft Housing Element - 2022.12.23.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Luke,

The Rise team appreciates this opportunity to give feedback on the Cupertino's Draft Housing Element. Please see our comment letter attached.

Happy Holidays,

Kai

--

Kai Kamehiro Stockwell
Project Manager

Sand Hill Property Company

2600 El Camino Real, Suite 410
Palo Alto, CA 94306

[REDACTED]



December 23, 2022

VIA E-MAIL

Luke Connolly
Acting Community Development Director
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014
lukec@cupertino.org
housing@cupertino.org

Re: Comments on Draft Cupertino 6th Cycle Housing Element Update

Dear Luke:

Thank you for the opportunity to review and comment on the City's draft 6th Cycle Housing Element Update. We commend the City for electing to quickly move forward with the process and look forward to the City successfully achieving a compliant Housing Element. To that end, we offer the below comments for the City's consideration before submitting the Housing Element to the California Department of Housing and Community Development for its review.

The City Should Rezone The Rise Site to Conform to the SB 35 Approval and the Assumptions in the Housing Element Update

We were pleased to see that the Housing Element Update recognizes the importance of The Rise project (formerly known as Vallco) to the City's goal of meeting its RHNA obligations. The City's total RHNA obligation is 4,588 units and The Rise includes 2,402 units, representing over half of the City's total RHNA obligation. Importantly, the Rise also represents 136% of the City's low-income unit obligation, over 60% of the City's market rate housing needs, and nearly 25% of the very low-income housing category. In short, the City's path to RHNA compliance is dependent on The Rise, so it is incumbent on the City to do all that it can to ensure the project is constructed. We are encouraged by new City leadership, both at the staff and City Council level, and look forward to working with the City to make sure this project is delivered.

However, given the project's critical role in achieving the City's RHNA obligation, and the fact that the project is identified in the Housing Element site inventory list, the Housing Element should also reflect that the City will amend the General Plan and zoning to conform with the project program as approved

Luke Connolly
December 23, 2022
Page 2

under SB 35. Currently, the Housing Element includes The Rise on the site inventory list, identifying it as a “pipeline project” (meaning it is an approved but yet-to-be-developed project), but the Housing Element contains no indication that the General Plan and zoning need to be amended in order to achieve the 2,402 units that the Housing Element relies upon.

The Housing Element Strategies HE-1.3.5 and 1.3.6 state that in order to ensure there are adequate sites to meet the City’s RHNA, the City will amend the General Plan and zoning to conform to the new designations shown in Table B4-3. However, Table B4-3 does not provide new land use designations for any of the pipeline project sites, including The Rise, so presumably the City is not intending to rezone those sites. While that may be an appropriate approach for other pipeline projects where the applicable zoning and project approvals are consistent, that is not the case for The Rise, which the City downzoned in 2019. Today, most of the project site is now designated “Regional Shopping,” which does not allow residential or office, with a 13.1-acre area east of Wolfe Road allowing for only 459 units. As we explained in 2019, there is no feasible project that can comply with this zoning.

The City’s logic in not updating the General Plan and zoning for pipeline projects including The Rise appears to be that, because The Rise is an approved project, the City can assume that it will get built based on that existing approval. However, the fact is that four years after our initial SB 35 approval, and despite our best efforts, we still have not even been able to commence site grading for the project, much less any building construction. While we fully intend to utilize our approval and hope to complete construction of The Rise during the 6th Cycle, the success of the City’s Housing Element should not, and legally cannot, simply rely on us timely utilizing that SB 35 approval. The City has often reminded us that SB 35 approvals can lapse if certain construction milestones are not met. By not rezoning The Rise, the Housing Element is effectively counting on project construction to start early in the 6th Cycle and then to continue without interruption through completion, which given the project’s history to date, we do not believe is a reasonable view for the City to take. Instead, as with other housing inventory sites, the City should rezone our site in order to accomplish its Housing Element goals.

We note that Strategy HE-1.3 confirms that each site listed on Table B4-3 (except for seven identified sites, not including The Rise) is considered a “Priority Housing Site” under the City’s Zoning Code, which means that the number of units identified in Table B4-3 “shall be allowable by right without need for rezoning or any other discretionary action on the part of the City.” Even if this means that 2,402 units can be built at the site under the existing non-residential zoning as downzoned in 2019, this does not meet Housing Element Law requirements because there is no “realistic” potential for such a project. As we have explained in prior correspondence during the 2019 downzoning, for a project to achieve significant housing yields, particularly with the 50% affordable requirement that is called for in the Housing Element, there must be an economic engine, i.e., the office component, to ensure project feasibility. Simply allowing 2,402 units by right (50% of which as affordable) is not sufficient to realistically create the potential for those units to actually be developed.

Luke Connolly
December 23, 2022
Page 3

For these reasons, we request that the Housing Element be revised to acknowledge that the General Plan and zoning designations for our site will be amended to match The Rise's full land use program as approved.

The Housing Element Should Include Further Steps to Minimize Impact Fees on Housing

We applaud the City for recognizing that its impact fees are very high, particularly when compared to comparable fees in other jurisdictions, and that those high fees are creating an impediment to the production of new housing. As we have previously relayed in other contexts, not only are these fees a heavy burden on, and sometimes obstacle for, housing, but we believe that the underlying nexus studies do not support some of the City's fees, in particular for the transportation impact fee (TIF) and the park dedication fees. In particular, most of the TIF funded projects are not related to new development so are not appropriate for impact fees and the park fee is based on the acquisition of new parkland even though that is not the City's intended use for the collected fees. For more detail, we direct the City to the letters that we have previously submitted on these topics and ask that the City consider these nexus considerations when implementing the new City policy to lower its impact fees.

We also commend the City for continuing its policy of waiving the park dedication fee and construction tax on affordable units, but we recommend that the City both expand and clarify this policy. Park dedication fees are a significant development cost driver in Cupertino, but there are other significant fees, such as the TIF, that are also challenging for affordable projects to pay. The current TIF rate is \$4,215/unit, and the City imposes this fee on all units, including affordable units. Not only is this a challenge for affordable units, but it is not justified, as studies have demonstrated that low-income households living in multifamily housing own fewer vehicles, make fewer motorized vehicle trips, and generate fewer vehicle miles traveled than their similarly situated higher income counterparts.¹ For these reasons, we recommend expanding the affordable housing waiver to also cover the TIF.

Importantly, the fee waiver(s) should apply to all units that qualify as below market units for RHNA purposes. The City has previously taken the position that the park dedication fee waiver only applies to affordable units that charge rents that are based on the City's rent schedule, but the waiver does not apply to affordable units governed by the low housing income tax credit (LIHTC) schedule.² There is no justification for this discrepancy, particularly since the City counts such LIHTC units toward the City's compliance with its RHNA. The City should facilitate the development of *all* affordable units by confirming that the fee waiver applies to City BMR units as well as LIHTC units.

¹ "Affordable Housing Trip Generation Strategies and Rates," by Dr. Kelly J. Clifton (PI), Dr. Kristina M. Currans, Dr. Robert Schneider, and Dr. Susan Handy, for California Department of Transportation, dated September 14, 2018.

² For the record, we believe this position is incorrect and would be unlawful.

Luke Connolly
December 23, 2022
Page 4

Other Minor Corrections

We identified a couple other minor items that should be corrected, as follows:

- Appendix B3, Housing Constraints, states that the City is “not subject to SB 35;” however, HCD has determined that, like most jurisdictions in the state, the City is currently not meeting its below moderate RHNA obligations so is subject to SB 35. Unless HCD changes its determination, this statement should be corrected.
- Appendix B4, Vacant and Available Sites, contains the following statement: “Due to the significant amount of pipeline and units, the City is already exceeding its RHNA for the Low and Above-Moderate income categories for the 2023-2031 planning period.” However, most of the pipeline projects do not yet have building permits, which is the milestone of concern for RHNA purposes. This statement should instead state that if the entitled pipeline projects obtain building permits, then the City would be exceeding its RHNA for the mentioned categories.

* * *

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reed Moulds', with a stylized, looped initial 'R' and a long horizontal stroke extending to the right.

Reed Moulds

Cyrah Caburian

From: Lisa Warren [REDACTED]
Sent: Friday, December 23, 2022 4:56 PM
To: Luke Connolly; Housing
Cc: City Clerk
Subject: Draft Housing Element Public Comment submitted 4:50pm Dec 23, 2022
Attachments: Housing Element draft comments for submittal Dec 23, 2022.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Luke Connolly and others,
Please confirm receipt of this email message with one attachment.

Thank you,
Lisa Warren

Here are 2 pages of public comments related to

The City of Cupertino DRAFT Housing Element for HCD RHNA cycle 6

Sent to Planning Staff on **December 23, 2022**

From Lisa Warren

In General :

- It is completely appropriate and beneficial for the city of Cupertino use of all of the listed Pipeline Projects in the Draft Housing Element. The identified projects have been thoughtfully chosen and follow HCD's compliance requirements for this RHNA cycle.

Notable, is that all of the previous housing element sites have approved projects which shows that the city's site selection process was successful in identifying potential sites.

- It is encouraging to see that Cupertino has distributed it's priority housing element sites across the city as this type of distribution is an important requirement stated by HCD. However, the distribution should be more robust for numerous reasons. Cupertino should be planning for greater equity in access to all current and future, public amenities. The city is already imbalanced in this way. More serious efforts should be made to include additional housing distribution – of all types. One example is the Bubb Rd area. There have been many attempts over many years, to provide housing in that area. Now is the time for making that a reality. Housing along Bubb Rd would be close to De Anza College, major transportation corridors (Hwy 85, Stevens Creek Blvd) and existing recreational amenities.

- Several 'policies' are void of 'strategies' listed to implement the policy. To create a more useful document for future planning and decision making, strategies should be discussed, created, and presented in this Draft document prior to submittal to HCD.

Some (but not all) of the policies that need scrutinizing are:

Policy HE-1.1, Policy HE-1.2, Policy HE-2.1, Policy HE-2.2, Policy HE-3.2

More Specific:

- There is a seriously inaccurate claim made on page 1-7. Please correct this. The statement reads "...and the overall lack of support for new affordable housing development in the community." The consultant hired by the city should have known better than to make this statement. Not once during the many Housing Element meetings/discussions did any public speaker or committee/commission/council member, give reason for this to be an accurate statement. It was quite the contrary.
- Page 2-9, HE-1.3.10 "Lower Fees for Multi-Family Housing Projects...Cupertino has development fees that are among the highest in the region." This is not accurate. Cupertino diligently performed Nexus Studies to determine what are appropriate mitigation fees that will cover the actual costs to mitigate development project issues. BMR housing projects should be considered for lower fees than are currently defined by the city.
- Page 2-14, HE-2.3.5 remove the reference to "green fields". "Green Fields" refers to parks, school sites, land that is, and has always, been void of buildings. As the population density increases in our city and the entire region, the need for open space increases both for mental and physical health of our growing and more confined population.
- Page 2-22, Strategy HE-4.1.3 says development should include green roofs – "Green Roofs" is not a definition of anything specific and is a buzz word that is often misunderstood (actually misleading). This Strategy should refer to Cupertino's Climate Action Plan. Please omit the term 'green roof' in this strategy. Also our city building codes and certifications should be referenced rather than trying to specify exactly what is needed.
- There are no Goals regarding the health and safety of future housing residents. This is a large hole in a Housing Element document. Suggested, but not complete list of goals to add are :

Housing Element sites that were/are zoned non-residential WILL be reviewed to ensure that any closed GeoTracker or other cases that are closed are still closed when residential limits are applied to the contaminant levels.

Housing Element sites on or adjacent to past or present dry cleaners or gas station sites WILL be examined for contaminants at the levels acceptable for residential use.

All contaminant issues will be mitigated prior to a building permit issued.

Here are 2 pages of public comments related to

The City of Cupertino DRAFT Housing Element for HCD RHNA cycle 6

Sent to Planning Staff on **December 23, 2022**

From Lisa Warren

In General :

- It is completely appropriate and beneficial for the city of Cupertino use of all of the listed Pipeline Projects in the Draft Housing Element. The identified projects have been thoughtfully chosen and follow HCD's compliance requirements for this RHNA cycle.

Notable, is that all of the previous housing element sites have approved projects which shows that the city's site selection process was successful in identifying potential sites.

- It is encouraging to see that Cupertino has distributed it's priority housing element sites across the city as this type of distribution is an important requirement stated by HCD. However, the distribution should be more robust for numerous reasons. Cupertino should be planning for greater equity in access to all current and future, public amenities. The city is already imbalanced in this way. More serious efforts should be made to include additional housing distribution – of all types. One example is the Bubb Rd area. There have been many attempts over many years, to provide housing in that area. Now is the time for making that a reality. Housing along Bubb Rd would be close to De Anza College, major transportation corridors (Hwy 85, Stevens Creek Blvd) and existing recreational amenities.
- Several 'policies' are void of 'strategies' listed to implement the policy. To create a more useful document for future planning and decision making, strategies should be discussed, created, and presented in this Draft document prior to submittal to HCD.

Some (but not all) of the policies that need scrutinizing are:

Policy HE-1.1, Policy HE-1.2, Policy HE-2.1, Policy HE-2.2, Policy HE-3.2

More Specific:

- There is a seriously inaccurate claim made on page 1-7. Please correct this. The statement reads "...and the overall lack of support for new affordable housing development in the community." The consultant hired by the city should have known better than to make this statement. Not once during the many Housing Element meetings/discussions did any public speaker or committee/commission/council member, give reason for this to be an accurate statement. It was quite the contrary.
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All contaminant issues will be mitigated prior to a building permit issued.

Cyrah Caburian

From: Rhoda Fry [REDACTED]
Sent: Friday, December 23, 2022 7:55 PM
To: Housing
Subject: Housing Element Comments
Attachments: Cupertino-future-building-codes.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of Cupertino,

A number of people have suggested that we should not rely on pipeline projects. I disagree and trust that City Staff and consultants and housing commission made the correct informed decisions. I would also like to remind you that some pipeline projects can result in more housing than originally anticipated. For example, originally the project at the old Oaks Shopping Center was going to be hotel and office space. Now it is nearly all housing. An older example is Sevens Springs, which I recall wound up having higher density than originally anticipated. Our City certainly would not have allowed the buildings at Vallco to be torn down if a real project had not been anticipated. Additionally, if we have too much of a buffer, that could put us in a bind 8 years from now.

In parallel, I would like the City to determine whether the number of housing units required by the State are still reasonable given the changes in the economy and working conditions. Right now, we are seeing a number of vacancies in rentals, both residential and office. At the same time, we need to protect our shopping areas. I've observed that the parking lots in various retail locations are quite full and think that we could use more retail.

A component of affordable housing is utility cost. We need to have measures in place to **minimize cost of utilities** for all residents and especially those who are on limited incomes. I have seen where developers can build dwellings that are less energy-efficient for affordable housing units. This is wrong on two fronts. First, we are incinerating our planet and we **must take all available measures to combat global warming**, not incremental ones. Second, the cost of utilities will make up a larger portion of a person with a lower income than a person with a higher income. Energy-efficient dwellings can cost less to build. Why? Because if you build a good building envelope, one that has superior insulation and sealing, it will require less hvac equipment. It also means that you will need less roof space to install solar panels because energy demands will be lower. Please consider PHIUS standards, especially for high-density projects:

<https://www.phius.org/standards> <https://passivehouse.com/> Please also refer to a paper that I wrote up some time ago for the Cupertino Sustainability Commission. We must be looking to lowering our energy-use – that is what will help with global warming. Using energy, even if it is solar energy, to run HVAC equipment when a better building envelope would reduce its use, makes no sense. Likewise, it is a false-economy when people over-illuminate their spaces with decorative LED-lighting because it is energy-efficient. If you don't need it – don't use it. **We must have better building envelopes and require air-tightness testing and appropriate remediation.** High-density housing should also be equipped with internet access so that residents do not have to purchase it separately. **All new housing must meet or exceed the State's current green-building standards (T-24, etc...) with no exceptions for affordable units.**

We need to provide permanent affordable housing. Currently, affordable housing units only last 45 or 55 years, depending on whether the unit is leased or owned. This is not long enough. That amount of time goes by in the blink of an eye. The City of Los Altos is requiring 99 years. We should do the same – or even better.

It is a good thing that some land is being re-purposed for housing. However, we need to make sure that the land can support healthy housing. If housing is adjacent to a freeway or other air pollution, there must be measures in place to ensure that the home is healthy to live in. Similarly, there must also be soil testing. Keep in mind that the epa and water board has different thresholds for different uses. So if a property is being used for commercial use, it is okay for there to be a certain amount of soil or groundwater contamination. If the land is repurposed, we must ensure that it is suitable for housing. Consider Bay View in San Francisco where residents have had generational health impacts. Particularly if people in BMR housing get sick, our County tax dollars will have to take care of their health costs. It is a false-economy (and immoral) to build on land that is not suitable for habitation.

Typographical error “pose an **undo** burden on the development of affordable housing.” Should read “undue.” The question is, what is “undue?” A construction project that is less profitable for the developer but contributes more to global warming is not an undue burden – it is a duty. Same for building on healthy sites.

The City should not “Lower Fees for Multi-Family Housing Projects. Cupertino has development fees that are among the highest in the region. The City will revise its fee structure to lower fees for multi-family housing so that they are in line with the regional average.” Our City must recover actual building development fee costs. There are other ways that a developer can increase the profitability of their project through various concessions such as density bonuses.

As we move toward having more high-density housing, we also need to ensure that there is accessible open space adjacent to these projects for the health and well-being of its residents.

That’s about all the time I have to write you a quick note on this . . . there’s never enough time!

Thanks,
Rhoda Fry

Cupertino Must Implement the Building Standards of the Future Now to Promote Sustainability and Address Climate Change

Future-Proofing Cupertino's Built Environment

Cupertino must implement the building standards of the future now to promote sustainability and address climate change. Since 39% of total U.S. energy is consumed by the residential and commercial sectors, the built environment must become more energy-efficient.¹ Consequently we should adopt building standards of the future now, such as LEED Platinum, Zero-Net Energy, and Passive House. This document lists Cupertino planned development, summarizes Cupertino green building standards, provides information about Zero-Net Energy and Passive House standards, and proposes strategies on how to future-proof Cupertino's built environment.

Cupertino Major Planned Development

The Cupertino Planning Department major development project list anticipates over 3700 housing units to be built (most replace existing buildings);² this represents an over 18% increase in housing since the 2010 census reported 20,181 households.³ Not including Vallco, 173,000 SF of commercial space is approved to be built or renovated.

Residential Units: 3700+	Commercial: 173,000 SF (not including Vallco)
Vallco: 2400+ housing units	Westport: new 20,000 SF
Hamptons: 942 apartments (net increase of 600)	Marina: new 23,000 SF and 122-room hotel
Westport (The Oaks): 204 housing units	Target: renovated 129,650 SF
Marina: 188 housing units	

Cupertino Green-Building Standards

The Cupertino Green Building Standards Code (16.58.220) mandates only minimum green building requirements.⁴ For larger projects this mandate is slightly extended, but not as much as neighboring cities. The following standards make up Cupertino's green building standard: CALGreen, Green Point Rated, LEED, and approved alternates.

CALGreen, the California Green Building Standards Code

CalGreen is the California Building Code Regulations, Title 24, Part 11 (Title 24 or even T24, for short). CalGreen has a mandatory checklist for Planning and Design; Energy Efficiency; Water Efficiency and Conservation; Material Conservation and Resource Efficiency; and Environmental Quality. Cities that have extended the basic CalGreen energy standards include: Los Altos, Menlo Park, Palo Alto, San Francisco, and Santa Monica.⁵ Projects achieving additional measures, such as 15% or 30% energy reduction, can earn a Tier 1 or Tier 2 rating.⁶

LEED, Leadership in Energy and Environmental Design, by the U.S. Green Building Council (USGBC)

LEED is the most widely used green building rating system in the world.⁷ There are four levels of certification that are achieved through a points-based system, Certified (40), Silver (50), Gold (60), and Platinum (80). Projects built to CALGreen standards are pre-approved for significant streamlining of fundamental LEED V4 requirements.⁸

Green Point Rated (GPR) by Build It Green (BIG)

Green Point Rated is a program created by Build It Green, whose mission is to promote healthy, energy- and resource-efficient buildings in California.⁹ There are four levels of certification that are achieved through a points-based system, Certified (50), Silver (80), Gold (110), and Platinum (140). StopWaste has a quick reference guide that provides a comparison between GPR, LEED, and CALGreen Tiers 1 and 2.¹⁰

¹ U.S. Energy Information Administration: <https://www.eia.gov/tools/faqs/faq.php?id=86&t=1>

² Cupertino Planning Major Projects: <https://www.cupertino.org/our-city/departments/community-development/planning/major-projects>

³ Cupertino Census Data: <http://www.bayareacensus.ca.gov/cities/Cupertino.htm>

⁴ Cupertino Green Building Standards Code 16.58.220: [http://library.amlegal.com/nxt/gateway.dll/California/cupertino/cityofcupertinocaliforniamunicipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:cupertino_ca](http://library.amlegal.com/nxt/gateway.dll/California/cupertino/cityofcupertinocaliforniamunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:cupertino_ca)

⁵ Municipalities Exceeding CalGreen: <https://www.energy.ca.gov/title24/2016standards/ordinances/>

⁶ CalGreen: <http://www.bsc.ca.gov/Home/CALGreen.aspx>

⁷ United States Green Building Council (USGBC): <https://new.usgbc.org/>

⁸ USGBC / CALGreen Alignment: <https://www.usgbc.org/articles/us-green-building-council-announces-leed-v4-and-calgreen-alignment-california-projects>

⁹ Green Point Rated: <http://greenpointrated.com/about/>

¹⁰ Comparing Green Point Rated, CALGreen, and LEED: <http://www.stopwaste.org/sites/default/files/Documents/gprv6-leedv4-calgreen2013-res-comparisons-intro-2014.pdf>

1 Future Proofing Cupertino's Built Environment, Sustainability Commission (11/15/2018) Rhoda Fry frighthouse@earthlink.net

Summary of Cupertino New Construction Green Building Codes (with selected comparisons)

Residential <= 9 homes	CALGreen minimum thresholds (Los Altos: GPR certified at minimum 50 points ¹¹)
Residential > 9 homes	GPR certified at minimum 50 points; LEED Silver or alternate approved standard (Palo Alto: GPR certified at minimum 70 points ¹²)
Commercial <= 25,000 SF	CALGreen minimum thresholds (Palo Alto >= 5000 SF LEED Silver)
Commercial <= 50,000 SF	LEED Certified or alternate approved standard (Palo Alto >= 5000 SF LEED Silver)
Commercial >= 50,000 SF	LEED Silver or alternate approved standard (Menlo Park > 100,000 SF LEED Gold ¹³)

California Zero Net Energy (ZNE) by 2020

A Zero Net Energy Building is an energy-efficient building where, on a source energy basis, the actual annual consumed energy is less than or equal to the on-site renewable generated energy. The California Energy Efficiency Strategic Plan goals for the development of zero net energy building include: all new residential construction will be zero net energy (ZNE) by 2020; all new commercial construction will be ZNE by 2030; 50% of commercial buildings will be retrofit to ZNE by 2030; 50% of new major renovations of state buildings will be ZNE by 2025.¹⁴

Passiv Haus (Passive House)

The Passiv Haus (PHI) building standard was developed in Germany to reduce energy consumption in both residential and commercial buildings;¹⁵ its United States counterpart is Passive House (PHIUS).¹⁶ Keep in mind that Passive House is neither passive solar nor net-zero energy. The benefits of Passive House are:

- **Lower Energy Use** of 60-80% overall energy savings over typical buildings
- **High Indoor Air Quality** using controlled ventilation for a continuous supply of fresh filtered air
- **Comfortable and Consistent Indoor Temperature** due to a superior building envelope
- **Additional Operational and Construction Savings** from the elimination of conventional HVAC system and a smaller solar system, which can also make a zero-net energy building feasible¹⁷

This standard comprises five design principles used to attain a quantifiable and rigorous level of energy efficiency within a specific quantifiable comfort level:

1. **Optimal level of thermal insulation** throughout its entire envelope. Rock wool insulation, also known as stone wool or mineral wool, is often fastened to the exterior of the building. As an added benefit, rock wool insulation promotes fire safety because it withstands intense heat up to 2150°F (1177°C).¹⁸
2. **High-performance windows and doors** along with added insulation make Passive House buildings quieter and more comfortable than conventional buildings. Solar gain is managed to exploit the sun's energy for heating purposes in the heating season and to minimize overheating in the cooling season.
3. **Thermal bridge-free construction** avoids heat loss. A thermal bridge is a component which has higher thermal conductivity than the surrounding materials which creates a path for heat transfer.
4. **An airtight building envelope** prevents infiltration of outside air and loss of conditioned air. Air-sealing is the cheapest way to obtain energy-efficiency in buildings. The Passive House air-sealing requirement is at most 0.6 ACH @ 50Pa. (ACH: air changes per hour, Pa: pascal unit). The IECC (International Energy Conservation Code) requirement is at most 3 ACH @ 50Pa in our climate zone.¹⁹ The California Energy Commission requires air sealing,²⁰ but does not require performance testing.
5. **Ventilation with heat recovery**, such as a Heat Recovery Ventilation (HRV) system is a ventilation system that reduces high humidity, pollutants and odors by replacing stale air with fresh filtered air.

¹¹ City of Los Altos Green Building Ordinance: http://ag.ca.gov/globalwarming/pdf/los_altos.pdf

¹² City of Palo Alto Green Building Standards: <https://www.cityofpaloalto.org/civicax/filebank/documents/17681>

¹³ City of Menlo Park Green Building: <https://www.menlopark.org/DocumentCenter/View/12603/1024---GP-O-District?bidId=>

¹⁴ California Public Utilities Commission Zero Net Energy: <http://www.cpuc.ca.gov/ZNE/>

¹⁵ Passiv Haus International Building Standard: <https://passivehouse.com/>

¹⁶ Passive House U. S. Building Standard: <http://www.phius.org/home-page>

¹⁷ Passive House Benefits <http://www.passivehouseca.org/benefits-economics>

¹⁸ Benefits of Rock Wool Insulation: <https://www.rockwool.com/why-stone-wool/>

¹⁹ U.S. Department of Energy Air Leakage Guide:

https://www.energycodes.gov/sites/default/files/documents/BECPr_Buidling%20Energy%20Code%20Resource%20Guide%20Air%20Leakage%20Guide_Sept2011_v00_lores.pdf

²⁰ California Energy Commission Air Sealing Requirements:

https://www.energy.ca.gov/title24/2013standards/res_compliance_forms/CF2R/2013-CF2R-ENV-02-EnvelopeAirSealing.pdf

2 Future Proofing Cupertino's Built Environment, Sustainability Commission (11/15/2018) Rhoda Fry fryhouse@earthlink.net

A business case can be made for investing in Passive House for commercial buildings because they have lower operating costs and their superior indoor air quality reduces vacancies.²¹ In addition, Passive House commercial buildings have been built at costs comparable to typical new construction.²²

Examples of Large Residential and Commercial Passive House Projects in California and Elsewhere in the U.S.

Habitat for Humanity, Canon Perdido Condos, Santa Barbara, CA ²³	12-unit affordable housing project of which 3 units are Passive House U. S. certified
Green Gulch Zen Center, Muir Beach, CA ²⁴	8 dormitory units
Sol Lux Alpha, San Francisco, CA ²⁵	Collection of four condominium residences
Kiln Apartments, Portland, OR ²⁶	19 apartment units
The Stellar House, Portland, OR ²⁷	6-plex. This building had 36% energy-savings over an identical energy-efficient “Earth Advantage” version of the building
The Innovation Center, Basalt, CO ²⁸	Net-zero carbon 15,610 SF office building
Sunshine Healthcare, Spokane, WA ²⁹	Selected Passive House standard because it was cheaper to build and operate, and delivered superior comfort and indoor air quality
The Heights, Vancouver, Canada ³⁰	Mixed-use: 85 apartments, about 60,000 square feet, 6 stories high
310 N. Sangamon, Chicago, IL ³¹	268,000 SF office space and 7,800 SF retail space will be the largest Passive House office building in the U.S.
Chestnut Commons, New York, NY ³²	274-unit apartment complex will offer 80 BMR apartments
The House at Cornell Tech, New York, NY ³³	the tallest (26-story) Passive House building; also LEED platinum

Strategies on How to Future-Proof Cupertino’s Built Environment

Cupertino’s green building ordinance is not only lagging behind the leading edge of building science, but also of that of neighboring cities. We know that we can do better. Apple Park is expected to achieve LEED Platinum, and a decade ago, in 2008, The Kirsch Center at DeAnza College earned LEED Platinum.³⁴ In addition, demolishing relatively new “outdated” buildings and replacing them is wasteful. The Hamptons, a 342 apartment complex that was built in 1998, is planned to be replaced by 942 apartments. We need to build right the first time. We must not allow this to happen to the projects that are currently planned: 3700 new housing units (including Vallco) and 173,000 SF of commercial space (not including Vallco). With so much new construction expected, we must future-proof our buildings as follows:

- Review what neighboring cities are doing (exceed CalGreen, higher levels of GPR, LEED, etc...)
- Adopt features of 2019 Title 24 now and save 7% in energy use over the 2016 energy-efficiency standard while reducing total cost of ownership³⁵
- Follow the State of California’s goal of zero net energy. The City of Palo Alto already has ambitious zero net energy and zero net carbon building targets.³⁶
- Reduce reliance on natural gas
- Select items among points-based rating systems, such as LEED and GPR, that are meaningful to Cupertino
- Implement the Passive House building standard for large projects to further reduce energy use

²¹ Commercial Passive House: <https://commercial.phius.org/service-category/breaking-down-numbers-business-case-phius>

²² Affordable Passive House: <https://www.usgbc.org/education/sessions/building-energy-15/affordable-passive-house-commercial-buildings-secrets-revealed>

²³ Habitat for Humanity, Canon Perdido Condos: <http://www.phius.org/projects/1185>

²⁴ Green Gulch Zen Center Dormitory: <http://www.phius.org/projects/1052?sort=%60Projects%60.%60StateId%60+ASC>

²⁵ Sol Lux Alpha: <http://www.phius.org/projects/1170?sort=%60Projects%60.%60StateId%60+ASC>

²⁶ Kiln Apartments: <http://kilnpdx.com/>

²⁷ Stellar Apartments: <http://www.phius.org/projects/1174?sort=%60BuildingFunctionTypes%60.%60BuildingFunctionType%60+ASC>

²⁸ Innovation Center: <https://www.rmi.org/our-work/buildings/scaling-zero-net-carbon/rmi-innovation-center/>

²⁹ Sunshine Healthcare: <https://commercial.phius.org/case-study/sunshine-healthcare-spokane-wa>

³⁰ The Heights: <http://www.eighthavenue.ca/projects/completed-projects/the-heights,-388-skeena,-vancouver---canada-s-largest-passive-house-building-234>

³¹ 310 N. Sangamon: <https://www.chicagotribune.com/business/columnists/ori/ct-biz-fulton-market-offices-ryan-ori-20180608-story.html>

³² Chestnut Commons: <https://ny.curbed.com/2017/10/27/16560700/east-new-york-affordable-housing>

³³ The House at Cornell Tech: <https://www.metropolismag.com/architecture/passive-house-cornell-tech/>

³⁴ DeAnza College Kirsch Center: <https://www.deanza.edu/es/kirsch/leed.html>

³⁵ California 2019 Building Energy Efficiency Standards (Title 24): <https://www.energy.ca.gov/title24/2019standards/>

³⁶ Palo Alto Zero Net Energy Road Map: <https://www.cityofpaloalto.org/civica/x/filebank/documents/63492>

Cyrah Caburian

From: Griffin [REDACTED]
Sent: Saturday, November 26, 2022 10:32 PM
To: City of Cupertino Planning Commission; HousingCommission; City of Cupertino Parks and Recreation Commission; City of Cupertino Sustainability Commission
Cc: City Clerk; City Council
Subject: Please Review the Draft Housing Element

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioners and City Council Members,

Unfortunately, the public has 30-days to review and comment on the Draft Housing Element document. Comments are due preferably before Friday, December 23, 2022. I'd recommend they be submitted earlier and in priority order.

What you can do:

- Call an emergency meeting of your commission, reviewing the doc beforehand and provide comments as a commission. If this is not possible...
- Review the document individually and provide comments.

PLANNING COMMISSION:

- Chapters 1 (Overview)
P 1-7, 2nd to last paragraph says "...and the overall lack of support for new affordable housing development in the community."
 - Chapter 2 (Goals, Policies and Strategies)
 - Chapter 4 (Vacant and Available Sites)
 - Appendix B4 Vacant and Available sites
 - Appendix B5 Review of Previous Housing Element
- NOTES:
- It does not designate Tier 1 and Tier 1 sites. It treats all sites the same i.e. rezone all, etc.
 - HE-1.3 .10 Says "...Cupertino has development fees that are among the highest in the region. The City will revise its fee structure to lower fees for multi-family housing..." (P 2-9)
 - HE-2.3.5 Says put housing on green fields i.e. our parks and closed schools. (P 2-14)
 - HE-4.1.3 Says development should include green roofs. (P 2-22)

HOUSING COMMISSION:

- Chapters 2 (Goals, Policies and Strategies)
- HE-2.3.5 Says put housing on "green fields" i.e. our parks and closed schools. (P 2-14)
- HE-4.1.3 Says development should include green roofs. (P 2-22)
- Chapter 3 (Housing Needs and Constraints)
- Appendix B2(Housing Needs Assessment)
- Appendix B3 Housing Constraints

SUSTAINABILITY COMMISSION:

- Chapter 5 (Energy Conservation)

Not up to date

PARKS AND REC COMMISSION:

- Chapter 2 (Goals, Policies and Strategies)

NOTE:

- HE-2.3.5 Says put housing on green fields i.e. our parks and closed schools. (P 2-14)

- HE-4.1.3 Says development should include green roofs. (P 2-22)

CITY COUNCIL SUBCOMMITTEE ON HOUSING ELEMENT:

- Appendix B6 List of Contacted Organizations

PLEASE, if you can review any section, it would help our city. Prioritize your comments. Typos are irrelevant at this point. It's content that 's important. Read every word. Don't skim! Your comments should be in priority order.

Thank you,
Peggy

LINK TO DRAFT HE DOC:

https://ehq-production-us-california.s3.us-west-1.amazonaws.com/0790584f78763eec9499b2f8c98493d7f6e6f957/original/1668797753/bd1ec55ec1d99f164c3c1fa3c7ef2284_Cupertino_6th_Cycle_Housing_Element_Admin_Draft.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20221122%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20221122T214406Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=4aea7f02de61c79c72e89211130db01af4b4520c4c37c13ac6733befc379b4a5

Cyrah Caburian

Subject: FW: SV@Home Comment Administrative Draft Housing Element Update
Attachments: SVH Comment Cup Admin Draft HEU 12_23_22.pdf

From: Mathew Reed [REDACTED]
Sent: Saturday, December 24, 2022 4:48 PM
To: Luke Connolly <LukeC@cupertino.org>
Cc: Housing <Housing@cupertino.org>; City Council <CityCouncil@cupertino.org>
Subject: SV@Home Comment Administrative Draft Housing Element Update

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Connolly.

Please find our comment on the Administrative Draft Housing Element Update attached.

Mathew Reed
Director of Policy
[REDACTED]



Board of Directors

Kevin Zwick, Chair
United Way Bar Area

Gina Dalma, Vice Chair
*Silicon Valley Community
Foundation*

Candice Gonzalez, Secretary
Sand Hill Property Company

Andrea Osgood, Treasurer
Eden Housing

Shiloh Ballard
Silicon Valley Bicycle Coalition

Bob Brownstein
Working Partnerships USA

Amie Fishman
*Non Profit Housing
Association of Northern CA*

Ron Gonzales
*Hispanic Foundation
of Silicon Valley*

Javier Gonzalez
Google

Poncho Guevara
*Sacred Heart Community
Service*

Janice Jensen
*Habitat for Humanity
East Bay/Silicon Valley*

Janikke Klem

Jan Lindenthal
MidPen Housing

Jennifer Loving
Destination: Home

Mary Murtagh
EAH Housing

Chris Neale
The Core Companies

Kelly Snider
Kelly Snider Consulting

Staff
Regina Celestin Williams
Executive Director

TRANSMITTED VIA EMAIL

December 23, 2022

Community Development Department
Attn: Luke Connolly, Acting Community Development Director
10300 Torre Avenue
Cupertino, CA 95014

Mr. Connolly:

The 6th Cycle Housing Element Update process is a unique opportunity to more fully assess the breadth of housing needs in Cupertino and to identify new tools to address these needs and constraints on developing housing. This process is also an opportunity to engage deliberately with the full community across income levels, especially those representative of populations that have been historically excluded and are at risk of displacement, to share their housing needs.

This unique opportunity is qualitatively and quantitatively different from previous cycles, and is required to adhere to clear legal guidance outlined by the California Department of Housing & Community Development (HCD) in multiple documents interpreting state law. This is not a simple process, and we appreciate the effort that the City of Cupertino staff and members of the community have invested over the last year. As you know, however, the expectations for this process are high, and jurisdictions throughout the state have struggled to generate compliant housing elements for this cycle.

Unfortunately, the initial "Administrative Draft" Housing Element released on November 18, 2022 is incomplete, and fails to meet most of the state standards and statutory requirements of a housing element. We look forward to a completed draft to provide more detailed comments.

We would draw attention to a number of areas where we believe the current draft is particularly lacking.

Public engagement, integration of community input, and affirmatively furthering fair housing through deliberate outreach and inclusion of protected classes likely to suffer disproportionately from housing needs

While early public meetings, events, and discussions drew substantial community interest including several successful community engagement events held in partnership with West Valley Community Services the perspective of community members sharing experiences and housing needs do not appear to have been integrated into the document. As the public engagement process proceeded we believe that city leaders deliberately blocked meaningful participation, including by representatives of enumerated protected classes.

Most disturbing was the action by the City Council in March of 2022 to dismiss a Stakeholders Group chosen through a blind review of applications publicly solicited to reflect the breadth of the community and include representatives of protected classes. The

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Council instead chose an ad hoc Community Engagement Plan-Strategic Advisory Committee, comprised of only elected and appointed officials. This committee held a series of meetings noticed only 24 hours in advance, which failed to actively solicit community input and did not address the substantive requirements of the housing element process. The Council has demonstrated unwillingness to allow the Housing Element process to continue without interference, or to comply with basic statutory requirements and standards.

As a result, the draft does not fully address the housing needs in Cupertino, and has provided vague and inadequate programs and policies -- the document failed because the process failed.

Governmental constraints on housing production, and the barriers to development at the Valco site.

The required assessment of the cumulative constraints of local impact fees and taxes, land use designations, development review and approval process, and design standards has not been completed. The current draft does include a strategy (HE-1.3.10) to lower fees so they are inline with regional averages, but does not assess the cumulative impact of these fees, nor describe how the fee reductions will specifically support lower-income housing development. The City of Cupertino does not have a history of supporting multi-family development, and will likely need to reduce fees significantly, particularly on affordable housing development. This will be particularly true of park fees, which are significantly higher than neighboring cities, and do not appear to be dedicated to new parks as required. Cities throughout the region are assessing the cumulative impact of fees and taxes in recognition that the status quo or average is a governmental constraint on residential development.

Similarly, the city should conduct a thorough evaluation of its land use and development review process in order to demonstrate confidence that it will be able to meet the housing need levels as determined through the RHNA process, and distribute lower income housing opportunities around the city as required by AFFH guidelines. While we are pleased to see efforts to develop policies to streamline affordable projects we are concerned that multiple barriers will continue to significantly constrain development.

This is particularly important for the Valco site, which is planned for a mixed-use development that will eventually provide more than half of the 6th Cycle RHNA obligation and well over 100% of its low income units. Any barriers to the development of this site during the planning period should be considered a governmental constraint and be removed. The city has openly fought the development of this site including legal challenges to its SB35 application, and a potentially illegal downzoning of the site in 2019 intended to make the proposed development infeasible. The Cupertino Housing Element update must include explicit General Plan and zoning updates, and fee reviews to accommodate the mixed-use project as proposed. Failure to remove known barriers, and to cease obstructionary actions, should be considered cause for denying state certification.

The City of Cupertino's Draft 6th Cycle Housing Element falls far short of the statutory requirement at multiple levels, from its failure to elicit and reflect community input, to its deficient analysis of needs, to its absence of concrete programs with implementation details and timelines. We also believe the sites inventory falls significantly short of the AFFH requirements for this process. We regret that the Draft Housing Element, as it stands today, does not represent a serious effort for housing and community advocates to engage with. SV@Home strongly recommends that the City's new Housing Element consultant be provided the resources and support needed to produce a compliant Housing Element.