

**Cyrah Caburian**

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**From:** Kitty Moore <ckittymoore@gmail.com>  
**Sent:** Wednesday, September 18, 2019 2:40 AM  
**To:** Steven Scharf; Liang Chao; Rod Sinks; Darcy Paul; Jon Robert Willey  
**Cc:** Deborah L. Feng  
**Subject:** General Plan Objective Standards - Density Bonus Law

Dear Mayor Scharf, Vice Mayor Chao, and Council Members Sinks, Paul, and Willey,

State Density Bonus Law allows concessions when certain percentages of affordable housing are met. I realize that there are height limits which have been set at multiple locations in the city, however, if a project qualifies under State Density Bonus Law, height may be selected as a concession. This would be an amendment to the Cupertino Municipal Code Chapter 19.56: Density Bonus. Additionally, there has been mention that this chapter (Density Bonus) may need to be reviewed and updated to be in compliance with the State Density Bonus Law.

Please consider having staff review the ***City of Santa Rosa: Density Bonus Ordinance Update White Paper*** (linked below) and consider adopting heights as either not an allowable concession in accordance with the 2014 General Plan Amendment EIR (referenced below), or provide some maximum allowable height increase (E.g. 20'), perhaps in keeping with the "Recommended Pre-Approved Concessions for Supplemental Density Bonus Projects" also shown below.

**General Plan Amendment 2014 EIR: Height Increases will not be considered for incentives:**

Source: *General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR for the City of Cupertino*, State Clearinghouse No. 2014032007, PlaceWorks June 18, 2014, Draft EIR Volume I:

"3.7.5.2 DENSITY BONUS ORDINANCE Housing Element Program 11 (Density Bonus Ordinance) Chapter 19.56 (Density Bonus) in Title 19 (Zoning) of the City's Municipal Code states the intent of the density bonus ordinance, which is to comply with the State Density Bonus Law, Government Code Section 65915. The State Density Bonus Law provides that a local government shall grant a density bonus and an additional concession, or financially equivalent incentive(s), to a developer of a housing development who agrees to construct a specified percentage of housing for lower income households, very low income households, or senior citizens. The City's Density Bonus Program allows for a density bonus and additional concessions for development of 6 or more units that provide affordable housing for families and seniors. Possible concessions include:

- Reduced parking standards,
- Reduced open space requirements,
- Reduced setback requirements, and
- Approval of mixed-use zoning.

Housing Element Program 12 (Extremely Low Income Housing and Housing for Persons with Special Needs) outlines the various incentives the City may consider to facilitate affordable housing development, including the provision of density bonus. However, the City's existing Density Bonus Ordinance is not consistent with State law. Housing Element Program 11 (Density Bonus Program) commits the City to updating the Density Bonus Ordinance concurrent with the Housing Element Update. Under the proposed Project, the City will revise Chapter 19.56 (Density Bonus) to reflect requirements in State law and ensure consistency with Housing Element Program 6 (Residential Housing Mitigation Program). The updated Density Bonus Ordinance will identify the regulatory concessions and incentives that may be considered by the City in conjunction with a density bonus project. ***Height increases will not be considered as part of the incentives, however.***"

Reference: <http://records.cupertino.org/WebLink/ElectronicFile.aspx?docid=697905&dbid=0&repo=CityofCupertino>

Excerpts from State Density Bonus Law:

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] ( Heading of Title 7 amended by Stats. 1974, Ch. 1536. )

DIVISION 1. PLANNING AND ZONING [65000 - 66210] ( Heading of Division 1 added by Stats. 1974, Ch. 1536. )

CHAPTER 4.3. Density Bonuses and Other Incentives [65915 - 65918] ( Chapter 4.3 added by Stats. 1979, Ch. 1207. )

65915.

...

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

...

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

Reference: [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65915.&lawCode=GOV](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915.&lawCode=GOV)

City of Santa Rosa: Density Bonus Ordinance Update White Paper

Table 20 - Recommended Pre-Approved Concessions for Supplemental Density

Bonus Projects:

"Increase of the larger of up to 12 feet or 10% beyond current maximum permitted; all floors above two stories shall be stepped back a minimum of 6 feet."

Reference:

<https://srcity.org/DocumentCenter/View/18475/Density-Bonus-Policy-White-Paper?bidId=>

























Thank you for your consideration,

Kitty Moore

Representing myself only



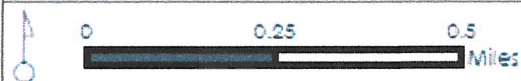
# CITY OF CUPERTINO ZONING MAP

	City Boundary		CG-rg: Adopted by Ordinance 436
	Heart of the City Specific Plan Area		P-Hotel: Adopted by Ordinance 1368
	A - Agricultural Residential		ML-fa: Adopted by Ordinance 350
	BA - Public Building		FP-o: Adopted by Ordinance 1574
	BQ - Quasi-Public Building		Vallco Town Center: Adopted by Ordinance 2178
	CG - General Commercial		See Master Plan / Specific Plan / Conceptual Plan for details
	ML - Light Industrial		
	MP - Planned Industrial Zone		
	OA/OP - Office / Planned Office		
	OS/PR - Open Space / Public Park / Recreational Zone		
	P - Mixed Use Planned Development		
	R1 - Single Family Residential		
	R1C - Single Family Residential Cluster		
	R2 - Residential Duplex		
	R3 - Multiple Family Residential		
	RHS - Residential Hillside		
	T - Transportation		
	Vallco Town Center		

Sites designated (HE) are priority Housing Sites as identified in the adopted Housing Element

Numbers following zoning designations denote minimum lot sizes divided by one thousand.

The "Pre" designation denotes a pre-zoned unincorporated area and is colored white



Prepared by the Community Development Department  
Created October 15, 2000  
Last Updated November 29, 2018










*What Resolution?*

*Created or  
Adopted*

*Updated or Amended*

# CITY OF CUPERTINO LAND USE MAP

## LEGEND

-  City Boundary
-  Heart of the City
-  Special Center Boundaries
-  Urban Service Area
-  Sphere of Influence
-  Housing Element Sites
-  Creeks

## Residential Land Use Designations

-  Very Low Density (5-20 Acre Slope Density Formula)
-  Very Low Density (1/2 Acre Slope Density Formula)
-  Very Low Density (Slope Density Formula)
-  Low Density (1-5 DU/Ac.)
-  Low Density (1-6 DU/Ac.) Rancho Rinconada
-  Low / Medium Density (5-10 DU/Ac.)
-  Medium (10-20 DU/Ac.)
-  Medium / High Density (20-35 DU/Ac.)
-  High Density (> 35 DU/Ac.)













Sites designated  are Priority Housing Sites as identified in the adopted Housing Element

Commercial areas in neighborhoods have a residential density of 15 DU/AC.




Notwithstanding the densities shown above, sites are designated as Priority Housing Sites in the adopted Housing Element shall have the densities shown in the Housing Element

Commercial properties in the Homestead Special Area except those on the South side of Homestead between De Anza and Stelling have a density of 15 DU/AC.

## Non-Residential Land Use Designations

-  Commercial / Office / Residential
-  Commercial / Residential
-  Office / Industrial / Commercial / Residential
-  Industrial / Residential
-  Industrial / Residential / Commercial
-  Public Facilities
-  Quasi-Public / Institutional
-  Quasi-Public / Institutional Overlay
-  Parks and Open Space
-  Riparian Corridor
-  Transportation
-  County

## Monta Vista Land Use Designations

-  Residential (0-4.4 DU/Ac.)
-  Residential (4.4-7.7 DU/Ac.)
-  Residential (4.4-12 DU/Ac.)
-  Residential (10-15 DU/Ac.)
-  Neighborhood Commercial / Residential

0 0.5  
Miles

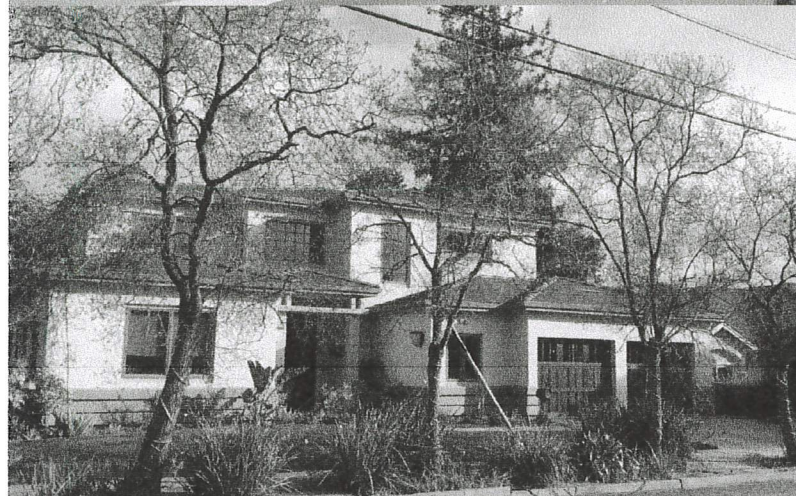
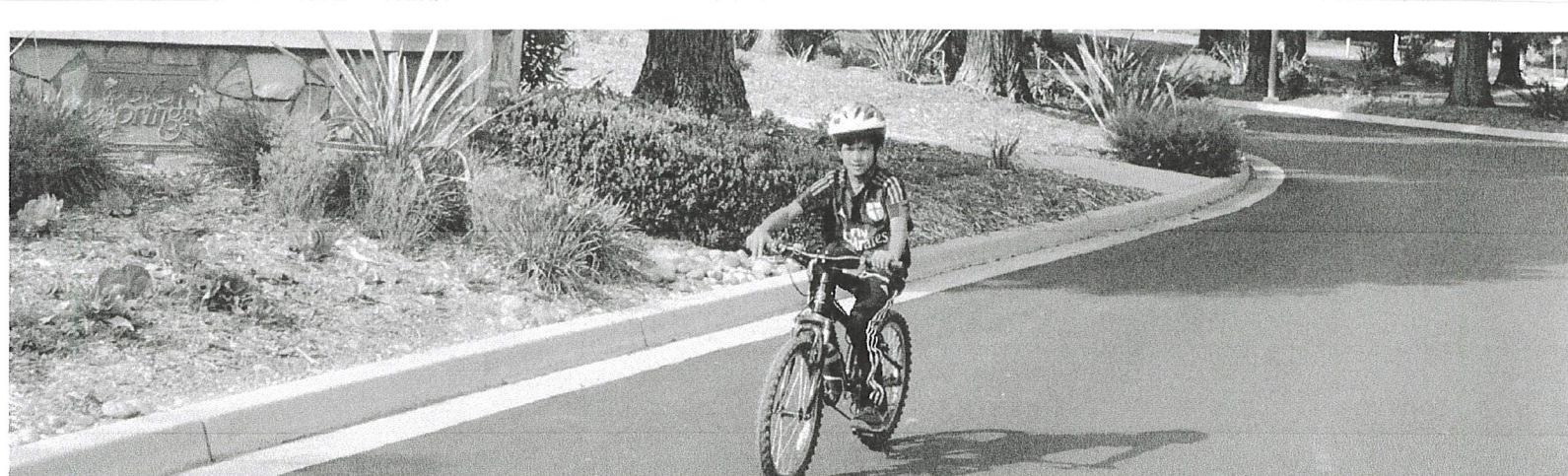
Prepared by the Community Development Department

Adopted: November 15, 2005

Amended: September 5, 2017 Per Resolution 17-090







## appendix b: housing element technical report

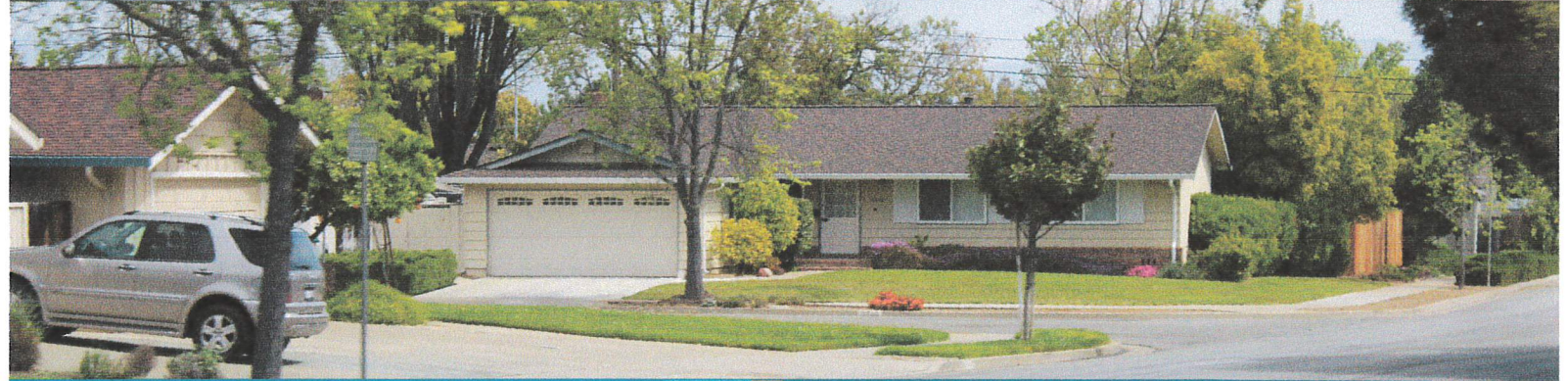


### CONTENTS:

- B-3 Introduction
- B-9 Housing Needs Assessment
- B-59 Regional Housing Needs Determination
- B-61 Housing Constraints
- B-104 Housing Resources
- B-136 Analysis of Consistency with the General Plan
- B-140 Supplemental Materials







housing

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# AMENDMENTS TO GENERAL PLAN COMMUNITY VISION 2015-2040

*Resolution*

Date	Ordinance Number	Description
10/20/2015	CC 15-087	Amendment to the Community Vision 2040 policy, text, and figures pertaining to citywide issues, and a change to the general plan land use map to modify the land use designation of one property located at 10950 N Blaney Avenue from Industrial/Residential to Industrial/Commercial/Residential.

05/19/2015 CC 15-042 Chapter 4 - Housing Element  
Appendix B HE Tech Report

12/4/2014 CC Adopted