

CC 07-25-2023

Item No. 1

6th Cycle Housing
Element Update

Written
Communications

From: [Rhoda Fry](#)
To: [City Clerk](#); [City Council](#)
Subject: Agenda Item #1 Housing Element July 25 City Council
Date: Monday, July 24, 2023 12:31:37 PM

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.

Agenda Item #1 Housing Element July 25 City Council

Dear City Council,

SUMMARY FOR MINUTES – Rhoda Fry expressed concerns about losing public right-of-way for sidewalks and utilities, giving up commercial areas and associated sales revenue, and requested greater transparency pertaining to property density and status on the current draft.

I am concerned about the housing element in the following ways.

1. Until recently, I didn't realize that when a property is listed in the housing element that it receives special **privileges**. Because of this, we want to minimize the number of properties that are on the list. For example, a property owner could build on a zero-lot line in the front. **Have we examined all of the listed properties for the impacts of building on a zero-lot line?** What about sidewalks? What if there is no room for a sidewalk – will the street be narrowed? What about room for utilities? And more. **We must be assured a public right-of-way for these properties.**
2. **Please identify the density of the properties.** It is hard, if not impossible, to figure out what the density will be without doing my own research. Please list the density explicitly for each proposed property.
3. **I am very worried about our City giving up prime commercial areas.** We need assurance that we retain square footage in commercial areas. Housing can be built above. Presently, over 70% of our sales-tax revenue comes from a single source - Apple. We need commercial diversity. When Cupertino was cut out of San Jose, San Jose kept much of the commercial areas. Cupertino way back when, was left at a disadvantage. Let's not make a bad thing worse.
4. Please provide a status report as to where we're at with the new draft. It would be easier to comment if we understood where we're at now. How can there be meaningful public engagement without transparency?

Thanks,
Rhoda

From: [Kitty Moore](#)
To: [Pamela Wu](#); [City Clerk](#)
Subject: Agenda Item 1 Housing Element Pipeline Projects
Date: Monday, July 24, 2023 9:03:20 AM

Questions for Agenda Item 1:

Please provide the correspondence with HCD regarding pipeline projects which indicates they challenge the 2,402 residential units entitled at Vallco which were successfully litigated in the Santa Clara County Superior Court over 3 years ago and the 600 residential units entitled at the Hamptons.

We need to ensure the requirement to add 1,200+ residential units to our Housing Element, which already required 4,500+ total units, in writing from HCD before proceeding.

HCD should additionally have a clear and defensible requirement available which explains why entitled units are being considered unacceptable and if they do not the city should help provide statewide enforceable guidance on the matter of pipeline projects for clarity to all cities. Please point to pre-existing HCD guidance on pipeline projects, or is this a new condition, if so, is it consistently applied to all cities?

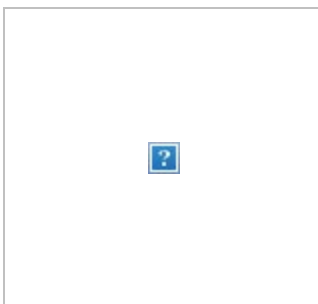
Given the State has uniquely been reviewing our city through the ongoing CDTFA audit resulting in reducing our tax revenue over \$20 Million annually, then having an arbitrary number of our entitled pipeline projects allegedly considered not acceptable to the State HCD, resulting in adding another 600+ affordable units to the over 2,000 our original RHNA had, we are left with a \$2B + unfunded housing mandate in Cupertino alone.

Please provide a realistic cost for the affordable units in our Housing Element, how many additional units staff is adding based on the assumption HCD will not accept over 1,200 pipeline projects, what the revised total is based on this assumption, and where the funding is coming from to ensure they get built.

Regarding the affordable unit numbers, does the city have any single project with more than 500 affordable units? Is there a project in the county with more than 500 affordable units in one place that we can study?

Thank you,

Kitty Moore



Kitty Moore

Councilmember
City Council
kmoore@cupertino.org
(408) 777-1389



From: [Pamela Wu](#)
To: [Benjamin Fu](#); [Luke Connolly](#); [Christopher Jensen](#)
Cc: [City Clerk](#)
Subject: FW: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES
Date: Monday, July 24, 2023 8:12:56 AM
Attachments: [MAP of HE Tier1 Sites from 2023-2031 Cupertino HE-HCD Submittal Draft Feb 2023 P11of38.pdf](#)
[MAP of Proposed NEW set of HE Sites in BLUE.pdf](#)
[MAP of HE Pipeline Sites in GREEN.pdf](#)



Pamela Wu

City Manager
City Manager's Office
PamelaW@cupertino.org
[\(408\)777-1322](tel:(408)777-1322)



From: Liang Chao <LiangChao@cupertino.org>
Sent: Monday, July 24, 2023 12:03 AM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>
Subject: Fw: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES

Ms. Griffin raised questions that are likely common among the many residents who have diligently followed the HE process in 2022.

Please answer these questions:

Q1: Which sites on the Tier1 list are being kept?

Q2: Which sites, if any, on the Tier1 list are being eliminated? Why exactly because there was a lot of public input to develop this list?

REQUEST: Please provide a spreadsheet and map listing all Tier1 sites and indicate which are removed and why.

Once the sites are selected,

Q3: Will the public be allowed to comment on the sites selected – I mean the actual list – whether they should be on the list at all, not just their zoning?

Q3: Will Council have last review/approval of the final list? When?

Q4: Who will review/comment on Draft #2 before it is submitted to HCD?

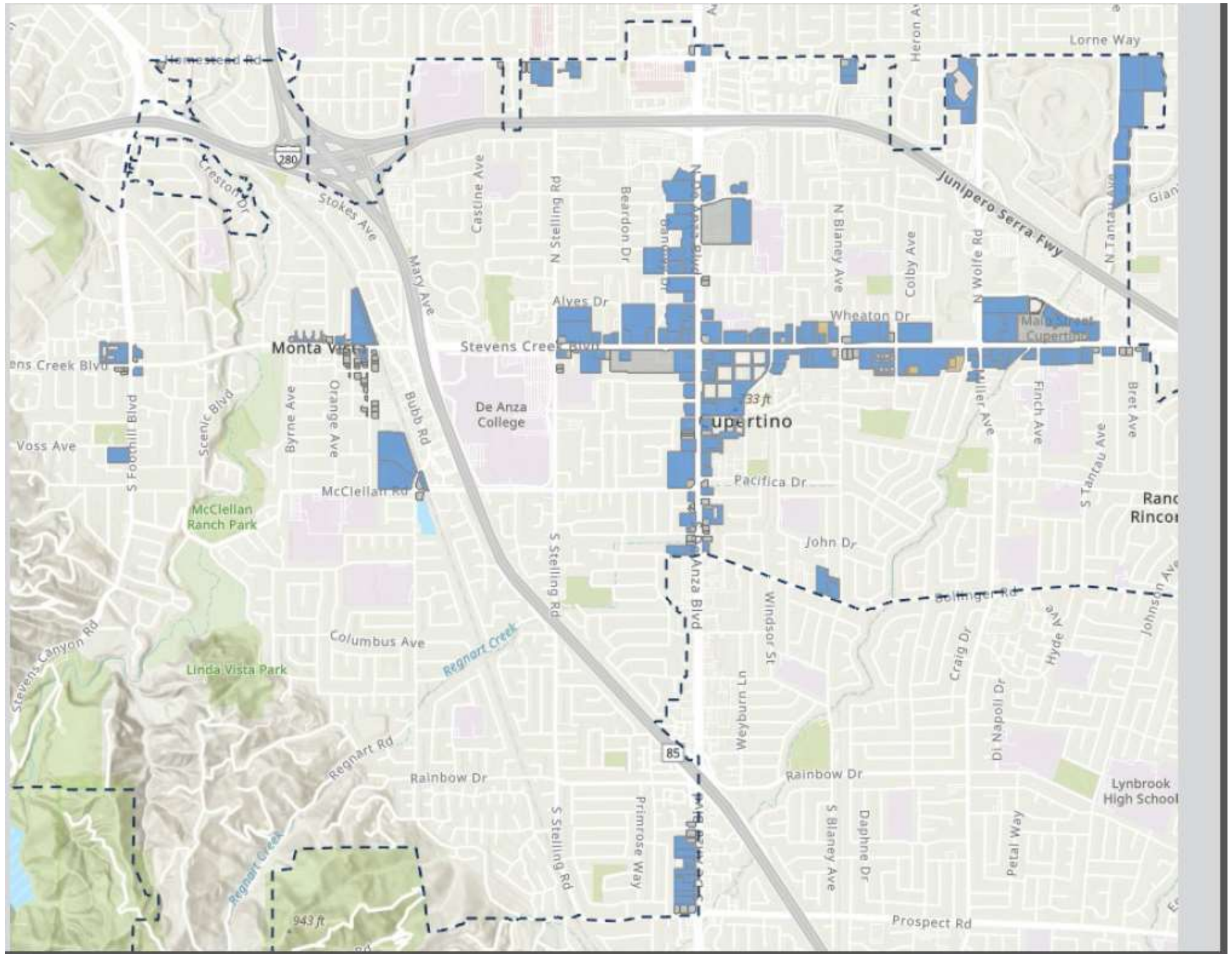
Figure HE-1 Potential Sites Inventory Map



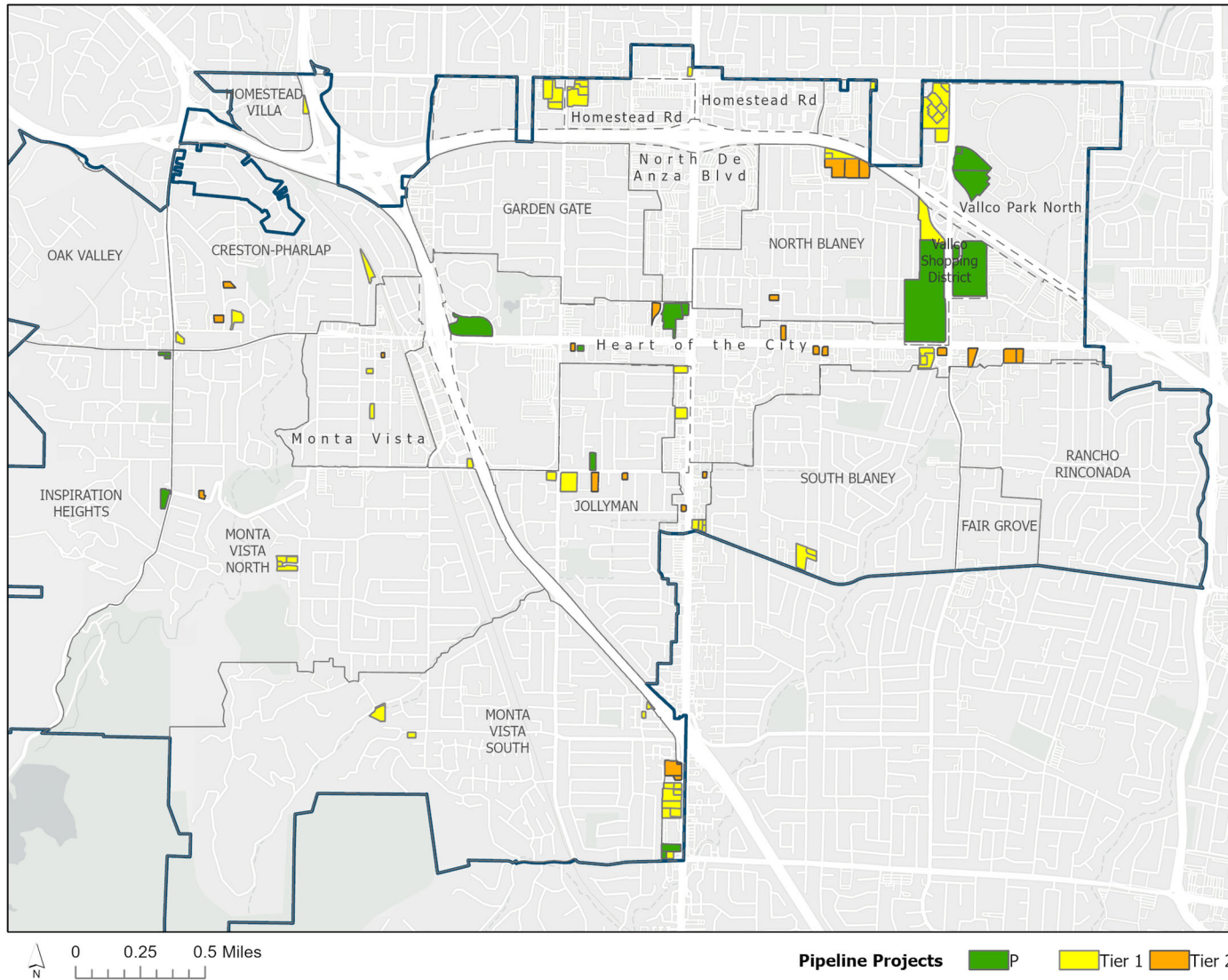
Tier 1 Projects

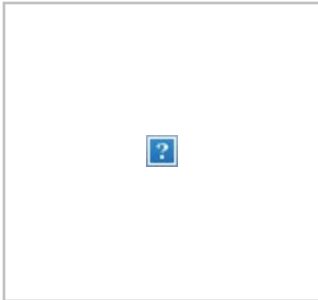


AB2011 with HCD size criteria



Reference Map for Recommended Sites



**Liang Chao**

Council Member

City Council

LiangChao@cupertino.org

408-777-3192



From: Peggy Griffin <griffin@compuserve.com>**Sent:** Sunday, July 23, 2023 8:46 PM**To:** Luke Connolly <LukeC@cupertino.org>; City Council <CityCouncil@cupertino.org>**Cc:** City Clerk <CityClerk@cupertino.org>**Subject:** 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW 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.

PLEASE INCLUDE THE FOLLOWING EMAIL AND ALL ATTACHMENTS (TOGETHER) AS PART OF WRITTEN COMMUNICATION FOR THE ABOVE CITY COUCIL MEETING AGENDA ITEM.

Dear Luke Connolly and City Council,

The 2 maps provided in the presentation slides (p 30, 31) seem to indicate all the NEW sites to be added to the HE list! There is

- No map of the pipeline projects
- No map showing the overlap of "Tier 1 approved HE sites" with the "Proposed BLUE sites".
- No map showing all the sites on one map!

I am very concerned about the "proposed updated site selection strategy". It appears that the city is chunking the HE Tier1 Site Inventory List and starting over. The Tier1 Site Inventory List plus the Pipeline Projects were the results of many, many hours of input from the public (residents, land owners, etc.).

The slides indicate that you will push for all the sites in BLUE to be added to the site inventory. Many of these sites are NOT available/appropriate. EVERY site that ends up on our HE list has the potential of becoming an SB35 PROJECT with little to no mitigations for contamination, traffic, pollution, noise, etc.!!! We do not want to give cart blanche to every site arbitrarily. We don't want to upzone all these either!

Regarding the pipeline projects...They want to ignore the east side of Vallco units and all of the Hamptons.

Do not DUMP all the sites on the east side of town!

Q1: Which sites on the Tier1 list are being kept?

Q2: Which sites, if any, on the Tier1 list are being eliminated? Why exactly because there was a lot of public input to develop this list?

REQUEST: Please provide a spreadsheet and map listing all Tier1 sites and indicate which are removed and why.

Once the sites are selected,

Q3: Will the public be allowed to comment on the sites selected – I mean the actual list – whether they should be on the list at all, not just their zoning?

Q3: Will Council have last review/approval of the final list? When?

Q4: Who will review/comment on Draft #2 before it is submitted to HCD?

Sincerely,
Peggy Griffin

P.S. I've attached several maps for your reference.

- MAP of HE Pipeline Sites in GREEN.pdf
- MAP of HE Sites (Tier1) from 2023-2031 Cupertino HE-HCD Submittal Draft Feb 2023 P11of38.pdf
- MAP of Proposed NEW set of HE Sites in BLUE.pdf

LINK to HCD Comment Letter on City's First Draft HE – DATED MAY 4, 2023

https://ehq-production-us-california.s3.us-west-1.amazonaws.com/e8e0823dab69968af5d8ec146ca84a97cbda9c4b/original/1683666131/d6a89b7e4b90d604c674e632ff03753f_SacCupertinoDraftOut050423.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNOAKICO37GBEP%2F20230723%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20230723T214701Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=54a94807316b6a521db0b17de4d633eca335f38f62ed75fc1a2b31646b3da6c8

LINK to 2023-2031 City of Cupertino Housing Element Draft – HCD Submittal Feb 2023

Scroll down to “Downloadable Documents” (on the right) then click on Draft housing Element HCD submittal.

NOTE: Document is in pieces (8 files).

<https://engagecupertino.org/public-documents>

From: [Pamela Wu](#)
To: [Benjamin Fu](#); [Luke Connolly](#); [Christopher Jensen](#)
Cc: [City Clerk](#)
Subject: FW: Questions for HE Update
Date: Monday, July 24, 2023 8:10:52 AM



From: Liang Chao <LiangChao@cupertino.org>
Sent: Sunday, July 23, 2023 11:51 PM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>
Subject: Questions for HE Update

Q1: Please provide the comment letter from HCD in the supplemental material to provide background information.

Q2: Please provide any summary or analysis on SB 2011 in more details to provide background information.

Q3: Please provide more info on the differences between SB 2011 and SB 330 versus Builder's Remedy for background information.

Q4: Please include information on the current HE sites from the August 30, 2022 Council meeting for background info.

Q5: Please provide any information related to EIR scoping, such as the multiple alternatives being evaluated for impacts. Please provide comments from the EIR scoping.

If any of the above information is already provided on the city website, please provide links.

Q6: Please provide any communication with HCD, in addition to the HCD comment letter.

Q7: What specific policies will be added or revised based on the HCD comment letter?

Q8: Where is the Fair Housing Assessment, which I thought should have been done by the end of last year?

- Here is a reference to the San Jose Fair Housing Assessment, which I have referenced in my comment last year.

<https://sanjose.legistar.com/View.ashx?M=F&ID=10539617&GUID=7D201D0E-81CE->

[448B-ABC9-7286F24FF7FD](#)

Q9: There are specific policy areas we must address under the AFFH (Affirmatively Furthering Fair Housing). What policies are being proposed to address them?

Thanks.

Liang



Liang Chao

Council Member

City Council

LiangChao@cupertino.org

[408-777-3192](tel:408-777-3192)



From: [Pamela Wu](#)
To: [Benjamin Fu](#); [Luke Connolly](#); [Christopher Jensen](#)
Cc: [City Clerk](#)
Subject: FW: 2023-07-25 City Council Meeting Agenda Item1-Housing Element Update-ELIMINATION OF PLANNING COMMISSIONQ
Date: Monday, July 24, 2023 8:10:39 AM



From: Liang Chao <LiangChao@cupertino.org>
Sent: Sunday, July 23, 2023 11:59 PM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Matt Morley <MattM@cupertino.org>; Luke Connolly <LukeC@cupertino.org>
Subject: Fw: 2023-07-25 City Council Meeting Agenda Item1-Housing Element Update-ELIMINATION OF PLANNING COMMISSIONQ

Q10: I have the same question as raised by Ms. Griffin in the enclosed email: "Why has the Planning Commission been eliminated from reviewing/receiving/participating in the Housing Element Update before coming to Council? ... The HCD letter was received on May 4, 2023, almost 3 months ago. ... you have cancelled 9 of the 14 Planning Commission meetings just this year! "

Q11: What's the plan to engage the Planning Commission and the Housing Commission plus the public in the Housing Element proceses?

Q12: In the last Housing Element update in 2014, every presentation started with a slide with a list of dates of all previous meetings and then ended with a slide of upcoming meetings. I thought it was a good practice so that the public knows which past meetings they can go to find information. Please provide them in the supplemental material.



From: Peggy Griffin <griffin@compuserve.com>
Sent: Sunday, July 23, 2023 9:14 PM
To: Hung Wei <HWei@cupertino.org>; Pamela Wu <PamelaW@cupertino.org>; City Council <CityCouncil@cupertino.org>
Cc: City of Cupertino Planning Commission <PlanningCommission@cupertino.org>; City Clerk <CityClerk@cupertino.org>; Luke Connolly <LukeC@cupertino.org>
Subject: 2023-07-25 City Council Meeting Agenda Item1-Housing Element Update-ELIMINATION OF PLANNING COMMISSIONQ

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.

PLEASE INCLUDE THIS EMAIL AND ANY ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE CITY COUNCIL MEETING AGENDA ITEM.

Dear Mayor Wei, City Manager Wu and City Council,

Q: Why has the Planning Commission been eliminated from reviewing/receiving/participating in the Housing Element Update before coming to Council?

It is the Planning Commission's job and area of responsibility! There is no excuse! The HCD letter was received on May 4, 2023, almost 3 months ago. When time was critical, they could have been working on policies but their meetings were cancelled!

They could have been looking at additional sites. IN FACT, we have Tier2 Sites selected that can step in and supplement the Tier1 list. They are familiar, in detail, with the Housing Element and the Tier1 and Tier2 sites!

Mayor Wei and City Manager Wu, you have cancelled 9 of the 14 Planning Commission meetings just this year! You have basically eliminated the Planning Commission without officially codifying it, just by not allowing them to meet and do their jobs!

Priority on items on the agenda and meetings need to be the Housing Element – should have been Housing Element and yet it was not. This is supposed to be a public process yet it's looking like behind the scenes "someone" decided they did not want to include them. "All hands on deck" means use the Planning Commission! Use the Housing Commission! Both want to participate in this process and have assigned responsibilities yet they have been eliminated, just like all the committees – you just didn't codify it.

Sincerely,
Peggy Griffin

Below, just this year, 9 out of 14 Planning Commission meetings have been cancelled!

7/25/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
7/11/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
6/27/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
6/13/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
5/23/2023	6:45 PM	10350 Torre Avenue, Council Chamber and via Teleconference	Meeting details	Not available	Agenda	Not available	Not available
5/9/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
4/25/2023	6:45 PM	10350 Torre Avenue, Council Chamber and via Teleconference	Meeting details	Not available	Agenda	Not available	Minutes
4/11/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
3/28/2023	6:45 PM	10350 Torre Avenue, Council Chamber and via Teleconference	Meeting details	Not available	Agenda	Not available	Minutes
3/14/2023	6:45 PM	10350 Torre Avenue, Council Chamber and via Teleconference Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
2/28/2023	6:45 PM	This will be a teleconference meeting with no physical location Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
2/14/2023	6:45 PM	This will be a teleconference meeting with no physical location	Meeting details	Not available	Agenda	Not available	Minutes
1/24/2023	6:45 PM	This will be a teleconference meeting with no physical location	Meeting details	Not available	Agenda	Not available	Minutes
1/10/2023	6:45 PM	This will be a teleconference meeting with no physical location	Meeting details	Not available	Cancellation Notice	Not available	Not available

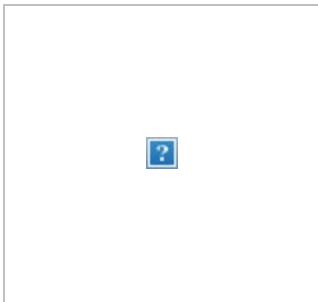
2.32.070 Powers and Functions.



The powers and functions of the City Planning Commission shall be as follows:

- A. Prepare, periodically review, and revise as necessary, the General Plan;
- B. Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning, subdivisions, and sign ordinances;
- C. Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the General Plan (pursuant to Sections 65400 et seq. of the California Government Code);
- D. Endeavor to promote public interest in, comment upon, and understanding of the General Plan, and regulation relating to it;
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens generally concerning implementation of the General Plan;
- F. Promote the coordination of local plans and programs with the plans and programs of other agencies;
- G. Perform other functions as the City Council provides including conducting studies and preparing plans other than those required or authorized by state law. (Ord. 23-2247, § 1 (part) 2023; Ord. 1844, § 1 (part), 2000; Ord. 1787, § 1 (part), 1998)

From: [Pamela Wu](#)
To: [Benjamin Fu](#); [Luke Connolly](#); [Christopher Jensen](#)
Cc: [City Clerk](#)
Subject: FW: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES
Date: Monday, July 24, 2023 8:10:15 AM



Pamela Wu

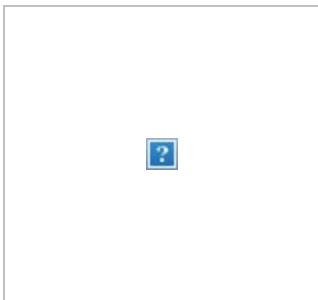
City Manager
City Manager's Office
PamelaW@cupertino.org
[\(408\)777-1322](tel:(408)777-1322)



From: Liang Chao <LiangChao@cupertino.org>
Sent: Monday, July 24, 2023 12:07 AM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>
Subject: Re: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES

Q13: (continuing the numbering from a previous email) Perhaps, there is a confusion. Please confirm that TEIR1 and TEIR2 sites approved by the City Council on August 29, 2022 stand until the Council gives direction at a Council meeting to change it.

Q14: Please confirm that the AB2011 sites are not going to replace the TIER1 and TEIR2 sites. Please clarify what roles these grey AB2011 sites will play in the adopted Housing Element?



Liang Chao

Council Member
City Council
LiangChao@cupertino.org
[408-777-3192](tel:408-777-3192)



From: Liang Chao <LiangChao@cupertino.org>
Sent: Monday, July 24, 2023 12:02 AM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>

Subject: Fw: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES

Ms. Griffin raised questions that are likely common among the many residents who have diligently followed the HE process in 2022.

Please answer these questions:

Q1: Which sites on the Tier1 list are being kept?

Q2: Which sites, if any, on the Tier1 list are being eliminated? Why exactly because there was a lot of public input to develop this list?

REQUEST: Please provide a spreadsheet and map listing all Tier1 sites and indicate which are removed and why.

Once the sites are selected,

Q3: Will the public be allowed to comment on the sites selected – I mean the actual list – whether they should be on the list at all, not just their zoning?

Q3: Will Council have last review/approval of the final list? When?

Q4: Who will review/comment on Draft #2 before it is submitted to HCD?



From: Peggy Griffin <griffin@compuserve.com>

Sent: Sunday, July 23, 2023 8:46 PM

To: Luke Connolly <LukeC@cupertino.org>; City Council <CityCouncil@cupertino.org>

Cc: City Clerk <CityClerk@cupertino.org>

Subject: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW 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.

PLEASE INCLUDE THE FOLLOWING EMAIL AND ALL ATTACHMENTS (TOGETHER) AS PART OF WRITTEN COMMUNICATION FOR THE ABOVE CITY COUCIL MEETING AGENDA ITEM.

Dear Luke Connolly and City Council,

The 2 maps provided in the presentation slides (p 30, 31) seem to indicate all the NEW sites to be added to the HE list! There is

- No map of the pipeline projects
- No map showing the overlap of “Tier 1 approved HE sites” with the “Proposed BLUE sites”.
- No map showing all the sites on one map!

I am very concerned about the “proposed updated site selection strategy”. It appears that the city is chunking the HE Tier1 Site Inventory List and starting over. The Tier1 Site Inventory List plus the Pipeline Projects were the results of many, many hours of input from the public (residents, land owners, etc.).

The slides indicate that you will push for all the sites in BLUE to be added to the site inventory. Many of these sites are NOT available/appropriate. EVERY site that ends up on our HE list has the potential of becoming an SB35 PROJECT with little to no mitigations for contamination, traffic, pollution, noise, etc.!!! We do not want to give cart blanche to every site arbitrarily. We don't want to upzone all these either!

Regarding the pipeline projects...They want to ignore the east side of Vallco units and all of the Hamptons.

Do not DUMP all the sites on the east side of town!

Q1: Which sites on the Tier1 list are being kept?

Q2: Which sites, if any, on the Tier1 list are being eliminated? Why exactly because there was a lot of public input to develop this list?

REQUEST: Please provide a spreadsheet and map listing all Tier1 sites and indicate which are removed and why.

Once the sites are selected,

Q3: Will the public be allowed to comment on the sites selected – I mean the actual list – whether they should be on the list at all, not just their zoning?

Q3: Will Council have last review/approval of the final list? When?

Q4: Who will review/comment on Draft #2 before it is submitted to HCD?

Sincerely,
Peggy Griffin

P.S. I've attached several maps for your reference.

- MAP of HE Pipeline Sites in GREEN.pdf
- MAP of HE Sites (Tier1) from 2023-2031 Cupertino HE-HCD Submittal Draft Feb 2023 P11of38.pdf
- MAP of Proposed NEW set of HE Sites in BLUE.pdf

LINK to HCD Comment Letter on City's First Draft HE – DATED MAY 4, 2023

https://ehq-production-us-california.s3.us-west-1.amazonaws.com/e8e0823dab69968af5d8ec146ca84a97cbda9c4b/original/1683666131/d6a89b7e4b90d604c674e632ff03753f_SacCupertinoDraftOut050423.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNOAKICO37GBEP%2F20230723%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20230723T214701Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=54a94807316b6a521db0b17de4d633eca335f38f62ed75fc1a2b31646b3da6c8

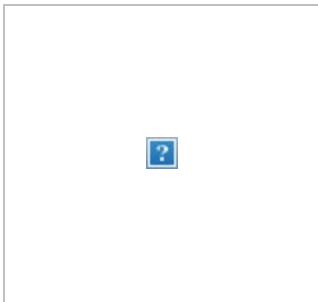
LINK to 2023-2031 City of Cupertino Housing Element Draft – HCD Submittal Feb 2023

Scroll down to “Downloadable Documents” (on the right) then click on Draft housing Element HCD submittal.

NOTE: Document is in pieces (8 files).

<https://engagecupertino.org/public-documents>

From: [Pamela Wu](#)
To: [Benjamin Fu](#); [Luke Connolly](#); [Christopher Jensen](#)
Cc: [City Clerk](#)
Subject: FW: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES
Date: Monday, July 24, 2023 8:10:12 AM



Pamela Wu

City Manager
City Manager's Office
PamelaW@cupertino.org
[\(408\)777-1322](tel:(408)777-1322)



From: Liang Chao <LiangChao@cupertino.org>
Sent: Monday, July 24, 2023 12:09 AM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>
Subject: Re: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES

To avoid confusion. I am designating these questions as Q15.

Q15: Ms. Griffin raised questions that are likely common among the many residents who have diligently followed the HE process in 2022. Please answer these questions:

Q1: Which sites on the Tier1 list are being kept?

Q2: Which sites, if any, on the Tier1 list are being eliminated? Why exactly because there was a lot of public input to develop this list?

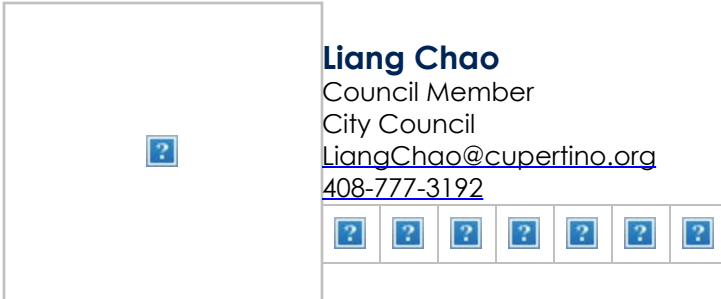
REQUEST: Please provide a spreadsheet and map listing all Tier1 sites and indicate which are removed and why.

Once the sites are selected,

Q3: Will the public be allowed to comment on the sites selected – I mean the actual list – whether they should be on the list at all, not just their zoning?

Q3: Will Council have last review/approval of the final list? When?

Q4: Who will review/comment on Draft #2 before it is submitted to HCD?



From: Liang Chao <LiangChao@cupertino.org>

Sent: Monday, July 24, 2023 12:07 AM

To: Pamela Wu <PamelaW@cupertino.org>

Cc: Luke Connolly <LukeC@cupertino.org>

Subject: Re: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES

Q13: (continuing the numbering from a previous email) Perhaps, there is a confusion. Please confirm that TEIR1 and TEIR2 sites approved by the City Council on August 29, 2022 stand until the Council gives direction at a Council meeting to change it.

Q14: Please confirm that the AB2011 sites are not going to replace the TIER1 and TEIR2 sites. Please clarify what roles these grey AB2011 sites will play in the adopted Housing Element?



From: Liang Chao <LiangChao@cupertino.org>

Sent: Monday, July 24, 2023 12:02 AM

To: Pamela Wu <PamelaW@cupertino.org>

Cc: Luke Connolly <LukeC@cupertino.org>

Subject: Fw: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES

Ms. Griffin raised questions that are likely common among the many residents who have diligently followed the HE process in 2022.

Please answer these questions:

Q1: Which sites on the Tier1 list are being kept?

Q2: Which sites, if any, on the Tier1 list are being eliminated? Why exactly because there was a lot of public input to develop this list?

REQUEST: Please provide a spreadsheet and map listing all Tier1 sites and indicate which are removed and why.

Once the sites are selected,

Q3: Will the public be allowed to comment on the sites selected – I mean the actual list – whether they should be on the list at all, not just their zoning?

Q3: Will Council have last review/approval of the final list? When?

Q4: Who will review/comment on Draft #2 before it is submitted to HCD?



From: Peggy Griffin <griffin@compuserve.com>

Sent: Sunday, July 23, 2023 8:46 PM

To: Luke Connolly <LukeC@cupertino.org>; City Council <CityCouncil@cupertino.org>

Cc: City Clerk <CityClerk@cupertino.org>

Subject: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW 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.

PLEASE INCLUDE THE FOLLOWING EMAIL AND ALL ATTACHMENTS (TOGETHER) AS PART OF WRITTEN COMMUNICATION FOR THE ABOVE CITY COUCIL MEETING AGENDA ITEM.

Dear Luke Connolly and City Council,

The 2 maps provided in the presentation slides (p 30, 31) seem to indicate all the NEW sites to be added to the HE list! There is

- No map of the pipeline projects
- No map showing the overlap of “Tier 1 approved HE sites” with the “Proposed BLUE sites”.
- No map showing all the sites on one map!

I am very concerned about the “proposed updated site selection strategy”. It appears that the city is chunking the HE Tier1 Site Inventory List and starting over. The Tier1 Site Inventory List plus the Pipeline Projects were the results of many, many hours of input from the public (residents, land owners, etc.).

The slides indicate that you will push for all the sites in BLUE to be added to the site inventory. Many of these sites are NOT available/appropriate. EVERY site that ends up on our HE list has the potential of becoming an SB35 PROJECT with little to no mitigations for contamination, traffic, pollution, noise, etc.!!! We do not want to give cart blanche to every site arbitrarily. We don't want to upzone all these either!

Regarding the pipeline projects...They want to ignore the east side of Vallco units and all of the Hamptons.

Do not DUMP all the sites on the east side of town!

Q1: Which sites on the Tier1 list are being kept?

Q2: Which sites, if any, on the Tier1 list are being eliminated? Why exactly because there was a lot of public input to develop this list?

REQUEST: Please provide a spreadsheet and map listing all Tier1 sites and indicate which are removed and why.

Once the sites are selected,

Q3: Will the public be allowed to comment on the sites selected – I mean the actual list – whether they should be on the list at all, not just their zoning?

Q3: Will Council have last review/approval of the final list? When?

Q4: Who will review/comment on Draft #2 before it is submitted to HCD?

Sincerely,
Peggy Griffin

P.S. I've attached several maps for your reference.

- MAP of HE Pipeline Sites in GREEN.pdf
- MAP of HE Sites (Tier1) from 2023-2031 Cupertino HE-HCD Submittal Draft Feb 2023 P11of38.pdf
- MAP of Proposed NEW set of HE Sites in BLUE.pdf

LINK to HCD Comment Letter on City's First Draft HE – DATED MAY 4, 2023

https://ehq-production-us-california.s3.us-west-1.amazonaws.com/e8e0823dab69968af5d8ec146ca84a97cbda9c4b/original/1683666131/d6a89b7e4b90d604c674e632ff03753f_SacCupertinoDraftOut050423.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNOAKICO37GBEP%2F20230723%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20230723T214701Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=54a94807316b6a521db0b17de4d633eca335f38f62ed75fc1a2b31646b3da6c8

LINK to 2023-2031 City of Cupertino Housing Element Draft – HCD Submittal Feb 2023

Scroll down to “Downloadable Documents” (on the right) then click on Draft housing Element HCD submittal.

NOTE: Document is in pieces (8 files).

<https://engagecupertino.org/public-documents>

From: [Pamela Wu](#)
To: [Benjamin Fu](#); [Luke Connolly](#); [Christopher Jensen](#)
Cc: [City Clerk](#)
Subject: FW: 2023-07-25 City Council Meeting ITEM1 - Housing Element Update - PIPELINE PROJECT REDUCTION
Date: Monday, July 24, 2023 8:09:56 AM



Pamela Wu

City Manager
City Manager's Office
PamelaW@cupertino.org
[\(408\)777-1322](tel:(408)777-1322)



From: Liang Chao <LiangChao@cupertino.org>
Sent: Monday, July 24, 2023 12:17 AM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>
Subject: Fw: 2023-07-25 City Council Meeting ITEM1 - Housing Element Update - PIPELINE PROJECT REDUCTION

Q16: The Staff Presentation page 26 states: "Likely 1500-1600 units will be allowed at Vallco (west side only)".

What's the current zoning? What's the proposed zoning? And please address Ms. Griffin's question:

Q1: Where is the proof that HCD will likely not allow the east-side units?

- a. Was there a phone call (when/where/with whom), document, letter, what?
- b. Please provide documentation.

NOTE: The SB35 project was approved as a WHOLE PROJECT! Supports for the "green roof" are on both sides! It's not a one or the other. It was approved as a complete project, not half!

Q17: The Staff Presentation page 26 states: "Likely elimination of Hamptons (600 units) from pipeline."

Please answer Ms. Griffin's question:

Q2: Where is the proof that HCD will likely not allow the Hamptons project units?

- a. Has anyone received word from HCD or the Hamptons?
- b. Please provide documentation.

Is the reason to remove Hamptons because we would have enough units from AB2011 sites to replace it? Please clarify.



Liang Chao

Council Member

City Council

LiangChao@cupertino.org

[408-777-3192](tel:408-777-3192)



From: Peggy Griffin <griffin@compuserve.com>

Sent: Sunday, July 23, 2023 8:35 PM

To: Luke Connolly <LukeC@cupertino.org>; City Council <CityCouncil@cupertino.org>

Cc: City Clerk <CityClerk@cupertino.org>

Subject: 2023-07-25 City Council Meeting ITEM1 - Housing Element Update - PIPELINE PROJECT REDUCTION

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.

PLEASE INCLUDE THIS EMAIL AND ANY ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE CITY COUNCIL MEETING AGENDA ITEM.

Dear Luke Connolly and City Council,

Page 26 of 39 of Presentation, Pipeline Projects...

Pipeline Projects

- Over 3,500 units in first Draft HE
- Likely 1,500–1,600 units will be allowed at Vallco (west side only)
- Likely elimination of Hamptons (600 units) from pipeline
- If developed by 2031, City still gets credit for these units

This reduction of Pipeline Project units by 1500 units (Vallco east side 900+Hampton 600 units) seems arbitrary.

Q1: Where is the proof that HCD will likely not allow the east-side units?

- a. Was there a phone call (when/where/with whom), document, letter, what?
- b. Please provide documentation.

NOTE: The SB35 project was approved as a WHOLE PROJECT! Supports for the “green roof” are on both sides! It’s not a one or the other. It was approved as a complete project, not half!

Q2: Where is the proof that HCD will likely not allow the Hamptons project units?

- a. Has anyone received word from HCD or the Hamptons?
- b. Please provide documentation.

If there is no documentation showing HCD will not allow these units then LEAVE THEM IN!

If you remove them, then find 1500 units west of De Anza Blvd!

Sincerely,
Peggy Griffin

From: [Pamela Wu](#)
To: [Benjamin Fu](#); [Luke Connolly](#); [Christopher Jensen](#)
Cc: [City Clerk](#)
Subject: FW: 2023-07-25 City Council Meeting Agenda Item1-Housing Element Update
Date: Monday, July 24, 2023 8:09:45 AM



From: Liang Chao <LiangChao@cupertino.org>
Sent: Monday, July 24, 2023 12:26 AM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>
Subject: Fw: 2023-07-25 City Council Meeting Agenda Item1-Housing Element Update

Ms. Griffin asked some common questions others will likely wish to know.

Please provide answers to them.

Q18: Questions related to timeline and revisions:

Q1: Page 39 of 39, Timeline and Next Steps...many questions

Q1a: Aug/Early Sept 2023..."Public Outreach re zoning"...Public Outreach and Public Comment are two different things.

Does this mean that the public will NOT BE ALLOWED to comment/provide input on this "Revised Draft HE"? In particular, will the public be allowed to comment/provide input on the policies the staff proposes?

Q1b: Sept 2023 "Submit revised draft to HCD"...Isn't this the 2nd Revised Draft?

Q1c: Dec 2023: "Prepare 2nd Revised Draft HE"...Isn't this the 3rd Revised Draft?

Q1d: Jan 2024: "Review/Comment on Draft EIR"...How long will the public be given to provide comments?

Q1e: Mar/Apr 2024: This looks like the CITY WILL MISS the Jan. 31, 2024 deadline based on this timeline. Is this correct?

Q19: Question on AB 2011

Q3: Page 28 of 39, AB 2011/SB 6...Regarding "Zero-foot front setback", what does that mean with respect to allowing adequate front space for wide sidewalks in a commercial zone that can accommodate people, wheelchairs and landscaping along the street?

How about any limitation on parking by AB 2011?

Q20: Questions related to zoning policies:

Q4: Page 23 of 39, Updated Site Selection Strategy...Recommended updated site selection strategy is based on "HCD size and other criteria". What exact "other criteria" are you referring to and from whom? Please be specific.

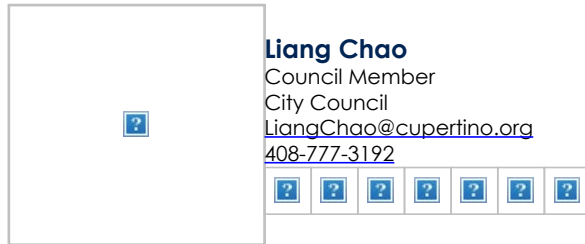
Q7: Page 35 of 39, Housing Policy Areas (cont)..."Examples: Upzone sites adequately"...What exactly does this mean? What is the definition of "adequately" in this specific case?

Q21: Questions related to grant funding:

Q5: Page 33 of 39, Housing Policy Areas..."Examples: Support Grant applications"...This does not mean the City must apply for and/or accept all grants regardless of the requirements tied to those grants, correct?

Q6: Page 33 of 39, Housing Policy Areas..."Issue NOFA for BMR Affordable Housing Funds"...What is 'NOFA' and what does it mean?

Thanks.



From: Peggy Griffin <griffin@compuserve.com>

Sent: Friday, July 21, 2023 2:56 PM

To: Luke Connolly <LukeC@cupertino.org>; City Council <CityCouncil@cupertino.org>

Cc: City Clerk <CityClerk@cupertino.org>

Subject: 2023-07-25 City Council Meeting Agenda Item1-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.

PLEASE INCLUDE THIS EMAIL AND ANY ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE CITY COUNCIL MEETING AGENDA ITEM.

Dear Luke Connolly and City Council,

I'm not sure who/where to address my questions because there was no name/contact listed as the presenter. So, I am sending to Luke since I know he is very knowledgeable regarding this subject and has been very involved.

Regarding the Presentation Slides, I have the following questions:

Q1: Page 39 of 39, Timeline and Next Steps...many questions

Q1a: Aug/Early Sept 2023..."Public Outreach re zoning"...Public Outreach and Public Comment are two different things. Does this mean that the public will NOT BE ALLOWED to comment/provide input on this "Revised Draft HE"? In particular, will the public be allowed to comment/provide input on the policies the staff proposes?

Q1b: Sept 2023 "Submit revised draft to HCD"...Isn't this the 2nd Revised Draft?

Q1c: Dec 2023: "Prepare 2nd Revised Draft HE"...Isn't this the 3rd Revised Draft?

Q1d: Jan 2024: "Review/Comment on Draft EIR"...How long will the public be given to provide comments?

Q1e: Mar/Apr 2024: This looks like the CITY WILL MISS the Jan. 31, 2024 deadline based on this timeline. Is this correct?



Q2: Page 26 of 39, Pipeline Projects...Regarding the Vallco Pipeline project, why would only the wet side units be allowed?
The approved plan includes the east side, too.

Pipeline Projects

- Over 3,500 units in first Draft HE
- Likely 1,500–1,600 units will be allowed at Vallco (west side only)
- Likely elimination of Hamptons (600 units) from pipeline
- If developed by 2031, City still gets credit for these units

Q3: Page 28 of 39, AB 2011/SB 6...Regarding “Zero-foot front setback”, what does that mean with respect to allowing adequate front space for wide sidewalks in a commercial zone that can accommodate people, wheelchairs and landscaping along the street?

AB 2011/SB 6

- Effective July 1, 2023
- Allows Residential development on Commercial-Office Corridors regardless of Zoning
- Density and building height varies depending on lot size and width of corridor
- 45-foot minimum building height
- Zero-foot front setback

Q4: Page 23 of 39, Updated Site Selection Strategy...Recommended updated site selection strategy is based on “HCD size and other criteria”. What exact “other criteria” are you referring to and from whom? Please be specific.

Updated Site Selection strategy

- Staff recommends using updated site selection strategy based on:
 - Consultant's feedback based on extensive HE update experience
 - Input from HCD on pipeline projects
 - HCD size and other criteria
 - State law (AB2011/SB6) framework to align transportation with land use

Q5: Page 33 of 39, Housing Policy Areas..."Examples: Support Grant applications"...This does not mean the City must apply for and/or accept all grants regardless of the requirements tied to those grants, correct?

Q6: Page 33 of 39, Housing Policy Areas..."Issue NOFA for BMR Affordable Housing Funds"...What is 'NOFA' and what does it mean?

Housing Policy Areas

- Programs to **Assist Lower-Income Housing Development** –
 - Examples: Support Grant applications; Provide technical support; Issue NOFA for BMR Affordable Housing Funds

Q7: Page 35 of 39, Housing Policy Areas (cont)..."Examples: Upzone sites adequately"...What exactly does this mean? What is the definition of "adequately" in this specific case?

Housing Policy Areas (cont.)

- Programs to **Affirmatively Further Fair Housing** –
 - Examples: Upzone sites adequately to allow accommodation of RHNA; Support teacher housing and ELI projects; Continue to support the development of ADUs, which offer opportunities with modest increases in density; Enhance "missing middle" housing policies

Sincerely,
Peggy Griffin

From: [Peggy Griffin](#)
To: [Hung Wei](#); [Pamela Wu](#); [City Council](#)
Cc: [City of Cupertino Planning Commission](#); [City Clerk](#); [Luke Connolly](#)
Subject: 2023-07-25 City Council Meeting Agenda Item1-Housing Element Update-ELIMINATION OF PLANNING COMMISSIONQ
Date: Sunday, July 23, 2023 9:14:47 PM

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.

PLEASE INCLUDE THIS EMAIL AND ANY ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE CITY COUNCIL MEETING AGENDA ITEM.

Dear Mayor Wei, City Manager Wu and City Council,

Q: Why has the Planning Commission been eliminated from reviewing/receiving/participating in the Housing Element Update before coming to Council?

It is the Planning Commission's job and area of responsibility! There is no excuse! The HCD letter was received on May 4, 2023, almost 3 months ago. When time was critical, they could have been working on policies but their meetings were cancelled!

They could have been looking at additional sites. IN FACT, we have Tier2 Sites selected that can step in and supplement the Tier1 list. They are familiar, in detail, with the Housing Element and the Tier1 and Tier2 sites!

Mayor Wei and City Manager Wu, you have cancelled 9 of the 14 Planning Commission meetings just this year! You have basically eliminated the Planning Commission without officially codifying it, just by not allowing them to meet and do their jobs!

Priority on items on the agenda and meetings need to be the Housing Element – should have been Housing Element and yet it was not. This is supposed to be a public process yet it's looking like behind the scenes "someone" decided they did not want to include them. "All hands on deck" means use the Planning Commission! Use the Housing Commission! Both want to participate in this process and have assigned responsibilities yet they have been eliminated, just like all the committees – you just didn't codify it.

Sincerely,
Peggy Griffin

Below, just this year, 9 out of 14 Planning Commission meetings have been cancelled!

7/25/2023	6:45 PM	10350 Torre Avenue, Council Chamber	Meeting details	Not available	Cancellation Notice	Not available	Not available
7/11/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
6/27/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
6/13/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
5/23/2023	6:45 PM	10350 Torre Avenue, Council Chamber and via Teleconference	Meeting details	Not available	Agenda	Not available	Not available
5/9/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
4/25/2023	6:45 PM	10350 Torre Avenue, Council Chamber and via Teleconference	Meeting details	Not available	Agenda	Not available	Minutes
4/11/2023	6:45 PM	10350 Torre Avenue, Council Chamber Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
3/28/2023	6:45 PM	10350 Torre Avenue, Council Chamber and via Teleconference	Meeting details	Not available	Agenda	Not available	Minutes
3/14/2023	6:45 PM	10350 Torre Avenue, Council Chamber and via Teleconference Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
2/28/2023	6:45 PM	This will be a teleconference meeting with no physical location Cancelled	Meeting details	Not available	Cancellation Notice	Not available	Not available
2/14/2023	6:45 PM	This will be a teleconference meeting with no physical location	Meeting details	Not available	Agenda	Not available	Minutes
1/24/2023	6:45 PM	This will be a teleconference meeting with no physical location	Meeting details	Not available	Agenda	Not available	Minutes
1/10/2023	6:45 PM	This will be a teleconference meeting with no physical location	Meeting details	Not available	Cancellation Notice	Not available	Not available

2.32.070 Powers and Functions.



The powers and functions of the City Planning Commission shall be as follows:

- A. Prepare, periodically review, and revise as necessary, the General Plan;
- B. Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning, subdivisions, and sign ordinances;
- C. Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the General Plan (pursuant to Sections 65400 et seq. of the California Government Code);
- D. Endeavor to promote public interest in, comment upon, and understanding of the General Plan, and regulation relating to it;
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens generally concerning implementation of the General Plan;
- F. Promote the coordination of local plans and programs with the plans and programs of other agencies;
- G. Perform other functions as the City Council provides including conducting studies and preparing plans other than those required or authorized by state law. (Ord. 23-2247, § 1 (part) 2023; Ord. 1844, § 1 (part), 2000; Ord. 1787, § 1 (part), 1998)

From: [Pamela Wu](#)
To: [Christopher Jensen](#); [Benjamin Fu](#); [City Clerk](#)
Subject: FW: HE Update - additional questions
Date: Monday, July 24, 2023 10:50:06 AM



Pamela Wu

City Manager
City Manager's Office
PamelaW@cupertino.org
[\(408\)777-1322](tel:4087771322)



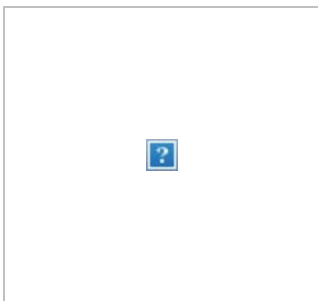
From: Liang Chao <LiangChao@cupertino.org>
Sent: Monday, July 24, 2023 10:00 AM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>
Subject: HE Update - additional questions

Q22: West of Budd Road - what's the status in the outreach for the properties?

Q23: If some AB 2011 sites are added to the Housing Element sites, what will be the zoning on them? When they these new sites and their zoning be approved by the Council?

Q24: What alternatives are included in the EIR?

Thanks!



Liang Chao

Council Member
City Council
LiangChao@cupertino.org
[408-777-3192](tel:4087773192)



From: [Pamela Wu](#)
To: [Christopher Jensen](#); [Benjamin Fu](#); [City Clerk](#)
Subject: FW: HE Update - additional questions
Date: Monday, July 24, 2023 10:50:02 AM



Pamela Wu

City Manager
City Manager's Office
PamelaW@cupertino.org
[\(408\)777-1322](tel:(408)777-1322)

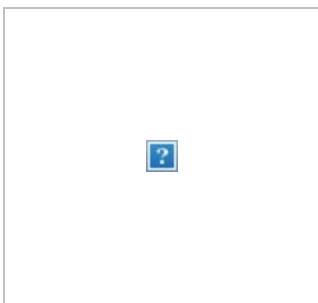


From: Liang Chao <LiangChao@cupertino.org>
Sent: Monday, July 24, 2023 10:03 AM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>
Subject: Re: HE Update - additional questions

Q25: As I mentioned in the meeting, it's hard to provide direction without a list of potential policies in each program area. It feels like the presentation only describes what each program area is.

It would be more efficient if a list of potential policies being contemplated are included for each program area so that the Council and the public can provide meaningful input.

Thanks.



Liang Chao

Council Member
City Council
LiangChao@cupertino.org
[408-777-3192](tel:408-777-3192)



From: Liang Chao
Sent: Monday, July 24, 2023 9:59 AM
To: Pamela Wu <PamelaW@cupertino.org>
Cc: Luke Connolly <LukeC@cupertino.org>
Subject: HE Update - additional questions

Q22: West of Budd Road - what's the status in the outreach for the properties?

Q23: If some AB 2011 sites are added to the Housing Element sites, what will be the zoning on them? When they these new sites and their zoning be approved by the Council?

Q24: What alternatives are included in the EIR?

Thanks!



Liang Chao

Council Member

City Council

LiangChao@cupertino.org

[408-777-3192](tel:408-777-3192)



From: [Peggy Griffin](#)
To: [Luke Connolly](#); [City Council](#)
Cc: [City Clerk](#)
Subject: 2023-07-26 City Council Meeting ITEM1 - Housing Element Update - CONCERNS ON PROPOSED NEW SITES
Date: Sunday, July 23, 2023 8:47:19 PM
Attachments: [MAP of HE Tier1 Sites from 2023-2031 Cupertino HE-HCD Submittal Draft Feb 2023 P11of38.pdf](#)
[MAP of Proposed NEW set of HE Sites in BLUE.pdf](#)
[MAP of HE Pipeline Sites in GREEN.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.

PLEASE INCLUDE THE FOLLOWING EMAIL AND ALL ATTACHMENTS (TOGETHER) AS PART OF WRITTEN COMMUNICATION FOR THE ABOVE CITY COUCIL MEETING AGENDA ITEM.

Dear Luke Connolly and City Council,

The 2 maps provided in the presentation slides (p 30, 31) seem to indicate all the NEW sites to be added to the HE list! There is

- No map of the pipeline projects
- No map showing the overlap of “Tier 1 approved HE sites” with the “Proposed BLUE sites”.
- No map showing all the sites on one map!

I am very concerned about the “proposed updated site selection strategy”. It appears that the city is chunking the HE Tier1 Site Inventory List and starting over. The Tier1 Site Inventory List plus the Pipeline Projects were the results of many, many hours of input from the public (residents, land owners, etc.).

The slides indicate that you will push for all the sites in BLUE to be added to the site inventory. Many of these sites are NOT available/appropriate. EVERY site that ends up on our HE list has the potential of becoming an SB35 PROJECT with little to no mitigations for contamination, traffic, pollution, noise, etc.!!! We do not want to give cart blanche to every site arbitrarily. We don't want to upzone all these either!

Regarding the pipeline projects...They want to ignore the east side of Vallco units and all of the Hamptons.

Do not DUMP all the sites on the east side of town!

Q1: Which sites on the Tier1 list are being kept?

Q2: Which sites, if any, on the Tier1 list are being eliminated? Why exactly because there was a lot of public input to develop this list?

REQUEST: Please provide a spreadsheet and map listing all Tier1 sites and indicate which are removed and why.

Once the sites are selected,

Q3: Will the public be allowed to comment on the sites selected – I mean the actual list – whether they should be on the list at all, not just their zoning?

Q3: Will Council have last review/approval of the final list? When?

Q4: Who will review/comment on Draft #2 before it is submitted to HCD?

Sincerely,
Peggy Griffin

P.S. I've attached several maps for your reference.

- MAP of HE Pipeline Sites in GREEN.pdf
- MAP of HE Sites (Tier1) from 2023-2031 Cupertino HE-HCD Submittal Draft Feb 2023 P11of38.pdf
- MAP of Proposed NEW set of HE Sites in BLUE.pdf

LINK to HCD Comment Letter on City's First Draft HE – DATED MAY 4, 2023

https://ehq-production-us-california.s3.us-west-1.amazonaws.com/e8e0823dab69968af5d8ec146ca84a97cbda9c4b/original/1683666131/d6a89b7e4b90d604c674e632ff03753f_SacCupertinoDraftOut050423.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNOAKICO37GBEP%2F20230723%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20230723T214701Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=54a94807316b6a521db0b17de4d633eca335f38f62ed75fc1a2b31646b3da6c8

LINK to 2023-2031 City of Cupertino Housing Element Draft – HCD Submittal Feb 2023

Scroll down to “Downloadable Documents” (on the right) then click on Draft housing Element HCD submittal.

NOTE: Document is in pieces (8 files).

<https://engagecupertino.org/public-documents>

From: [Peggy Griffin](#)
To: [Luke Connolly](#); [City Council](#)
Cc: [City Clerk](#)
Subject: 2023-07-25 City Council Meeting ITEM1 - Housing Element Update - PIPELINE PROJECT REDUCTION
Date: Sunday, July 23, 2023 8:35:44 PM

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.

PLEASE INCLUDE THIS EMAIL AND ANY ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE CITY COUNCIL MEETING AGENDA ITEM.

Dear Luke Connolly and City Council,

Page 26 of 39 of Presentation, Pipeline Projects...

Pipeline Projects

- Over 3,500 units in first Draft HE
- Likely 1,500–1,600 units will be allowed at Vallco (**west side only**)
- Likely elimination of Hamptons (600 units) from pipeline
- If developed by 2031, City still gets credit for these units

This reduction of Pipeline Project units by 1500 units (Vallco east side 900+Hampton 600 units) seems arbitrary.

Q1: Where is the proof that HCD will likely not allow the east-side units?

- a. Was there a phone call (when/where/with whom), document, letter, what?
- b. Please provide documentation.

NOTE: The SB35 project was approved as a WHOLE PROJECT! Supports for the “green roof” are on both sides! It’s not a one or the other. It was approved as a complete project, not half!

Q2: Where is the proof that HCD will likely not allow the Hamptons project units?

- a. Has anyone received word from HCD or the Hamptons?
- b. Please provide documentation.

If there is no documentation showing HCD will not allow these units then LEAVE THEM IN!
If you remove them, then find 1500 units west of De Anza Blvd!

Sincerely,
Peggy Griffin

From: [Peggy Griffin](#)
To: [Luke Connolly](#); [City Council](#)
Cc: [City Clerk](#)
Subject: 2023-07-25 City Council Meeting Agenda Item1-Housing Element Update
Date: Friday, July 21, 2023 2:56:48 PM

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.

PLEASE INCLUDE THIS EMAIL AND ANY ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE CITY COUNCIL MEETING AGENDA ITEM.

Dear Luke Connolly and City Council,

I'm not sure who/where to address my questions because there was no name/contact listed as the presenter. So, I am sending to Luke since I know he is very knowledgeable regarding this subject and has been very involved.

Regarding the Presentation Slides, I have the following questions:

Q1: Page 39 of 39, Timeline and Next Steps...many questions

Q1a: Aug/Early Sept 2023..."Public Outreach re zoning"...Public Outreach and Public Comment are two different things. Does this mean that the public will NOT BE ALLOWED to comment/provide input on this "Revised Draft HE"? In particular, will the public be allowed to comment/provide input on the policies the staff proposes?

Q1b: Sept 2023 "Submit revised draft to HCD"...Isn't this the 2nd Revised Draft?

Q1c: Dec 2023: "Prepare 2nd Revised Draft HE"...Isn't this the 3rd Revised Draft?

Q1d: Jan 2024: "Review/Comment on Draft EIR"...How long will the public be given to provide comments?

Q1e: Mar/Apr 2024: This looks like the CITY WILL MISS the Jan. 31, 2024 deadline based on this timeline. Is this correct?



Q2: Page 26 of 39, Pipeline Projects...Regarding the Vallco Pipeline project, why would only the wet side units be allowed?

The approved plan includes the east side, too.

Pipeline Projects

- Over 3,500 units in first Draft HE
- Likely 1,500–1,600 units will be allowed at Vallco (west side only)
- Likely elimination of Hamptons (600 units) from pipeline
- If developed by 2031, City still gets credit for these units

Q3: Page 28 of 39, AB 2011/SB 6...Regarding “Zero-foot front setback”, what does that mean with respect to allowing adequate front space for wide sidewalks in a commercial zone that can accommodate people, wheelchairs and landscaping along the street?

AB 2011/SB 6

- Effective July 1, 2023
- Allows Residential development on Commercial-Office Corridors regardless of Zoning
- Density and building height varies depending on lot size and width of corridor
- 45-foot minimum building height
- Zero-foot front setback

Q4: Page 23 of 39, Updated Site Selection Strategy...Recommended updated site selection strategy is based on “HCD size and other criteria”. What exact “other criteria” are you referring to and from whom? Please be specific.

Updated Site Selection strategy

- Staff recommends using updated site selection strategy based on:
 - Consultant's feedback based on extensive HE update experience
 - Input from HCD on pipeline projects
 - HCD size and other criteria
 - State law (AB2011/SB6) framework to align transportation with land use

Q5: Page 33 of 39, Housing Policy Areas...“Examples: Support Grant applications”...This does not mean the City must apply for and/or accept all grants regardless of the requirements tied to those grants, correct?

Q6: Page 33 of 39, Housing Policy Areas...“Issue NOFA for BMR Affordable Housing Funds” ...What is ‘NOFA’ and what does it mean?

Housing Policy Areas

- Programs to **Assist Lower-Income Housing Development** –
 - Examples: **Support Grant applications**; Provide technical support; Issue **NOFA** for BMR Affordable Housing Funds

Q7: Page 35 of 39, Housing Policy Areas (cont)...“Examples: Upzone sites adequately”...What exactly does this mean? What is the definition of “adequately” in this specific case?

Housing Policy Areas (cont.)

- Programs to **Affirmatively Further Fair Housing** –
 - Examples: **Upzone sites adequately** to allow accommodation of RHNA; Support teacher housing and ELI projects; Continue to support the development of ADUs, which offer opportunities with modest increases in density; Enhance "missing middle" housing policies

Sincerely,
Peggy Griffin

From: [Greg Endom](#)
To: [Hung Wei](#); [Sheila Mohan](#); [Liang Chao](#); [J.R. Fruen](#); [Kitty Moore](#)
Cc: [Gian Martire](#); [Luke Connolly](#); [City Clerk](#)
Subject: Comment to Housing Element Update - July 25 2023 5:00 PM Meeting
Date: Friday, July 21, 2023 1:07:25 PM
Attachments: [Letter to City Cupertino Planning April 13 2023.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.

Mayor Wei & Members of the City Council:

I am writing to you with respect to the Special Meeting, Study Session, Item 1 scheduled for the Council meeting at 5:00 PM on July 25, 2023.

As the online Agenda was not specific as to whether you would receive Public Comments on this item, I am submitting my comments in writing and will be present to voice the same comments at the meeting should public testimony be allowed.

Attached is a letter forwarded to Luke Connolly on April 13, 2023.

I represent the owners of the properties located at 10145 North DeAnza Boulevard and 10118-10122 Bandle Drive, both located in the City of Cupertino.

We are requesting that the residential density for these two parcels be amended as part of the revisions to the 6th Cycle Housing Element update to increase the allowed density to a maximum of 60 units per acre.

I have searched the City's online Housing Element files but cannot determine if my written request was included as part of the past revisions.

Also, I should note that I am a Registered Lobbyist (Contract) for the owners of these properties in the City of Cupertino.

Thank you for your consideration.

Sincerely,

Greg Endom

925-550-8082

Bay Pacific Properties, LLC

April 13, 2023

Sent Via email to LukeC@Cupertino.org,

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

RE: Request for allowed residential density increase for real property parcels comprising Marina Plaza Shopping Center located at 10118-10122 Bandle Drive, and 10145 North DeAnza Boulevard, Cupertino CA 95014.
Property Owners: Marina Plaza, LLC and Cupertino 10145 LLC ("Owners")
Assessor Parcel Number: 326-34-043 & 326-34-066

Dear Luke:

On behalf of the Owners of the two real property parcels noted above, we would request that the City of Cupertino increase the allowed residential density for the two parcels from the current allowable density of 25 units per acre to a maximum of 60 units per acre. Given the two parcels total 5.11 acres of land, this would then permit a potential of approximately 306 units onsite. If the maximum number of units were built under this scenario, ownership estimates that 15% of the total units (or approximately 45 units) would be Below Market Rate units, either rental or for sale opportunities.

As you may know, the property was approved recently for a total of 206 residential units plus some additional retail space. The Owner believes that the property could and should support added residential density for the benefit of the community and increase housing opportunities for the city's residents.

Please let me know if you have any questions.

Sincerely,
/s/
Greg Endom

cc: DeAnza Venture, LLC, via email

From: [Jim Lee](#)
To: [City Clerk](#)
Subject: Public comment for Agenda Item #1 Housing Element July 25 City Council
Date: Monday, July 24, 2023 1:31:21 PM

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.

Agenda Item #1 Housing Element July 25 City Council

Dear City Clerk,

I am highly concerned about the proposed Housing Element plan's potential to turn existing retail locations along Stevens Creek into residential housing units.

I am not opposed to building more housing. But surely there are places for housing that do not remove existing retail space, which serves the community so well? Please provide reassurance that the City will retain its existing retail square footage.

Also, please provide all of us more clarity on how exactly housing units can be added to the land along Stevens Creek without complete reconstruction of the parcel, which would surely drive the tenant away. Most retailers will not want to deal with the cost of relocating twice (once before construction, and then once to return back to their original home after).

Cupertino residents should not have to travel outside the city to fulfill basic needs like shopping or restaurant dining. If you want to encourage biking and walking, you must also ensure that retail remains walkable and bikeable. Please do not create a retail desert.

Respectfully,

Jim

From: [Cupertino ForAll](#)
To: [City Clerk](#)
Cc: [City of Cupertino Planning Dept.](#); [Cupertino City Manager's Office](#)
Subject: Commentary on Cupertino's Draft Housing Element Revisions
Date: Monday, July 24, 2023 11:54:02 AM
Attachments: [CFA-HE Revision Recommendations-final.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.

Hello,

We would like to submit the document below as commentary on the draft Housing Element and HCD's feedback, with suggestions for policies and programs the City should consider in its revisions to the draft Element.

Please forward it on to any concerned or relevant parties as appropriate. We hope the Staff finds these recommendations helpful and are available for follow-up for further discussion if needed.

Thank you,

Steering Committee
Cupertino For All



July 24, 2023

Commentary RE: Revised Housing Element in Response to HCD Draft Feedback Letter

Cupertino City Council & City Staff
10300 Torre Avenue
Cupertino, CA 95014

Hello,

Cupertino for All is a forward-minded coalition made up of longtime residents, displaced residents, students, parents, homeowners, renters, and our allies with the commonly shared belief that we can and should create a more sustainable Cupertino now and for future generations.

We would like to submit the document below as commentary on the draft Housing Element and HCD's feedback, with suggestions for policies and programs the City should consider in its revisions to the draft Element.

Thank you,

Steering Committee
[Cupertino For All](#)

CFA Policy & Program Recommendations

Cupertino for All (CFA), in partnership with our membership and community partners, has developed various recommendations to directly address the gaps identified in the HCD Letter to the City of Cupertino on May 4, 2023, in response to the City of Cupertino's 6th Cycle Draft Housing Element. When making revisions to the Housing Element, CFA hopes the City of Cupertino considers the inclusion of the suggested policies, not only as a means to achieve HCD certification, but to create a more ambitious and progressive Housing Element.

Our policy and program recommendations are organized by the three P's framework for housing policy (Production, Preservation, Protection)¹. There may be references to sections in HCD's feedback letter, and other element goals a program or policy may address or connect to.

Overall Themes

- Compliant and Detailed Analysis throughout the Element's policies and programs.
 - The need for (1) regional analysis, (2) comparative analysis across both local and regional levels, and (3) the incorporation of local data was brought forth in earlier communications with the City and within HCD's feedback letter in Section B1, under the topics of "Regional Level Patterns and Trends", "Income and Racial Concentration of Affluence (RCAA)", "Disparities in Access to Opportunity", and "Disproportionate Housing Needs, Including Displacement Risk"
 - Notable HCD feedback (emphasis our own):
 - "[The Element] must evaluate the data and especially at a regional level, comparing the City to the broader region. This is **particularly important** since the City appears **far different from the rest of the region.**" (Our note: Only 3-4% of Cupertino is Latino/a compared to 1/3 of the populations of Santa Clara, San Jose, and other neighboring cities)
 - "[The] entire City is a RCAA and the element should incorporate this information... specific analysis of income and RCAA at a regional level (City compared to the broader region)...The element must add or modify meaningful programs based on the outcomes of this analysis, **including actions** to improve housing mobility **within and beyond City boundaries.**"

¹ Adopted by many organizations, but notably for Cupertino: *Housing Protection, Preservation & Production*. Metropolitan Transportation Commission. Accessed July 20, 2023. [Link](#).

- Establish specific metrics, outcomes and details in the element’s policies and programs.
 - Adopt policies or programs that set **measurable** goals and use **specific language** to actually achieve or provide greater certainty in achieving the stated outcomes. We provide more details in our suggestions below, and have outlined crucial policies absent from the previous draft, many of which directly relate to gaps identified in HCD Feedback.
 - For example, the previous draft Element had a few programs around rezoning or Municipal Code amendments that were either very limited (like a 0.5 parking space requirement reduction only for SRO and senior units), or were very general commitments. This problem was highlighted in HCD’s feedback that “[programs] must have... specific commitment to housing outcomes (e.g., refrain from language such as “explore”, “develop”, “consider”)”. Without strong commitments to addressing some of Cupertino’s restrictive policies, it will be difficult to support building housing that meets the needs of our community.
- Focus on underserved communities and populations, like senior residents, unhoused people, and De Anza Community College staff and students.
- Encourage denser and transit-oriented development, to mitigate and curb Cupertino’s highest source of greenhouse gas (GHG) emissions (which is on-road passenger vehicles)².
 - CFA does not have additional policy recommendations for the previous Element’s goals around energy and other resource use, but maintains that newer multifamily housing has more efficient electricity usage, can reduce fossil fuel reliance, and is more water efficient than other residential, commercial or agricultural uses. We support full electrification goals, including retroactivity and the application of efficiency standards and electrification efforts to *all* housing, including single-family homes.
- Institute policies to protect and assist renters, who make up nearly half of Cupertino’s population.
- Support a variety of affordable homes that suit different community needs (like SROs, ADUs, SB 9 style projects, and LBNCs).

² Cupertino Climate Action Plan 2.0. Published August 16, 2022. Accessed on July 12, 2023. [Link](#).

- Ongoing and more inclusive community engagement, to ensure policies and programs are meeting the needs of the community first, and parts of the community who are underserved or have special housing needs.

Policy and Program Recommendations

Production

Affirmatively Further Fair Housing by Producing More Very Low, and Extremely Low-Income Housing: Given Santa Clara County's high Area Median Income (AMI), the presence of housing units for these income levels (less than 50% and 30% of the AMI respectively) is integral to addressing equal access to housing opportunities, preventing displacement, and ensuring individuals or families of all socioeconomic backgrounds can access housing opportunities in Cupertino.

In particular, a commitment to policies and programs that result in production of more extremely low-income units will be beneficial for people with developmental disabilities, individuals experiencing homelessness or on the precipice of becoming unhoused, and preventing housing instability. Work done by the Housing Choices organization highlights that disability is the highest-ranked source of Fair Housing complaints in Santa Clara County, and a growing body of Santa Clara County data indicates that Black, Indigenous and other People of Color (BIPOC) with disabilities experience higher rates of severe rent burden than either BIPOC without disabilities or whites with disabilities. For homelessness and housing instability, the influence of housing affordability and availability has been well documented and recognized as one of (if not the most) important factors in addressing homelessness.³ In areas of high opportunity or high housing costs, units at these income levels are especially important for helping provide individuals and families with opportunities to stay in Cupertino, reducing the risk of displacement, housing instability, and homelessness.

Restructure Impact Fees: Cupertino has some of the highest impact fees in the region. As discussed in the draft Element, impact fees raise the costs of projects, usually resulting in less below-market priced units, or trade-offs made by developers that result in a smaller or less affordable project. The City should revise its impact fees, and look to other jurisdictions for comparison or inspiration. For example, Mountain View's program on Park Land Ordinance (1.8) examines in lieu fees, and cites specific alternatives for consideration, such as privately-owned, publicly accessible areas (POPA), or allowing parkland credit for pedestrian connections and trails. A new fee regime could incorporate priority processing, granting fee waivers or

³ Colburn, Gregg; Aldern, Clayton Page. *Homelessness is a Housing Problem*, [Link](#). Demsas, Jerusalem, *The Obvious Answer to Homelessness*, The Atlantic. Accessed July 20, 2023. [Link](#).
Cho, Richard. Department of Housing and Urban Development. Blog, 12/06/22. Accessed July 20, 2023. [Link](#).

deferrals, modifying development standards, granting concessions and incentives, modeled on the Density Bonus Law.

Revise Heart of the City and other Special Area Development Standards in

Response to AB 2011: AB 2011 (2022) came into effect on July 1, 2023. In summary, this law creates an alternative land use regime allowing residential uses by right at specified densities on sites zoned for commercial use along wider streets in urban areas. As highlighted in the City's staff presentation for the July 25, 2023 City Council Special Meeting, almost all of Stevens Creek Boulevard and De Anza Boulevard are eligible for AB 2011 projects. In light of this, we recommend the City amend the development standards for these areas (most of which are in the Heart of the City or other special planning areas) to make housing a permitted, instead of conditional use, and to rezone and upzone in order to have more intention and thought put into preferred development outcomes. Absent this change, development applications in the affected area are likely to use AB 2011 on a stand-alone basis, rather than producing projects that reflect a cohesive planning strategy. The additional capacity should also help off-set proposed reductions in expected capacity at Vallco and The Hamptons sites (as noted and anticipated in any response to HCD's feedback letter).

Remove or Reform Multi-Family Height Limits to Scalable Standards: When combined with other zoning code requirements - setbacks, maximum lot coverage and parking requirements - the multi-family R-3 zone and height limits in many planned areas arbitrarily constrict the amount of homes we can produce in the City.⁴ With such limited land area, the City should recognize the enormous cost of having a two-story height limit on multi-family developments⁵, and reform the requirement. We recommend the City study a range of actions - from removing the height limit altogether to changing to a different metric, like a percent that would scale over time or based on housing needs, rather than an arbitrary limit.

Remove Parking Minimums: As alluded to in HCD feedback, parking minimums' potential impact on housing cost, supply, choice and other aspects need to be adequately considered as potential constraints on housing. CFA supports a revised draft that conducts a more thorough constraints analysis, but advocates for a broad reduction or removal of parking minimums entirely. This program would be consistent with [San Jose's removal of parking requirements](#), and actions in neighboring jurisdictions (Campbell, Program H-3a; Mountain View, Precise Plans and ongoing Council action) of lowering parking requirements or even introducing parking maximums. As outlined in Mountain View's constraints analysis, "[parking

⁴ *How America's racist housing rules really can be fixed*, Vox. Published February 17, 2021. Accessed July 20, 2023. [Link](#).

⁵ *How the US made affordable homes illegal*, Vox. Published August 16, 2021. Accessed July 20, 2023. [Link](#).

requirements may serve as a constraint on housing development by increasing development costs and reducing the amount of land available... [the impact in additional costs] range from \$30,000 to up to \$90,000 per parking space”⁶. Our space and resources can be much better utilized, and shouldering these costs into housing projects is antithetical to our Element’s goals.

Moreover, as researched by the Housing Choices organization, reduced parking requirements are especially beneficial for affordable housing projects that include people with developmental and other disabilities. Most adults with developmental disabilities do not drive or own a car, so reducing parking requirements for units set aside for people with disabilities can incentivize more inclusive housing by increasing feasibility of these projects. An example of this can be found in Sunnyvale’s parking requirements for Special Housing Developments.⁷

Finally, the City should also consider the effects parking minimums have for renters and people purchasing homes: in both cases, individuals are forced into paying for parking even if they do not need or want it. It seems only reasonable to create a carve-out or add language to zoning codes to exempt renters and purchases

Rezoning for Single Room Occupancy (SRO) Units: Allow for SRO units within the Heart of the City planning area and in commercial, office, and residential zones within walking distance to transit stops, with particular attention to areas along De Anza Boulevard and Stevens Creek Boulevard. Similar rezoning is seen in Campbell (for several zones) and Mountain View (for specific planning areas). SRO facilities are one of the only realistic options for many community college students, who are currently overcrowded in existing ill-fitted homes.

In addition we recommend Cupertino adopt similar strategies to both Campbell and Mountain View, where SROs are counted differently for density calculation purposes, in order to maximize production of these types of units: Campbell counts SROs up to 400 sq. feet as half a unit in density calculations (Program H-1m), and Mountain View’s “Precise Plans” use floor area instead of units to “[create] opportunity for many more efficiency studios”.⁸

Partnerships with Local School Districts & Using Vacant School Sites: Through collaboration with local school districts, joint powers authority, or another mechanism, the City should utilize existing public lands, including school district sites, to facilitate the production of affordable homes. The City should explore the

⁶ Mountain View Housing Element | Appendix D: Constraints Analysis. Page 252.

⁷ Sunnyvale, California Municipal Code. 19.46.080. Parking for special housing developments. Accessed on July 13, 2023. [Link](#).

⁸ Mountain View Housing Element | Appendix D: Constraints Analysis. Page 276.

possibility of building onsite housing options for teachers and families rather than restricting land uses at underutilized or shut-down education facilities or schools. Districts like Santa Clara Unified and Jefferson Union High School District⁹ have built affordable housing projects for teachers, and Alum Rock is currently working on their own project as well. The City should partner with local districts to identify their needs and learn from these projects to replicate similar projects where possible in Cupertino.

Pre-Approved SB-9 Designs and A Stronger SB-9 Ordinance: Similar to work done in Campbell¹⁰ and underway in San Jose, Cupertino can look into providing clearer design standards, expanding the types of zones in which SB-9 projects could be built, and bringing the current code into compliance with the anticipated passage of SB 450 (Atkins). For metrics, Cupertino could adopt a similar program to Mountain View's program to monitor and promote accessory dwelling units, junior accessory dwelling units, and SB 9 projects (1.7). Such a program would gather information like rent at time of rental, tenancy, demographics of project owners, and more through a survey. These data could be used to inform further programs, outreach, and educational efforts. The metrics associated with such a program could be the time or deadline for survey, educational material update milestones, and construction of "x" type of units per year or another time-period.

Reduce Setback Requirements: On more heavily-trafficked streets and / or commercial corridors, Cupertino should review and reduce or waive setback requirements. Requiring this open space unnecessarily constraints development and the types of housing possible, and forces non-ideal uses (such as a long driveway, or unusable front yards) in areas that could benefit from greater buildable land area. Such areas could be defined by density level (Residential Medium, 10-20 DU/ac), proximity to corridors or applicable streets using a similar definition to AB 2011 (e.g. "at least 70 feet but not greater than 150 feet"), and / or "planned areas", like the Heart of the City.

For example, consider residential lots along sections of Miller Avenue and Bollinger Road, where the minimum front yard setback is 20 feet.¹¹ Or residential zones on Stevens Creek Boulevard, west of Hwy 85, where many lot setbacks are a minimum of 20-35, whereas in contrast, other nearby lots have setbacks of 5 feet¹². These requirements seem inconsistent and could be reduced to more reasonable distances, like 5 feet, for greater flexibility in development. Reasonable and

⁹ Educational Staff Housing. Jefferson Union High School District. [Link](#). Teacher Housing Foundation. Santa Clara Unified School District. [Link](#).

¹⁰ Campbell SB-9 Ordinance Summary Sheet. Provides visual components as well. Accessed July 13, 2023. [Link](#).

¹¹ R-1 Residential, Overlay: Land Use Residential Medium (10-20 DU/ac.) [Link](#).

¹² Comparing residential lots like [10010 Phar Lap Dr](#) (20 ft) versus [10036 Peninsula Ave](#) (5 ft).

consistent adjustments to setback requirements will stop forcing specific, unproductive land-use choices, and could open up limited spaces to different types of housing. Moreover, the reduction in setbacks in specific residential neighborhoods could increase the connectivity of neighborhoods and create a greater sense of vibrancy in our communities.

There are similar problems with second-story setbacks as well. The city's arbitrary 15 foot side yard setback ignores basic architectural precepts (like the Golden Ratio) and often dramatically reduces potential second story configurations, especially on narrow lots.

Revise Lot Coverage Standards: Standards that dictate how much of the lot can be “covered” with buildings or structures can constrain the types and amount of housing built. For example, both Residential Duplex (R-2) and Multiple-Family Residential (R-3) zones have a maximum lot coverage of 40 percent of net lot area. Single-Family (R1) zones inexplicably have a slightly larger cap at 45 percent, and get an extra 5 percent for “roof overhangs, patios, porches, and other similar features not enclosed by walls on at least three (3) sides”¹³, with no clear reason why other zones don't get this treatment as well. Moreover, concrete or other impervious surfaces don't get included in this coverage, meaning that our regulations currently favor the use of impervious surfaces (environmentally unfriendly for water conservation) over a patio or porch (at least serves a benefit for the residents, and is not always an impervious surface).

Putting aside the arbitrary nature of the current standards and the bizarre incentives they create, these maximum lot coverage standards limit the types of layouts and buildings that can be built. At a 40 percent cap, it is hard to envision plans for duplexes or a small multi-family building that has a shared park or community space in the middle of it, or other similar “villa”-style designs. Taken together with the city's arbitrary 15-foot second story side yard setback requirement, and the problem becomes more pronounced. With the current set of regulations, we are constraining the types of houses, and therefore the number of homes and types of families who want to live in Cupertino, which frustrates our ability to achieve Element goals.

Adjust Single-Family Home Floor Area Ratio Requirements: Due to the interaction between state law (SB 9 and anticipated passage of SB 450), Cupertino's Floor Area Ratio (FAR) for Single-Family Homes (SFHs) poses another constraint to the development of adequate supply and the different types of housing opportunities available for development. Currently the single-family zoning code sets our FAR at 0.45, or 45 percent of the lot area. Given SB 9's effect (enabling lot-splits and two

¹³ Cupertino Municipal Code. 19.28.070 Building Development Regulations. Accessed on July 12, 2023. [Link](#).

units per lot in single-family zones), the interaction between this requirement acts similarly to the lot coverage standards: it restricts what layouts and types of housing are possible to build. This restriction reduces the possibility for “starter homes”, which are crucial for younger couples looking to start a family, or families moving to higher opportunity areas, like Cupertino. Expanding FAR requirements and permissible lot coverage, in combination with SB-9 and other incentives like parking minimum reductions, could enable the creation of more “starter homes”. Building on these actions, the City could also look into zoning for more single-family residential “clusters” on standard-sized lots, allowing for less dramatic increases in density.

Another approach that could provide further flexibility is “carving out” or excluding certain uses from counting against the FAR. For example, a part of Campbell’s Objective Multi-Family Design Standards (program H-1f) “will allow the residential component of mixed-use projects to not count against the allowable FAR.”

Making a slight adjustment to the FAR (up to 55 or 60%) or creating carve-outs for what counts toward FAR or lot coverage, can open up more opportunities to bring more homes to the same land area, which is crucial given Cupertino’s limited sites and spaces.

Examine and Implement an Adaptive Reuse Program(s): The City should allow for the adaptive reuse, conversion, or replacement of vacant or underperforming commercial spaces and parking structures to residential units. A program to consider would be an Adaptive Reuse Ordinance that would target the conversion of select types of existing structures and spaces that may include ground-floor retail in an existing mixed-use structure, part or all of an office building, parking structure, or historic building targeted for preservation. Reuse programs are necessary in cities like Cupertino, where remaining buildable land is limited in scope.

Family Friendly Housing: Cupertino’s diverse communities often house several generations of family within one home, in some cases leading to overcrowding. Promote housing designs and unit mix attractive to multigenerational households by encouraging developers to include housing features and more bedrooms (including four-bedroom units), as well as other on-site amenities, such as usable outdoor open space for multigenerational use, and multipurpose rooms that can be used for after-school homework clubs, computer, art, or other resident activities. Many of the programs recommended above (revise lot coverage standards, FAR adjustment, SB-9 designs) also feed into this policy’s intent. Metrics for this policy or program could include figures like the number of 4 bedroom units produced, or number of sites with usable outdoor space(s).

Policy Review & Action for Live/Work Units: Assess existing Live/Work regulations to see if any modification needs to be made to encourage development of Live/Work units in an effort to diversify the City's housing types. Encourage the development or conversion of affordable live/workspace units, and ensure owners of existing Live/Work units are aware of the Homebuyer Assistance Program available for their unit when marketing their unit for resale, in an effort to expand affordable homeownership options.

Preservation

Analysis of the previous draft Element, and HCD feedback sections B1 and C5 of their letter highlight gaps in the Element's programs and policies to address displacement, and preserve neighborhood stability. Many of the recommendations under "Production", have beneficial effects for the goals of "Preservation" as well as "Protection", as the increased supply of housing across all income levels allows for a diversity of households to find housing affordable to them in Cupertino. Furthermore, while we expect that the City will undertake more detailed analysis with local data that will imbue "[the City's actions with] specific commitments, milestones, geographic targeting and metrics or numerical targets"¹⁴, CFA recommends the following programs to address displacement and preserve housing opportunity in our neighborhoods:

Community Land Trusts: To improve and conserve the existing housing stock, Cupertino should develop strategies to assist affordable housing developers, existing (like the South Bay Community Land Trust) and future community land trusts with property acquisition. Coordinate with non-profit developers and community land trusts to take advantage of off-site acquisition options.

Community Opportunity to Purchase Ordinance: TOPA/COPA policies give tenants and/or qualified organizations (QOs) advance notice that the landlord intends to sell the building, along with specified timelines to exercise the "right of first offer" and "right of first refusal." Through the right of first offer, tenants and/or QOs have the right to submit an offer before the building goes on the market, which the landlord can accept or reject. If the landlord rejects the initial offer and subsequently receives a third-party offer on the market, a standard TOPA/COPA policy would allow tenants and/or QOs time to match that third-party offer, invoking the right of first refusal. If the tenants and/or QOs can match the third-party offer, the landlord must sell the property to them. Under TOPA, tenants are empowered to exercise these rights or assign their rights to another entity, while under COPA, these rights are given to a pre-established list of QOs. Properties purchased through TOPA/COPA may be

¹⁴ Department of Housing and Community Development, "RE: City of Cupertino's 6th Cycle (2023-2031) Draft Housing Element", 05/04/23, Page 12.

subject to permanent affordability restrictions, increasing the jurisdiction's affordable housing stock and permanently removing property from the speculative market.

Protection

Establish a Rental Registry: A database of rental housing units, including information on unit characteristics, rental rates, and changes in rent, is a crucial first step in providing and protecting housing opportunities for a diversity of people (draft Element goals HE-1, HE-2, HE-3) and better understanding market trends. This database would provide benefits to renters, landlords, and the city. These data are valuable information for the public, necessary for compliance and enforcement of other tenant protection policies, and integral to the evaluation of city policies or programs, especially those focused on affordability and displacement.

Neighboring jurisdictions like San Jose, already have a rental registry and use specific metrics (percent of City's rental units registered) to measure the program's effectiveness.¹⁵ While there has been discussion of a county-wide registry, we believe it would be valuable for Cupertino to move forward with the implementation of a local program regardless of any county-wide discussions. The new data provided both for the City and for the public will be beneficial and directly relates to Goals HE-1, HE-6.

In addition to the aforementioned benefits, this program helps satisfy Element compliance, and the existence of a local program may facilitate the formation of a larger, county-wide program in the future.

Create and Support an Eviction and Housing Center: Establish a space for the public to seek support and resources on topics related to eviction and housing. Ensure these resources and services are multilingual, particularly in Mandarin Chinese, Spanish, or any other languages identified as often spoken by populations with special housing needs. Other jurisdictions have similar programs in their elements too, like San Jose's Tenant Resource Center (S-1) and Tenant/Landlord Education Centers (S-27); similarly, Campbell (Program H-5c) and Mountain View (Policy 2.2) have similar policies or programs. A help center could be facilitated without high costs by using existing public spaces, such as the newly expanded Cupertino library, De Anza College, Quinlan, public private partnerships, or K-12 educational facilities.

¹⁵ City of San José Draft Housing Element, rev. June 2023. Chapter 3, S-2, Page 3-31

Legal Aid Beyond Mediation: Cupertino should either support a county-level program, or fund and create its own right to counsel program for tenants facing eviction or abuses of the landlord-tenant relationship. Many tenants do not even realize they can seek legal help and may not have the funds available. In the event of budgetary complications, the city should at least signal its support for a countywide right to counsel program using county funds. Already, the City of San Francisco is funding several non-profit organizations to work together in providing those services as the Tenant Right to Counsel program (TRC). A similar regime should be constructed with West Valley Community Services or in partnership with an organization like the Law Foundation of Silicon Valley so that it can scale up and expand existing programs.

Create or join an Affordable Rental “Portal”: Similar to San Jose’s existing “Doorway” portal, their policy S-13¹⁶, the commitment made in Campbell’s program H-3¹⁷, and the milestone¹⁸ in Mountain View’s policy 2.4 (Inclusive and Equitable Affordable Housing Application Processes), this tool would enable easier access to affordable or below-market rate housing opportunities. Given the launch of the Bay Area Housing Finance Authority (BAFHA)’s [“Doorway” portal](#), we would hope to see coordination between the City and BAFHA to ensure affordable rental units in and near Cupertino are listed and updated regularly.

Rental Tenant Relocation and Assistance: Create a Tenant Relocation Assistance Ordinance (TRAO). We recommend offering assistance that is equal to 3 months of Fair Market Rent¹⁹, for eligible renters. Other TRA0 policies provide a range from one to three months of rent, due to the common requirement for tenants to pay the equivalent of three months’ of rent just to secure the rental unit. Furthermore, we recommend strengthening assistance for special housing needs populations, such as seniors and people with disabilities.

The City can look to jurisdictions like San Jose or Mountain View as models for Cupertino’s ordinance.

Eviction Reduction and Anti-Rent Gouging Ordinance: Local jurisdictions can protect more renters by expanding the types of properties subject to existing state law, specifically [AB 1482 \(The Tenant Protection Act of 2019\)](#).

For Cupertino specifically, CFA recommends extending the AB 1482 protections to single-family homes and to rental properties built in the past 15 years, including

¹⁶ City of San José Draft Housing Element, rev. June 2023. Chapter 3, S-13, Page 3-35

¹⁷ 4th Submittal Draft of the 6th Cycle Housing Element, March 24, 2023. Page H.IV-82

¹⁸ Mountain View Housing Element | Housing Plan. Page 48

¹⁹ “Fair Market Rent”. HUD. Accessed July 21, 2023. [Link](#).

ADUs. These types of properties are particularly important given the high proportion of single-family homes in Cupertino, the volume of new affordable housing and ADUs to be added in the planning period. Additionally, with Cupertino's exceptionally high cost of living, the City should consider a stronger ordinance than state law, which limits to a flat increase, regardless of inflation.

Finally, the City should also consider an ordinance to address extrajudicial evictions, whether through harassment or retaliation, and if possible, aligning these protections with neighboring jurisdictions to create an efficient regulatory environment while maintaining important protections for renters.

Affirmative Marketing: Affirmative Marketing of the Types of Housing Ideal for Populations with Special Housing Needs: Income-Restricted, Single-Resident, Physically Accessible Units and other types of housing can be ideal for potential residents with special housing needs. Affordable housing developers are allowed to affirmatively market accessible units to disability-serving organizations in Santa Clara County but rarely take this step. Affirmative marketing is particularly needed by people with co-occurring physical and developmental disabilities who, because of cognitive, communication and social impairment, depend on housing navigation services funded by the San Andreas Regional Center to learn about and apply for affordable housing.

Implement Visitability Standards: The Housing Choices organization has identified that people with mobility impairments are unable to visit friends and family members in many Cupertino homes because of their inaccessible design including inaccessible entryways, common areas and/or restrooms. In order to increase accessibility of homes developed in our city, we agree with Housing Choices' recommendation that the city should commit to adopting Visitability Standards for new construction (including single family homes). These standards should encourage the adoption of features like at least one "no-step" entry point, interior and exterior doors with 32 inches of clear passage, and one bathroom on the main floor that is able to be maneuvered in a wheelchair.

To mitigate the constraining effects of these standards on new housing development, the City should work collaboratively at a regional or county scale.

Develop an Universal Design Standard: The Housing Choices organization defines the goal of a Universal Design Standard to be the creation of living environments that are usable by all people regardless of abilities, to the greatest extent possible, without the need for adaptation or specialized design. They highlight that universal design not only increases housing accessibility for people with disabilities but allows

people of all ages to age in place in homes that meet their needs throughout different stages of life and physical changes.

While there is a cost to adding universal design features to new construction and retrofitting accessible design features into existing homes, the cost is minimal when compared to the benefits; not only for people with disabilities, but also for the general population when considering the health and safety benefits from basic design choices²⁰. Moreover, the modification costs can often be a major barrier for people with disabilities living in housing that is not covered by Section 504²¹, as landlords are not responsible for bearing the costs of such modification and can even require that the tenant return the unit back to its original state. Cupertino should work with organizations, like Housing Choices, to incorporate universal design aspects to all new buildings in a way that is minimally constrictive upon the types or number of housing projects being proposed. This effort should include the study of alternative policies to address existing homes as well, to address those living in housing not covered by Section 504.

Safe Home Sharing: Partner with De Anza Community College to facilitate a home sharing program to account for the high number of empty rooms across Cupertino's single family home supply. Such a program would provide low cost market rate options for students who are underhoused, housing insecure, or simply wish to live closer to campus. The program should implement a screening process to ensure the safety and wellbeing of both parties.

Ongoing Community Engagement and Committee Assignments: Cupertino should improve its community engagement efforts over the course of the planning period and implementation of its housing policies. To do so, the City could expand the types of stakeholders participating in council or staff strategy and planning meetings, especially for groups or individuals representative of populations with special housing needs (like students, teachers / educational staff, service workers, seniors, renters, individuals with disabilities).

This engagement could help build understanding for the Element and City's goals. For example, Campbell's Program H-5v accomplishes this goal by calling for "[coordination with local businesses, housing advocacy groups, neighborhood groups and others]" for the purpose of "building public understanding for workforce, special needs housing and other [housing] issues... [like] the community benefits of affordable housing, mixed-use, and pedestrian-oriented development." This broad,

²⁰ For more, contact the Housing Choices organization. An overview can be reviewed here: *Quick Guide: Low Costs of Visitability*, Accessed July 20, 2023. [Link](#)

²¹ A federal law prohibiting discrimination on the basis of disability in federally-assisted programs or activities. *Section 504: FAQ*, HUD. Accessed on July 24, 2023. [Link](#).

consistent engagement combined with education around policy benefits ensure the Element is effective in meeting community needs, while also publicizing the positive benefits of the City's programs.

Community representation can be enhanced by other actions as well. Campbell and San Jose's housing elements feature examples of policies for greater community representation in city commissions. Campbell's includes the "[modification of] city rules to allow non-city residents who work in Campbell" to be on the housing commission. San Jose's policies I-9 and I-10 call for a focus on "getting equitable representation of historically underrepresented individuals, and individuals with lived experience with homelessness, on City commission(s)." We would be supportive of Cupertino adopting similar policies, and in addition, would welcome City efforts to appoint more renters on either the Planning or Housing Commission given a current lack of representation today, both in past commissions and in the previous draft Element's programs. Such actions would align with the City's most recent Internal Audit, which suggests additional qualification criteria for appointments to City commissions.²²

²² See City of Cupertino Enterprise Leadership Assessment Final Report, Moss Adams LLP, Recommendation No. 9, at p. 3, July 14, 2023.

Summary Table

Program	Goals	Example Metrics
Produce More Very Low and Extremely Low-Income Housing	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Permits (annually) - Units Constructed (annually)
Restructure Impact Fees	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Reform Multi-Family Height Limits	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Remove Parking Minimums	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Rezoning for SRO Units	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Partnerships with Local School Districts & Using Underutilized Land on School Sites	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Meetings held with local school districts - “x” number of sites assessed - “y” amount of dollars secured
Pre-Approved SB-9 Designs and A Stronger SB-9 Ordinance	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code or policy completed

		within Planning Period, or an earlier, specific deadline
Reduce Setback Requirements	Housing Opportunities, RHNA	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Expand Lot Coverage Standards	Housing Opportunities, RHNA	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Expand Single-Family Home Floor Area Ratio Requirements	Housing Opportunities, RHNA	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Revise Heart of the City and other Special Area Development Standards in Response to AB 2011	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline - Number of permits, project applications - VMT reductions associated with development - Units in proximity to employment or educational centers
Examine and Implement Adaptive Reuse Program	Housing Opportunities, RHNA, Preservation	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Family Friendly Housing	Housing Opportunities, AFFH, Preservation	- Number of 4+ Unit Homes Built

		<ul style="list-style-type: none"> - Number of Sites with usable outdoor space(s)
Policy Review & Action for Live/Work Units	Housing Opportunities, AFFH	<ul style="list-style-type: none"> - Deadline for Policy Review - Deadline for Policy Change or Action - Production of Live/Work Units (annually)
Community Land Trusts	Preservation, AFFH	<ul style="list-style-type: none"> - Number of Meetings Held / Organizations Met With
Community Opportunity to Purchase Ordinance	Preservation, AFFH	<ul style="list-style-type: none"> - Ordinance passed on specific deadline within Planning Period
Establish a Rental Registry	Protection, AFFH	<ul style="list-style-type: none"> - Timelines for Creation - Percent of Units Registered
Create and Support an Eviction and Housing Center	Protection, AFFH	<ul style="list-style-type: none"> - Materials Provided - Cases Resolved (Monthly, Annually) - Number of Events Held
Legal Counsel Beyond Mediation	Protection, AFFH	<ul style="list-style-type: none"> - Meetings with Organizations for Partnership
Create or join an Affordable Rental "Portal"	Protection, AFFH	<ul style="list-style-type: none"> - Meeting with BAFHA - Audit presence of units on their portal (quarterly)
Rental Tenant Relocation and Assistance	Protection, AFFH	<ul style="list-style-type: none"> - Implementation of Program - Funds provided (annually) - Households or

		Applicants Assisted
Eviction Reduction and Anti-Rent Gouging Ordinance	Protection, AFFH	- Ordinance Passed
Affirmative Marketing	AFFH	- Campaigns Run - Individuals Reached - Response Rates
Implement Visitability Standards	Protection, AFFH	- Design Standard or Policy Implemented
Develop an Universal Design Standard	Protection, AFFH	- Meetings Held - Design Standard or Policy Implemented
Safe Home Sharing	Protection, AFFH	- Number of Units or Homes Participating - Number Participants
Ongoing Community Engagement and Committee Assignments	Preservation, Protection, AFFH	- Code Changes - Ongoing Meetings / Engagements Held

From: [Tessa Parish](#)
To: [City Council](#); [Luke Connolly](#); [Hung Wei](#); [Sheila Mohan](#)
Cc: [HousingCommission](#); [City of Cupertino Planning Commission](#); [City Clerk](#)
Subject: Housing Element Lack of transparency Concern
Date: Monday, July 24, 2023 4:25:53 PM

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 & Council,

I am a bit shocked! I am not sure what is happening or if you are aware? I am hoping this is NOT your doing or if it is done you are unaware of what is being done.

1. It appears that a lot of changes have been proposed to the Housing Element without public notice or public feedback. A lot has been added, a lot has been removed from what took hours of public comment and commission work. Now is it only the re-zoning that will allow public feedback? Unless I am wrong, the process **REQUIRES** that you notify the public and obtain feedback. Otherwise, you alone would be deciding the fate of the city.

2. I am writing to you as public, this being public knowledge, the last 2 Housing commission meetings have been canceled when in fact they could have been doing their described duty of "To recommend policies for implementation and monitoring of affordable housing projects; C. To facilitate innovative approaches to affordable housing development and to generate ideas and interest in pursuing a variety of housing options"

3. Also, the City is missing the Jan 31st deadline? I feel that previous meeting content was NOT more important than discussing and meeting this deadline. This is a priority. From now until our 2023-2031 Housing Element has been certified, the Council and Staff need to insure this is a priority - not just with words but with their actions. Information needs to be quickly and readily available on the city's website, email notifications need to be sent out promptly, agenda items need to get priority and be expedited. Planning and Housing Commissions can help **as is their duty**. Additional support staff and resources need to be shifted to help both the staff and the consultants. Actually make this a priority with your actions!

As a reminder, these are just the first 2 items of the Duties-Powers-Responsibilities of the Housing Commission.

[2.86.100 Duties-Powers-Responsibilities](#)

The powers and functions of the Housing Commission shall be as follows:

- A. To assist the Planning Commission and the City Council in developing housing policies and strategies for implementation of general plan housing element goals;
- B. To recommend policies for implementation and monitoring of affordable housing projects;

ref. <https://www.cupertino.org/our-city/commissions/housing-commission#:~:text=To%20recommend%20policies%20for%20implementation,D>.

Request you ensure this is a transparent process and ensure the public have the opportunity to provide feedback and ensure the commissions as representatives of the public are allowed to perform their duties/responsibilities.

Thank you for your attention to these matters.

Best Regards,

Tessa Parish

resident of Cupertino

From: [R.W.](#)
To: [City Council](#); [City Clerk](#); [Kirsten Squarcia](#); [Hung Wei](#); [Sheila Mohan](#); [Liang Chao](#); [J.R. Fruen](#); [Kitty Moore](#)
Cc: [City of Cupertino Planning Dept.](#); [HousingCommission](#)
Subject: ITEM1: Housing Element Update
Date: Tuesday, July 25, 2023 10:39:20 AM

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, City Clerk,

Please place this in the public record and read if possible.

As your former two-time Chair of the Planning Commission, I am very concerned about the Housing Element process to date and the competency of the staff involved in this process. Having been involved in this process in the last cycle and earlier this year, the current approach by this majority council has been a process unlike any other. Moreover, this is beyond any of the conventional norms in the past.

We have a serious issue with the Housing Element process that you have put into place. While this process may not be illegal at this moment, what we have seen so far appears to be bordering the illegal. We are not only late, but we also lack public input in policy, site selection, and comment. The overall lack of public input and discourse is unacceptable.

Mayor Wei, why are you and the majority okay with circumventing the HCD outreach process?

We all know when the public is being muzzled and not able to comment. To date the following egregious actions have been taken:

1. Bypassing the Planning Commission And Housing Commission

It is unbelievable that our City Attorney and this majority council led by Mayor Wei, Vice Mayor Mohan, and JR Fruen find this process okay. There are some significant issues:

- By passing the Housing Commission and Planning Commission is not the normal process and reduces resident oversight and input.
- These actions only perpetuate the believe that Mayor Wei and-JR Fruen seek to bypass input from residents and prioritize input from special interests such as developers and housing activists
- Staff and the city have cancelled 9 out of 14 planning commission meetings that should have been used for input
- Study sessions have not been conducted with the new changes

2. Late Response To HCD Comments

The continued inability to produce a Housing Element on time and the lack of urgency by this majority city council is unacceptable. Based on your timeline, this City Council will not be able to submit a final HE until March/April 2024, way past the January 31, 2024 deadline.

- The continued delays are not acceptable
- The lack of oversight of staff on this process continues to be problematic

- Residents are at risk for fines from HCD due to the lack of leadership by this majority council.

3. Lack of Public Comment and Input

HCD requires extensive outreach and public comment. We can't even speak at this meeting and we are limited in time on input. This continued history of obfuscation and failure to seek input is troublesome because:

- The public can not review and comment on the next draft of the Housing Element
- There is no draft to review as of this letter
- The draft is not available until end of August or early September at best.
- There appears to be little or no interest in receiving public comments on the sites that were selected.
- The public can only comment on rezoned sites.
- The city council appears to not want public comment nor debate.

4. Disregard for Previous Work

A lot of work from many people was put into the previous plan to identify sites, review locations, and thoroughly reach out to property owners.

- It appears that much valuable work has been “thrown away” and not reused.
- Even worse, the input from the public has been ignored.
- A decision to place all the bulk on the East side once again exacerbates the concentration of housing on the East side versus the West side.

5. Lack of Strategic Selection Could Jeopardize Future RHNA Cycles

We have a responsibility to provide realistic options, instead:

- The proposed plan identifies more sites than necessary, which decreases the pool of candidate sites for future housing cycles.
- The plan risks making every identified site an SB 35 project, which reduces the City's ability to provide input for appropriate development.
- The plan suggests sites that are not appropriate for up zoning or do not have property owner approval, which makes these unrealistic options.
- The plan fails to consider the Tier1 and Tier 2 sites? We threw away all that hard, tax-payer funded work.

We await your replies to the public with abated breath.

With gravest of concerns,

R "Ray" Wang
Former 2X Chair of the Planning Commission
Long-Time Cupertino Resident

From: [Lisa Warren](#)
To: [City Clerk](#); [City Council](#); [City of Cupertino Planning Commission](#)
Cc: [HousingCommission](#); [Luke Connolly](#); [Piu Ghosh \(she/her\)](#); [Matt Morley](#)
Subject: Comments for Tuesday July 25 City Council Special Meeting Item 1 Housing Element
Date: Tuesday, July 25, 2023 1:41:18 PM

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.

Comments for Tuesday July 25 City Council Special Meeting Item 1 Housing Element

City Council, Staff and others

I am writing to voice just a few of my concerns regarding the subject of tonight's Study Session.

When considering what Staff presents tonight, there are important things to **aim for, and not loose site of.**

Four of the big ones are,

- Honestly and diligently calculate and identify sites that are equivalent and balanced throughout the city - West and East consider: unit type/ affordability / density / height / open space / neighborhood schools
- Identifying housing for developmentally disabled population,
- Do not exasperate the already existing/created lack of retail - 'essential retail' specifically
- Quality of life for all residents

Important Point:

Reducing Pipeline units challenge -

I have not seen anything in what is publicly available, that would indicate that HCD rejected the originally designated 'pipeline unit count' for any reason. Indeed City Staff and Consultant(1) were adamant that all such units were perfectly acceptable, each time that group/individuals claimed that they were not.

I question whether there is an valid reason to now change that stance. I also wonder if a majority council is considering removing those valid units/projects, whether, for example, the Hamptons site should then be identified as HE sites. And if not, why not?

Background and losing ground:

In several ways, this cycle of Housing Element outreach and discussions, has seemed very weak as compared to past cycles.

I recognize that there were new wrinkles added to the task, and an inarguably unrealistic unit count demand coming from HCD. The challenges of getting a 'passing grade' were many.

Many of your constituents are unhappy that neither the Housing Commission nor Planning Commission was presented an update, and given the opportunity to discuss and give recommendations on the Housing Element Update prior to the Study Session portion of tonight's CC meeting. There is also concern that publicly provided information has not been disseminated equally, as just one possible problem.

Both commissions, particularly Planning Commission, spent a great number of hours engaging with the Staff and the Public over many months. Public dialogue during the multiple PC mtgs allowed for several opportunities for input and actual 'conversation' with Commissioners. Legal owners of potential HE sites seemed to have their best shot at communicating with 'the city' by attending and participating in the PC meetings. These public discussions resulted in a big plus for the City Council meetings that followed. I know, because I attended all but 1 1/2 of the HE meetings that the city held, beginning with the intro by EMC to Housing Commission.

At the very least, tonight's City Council meeting could have been a Joint Session with our Planning Commission.

From the beginning, staff and consultant emphasized the importance of HCD's expectations/requirements that the public be given many opportunities to weigh in on all things Housing Element. Many people commented on the value of the joint session and expressed that more of those type of meetings should be held in the future. I see an extra value in that when there have been so many changes in Staff, and in the composition of CC, PC, etc.

Hopefully this was read and understood. I kept it brief.

Lisa Warren
Resident

From: [Debbie Timmers](#)
To: [City Council](#)
Subject: Item 1: Study Session: 6th Cycle Housing Element Update
Date: Tuesday, July 25, 2023 2:26:47 PM

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 Mayor Wei and Members of the City Council,

My name is Debbie Timmers, and I am a resident of Cupertino. I care deeply about issues of affordable housing and the quality of our housing element because I am tired of seeing my grandsons' friends move away because their families cannot afford housing here. Additionally, I am increasingly tired of the traffic on our highways as workers have to live further and further away due to housing costs.

I hope you all will support a compliant, ambitious housing element. We need to build enough housing at all income levels. We need to address regional fair housing disparities. We need to leverage new state housing laws to maximize affordability in Cupertino

Having a strong housing element will bring in large sums in new revenue for our schools, our parks, and our neighborhoods. We want a better Cupertino for our families! (not just better for the privileged few) Additionally, we can make major progress toward addressing emissions by approving housing projects that will make it easier for residents to walk/bike/transit to where they need to go. With that, let's create a sustainable corridor along Stevens creek, ripe with transit-oriented developments, walkable streets, retail options, and a beautiful anchoring vision for Cupertino's future. **We want nice, sustainable, public spaces where we can live in a vibrant community.**

Let's restart our Housing Element process and do it the right way this time. Please note this is not a cost to Cupertino—this is an opportunity for us! By pursuing an ambitious housing element that produces, protects, and preserves, we can greatly bolster our resources here in Cupertino, bring in new neighbors of all backgrounds, and create affordable, inclusive neighborhoods that also bring in retail, new public space, and promote active transportation. **I support this council in pushing us toward a new, much stronger housing element.**

Thank you for your work on this.

Debra Timmers

From: [Erik Poicon](#)
To: [City Council](#)
Cc: [Luke Connolly](#); [Housing](#); [City of Cupertino Planning Dept.](#); [Cupertino City Manager's Office](#); [City Clerk](#)
Subject: Cupertino Housing Element
Date: Tuesday, July 25, 2023 1:34:44 PM
Attachments: [SVYD Letter - Cupertino.pdf](#)
[Policy+Program Summary Table.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.

Hello Mayor Wei and Honorable Councilmembers,

I hope this email finds you well. My name is Erik Poicon, President of the Silicon Valley Young Democrats.

Attached you will find a letter in support of an ambitious plan in the housing element for affordable housing and a policy and program table.

Thank you for your attention to this matter.

Best,
Erik Poicon
President, Silicon Valley Young Democrats



July 25, 2023

Dear Mayor and honorable Councilmembers,

The Silicon Valley Young Democrats (SVYD) have consistently committed to hold the principles for liberty, justice, and freedom. We aim to inspire youth to actively engage in government affairs and to maintain the viability of our free institutions no matter the person's race, religion, sexual orientation, or gender. This includes the pursuit of accessible and sufficient housing opportunities.

The city of Cupertino finds itself in a critical moment of being a city that creates a Housing Element that is inclusive and affordable to its denizens or one that does the opposite. The community itself faces an affordability crisis that even households earning over \$100,000 annually struggle to afford apartments with rents over \$3,000 a month and home prices over \$2 million.

Now is the time for this council to boldly seize this moment in creating a Housing Element that not only complies with the State of California, but also saves declining school enrollments, improves current demographics, and provides adequate housing for diverse groups, young families and elderly individuals.

Cupertino needs to take decisive action by creating housing opportunities that specifically address the housing needs of the De Anza College community, arguably the largest community of young adults in the city. This initiative would be in line with AB 686 - California's Commitment to Fair Housing, which mandates every city in the state to update their General Plan's housing element to promote fair housing opportunities. Students at De Anza currently experience the highest level of insecurity, as evidenced by a 2020 basic needs survey that revealed 40% of students were facing housing insecurity and 12% were experiencing homelessness. Consequently, these students have been deprived of suitable living conditions, a disservice that continues to affect many students in 2023. In light of this, as Cupertino proceeds with developing a new housing element, we strongly urge the implementation of subsequent programs, policies, and housing site inventory locations that are aligned to the specific needs of De Anza College students.

Additionally, we implore the council to work closely with Cupertino for All who has outlined broad and expansive goals that the city should take on. Though these goals seem ambitious, we at SVYD believe they are attainable, such as, but not limited to, establishing reasonable renter protections to prevent displacement, creating opportunities for transitional housing, shelters, and resources for unhoused populations, and to restructure impact fees which have impeded the construction of below-market priced units due to increase project cost.

This is a unique opportunity for the council to develop a housing element that caters to the diverse needs of the community, encompassing teachers, first responders, retirees, low-wage workers, students, and families, regardless of documentation status. We appreciate your prompt attention to this matter and look towards an ambitious, equitable, inclusive housing element.

Silicon Valley Young Democrats Executive Board

Summary Table

Program	Goals	Example Metrics
Produce More Very Low and Extremely Low-Income Housing	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Permits (annually) - Units Constructed (annually)
Restructure Impact Fees	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Reform Multi-Family Height Limits	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Remove Parking Minimums	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Rezoning for SRO Units	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Partnerships with Local School Districts & Using Underutilized Land on School Sites	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Meetings held with local school districts - "x" number of sites assessed - "y" amount of dollars secured
Pre-Approved SB-9	Housing Opportunities,	<ul style="list-style-type: none"> - Change to

Designs and A Stronger SB-9 Ordinance	RHNA, AFFH	Municipal Code or policy completed within Planning Period, or an earlier, specific deadline
Reduce Setback Requirements	Housing Opportunities, RHNA	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Expand Lot Coverage Standards	Housing Opportunities, RHNA	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Expand Single-Family Home Floor Area Ratio Requirements	Housing Opportunities, RHNA	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Revise Heart of the City and other Special Area Development Standards in Response to AB 2011	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline - Number of permits, project applications - VMT reductions associated with development - Units in proximity to employment or educational centers
Examine and Implement Adaptive Reuse Program	Housing Opportunities, RHNA, Preservation	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline

Family Friendly Housing	Housing Opportunities, AFFH, Preservation	<ul style="list-style-type: none"> - Number of 4+ Unit Homes Built - Number of Sites with usable outdoor space(s)
Policy Review & Action for Live/Work Units	Housing Opportunities, AFFH	<ul style="list-style-type: none"> - Deadline for Policy Review - Deadline for Policy Change or Action - Production of Live/Work Units (annually)
Community Land Trusts	Preservation, AFFH	<ul style="list-style-type: none"> - Number of Meetings Held / Organizations Met With
Community Opportunity to Purchase Ordinance	Preservation, AFFH	<ul style="list-style-type: none"> - Ordinance passed on specific deadline within Planning Period
Establish a Rental Registry	Protection, AFFH	<ul style="list-style-type: none"> - Timelines for Creation - Percent of Units Registered
Create and Support an Eviction and Housing Center	Protection, AFFH	<ul style="list-style-type: none"> - Materials Provided - Cases Resolved (Monthly, Annually) - Number of Events Held
Legal Counsel Beyond Mediation	Protection, AFFH	<ul style="list-style-type: none"> - Meetings with Organizations for Partnership
Create or join an Affordable Rental "Portal"	Protection, AFFH	<ul style="list-style-type: none"> - Meeting with BAFHA - Audit presence of units on their portal (quarterly)
Rental Tenant Relocation and Assistance	Protection, AFFH	<ul style="list-style-type: none"> - Implementation of Program

		<ul style="list-style-type: none"> - Funds provided (annually) - Households or Applicants Assisted
Eviction Reduction and Anti-Rent Gouging Ordinance	Protection, AFFH	<ul style="list-style-type: none"> - Ordinance Passed
Affirmative Marketing	AFFH	<ul style="list-style-type: none"> - Campaigns Run - Individuals Reached - Response Rates
Implement Visitability Standards	Protection, AFFH	<ul style="list-style-type: none"> - Design Standard or Policy Implemented
Develop an Universal Design Standard	Protection, AFFH	<ul style="list-style-type: none"> - Meetings Held - Design Standard or Policy Implemented
Safe Home Sharing	Protection, AFFH	<ul style="list-style-type: none"> - Number of Units or Homes Participating - Number Participants
Ongoing Community Engagement and Committee Assignments	Preservation, Protection, AFFH	<ul style="list-style-type: none"> - Code Changes - Ongoing Meetings / Engagements Held

From: [Hal and Janet Van Zoeren](#)
To: [Hung Wei](#); [Sheila Mohan](#); [Liang Chao](#); [J.R. Fruen](#); [Kitty Moore](#); [Cupertino City Manager's Office](#)
Cc: [City Clerk](#); [Connie Cunningham](#); [Neil Park-McClintick](#); [Kalisha Webster](#); [Housing Choices](#)
Subject: Housing Element Housing for People with Developmental Disabilities
Date: Tuesday, July 25, 2023 2:24:13 PM
Attachments: [Housing Element Comments for 7-23 City Council JVZ 6.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.

Dear Mayor Wei and City Council Members,

This is a copy of the presentation I plan to give at tonight's City Council Meeting. I am sending you a copy just in case I am unable to present tonight for technical or other reasons. I am still in New Hampshire.

If you have any questions or concerns do not hesitate to contact me.

Most Sincerely,

Janet Van Zoeren
408-482-5763

Hello Mayor WEI and councilmembers,

My name is Janet Van Zoeren and I am a 47-year resident of Cupertino

California's Developmental Disabilities Services Act and the U.S. Supreme Court's 1999 *Olmstead decision*

- Entitle people with developmental disabilities to receive community-based services that allow them to live in the **least restrictive community setting**.
- Require local jurisdictions **to assess and plan specifically for the housing needs of people with developmental disabilities in their Housing Elements**.

However, the proposed Cupertino Housing Element Draft has

- No goals and
- No policies regarding the specific inclusion of housing for persons with developmental disabilities,
- Two strategies

**By not specifically assessing or planning for the
housing needs of people with developmental disabilities
this Housing Element draft is not only unacceptable,
but it is illegal as well!**

Let's take a closer look at the two strategies.

The two strategies mentioned above offer wonderful monetary or other incentives to developers who build affordable housing for people with developmental disabilities. The problem is that one of the strategies is contingent on needs not yet determined in a nexus document, which is not even part of the housing Element, and the other is contingent that the housing development neither overburdens nor "hurts" the character of the neighborhood. Such "wording" is problematic because it could promote bias!

Page 335/492 of this draft includes a section that poorly attempts to define "developmental disability", misrepresents the housing needs of those affected, and fails to **set specific housing goals to address their specific needs**. The Housing Coalition did provide more appropriate information to those drafting this Housing Element along with suggested wording for possible inclusion in the Housing Element draft.

Cupertino needs to decide specifically, how many units of low and extremely low-income housing it shall strive to attain over the next 8 years to satisfy the housing needs of this vulnerable population, and the law too!

Also, Cupertino's 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!

No matter what their political positions are, I have always found the citizens of this community to be supportive of people who have developmental disabilities. Let's appropriately define their needs and set specific goals for this small, underserved, vulnerable population.

Thank You!

Janet G. Van Zoeren, 46 year resident of Cupertino

From: [Peggy Griffin](#)
To: [Luke Connolly](#); [City Council](#)
Cc: [City Clerk](#)
Subject: 2023-07-25 City Council Meeting Agenda ITEM1-HE Update- PRESERVE OUR RETAIL CENTERS!
Date: Tuesday, July 25, 2023 4:02:32 PM

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.

Please include this email as part of Written Communications for the above City Council meeting agenda item.

Dear Luke Connolly and City Council,

I am asking you to please preserve our existing retail centers by:

- NOT adding any more of the retail centers listed below as part of our Housing Element
- EXCLUDE the retail centers below from AB2011 by doing what is required to do so (paperwork).

As our density increases, we do not want to create food deserts. Cupertino has had a tremendous retail leakage and continues to do so. Cupertino also needs to preserve what little diversified tax revenue we have in light of the CDTFA audit.

RETAIL CENTERS TO PRESERVE

1. Shopping Center at Stevens Creek & De Anza Blvd (Starbucks, Home Goods, TJ Max, Party City, etc)
2. Target Shopping Center on Stevens Creek
3. Whole Foods on Stevens Creek
4. Safeway Shopping Center on Homestead (Safeway, Ross, Michael's, Fed Ex, Chipotle, Rite Aid, Star One, etc)
5. Main Street on Stevens Creek
6. Neighborhood Center (N. Blaney and Homestead)
7. Marketplace on Stevens Creek (Daiso, Marukai Market and many restaurants/stores)
8. Loree Center on Stevens Creek
9. Shopping Center at Homestead Rd & Foothill Expressway (parts in Cupertino)

Sincerely,
Peggy Griffin

From: [Jennifer Griffin](#)
To: [City Council](#); [City of Cupertino Planning Commission](#); [Luke Connolly](#)
Cc: grenna5000@yahoo.com
Subject: Housing Element Do Over
Date: Tuesday, July 25, 2023 2:41:40 PM

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 and Planning Commission and Mr. Luke Connolly,

It has become apparent that tonight's Housing Element meeting had become a complete Disaster. It is not the staff's fault. They are trying to plod through the demands of HCD, Which does not seem to be very happy with the city for having any of the public involved And voicing their opinions about what does or doesn't get rezoned in the city.

Evidently, we are up against a lot more ton of bureaucracy than we had realized in HCD. Apparently, there are places in our city they want. Why they want them, who Knows? Will they just take them?

I fear that HCD disconnected from the state of democracy a long time ago.

Okay, well, with this complete unworkable scenario, I suggest we take a step back and Regroup and begin the Housing Element examination again, in light of the new evidence HCD is not happy with our choices.

Okay, now that we know we are dealing with some sort of megladon of bureaucratic Infra structure that no one knows who is guiding, we will begin again and ask it Questions Why? Why are you unhappy with our choices? Why are you picking these new Sites? Who told you to do this? That is how democracy works. The slow painful Process that takes time.

If HCD is on a time agenda to rezone these lands they are volunteering for the Housing Elements then that is a clue this is no Democratic process.

They may be unhappy, but hey, guys and gals, that is how democracy works. No one is guaranteed a free, quick ride. Democracy is messy and HCD Does not seem to be on-board with the Democratic process.

Let's do this Housing Element again and ask HCD why they are unhappy with our choices And let them explain their Democratic process to us and may be we will see their overall Agenda. It doesn't look like a very Democratic process so far and their logic of lacking.

Sincerely,

Jennifer Griffin

From: [Cupertino ForAll](#)
To: [Luke Connolly](#); [Housing](#); [City of Cupertino Planning Dept.](#); [Cupertino City Manager's Office](#); [City Clerk](#); [City Council](#)
Cc: [CFA Steering Googlegroups](#)
Subject: 150 signature Petition for an Ambitious Housing Element + Policy Package of ideas
Date: Tuesday, July 25, 2023 3:46:47 PM
Attachments: [Attachment2.pdf](#)
[Attachment1.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.

Hello,

We would like to submit the following, as named community contributors in HCD's recommended organizations for which to collaborate.

1. **Attachment #1 CFA Menu of recommendations:** Commentary on the draft Housing Element and HCD's feedback, with suggestions for policies and programs the City should consider in its revisions to the draft Element.
2. **Attachment #2 Table Summary of recommendations:** visual summary of menu of recommendations for draft #2 of the housing element.
3. **Attachment #3 Ambitious Housing Element petition:** community outreach petition for an ambitious housing element, coupled with more than 150 signatures. <https://actionnetwork.org/petitions/housing-element-petition/>

Please forward it on to any concerned or relevant parties as appropriate. We hope the Staff finds these recommendations helpful and are available for follow-up for further discussion if needed.

Thank you,

Steering Committee
Cupertino For All



July 24, 2023

Commentary RE: Revised Housing Element in Response to HCD Draft Feedback Letter

Cupertino City Council & City Staff
10300 Torre Avenue
Cupertino, CA 95014

Hello,

Cupertino for All is a forward-minded coalition made up of longtime residents, displaced residents, students, parents, homeowners, renters, and our allies with the commonly shared belief that we can and should create a more sustainable Cupertino now and for future generations.

We would like to submit the document below as commentary on the draft Housing Element and HCD's feedback, with suggestions for policies and programs the City should consider in its revisions to the draft Element.

Thank you,

Steering Committee
[Cupertino For All](#)

CFA Policy & Program Recommendations

Cupertino for All (CFA), in partnership with our membership and community partners, has developed various recommendations to directly address the gaps identified in the HCD Letter to the City of Cupertino on May 4, 2023, in response to the City of Cupertino's 6th Cycle Draft Housing Element. When making revisions to the Housing Element, CFA hopes the City of Cupertino considers the inclusion of the suggested policies, not only as a means to achieve HCD certification, but to create a more ambitious and progressive Housing Element.

Our policy and program recommendations are organized by the three P's framework for housing policy (Production, Preservation, Protection)¹. There may be references to sections in HCD's feedback letter, and other element goals a program or policy may address or connect to.

Overall Themes

- Compliant and Detailed Analysis throughout the Element's policies and programs.
 - The need for (1) regional analysis, (2) comparative analysis across both local and regional levels, and (3) the incorporation of local data was brought forth in earlier communications with the City and within HCD's feedback letter in Section B1, under the topics of "Regional Level Patterns and Trends", "Income and Racial Concentration of Affluence (RCAA)", "Disparities in Access to Opportunity", and "Disproportionate Housing Needs, Including Displacement Risk"
 - Notable HCD feedback (emphasis our own):
 - "[The Element] must evaluate the data and especially at a regional level, comparing the City to the broader region. This is **particularly important** since the City appears **far different from the rest of the region.**" (Our note: Only 3-4% of Cupertino is Latino/a compared to 1/3 of the populations of Santa Clara, San Jose, and other neighboring cities)
 - "[The] entire City is a RCAA and the element should incorporate this information... specific analysis of income and RCAA at a regional level (City compared to the broader region)...The element must add or modify meaningful programs based on the outcomes of this analysis, **including actions** to improve housing mobility **within and beyond City boundaries.**"

¹ Adopted by many organizations, but notably for Cupertino: *Housing Protection, Preservation & Production*. Metropolitan Transportation Commission. Accessed July 20, 2023. [Link](#).

- Establish specific metrics, outcomes and details in the element’s policies and programs.
 - Adopt policies or programs that set **measurable** goals and use **specific language** to actually achieve or provide greater certainty in achieving the stated outcomes. We provide more details in our suggestions below, and have outlined crucial policies absent from the previous draft, many of which directly relate to gaps identified in HCD Feedback.
 - For example, the previous draft Element had a few programs around rezoning or Municipal Code amendments that were either very limited (like a 0.5 parking space requirement reduction only for SRO and senior units), or were very general commitments. This problem was highlighted in HCD’s feedback that “[programs] must have... specific commitment to housing outcomes (e.g., refrain from language such as “explore”, “develop”, “consider”)”. Without strong commitments to addressing some of Cupertino’s restrictive policies, it will be difficult to support building housing that meets the needs of our community.
- Focus on underserved communities and populations, like senior residents, unhoused people, and De Anza Community College staff and students.
- Encourage denser and transit-oriented development, to mitigate and curb Cupertino’s highest source of greenhouse gas (GHG) emissions (which is on-road passenger vehicles)².
 - CFA does not have additional policy recommendations for the previous Element’s goals around energy and other resource use, but maintains that newer multifamily housing has more efficient electricity usage, can reduce fossil fuel reliance, and is more water efficient than other residential, commercial or agricultural uses. We support full electrification goals, including retroactivity and the application of efficiency standards and electrification efforts to *all* housing, including single-family homes.
- Institute policies to protect and assist renters, who make up nearly half of Cupertino’s population.
- Support a variety of affordable homes that suit different community needs (like SROs, ADUs, SB 9 style projects, and LBNCs).

² Cupertino Climate Action Plan 2.0. Published August 16, 2022. Accessed on July 12, 2023. [Link](#).

- Ongoing and more inclusive community engagement, to ensure policies and programs are meeting the needs of the community first, and parts of the community who are underserved or have special housing needs.

Policy and Program Recommendations

Production

Affirmatively Further Fair Housing by Producing More Very Low, and Extremely Low-Income Housing: Given Santa Clara County's high Area Median Income (AMI), the presence of housing units for these income levels (less than 50% and 30% of the AMI respectively) is integral to addressing equal access to housing opportunities, preventing displacement, and ensuring individuals or families of all socioeconomic backgrounds can access housing opportunities in Cupertino.

In particular, a commitment to policies and programs that result in production of more extremely low-income units will be beneficial for people with developmental disabilities, individuals experiencing homelessness or on the precipice of becoming unhoused, and preventing housing instability. Work done by the Housing Choices organization highlights that disability is the highest-ranked source of Fair Housing complaints in Santa Clara County, and a growing body of Santa Clara County data indicates that Black, Indigenous and other People of Color (BIPOC) with disabilities experience higher rates of severe rent burden than either BIPOC without disabilities or whites with disabilities. For homelessness and housing instability, the influence of housing affordability and availability has been well documented and recognized as one of (if not the most) important factors in addressing homelessness.³ In areas of high opportunity or high housing costs, units at these income levels are especially important for helping provide individuals and families with opportunities to stay in Cupertino, reducing the risk of displacement, housing instability, and homelessness.

Restructure Impact Fees: Cupertino has some of the highest impact fees in the region. As discussed in the draft Element, impact fees raise the costs of projects, usually resulting in less below-market priced units, or trade-offs made by developers that result in a smaller or less affordable project. The City should revise its impact fees, and look to other jurisdictions for comparison or inspiration. For example, Mountain View's program on Park Land Ordinance (1.8) examines in lieu fees, and cites specific alternatives for consideration, such as privately-owned, publicly accessible areas (POPA), or allowing parkland credit for pedestrian connections and trails. A new fee regime could incorporate priority processing, granting fee waivers or

³ Colburn, Gregg; Aldern, Clayton Page. *Homelessness is a Housing Problem*, [Link](#). Demsas, Jerusalem, *The Obvious Answer to Homelessness*, The Atlantic. Accessed July 20, 2023. [Link](#).
Cho, Richard. Department of Housing and Urban Development. Blog, 12/06/22. Accessed July 20, 2023. [Link](#).

deferrals, modifying development standards, granting concessions and incentives, modeled on the Density Bonus Law.

Revise Heart of the City and other Special Area Development Standards in

Response to AB 2011: AB 2011 (2022) came into effect on July 1, 2023. In summary, this law creates an alternative land use regime allowing residential uses by right at specified densities on sites zoned for commercial use along wider streets in urban areas. As highlighted in the City's staff presentation for the July 25, 2023 City Council Special Meeting, almost all of Stevens Creek Boulevard and De Anza Boulevard are eligible for AB 2011 projects. In light of this, we recommend the City amend the development standards for these areas (most of which are in the Heart of the City or other special planning areas) to make housing a permitted, instead of conditional use, and to rezone and upzone in order to have more intention and thought put into preferred development outcomes. Absent this change, development applications in the affected area are likely to use AB 2011 on a stand-alone basis, rather than producing projects that reflect a cohesive planning strategy. The additional capacity should also help off-set proposed reductions in expected capacity at Vallco and The Hamptons sites (as noted and anticipated in any response to HCD's feedback letter).

Remove or Reform Multi-Family Height Limits to Scalable Standards: When combined with other zoning code requirements - setbacks, maximum lot coverage and parking requirements - the multi-family R-3 zone and height limits in many planned areas arbitrarily constrict the amount of homes we can produce in the City.⁴ With such limited land area, the City should recognize the enormous cost of having a two-story height limit on multi-family developments⁵, and reform the requirement. We recommend the City study a range of actions - from removing the height limit altogether to changing to a different metric, like a percent that would scale over time or based on housing needs, rather than an arbitrary limit.

Remove Parking Minimums: As alluded to in HCD feedback, parking minimums' potential impact on housing cost, supply, choice and other aspects need to be adequately considered as potential constraints on housing. CFA supports a revised draft that conducts a more thorough constraints analysis, but advocates for a broad reduction or removal of parking minimums entirely. This program would be consistent with [San Jose's removal of parking requirements](#), and actions in neighboring jurisdictions (Campbell, Program H-3a; Mountain View, Precise Plans and ongoing Council action) of lowering parking requirements or even introducing parking maximums. As outlined in Mountain View's constraints analysis, "[parking

⁴ *How America's racist housing rules really can be fixed*, Vox. Published February 17, 2021. Accessed July 20, 2023. [Link](#).

⁵ *How the US made affordable homes illegal*, Vox. Published August 16, 2021. Accessed July 20, 2023. [Link](#).

requirements may serve as a constraint on housing development by increasing development costs and reducing the amount of land available... [the impact in additional costs] range from \$30,000 to up to \$90,000 per parking space”⁶. Our space and resources can be much better utilized, and shouldering these costs into housing projects is antithetical to our Element’s goals.

Moreover, as researched by the Housing Choices organization, reduced parking requirements are especially beneficial for affordable housing projects that include people with developmental and other disabilities. Most adults with developmental disabilities do not drive or own a car, so reducing parking requirements for units set aside for people with disabilities can incentivize more inclusive housing by increasing feasibility of these projects. An example of this can be found in Sunnyvale’s parking requirements for Special Housing Developments.⁷

Finally, the City should also consider the effects parking minimums have for renters and people purchasing homes: in both cases, individuals are forced into paying for parking even if they do not need or want it. It seems only reasonable to create a carve-out or add language to zoning codes to exempt renters and purchases

Rezoning for Single Room Occupancy (SRO) Units: Allow for SRO units within the Heart of the City planning area and in commercial, office, and residential zones within walking distance to transit stops, with particular attention to areas along De Anza Boulevard and Stevens Creek Boulevard. Similar rezoning is seen in Campbell (for several zones) and Mountain View (for specific planning areas). SRO facilities are one of the only realistic options for many community college students, who are currently overcrowded in existing ill-fitted homes.

In addition we recommend Cupertino adopt similar strategies to both Campbell and Mountain View, where SROs are counted differently for density calculation purposes, in order to maximize production of these types of units: Campbell counts SROs up to 400 sq. feet as half a unit in density calculations (Program H-1m), and Mountain View’s “Precise Plans” use floor area instead of units to “[create] opportunity for many more efficiency studios”.⁸

Partnerships with Local School Districts & Using Vacant School Sites: Through collaboration with local school districts, joint powers authority, or another mechanism, the City should utilize existing public lands, including school district sites, to facilitate the production of affordable homes. The City should explore the

⁶ Mountain View Housing Element | Appendix D: Constraints Analysis. Page 252.

⁷ Sunnyvale, California Municipal Code. 19.46.080. Parking for special housing developments. Accessed on July 13, 2023. [Link](#).

⁸ Mountain View Housing Element | Appendix D: Constraints Analysis. Page 276.

possibility of building onsite housing options for teachers and families rather than restricting land uses at underutilized or shut-down education facilities or schools. Districts like Santa Clara Unified and Jefferson Union High School District⁹ have built affordable housing projects for teachers, and Alum Rock is currently working on their own project as well. The City should partner with local districts to identify their needs and learn from these projects to replicate similar projects where possible in Cupertino.

Pre-Approved SB-9 Designs and A Stronger SB-9 Ordinance: Similar to work done in Campbell¹⁰ and underway in San Jose, Cupertino can look into providing clearer design standards, expanding the types of zones in which SB-9 projects could be built, and bringing the current code into compliance with the anticipated passage of SB 450 (Atkins). For metrics, Cupertino could adopt a similar program to Mountain View's program to monitor and promote accessory dwelling units, junior accessory dwelling units, and SB 9 projects (1.7). Such a program would gather information like rent at time of rental, tenancy, demographics of project owners, and more through a survey. These data could be used to inform further programs, outreach, and educational efforts. The metrics associated with such a program could be the time or deadline for survey, educational material update milestones, and construction of "x" type of units per year or another time-period.

Reduce Setback Requirements: On more heavily-trafficked streets and / or commercial corridors, Cupertino should review and reduce or waive setback requirements. Requiring this open space unnecessarily constraints development and the types of housing possible, and forces non-ideal uses (such as a long driveway, or unusable front yards) in areas that could benefit from greater buildable land area. Such areas could be defined by density level (Residential Medium, 10-20 DU/ac), proximity to corridors or applicable streets using a similar definition to AB 2011 (e.g. "at least 70 feet but not greater than 150 feet"), and / or "planned areas", like the Heart of the City.

For example, consider residential lots along sections of Miller Avenue and Bollinger Road, where the minimum front yard setback is 20 feet.¹¹ Or residential zones on Stevens Creek Boulevard, west of Hwy 85, where many lot setbacks are a minimum of 20-35, whereas in contrast, other nearby lots have setbacks of 5 feet¹². These requirements seem inconsistent and could be reduced to more reasonable distances, like 5 feet, for greater flexibility in development. Reasonable and

⁹ Educational Staff Housing. Jefferson Union High School District. [Link](#).
Teacher Housing Foundation. Santa Clara Unified School District. [Link](#).

¹⁰ Campbell SB-9 Ordinance Summary Sheet. Provides visual components as well. Accessed July 13, 2023. [Link](#).

¹¹ R-1 Residential, Overlay: Land Use Residential Medium (10-20 DU/ac.) [Link](#).

¹² Comparing residential lots like [10010 Phar Lap Dr](#) (20 ft) versus [10036 Peninsula Ave](#) (5 ft).

consistent adjustments to setback requirements will stop forcing specific, unproductive land-use choices, and could open up limited spaces to different types of housing. Moreover, the reduction in setbacks in specific residential neighborhoods could increase the connectivity of neighborhoods and create a greater sense of vibrancy in our communities.

There are similar problems with second-story setbacks as well. The city's arbitrary 15 foot side yard setback ignores basic architectural precepts (like the Golden Ratio) and often dramatically reduces potential second story configurations, especially on narrow lots.

Revise Lot Coverage Standards: Standards that dictate how much of the lot can be “covered” with buildings or structures can constrain the types and amount of housing built. For example, both Residential Duplex (R-2) and Multiple-Family Residential (R-3) zones have a maximum lot coverage of 40 percent of net lot area. Single-Family (R1) zones inexplicably have a slightly larger cap at 45 percent, and get an extra 5 percent for “roof overhangs, patios, porches, and other similar features not enclosed by walls on at least three (3) sides”¹³, with no clear reason why other zones don't get this treatment as well. Moreover, concrete or other impervious surfaces don't get included in this coverage, meaning that our regulations currently favor the use of impervious surfaces (environmentally unfriendly for water conservation) over a patio or porch (at least serves a benefit for the residents, and is not always an impervious surface).

Putting aside the arbitrary nature of the current standards and the bizarre incentives they create, these maximum lot coverage standards limit the types of layouts and buildings that can be built. At a 40 percent cap, it is hard to envision plans for duplexes or a small multi-family building that has a shared park or community space in the middle of it, or other similar “villa”-style designs. Taken together with the city's arbitrary 15-foot second story side yard setback requirement, and the problem becomes more pronounced. With the current set of regulations, we are constraining the types of houses, and therefore the number of homes and types of families who want to live in Cupertino, which frustrates our ability to achieve Element goals.

Adjust Single-Family Home Floor Area Ratio Requirements: Due to the interaction between state law (SB 9 and anticipated passage of SB 450), Cupertino's Floor Area Ratio (FAR) for Single-Family Homes (SFHs) poses another constraint to the development of adequate supply and the different types of housing opportunities available for development. Currently the single-family zoning code sets our FAR at 0.45, or 45 percent of the lot area. Given SB 9's effect (enabling lot-splits and two

¹³ Cupertino Municipal Code. 19.28.070 Building Development Regulations. Accessed on July 12, 2023. [Link](#).

units per lot in single-family zones), the interaction between this requirement acts similarly to the lot coverage standards: it restricts what layouts and types of housing are possible to build. This restriction reduces the possibility for “starter homes”, which are crucial for younger couples looking to start a family, or families moving to higher opportunity areas, like Cupertino. Expanding FAR requirements and permissible lot coverage, in combination with SB-9 and other incentives like parking minimum reductions, could enable the creation of more “starter homes”. Building on these actions, the City could also look into zoning for more single-family residential “clusters” on standard-sized lots, allowing for less dramatic increases in density.

Another approach that could provide further flexibility is “carving out” or excluding certain uses from counting against the FAR. For example, a part of Campbell’s Objective Multi-Family Design Standards (program H-1f) “will allow the residential component of mixed-use projects to not count against the allowable FAR.”

Making a slight adjustment to the FAR (up to 55 or 60%) or creating carve-outs for what counts toward FAR or lot coverage, can open up more opportunities to bring more homes to the same land area, which is crucial given Cupertino’s limited sites and spaces.

Examine and Implement an Adaptive Reuse Program(s): The City should allow for the adaptive reuse, conversion, or replacement of vacant or underperforming commercial spaces and parking structures to residential units. A program to consider would be an Adaptive Reuse Ordinance that would target the conversion of select types of existing structures and spaces that may include ground-floor retail in an existing mixed-use structure, part or all of an office building, parking structure, or historic building targeted for preservation. Reuse programs are necessary in cities like Cupertino, where remaining buildable land is limited in scope.

Family Friendly Housing: Cupertino’s diverse communities often house several generations of family within one home, in some cases leading to overcrowding. Promote housing designs and unit mix attractive to multigenerational households by encouraging developers to include housing features and more bedrooms (including four-bedroom units), as well as other on-site amenities, such as usable outdoor open space for multigenerational use, and multipurpose rooms that can be used for after-school homework clubs, computer, art, or other resident activities. Many of the programs recommended above (revise lot coverage standards, FAR adjustment, SB-9 designs) also feed into this policy’s intent. Metrics for this policy or program could include figures like the number of 4 bedroom units produced, or number of sites with usable outdoor space(s).

Policy Review & Action for Live/Work Units: Assess existing Live/Work regulations to see if any modification needs to be made to encourage development of Live/Work units in an effort to diversify the City's housing types. Encourage the development or conversion of affordable live/workspace units, and ensure owners of existing Live/Work units are aware of the Homebuyer Assistance Program available for their unit when marketing their unit for resale, in an effort to expand affordable homeownership options.

Preservation

Analysis of the previous draft Element, and HCD feedback sections B1 and C5 of their letter highlight gaps in the Element's programs and policies to address displacement, and preserve neighborhood stability. Many of the recommendations under "Production", have beneficial effects for the goals of "Preservation" as well as "Protection", as the increased supply of housing across all income levels allows for a diversity of households to find housing affordable to them in Cupertino. Furthermore, while we expect that the City will undertake more detailed analysis with local data that will imbue "[the City's actions with] specific commitments, milestones, geographic targeting and metrics or numerical targets"¹⁴, CFA recommends the following programs to address displacement and preserve housing opportunity in our neighborhoods:

Community Land Trusts: To improve and conserve the existing housing stock, Cupertino should develop strategies to assist affordable housing developers, existing (like the South Bay Community Land Trust) and future community land trusts with property acquisition. Coordinate with non-profit developers and community land trusts to take advantage of off-site acquisition options.

Community Opportunity to Purchase Ordinance: TOPA/COPA policies give tenants and/or qualified organizations (QOs) advance notice that the landlord intends to sell the building, along with specified timelines to exercise the "right of first offer" and "right of first refusal." Through the right of first offer, tenants and/or QOs have the right to submit an offer before the building goes on the market, which the landlord can accept or reject. If the landlord rejects the initial offer and subsequently receives a third-party offer on the market, a standard TOPA/COPA policy would allow tenants and/or QOs time to match that third-party offer, invoking the right of first refusal. If the tenants and/or QOs can match the third-party offer, the landlord must sell the property to them. Under TOPA, tenants are empowered to exercise these rights or assign their rights to another entity, while under COPA, these rights are given to a pre-established list of QOs. Properties purchased through TOPA/COPA may be

¹⁴ Department of Housing and Community Development, "RE: City of Cupertino's 6th Cycle (2023-2031) Draft Housing Element", 05/04/23, Page 12.

subject to permanent affordability restrictions, increasing the jurisdiction's affordable housing stock and permanently removing property from the speculative market.

Protection

Establish a Rental Registry: A database of rental housing units, including information on unit characteristics, rental rates, and changes in rent, is a crucial first step in providing and protecting housing opportunities for a diversity of people (draft Element goals HE-1, HE-2, HE-3) and better understanding market trends. This database would provide benefits to renters, landlords, and the city. These data are valuable information for the public, necessary for compliance and enforcement of other tenant protection policies, and integral to the evaluation of city policies or programs, especially those focused on affordability and displacement.

Neighboring jurisdictions like San Jose, already have a rental registry and use specific metrics (percent of City's rental units registered) to measure the program's effectiveness.¹⁵ While there has been discussion of a county-wide registry, we believe it would be valuable for Cupertino to move forward with the implementation of a local program regardless of any county-wide discussions. The new data provided both for the City and for the public will be beneficial and directly relates to Goals HE-1, HE-6.

In addition to the aforementioned benefits, this program helps satisfy Element compliance, and the existence of a local program may facilitate the formation of a larger, county-wide program in the future.

Create and Support an Eviction and Housing Center: Establish a space for the public to seek support and resources on topics related to eviction and housing. Ensure these resources and services are multilingual, particularly in Mandarin Chinese, Spanish, or any other languages identified as often spoken by populations with special housing needs. Other jurisdictions have similar programs in their elements too, like San Jose's Tenant Resource Center (S-1) and Tenant/Landlord Education Centers (S-27); similarly, Campbell (Program H-5c) and Mountain View (Policy 2.2) have similar policies or programs. A help center could be facilitated without high costs by using existing public spaces, such as the newly expanded Cupertino library, De Anza College, Quinlan, public private partnerships, or K-12 educational facilities.

¹⁵ City of San José Draft Housing Element, rev. June 2023. Chapter 3, S-2, Page 3-31

Legal Aid Beyond Mediation: Cupertino should either support a county-level program, or fund and create its own right to counsel program for tenants facing eviction or abuses of the landlord-tenant relationship. Many tenants do not even realize they can seek legal help and may not have the funds available. In the event of budgetary complications, the city should at least signal its support for a countywide right to counsel program using county funds. Already, the City of San Francisco is funding several non-profit organizations to work together in providing those services as the Tenant Right to Counsel program (TRC). A similar regime should be constructed with West Valley Community Services or in partnership with an organization like the Law Foundation of Silicon Valley so that it can scale up and expand existing programs.

Create or join an Affordable Rental “Portal”: Similar to San Jose’s existing “Doorway” portal, their policy S-13¹⁶, the commitment made in Campbell’s program H-3¹⁷, and the milestone¹⁸ in Mountain View’s policy 2.4 (Inclusive and Equitable Affordable Housing Application Processes), this tool would enable easier access to affordable or below-market rate housing opportunities. Given the launch of the Bay Area Housing Finance Authority (BAFHA)’s [“Doorway” portal](#), we would hope to see coordination between the City and BAFHA to ensure affordable rental units in and near Cupertino are listed and updated regularly.

Rental Tenant Relocation and Assistance: Create a Tenant Relocation Assistance Ordinance (TRAO). We recommend offering assistance that is equal to 3 months of Fair Market Rent¹⁹, for eligible renters. Other TRA0 policies provide a range from one to three months of rent, due to the common requirement for tenants to pay the equivalent of three months’ of rent just to secure the rental unit. Furthermore, we recommend strengthening assistance for special housing needs populations, such as seniors and people with disabilities.

The City can look to jurisdictions like San Jose or Mountain View as models for Cupertino’s ordinance.

Eviction Reduction and Anti-Rent Gouging Ordinance: Local jurisdictions can protect more renters by expanding the types of properties subject to existing state law, specifically [AB 1482 \(The Tenant Protection Act of 2019\)](#).

For Cupertino specifically, CFA recommends extending the AB 1482 protections to single-family homes and to rental properties built in the past 15 years, including

¹⁶ City of San José Draft Housing Element, rev. June 2023. Chapter 3, S-13, Page 3-35

¹⁷ 4th Submittal Draft of the 6th Cycle Housing Element, March 24, 2023. Page H.IV-82

¹⁸ Mountain View Housing Element | Housing Plan. Page 48

¹⁹ “Fair Market Rent”. HUD. Accessed July 21, 2023. [Link](#).

ADUs. These types of properties are particularly important given the high proportion of single-family homes in Cupertino, the volume of new affordable housing and ADUs to be added in the planning period. Additionally, with Cupertino's exceptionally high cost of living, the City should consider a stronger ordinance than state law, which limits to a flat increase, regardless of inflation.

Finally, the City should also consider an ordinance to address extrajudicial evictions, whether through harassment or retaliation, and if possible, aligning these protections with neighboring jurisdictions to create an efficient regulatory environment while maintaining important protections for renters.

Affirmative Marketing: Affirmative Marketing of the Types of Housing Ideal for Populations with Special Housing Needs: Income-Restricted, Single-Resident, Physically Accessible Units and other types of housing can be ideal for potential residents with special housing needs. Affordable housing developers are allowed to affirmatively market accessible units to disability-serving organizations in Santa Clara County but rarely take this step. Affirmative marketing is particularly needed by people with co-occurring physical and developmental disabilities who, because of cognitive, communication and social impairment, depend on housing navigation services funded by the San Andreas Regional Center to learn about and apply for affordable housing.

Implement Visitability Standards: The Housing Choices organization has identified that people with mobility impairments are unable to visit friends and family members in many Cupertino homes because of their inaccessible design including inaccessible entryways, common areas and/or restrooms. In order to increase accessibility of homes developed in our city, we agree with Housing Choices' recommendation that the city should commit to adopting Visitability Standards for new construction (including single family homes). These standards should encourage the adoption of features like at least one "no-step" entry point, interior and exterior doors with 32 inches of clear passage, and one bathroom on the main floor that is able to be maneuvered in a wheelchair.

To mitigate the constraining effects of these standards on new housing development, the City should work collaboratively at a regional or county scale.

Develop an Universal Design Standard: The Housing Choices organization defines the goal of a Universal Design Standard to be the creation of living environments that are usable by all people regardless of abilities, to the greatest extent possible, without the need for adaptation or specialized design. They highlight that universal design not only increases housing accessibility for people with disabilities but allows

people of all ages to age in place in homes that meet their needs throughout different stages of life and physical changes.

While there is a cost to adding universal design features to new construction and retrofitting accessible design features into existing homes, the cost is minimal when compared to the benefits; not only for people with disabilities, but also for the general population when considering the health and safety benefits from basic design choices²⁰. Moreover, the modification costs can often be a major barrier for people with disabilities living in housing that is not covered by Section 504²¹, as landlords are not responsible for bearing the costs of such modification and can even require that the tenant return the unit back to its original state. Cupertino should work with organizations, like Housing Choices, to incorporate universal design aspects to all new buildings in a way that is minimally constrictive upon the types or number of housing projects being proposed. This effort should include the study of alternative policies to address existing homes as well, to address those living in housing not covered by Section 504.

Safe Home Sharing: Partner with De Anza Community College to facilitate a home sharing program to account for the high number of empty rooms across Cupertino's single family home supply. Such a program would provide low cost market rate options for students who are underhoused, housing insecure, or simply wish to live closer to campus. The program should implement a screening process to ensure the safety and wellbeing of both parties.

Ongoing Community Engagement and Committee Assignments: Cupertino should improve its community engagement efforts over the course of the planning period and implementation of its housing policies. To do so, the City could expand the types of stakeholders participating in council or staff strategy and planning meetings, especially for groups or individuals representative of populations with special housing needs (like students, teachers / educational staff, service workers, seniors, renters, individuals with disabilities).

This engagement could help build understanding for the Element and City's goals. For example, Campbell's Program H-5v accomplishes this goal by calling for "[coordination with local businesses, housing advocacy groups, neighborhood groups and others]" for the purpose of "building public understanding for workforce, special needs housing and other [housing] issues... [like] the community benefits of affordable housing, mixed-use, and pedestrian-oriented development." This broad,

²⁰ For more, contact the Housing Choices organization. An overview can be reviewed here: *Quick Guide: Low Costs of Visitability*, Accessed July 20, 2023. [Link](#)

²¹ A federal law prohibiting discrimination on the basis of disability in federally-assisted programs or activities. *Section 504: FAQ*, HUD. Accessed on July 24, 2023. [Link](#).

consistent engagement combined with education around policy benefits ensure the Element is effective in meeting community needs, while also publicizing the positive benefits of the City's programs.

Community representation can be enhanced by other actions as well. Campbell and San Jose's housing elements feature examples of policies for greater community representation in city commissions. Campbell's includes the "[modification of] city rules to allow non-city residents who work in Campbell" to be on the housing commission. San Jose's policies I-9 and I-10 call for a focus on "getting equitable representation of historically underrepresented individuals, and individuals with lived experience with homelessness, on City commission(s)." We would be supportive of Cupertino adopting similar policies, and in addition, would welcome City efforts to appoint more renters on either the Planning or Housing Commission given a current lack of representation today, both in past commissions and in the previous draft Element's programs. Such actions would align with the City's most recent Internal Audit, which suggests additional qualification criteria for appointments to City commissions.²²

²² See City of Cupertino Enterprise Leadership Assessment Final Report, Moss Adams LLP, Recommendation No. 9, at p. 3, July 14, 2023.

Summary Table

Program	Goals	Example Metrics
Produce More Very Low and Extremely Low-Income Housing	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Permits (annually) - Units Constructed (annually)
Restructure Impact Fees	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Reform Multi-Family Height Limits	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Remove Parking Minimums	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Rezoning for SRO Units	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Partnerships with Local School Districts & Using Underutilized Land on School Sites	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Meetings held with local school districts - “x” number of sites assessed - “y” amount of dollars secured
Pre-Approved SB-9 Designs and A Stronger SB-9 Ordinance	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code or policy completed

		within Planning Period, or an earlier, specific deadline
Reduce Setback Requirements	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Expand Lot Coverage Standards	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Expand Single-Family Home Floor Area Ratio Requirements	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Revise Heart of the City and other Special Area Development Standards in Response to AB 2011	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline - Number of permits, project applications - VMT reductions associated with development - Units in proximity to employment or educational centers
Examine and Implement Adaptive Reuse Program	Housing Opportunities, RHNA, Preservation	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Family Friendly Housing	Housing Opportunities, AFFH, Preservation	<ul style="list-style-type: none"> - Number of 4+ Unit Homes Built

		<ul style="list-style-type: none"> - Number of Sites with usable outdoor space(s)
Policy Review & Action for Live/Work Units	Housing Opportunities, AFFH	<ul style="list-style-type: none"> - Deadline for Policy Review - Deadline for Policy Change or Action - Production of Live/Work Units (annually)
Community Land Trusts	Preservation, AFFH	<ul style="list-style-type: none"> - Number of Meetings Held / Organizations Met With
Community Opportunity to Purchase Ordinance	Preservation, AFFH	<ul style="list-style-type: none"> - Ordinance passed on specific deadline within Planning Period
Establish a Rental Registry	Protection, AFFH	<ul style="list-style-type: none"> - Timelines for Creation - Percent of Units Registered
Create and Support an Eviction and Housing Center	Protection, AFFH	<ul style="list-style-type: none"> - Materials Provided - Cases Resolved (Monthly, Annually) - Number of Events Held
Legal Counsel Beyond Mediation	Protection, AFFH	<ul style="list-style-type: none"> - Meetings with Organizations for Partnership
Create or join an Affordable Rental "Portal"	Protection, AFFH	<ul style="list-style-type: none"> - Meeting with BAFHA - Audit presence of units on their portal (quarterly)
Rental Tenant Relocation and Assistance	Protection, AFFH	<ul style="list-style-type: none"> - Implementation of Program - Funds provided (annually) - Households or

		Applicants Assisted
Eviction Reduction and Anti-Rent Gouging Ordinance	Protection, AFFH	- Ordinance Passed
Affirmative Marketing	AFFH	- Campaigns Run - Individuals Reached - Response Rates
Implement Visitability Standards	Protection, AFFH	- Design Standard or Policy Implemented
Develop an Universal Design Standard	Protection, AFFH	- Meetings Held - Design Standard or Policy Implemented
Safe Home Sharing	Protection, AFFH	- Number of Units or Homes Participating - Number Participants
Ongoing Community Engagement and Committee Assignments	Preservation, Protection, AFFH	- Code Changes - Ongoing Meetings / Engagements Held

Summary Table

Program	Goals	Example Metrics
Produce More Very Low and Extremely Low-Income Housing	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Permits (annually) - Units Constructed (annually)
Restructure Impact Fees	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Reform Multi-Family Height Limits	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Remove Parking Minimums	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Rezoning for SRO Units	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Partnerships with Local School Districts & Using Underutilized Land on School Sites	Housing Opportunities, RHNA, AFFH	<ul style="list-style-type: none"> - Meetings held with local school districts - "x" number of sites assessed - "y" amount of dollars secured
Pre-Approved SB-9	Housing Opportunities,	<ul style="list-style-type: none"> - Change to

Designs and A Stronger SB-9 Ordinance	RHNA, AFFH	Municipal Code or policy completed within Planning Period, or an earlier, specific deadline
Reduce Setback Requirements	Housing Opportunities, RHNA	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Expand Lot Coverage Standards	Housing Opportunities, RHNA	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Expand Single-Family Home Floor Area Ratio Requirements	Housing Opportunities, RHNA	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline
Revise Heart of the City and other Special Area Development Standards in Response to AB 2011	Housing Opportunities, RHNA	<ul style="list-style-type: none"> - Change to Municipal Code completed within Planning Period, or an earlier, specific deadline - Number of permits, project applications - VMT reductions associated with development - Units in proximity to employment or educational centers
Examine and Implement Adaptive Reuse Program	Housing Opportunities, RHNA, Preservation	- Change to Municipal Code completed within Planning Period, or an earlier, specific deadline

Family Friendly Housing	Housing Opportunities, AFFH, Preservation	<ul style="list-style-type: none"> - Number of 4+ Unit Homes Built - Number of Sites with usable outdoor space(s)
Policy Review & Action for Live/Work Units	Housing Opportunities, AFFH	<ul style="list-style-type: none"> - Deadline for Policy Review - Deadline for Policy Change or Action - Production of Live/Work Units (annually)
Community Land Trusts	Preservation, AFFH	<ul style="list-style-type: none"> - Number of Meetings Held / Organizations Met With
Community Opportunity to Purchase Ordinance	Preservation, AFFH	<ul style="list-style-type: none"> - Ordinance passed on specific deadline within Planning Period
Establish a Rental Registry	Protection, AFFH	<ul style="list-style-type: none"> - Timelines for Creation - Percent of Units Registered
Create and Support an Eviction and Housing Center	Protection, AFFH	<ul style="list-style-type: none"> - Materials Provided - Cases Resolved (Monthly, Annually) - Number of Events Held
Legal Counsel Beyond Mediation	Protection, AFFH	<ul style="list-style-type: none"> - Meetings with Organizations for Partnership
Create or join an Affordable Rental "Portal"	Protection, AFFH	<ul style="list-style-type: none"> - Meeting with BAFHA - Audit presence of units on their portal (quarterly)
Rental Tenant Relocation and Assistance	Protection, AFFH	<ul style="list-style-type: none"> - Implementation of Program

		<ul style="list-style-type: none"> - Funds provided (annually) - Households or Applicants Assisted
Eviction Reduction and Anti-Rent Gouging Ordinance	Protection, AFFH	<ul style="list-style-type: none"> - Ordinance Passed
Affirmative Marketing	AFFH	<ul style="list-style-type: none"> - Campaigns Run - Individuals Reached - Response Rates
Implement Visitability Standards	Protection, AFFH	<ul style="list-style-type: none"> - Design Standard or Policy Implemented
Develop an Universal Design Standard	Protection, AFFH	<ul style="list-style-type: none"> - Meetings Held - Design Standard or Policy Implemented
Safe Home Sharing	Protection, AFFH	<ul style="list-style-type: none"> - Number of Units or Homes Participating - Number Participants
Ongoing Community Engagement and Committee Assignments	Preservation, Protection, AFFH	<ul style="list-style-type: none"> - Code Changes - Ongoing Meetings / Engagements Held

From: [S B](#)
To: [City Attorney's Office](#); [City Council](#); [City Clerk](#)
Subject: Is there an issue with time today?
Date: Tuesday, July 25, 2023 5:38:54 PM

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.

Hello Mr Jensen,

What is the hurry today? Why are you trying to prevent council member Liang from asking questions!

Please be patient, a lot of residents do like the questions that council members Liang Chao and Kitty Moore ask!

We would prefer if all council members would pay attention and ask the correct questions, instead of simply agreeing to everything the staff presents.

Speaking for myself, a resident like many others to whom the Council must pay attention

Regards

Sashi

Sent from my iPhone

From: [S B](#)
To: [City Council](#); [City Clerk](#)
Cc: [City Attorney's Office](#); [Cupertino City Manager's Office](#)
Subject: Housing element
Date: Tuesday, July 25, 2023 4:18:56 PM

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.

Hello Mayor and Members of the City Council,

My name is Sashi Begur, and I am a 26-year resident of Cupertino. I care deeply about issues of affordable housing and the quality of life here in Cupertino. The housing element submitted by the previous council was a well thought out and a sensible plan. The Tier 1 Plan was ambitious and catered to all income levels. I believe this city council must not waste any more time and accept the Tier 1 plan. The 16-page feedback from HCD seems to ask for more details, rather than asking Cupertino to start from scratch. I encourage the current council to use the great work done by the previous council as the Tier 1.

The current Housing element plan developed by the previous council works because:

--[if !supportLists]--> <!--[endif]-->It is based upon the general plan guidelines, and we need local control not someone else sitting somewhere else forcing traffic, overcrowding of schools, and requiring us to pay for parking.

--[if !supportLists]--> <!--[endif]-->All the bills Sacramento claims addresses affordable housing were created to only support big developers with money from outside of the US, to take away our local control, and make housing more expensive.

--[if !supportLists]--> <!--[endif]-->The positive potential of Tier 1 is to ensure that the neighborhoods are livable, including all pipeline projects as we cannot control who builds and when, as we saw with the Vallco plan, the expiry date was conveniently changed.

--[if !supportLists]--> <!--[endif]-->Build it and they will come was a movie, it is fiction, we cannot build housing and hope the public transit will catch up, it does not work that way. Build retail so that we can work to them, not all of us ride bikes, we don't want to be discriminated.

--[if !supportLists]--> <!--[endif]-->To meet the needs of De Anza Students, teachers, new families, seniors and low wage workers, the city council must accept the Tier 1 as is and find "out of box thinking", by providing tax benefits to those who provide BM rents, whether it is apartment buildings or individuals.

--[if !supportLists]--> <!--[endif]-->We all deserve nice, sustainable, public spaces where we can live in a vibrant community, we don't want to create a New York or San

Francisco right here in Cupertino.

Please accept all the pipeline projects, we cannot have SB35 without all the units included, and accept Tier 1, HCD is only asking for more details, it did not ask us to start from scratch.

regards

Sashi

From: [Alison Cingolani](#)
To: [Cupertino City Manager's Office](#); [City Clerk](#); [City Council](#); [Hung Wei](#); [Sheila Mohan](#); [Liang Chao](#); [J.R. Fruen](#); [Kitty Moore](#)
Cc: [Mathew Reed](#)
Subject: Housing Element Study Session, Agenda Item 1
Date: Tuesday, July 25, 2023 4:09:30 PM
Attachments: [image001.png](#)

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 Mayor Wei, Vice Mayor Mohan, and Councilmembers Fruen, Chao, and Moore:

We appreciate the work of staff in developing the presentation for tonight's Housing Element study session, but wish to express concern about two sections of the presentation.

1. **Slide 37 of the presentation mischaracterizes the scope of HCD's review letter as "general in nature" and asking for "more analysis in several areas."** In fact, HCD's letter states that the Draft Housing Element has failed to provide adequate analysis in almost any area, including fair housing, housing needs, past housing element effectiveness, sites in the site inventory, or governmental and nongovernmental constraints. HCD is unable to provide more specific feedback without a complete analysis to serve as a basis for designing programs that effectively respond to Cupertino's housing needs. Repeatedly, HCD's review letter states that "the element requires a complete analysis. Depending upon the results of that analysis, the City must revise or add or modify goals and actions." In other jurisdictions that have received HCD review letters requiring more analysis, subsequent review letters have then been able to respond with greater specificity to the policies and programs included in the Draft Housing Element. While we believe it is wise of staff to prepare Council for multiple further revisions, we believe that both Council and the public deserve a clear view of the work that lies ahead.
2. **On slide 38, Council is asked to identify "priority housing policy areas among" six required components of the Housing Element, many of which are deeply interrelated,** such as affirmatively furthering fair housing, addressing constraints, and assisting lower-income households. Council should direct staff to address all required components of the Housing Element with urgency and commitment to addressing the housing needs of the full range of Cupertino's residents and workers, identified through extensive community engagement and understood through robust analysis.

The 6th Cycle Housing Element process is a unique opportunity to fully assess housing needs in Cupertino and to identify new tools and sites to address these needs and remove constraints on housing development. This process is also an opportunity to engage deliberately with the full community, especially those who represent populations that have been historically excluded and are at risk of displacement, to share their housing needs. This unique opportunity is one that is required to adhere to the clear legal guidance as outlined by HCD in multiple documents interpreting state law.

This is not a simple process, and we appreciate the work that Cupertino staff, elected and appointed representatives, and members of the community have done over the last 12-14 months. As you know, the expectations for this process are high, and jurisdictions throughout the state have struggled to generate compliant housing elements for this cycle.

SV@Home values its partnership with the City of Cupertino and is pleased to have the opportunity to provide feedback on the Housing Element and the update process. We welcome the opportunity to engage in an ongoing dialogue as the Draft Housing Element moves through cycles of review and revision, with the shared goal of addressing the City's urgent housing need by boosting production of homes at all income levels, preserving existing affordable homes, and protecting the families in them.

Best,

Alison Cingolani

Policy Manager | SV@Home

408.785.0531 | alison@siliconvalleyathome.org



Silicon Valley Is Home. Join our Houser Movement. [Become a member!](#)

350 W Julian St. #5, San José, CA 95110

[Website](#) [Facebook](#) [LinkedIn](#) [Twitter](#)

From: [Peggy Griffin](#)
To: [City Council](#); [Luke Connolly](#)
Cc: [City Clerk](#)
Subject: 2023-07-25 City Council Meeting Item1 - Housing Element Update - SUGGESTIONS/SITE SELECTION
Date: Tuesday, July 25, 2023 7:35:34 PM
Attachments: [REV2 7-25-2023 CC Item1-HE Update Pegqys Slides.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 Council and Luke Connolly,

Attached is a copy of the slides I presented at the meeting for Item 1 Housing Element Update tonight. Please take these suggestions into consideration. Thank you!

Sincerely,
Peggy Griffin

PRESERVE OUR EXISTING RETAIL CENTERS

- DO NOT add any more retail centers to HE site list
- EXCLUDE the retail centers below from AB2011 (submit exclusion paperwork).

WHY? As density increases, we want to

- Avoid creating food deserts
- Prevent any more retail leakage
- Preserve what little existing diversified tax revenue we have

RETAIL CENTERS TO PRESERVE

1. Shopping Center at Stevens Creek & De Anza Blvd (Starbucks, Home Goods, TJ Max, Party City, etc.)
2. Target Shopping Center on Stevens Creek (Target, The Habit, Paris Baguette, etc.)
3. Whole Foods on Stevens Creek
4. Safeway Shopping Center on Homestead (Safeway, Ross, Michael's, Fed Ex, Chipotle, Rite Aid, Star One, Starbucks, etc.)
5. Main Street on Stevens Creek
6. Neighborhood Center (N. Blaney and Homestead)
7. Marketplace on Stevens Creek (Daiso, Marukai Market and many restaurants/stores)
8. Loree Center on Stevens Creek
9. Homestead Crossing (Peets, subway, Trader Joes) parts in Cupertino
10. Shopping Center at McClellan and De Anza (Ranch 99)
11. Shopping Center at Steven's Creek and Stelling (Panda Express, Tasty Pizza)
12. Retail center with JoAnn Fabrics and Chuckee Cheese
13. United Furniture site

NOTE Loosing 2 shopping centers (Tier1):

- Shopping Center at Homestead and Stelling (Homestead Bowl, McDonalds, Local Cafe, Siam Station)
- Shopping Center at Bollinger Rd & S. Blaney

PIPELINE PROJECT - VALLCO SB35 – keep all 2402 units

- SB35 project includes both sides!
- A lot can happen in 8 years!
 - Look how fast the west side was “cleaned up”.
 - Reducing the units by 900-1000 units is 37.5% of the total which is arbitrary.
 - The east side total residential sq footage is 25% of the total sq footage

Consider adding sites

- Tier 2 sites
- Along Bandley Drive from Alves to Mariani as requested by Marina Lobbyist.
- Add AB2011 Monta Vista sites and Bubb Rd sites

Do not add

- AB2011 Retail Centers or any additional retail centers listed above
- AB2011 gas stations due to contamination issues; they provide a service
- Existing apartments – they would displace and are currently our “affordable housing”
- Existing assisted living/senior/disabled housing

Be conservative. Do not add more than is needed due to AB2011 issue

Geographically distribute sites across the city