



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, July 25, 2023

SPECIAL MEETING

At 5:01 p.m. Mayor Hung Wei called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

Present: Mayor Hung Wei, Vice Mayor Sheila Mohan, and Councilmembers Liang Chao, J.R. Fruen, and Kitty Moore. Absent: none.

STUDY SESSION

1. Subject: Study Session and staff presentation on the 6th Cycle Housing Element Update
Recommended Action: Receive the staff presentation on the 6th Cycle Housing Element Update and confirm sites selection strategy and provide policy direction.

Written communications for this item included a staff presentation and emails to Council.

Assistant Community Development Director Luke Connelly and Housing Manager Piu Ghosh gave a presentation.

Councilmembers asked questions and made comments.

Council recessed from 6:19 p.m. to 6:27 p.m.

Staff continued the presentation.

Councilmembers asked questions and made comments.

Mayor Wei opened the public comment period and the following people spoke.

Xinpei, representing Cupertino Youth Climate Team, supported promoting climate initiatives, the use of public transit, and denser and more sustainable neighborhoods.

Gwyn Azar, representing Cupertino Youth Climate Team, supported prioritizing climate goals, high density affordable housing, access to transit hubs, and bikeability/walkability.

Jennifer Griffin was concerned about the Rancho Rinconada neighborhood, the Housing Element process, and public engagement.

Jean Bedord supported revisions to the Housing Element draft and incorporating the policy and program recognitions submitted by Cupertino for All (CFA).

Reverend Robin Poppoff, representing St. Jude's Episcopal Church Social Justice Committee, supported more diverse and affordable housing for inclusion and equity.

Siddharth Kotapati supported a compliant Housing Element plan prioritizing affordability, with a greater amount of housing than the previous draft.

Cassandra Magana, representing West Valley Community Services, supported inclusivity for all income groups, climate smart goals, and CFA's policy and program submittal.

Philip Nguyen, representing Cupertino for All, supported a compliant and ambitious Housing Element, including CFA's policy and program recommendations.

Nicole Phan, representing Cupertino for All, supported an ambitious Housing Element, including the policy and program recommendations from CFA.

Neil Park-McClintick, representing Cupertino for All, supported an ambitious direction for the new version of Housing Element draft and the policy recommendations of CFA.

Erik Poicon supported affordable housing, addressing De Anza College students' and community needs, in line with AB 686 to promote fair housing opportunities.

Justin Dang, representing Cupertino for All, supported an ambitious Housing Element like the one proposed by CFA.

Lisa Warren supported a balanced site inventory considering unit type, affordability, density, height, open space, and neighborhood schools; and preserving and gaining retail.

Planning Commissioner Steven Scharf (representing self) was concerned about pipeline projects and disqualifications, subsidizing developers, and keeping impact fees.

Janet Van Zoeren supported a Housing Element to specifically assess or plan for the housing needs of people with developmental disabilities. (Submitted written comments).

Henry Widjaja was concerned about the issues of affordable housing and the quality of the Housing Element and supported an ambitious plan.

Maddon Hoh-Choi supported an ambitious Housing Element prioritizing housing production, tenant protections, affordability for all, and walking, biking, and transit.

Ryan Globus supported a compliant and ambitious Housing Element following some of the recommendations from CFA.

Glenn Fishler supported diverse and sustainable housing for all income levels and an ambitious and compliant plan, including CFA's policies and recommendations.

Bicycle Pedestrian Commissioner John Zhao (representing self) supported CFA's policy and program recommendations, renter protections, and preserving affordable homes.

Sujatha Venkatraman (representing West Valley Community Services) supported a compliant plan for an inclusive community and preserving existing affordable housing.

Peggy Griffin supported preserving existing retail centers, keeping 2,402 units at Vallco, and not adding more than is needed due to AB 2011. (Submitted written comments).

Ming Egan supported an ambitious Housing Element, including CFA's policy recommendations, and more affordable housing for multi-generational households.

Sean Hughes supported CFA's recommendations and policies as guided by the three principles of production, preservation, and protection.

Parks and Recreation Commissioner Sashi Begur (representing self) was concerned about affordable housing and quality of life for all income levels and approving a plan without further delay.

Parks and Recreation Commissioner Jennifer Shearin (representing self) supported an aspirational and compliant plan with biking, walking, and transit, and CFA's recommendations.

Kamyab Mashian supported an ambitious and compliant Housing Element, the policy and programs proposed by CFA, and a case-by-case approach to preserve retail.

Dan Marshall supported streamlining the permitting process for accessory dwelling units, with designated staff for the review process, and building heights at six stories or above.

Gauri Chawla supported an ambitious and compliant Housing Element that creates opportunities for affordable housing, including for low incomes and the unhoused.

Shivani Kavularu supported an ambitious, compliant, and inclusive House Element, as outlined by CFA's policy recommendations.

Will supported a compliant and ambitious Housing Element, as part of a community that is livable for young people, with housing that is affordable.

Mayor Wei closed the public comment period.

Two or more councilmembers commented on the following:

- Include and take into consideration all councilmember and public comments that have been received when revising the response to HCD;
- Provide general direction to staff, to allow for staff discretion to take all comments and work with the Housing Element consultant and make choices;
- Consider broad areas of concern such as parking, teacher housing, student housing, etc. in the Housing Element update process.

Fruen moved and Wei seconded:

That in addition to collecting council input in open session, that staff be directed to undertake each of the following in the preparation of Cupertino's next draft submission of the Housing Element revision to the California Department of Housing and Community Development (HCD):

1. With respect to the Site Inventory that staff revise the draft Site Inventory to:
 - a. Include all Tier 1 and Tier 2 sites and revise their proposed densities in response to outreach to property owners as appropriate;
 - b. Include appropriate Heart of the City parcels eligible for housing redevelopment under AB 2011, and consider densities and heights above the AB 2011 baseline in order to maintain other development standards and placemaking opportunities;
 - c. Modify the number of expected homes from pipeline projects in accordance with HCD feedback and consultant advice.
2. With respect to public participation and development of the six required areas of policies and programs, that staff:
 - a. Collect all input from letters and comments submitted for today's meeting--especially the calls for an "ambitious Housing Element"--and examine the

suggested policies, programs, and concerns for analysis and potential inclusion in the revised draft; and

- b. Prioritize policy and program focus on the following:
 - i. Reducing constraints to housing development
 - ii. Facilitating missing middle housing to affirmatively further fair housing
 - iii. Assisting the lowest income households through targeted policies and the development of ELI, emergency interim, and permanent supportive housing

Wei made a friendly amendment to add to 2(b)(iii):

- iii. Assisting the lowest income households through targeted policies and the development of ELI, emergency interim, and permanent supportive housing **and housing for De Anza students.**

(Fruen accepted Wei's friendly amendment).

Council recessed from 8:26 p.m. to 8:33 p.m.

Chao made a friendly amendment to add:

- Per Housing Element law, consider all public input received throughout the Housing Element process when drafting programs and policies;
- Identify the allocated Regional Housing Needs Allocation (RHNA) units plus the suggested 25-30% buffer;
- Consider these programs and policies:
 - Add category requirement for extremely low income, very low income, low income;
 - Prioritize Housing for people with development disabilities/special needs
 - Cupertino's Below Market Rate (BMR) priority points policy needs to be adjusted so that priority eligibility points that favor others no longer create a barrier to BMR housing eligibility for those with developmental disabilities;
 - Preserve existing BMR units with potential bonds or grants to purchase units;
 - Rental registration to assess the need for vacancy tax;
 - Expand preapproved accessory dwelling unit (ADU) plans - 10 different plans with more guidance on how to build one;
 - Explore multiple-unit family under Senate Bill 9 for middle income housing - while considering neighborhood integrity;
 - Incentives for BMR Family Housing and Large Units
 - Research and implement incentives to encourage larger units, such as Federal Acquisition Regulation (FAR) exemptions for three or more bedroom units, and creation of family-friendly design standards. Make

recommendations to Council and follow up with an ordinance to effect a change in local zoning regulations as directed.

- Incentivize for-sale units to provide opportunities for people to build up equity to facility upward mobility.

(Fruen declined Chao's friendly amendment and it was not included in the motion).

Chao made a second friendly amendment to add:

- Per Housing Element law, consider all public input received through the Housing Element process when drafting programs and policies;
- Identify the allocated RHNA units plus the suggested 25 to 30% buffer;
- Consider input from all Councilmembers provided at this meeting for programs and policies.

Fruen and Wei accepted Chao's second friendly amendment.

Fruen's motion as amended by Wei and Chao carried with Moore abstaining.

Final motion:

Fruen moved and Wei seconded that in addition to collecting council input in open session, that staff be directed to undertake each of the following in the preparation of Cupertino's next draft submission of the Housing Element revision to the California Department of Housing and Community Development:

1. With respect to the Site Inventory that staff revise the draft Site Inventory to:
 - a. Include all Tier 1 and Tier 2 sites and revise their proposed densities in response to outreach to property owners as appropriate;
 - b. Include appropriate Heart of the City parcels eligible for housing redevelopment under AB 2011, and consider densities and heights above the AB 2011 baseline in order to maintain other development standards and placemaking opportunities;
 - c. Modify the number of expected homes from pipeline projects in accordance with HCD feedback and consultant advice.
2. With respect to public participation and development of the six required areas of policies and programs, that staff:
 - a. Collect all input from letters and comments submitted for today's meeting--especially the calls for an "ambitious Housing Element"--and examine the suggested policies, programs, and concerns for analysis and potential inclusion in the revised draft; and
 - b. Prioritize policy and program focus on the following:
 - i. Reducing constraints to housing development
 - ii. Facilitating missing middle housing to affirmatively further fair housing

- iii. Assisting the lowest income households through targeted policies and the development of ELI, emergency interim, permanent supportive housing, and housing for De Anza students.
3. Per Housing Element law, consider all public input received through the Housing Element process when drafting programs and policies;
4. Identify the allocated RHNA units plus the suggested 25 to 30% buffer; and
5. Consider input from all Councilmembers provided at this meeting for programs and policies.

Fruen's motion as amended by Wei and Chao carried with Moore abstaining.

ACTION CALENDAR

2. Subject: Consider taking a position in support of, in opposition to, or otherwise regarding Senate Bill ("SB") 423: Streamlined Housing Approvals: Multifamily Housing Developments
Recommended Action: Consider taking a position in support of, in opposition to, or otherwise regarding SB 423

City Attorney Chris Jensen reviewed the staff report.

Councilmembers asked questions and made comments.

Mayor Wei opened the public comment period and the following people spoke.

Jennifer Griffin supported removing the references to the Coastal Commission in SB 423.

Jean Bedord questioned supporting SB 423 in its current form and supported taking a neutral position.

Neil Park-McClintick supported taking a position supporting SB 423 or at least taking no position.

Sean Hughes supported taking a position supporting SB 423 or at least taking no position.

Kamyab Mashian supported taking a position supporting SB 423 or at least taking no position.

Peggy Griffin opposed SB 423 in its current form and supported taking a position of opposition.

Ryan Globus supported taking a position supporting SB 423 or taking a neutral stance.

Shivani Kavuluru supported taking a position supporting SB 423 or taking no stance.

Lisa Warren supported taking a position opposing SB 423 or at least with amendments.

Mayor Wei closed the public comment period.

Wei moved and Mohan seconded to table the item and instruct the City Attorney's to monitor SB 423 and provide updates to the Council. The motion carried with Chao and Moore voting no.

ADJOURNMENT

At 9:31 p.m., Mayor Wei adjourned the Special City Council Meeting.

Minutes prepared by:

Kirsten Squarcia, City Clerk