

CC 08-16-2022

Oral
Communications

Written
Communications

From: [Don Halsey](#)
To: [City Clerk](#)
Date: Tuesday, August 16, 2022 7:24:19 PM
Attachments: [Slides for CCC on 8-16-22.pptx](#)

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

I wanted to have these slides presented at the 8/16 meeting, and I replied to the email that told me I had been scheduled. I see now that that email was a noreply email. So my presentation was somewhat crippled by the lack of these slides. So here they are.

Public Comments to Cupertino City Council
about
Blackberry Farm Golf vs. Natural Habitat

8/16/22

Don Halsey

650 996 3021

Two emails sent to CCC 7/19/22

- Greens fees (an economic analysis)
- Homeless (a risk analysis)

Blackberry Farm Golf Course Use Analysis Comparative Costs - 25 Year Outlook				
			Option A	Option B
Item #	Item		Repair Golf Course	Natural Habitat
1	Capital Cost		\$1,970,000	\$1,882,825
2	Total O&M Expenditure (0-25 yr)		\$17,626,250	\$10,720,594
		O&M Expenditure Breakdown		
	2A	Irrigation Water Cost ***	\$1,575,000	\$100,800
	2B	Sewer Discharge Cost	\$525,000	\$297,200
	2C	City Labor Costs	\$7,569,500	\$9,591,844
	2D	Contracted O&M Services	\$7,610,000	\$562,000
	2E	O&M Miscellaneous	\$346,750	\$168,750
3	Estimated Revenue (0-25 yrs)		\$9,378,624	\$500,000
4	O&M Expenditure minus Revenue (0-25 yrs)		\$8,247,626	\$10,220,594
5	Total Cost minus Revenue (0-25 yrs)		\$10,217,626	\$12,103,419
6	Irrigation Water Use (0-25 yrs) Gallons*		168 to 212 million Gallons	14 million Gallons
7	Grant Funding Potential**		N/A	\$600,000

**\$2 million advantage to keeping BBF open
Could be \$4.6 million if fees are raised.**

Blackberry Farm non-resident greens Fee is \$18.00

Sunken Gardens, a similar course, has a weekday non-resident rate of \$23.00.
(For residents it is \$16 and \$21.)

← My 7/19 email to CCC

Rates

Weekdays \$22.00

Weekends \$24.00

Holidays \$24.00

Seniors

60 years and older \$17.00

Valid weekdays only. Holidays excluded

Juniors

17 years and under \$12.00

Valid 7 days a week including holidays

Pruneridge

WEEKDAY GREEN FEES (MONDAY - FRIDAY)

Monday - Friday

\$41

Player's Club
Members
\$29

Senior Players Club
Members (60+)
\$25

9 Holes

\$26

\$21

\$19

Twilight

\$29

\$25

Super Twilight

\$26

\$21

\$19

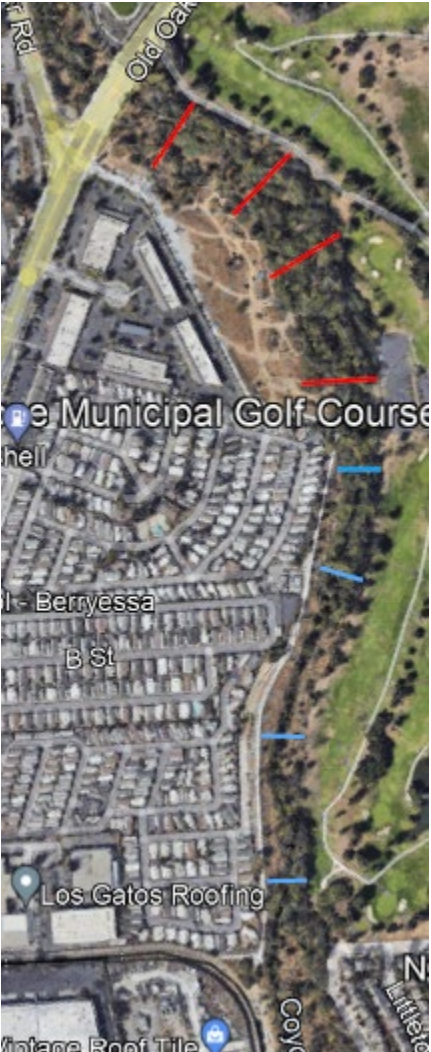
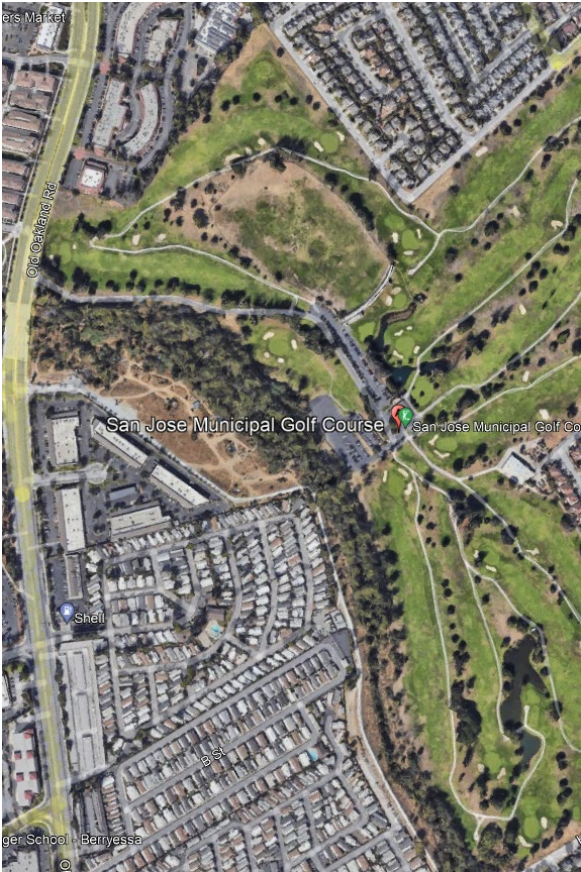
Deep Cliff

Blackberry fees are at least 20% less than other nearby 9 hole courses

Addendum:
Consider another creekside golf course: San Jose Muni

Riparian widths: Red avg 298', Blue avg 160'

Coyote Creek runs along the Southwest side of San Jose Muni Golf Course.



Markers = homeless encampments



Detail view of three E sites.

Satellite photo does not reveal encampments where width is narrow.



CC 08-16-2022

Special Meeting Item
No. 1

Single-Use Plastics

Written Communications

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: RE: 2022-08-16 CC Mtg Item #1 - Single Use Plastics - CORRECTION NEEDS 3 CHANGES
Date: Tuesday, August 16, 2022 2:25:56 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.

Please add this email to the Written Communications for tonight's 8-16-2022 City Council Meeting Agenda Item #1 – Single Use Plastics.

CORRECTION...a THIRD CHANGE

3. Attachment A, Page 17/18 of ORDINANCE 9.17.130 SINGLE USE CARRYOUT BAGS should be titled ORDINANCE 9.17.130 SINGLE USE **AND REUSEABLE** CARRYOUT BAGS" because this section now applies to both single-use and reusable bags.

**SECTION 7. AMENDMENTS TO SECTION 9.17.130 CONCERNING REGULATION
OF SINGLE-USE CARRYOUT BAGS**

9.17.130 ~~Single-Use~~ Carryout ~~Bag~~

A. No person or retail establishment shall provide a ~~single-use carryout bag~~ Single-Use Carryout Bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this section or in section 9.17.140.

B. ~~Effective October 1, 2013 a~~ A retail establishment may only make recycled paper or reusable bags available to customers if the retailer charges a minimum of ten cents. ~~Reusable bags may be given by retailers without charge.~~

C. Notwithstanding this section, no retail establishment may make available for sale a recycled paper or reusable bag unless the amount of the sale of such bag is separately itemized on the sale receipt.

D. A retail establishment may provide one or more recycled paper or reusable bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in CalFresh pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code.

Sincerely,
Peggy Griffin

From: Peggy Griffin <griffin@compuserve.com>
Sent: Tuesday, August 16, 2022 2:09 PM

To: 'City Council' <CityCouncil@cupertino.org>

Cc: 'City Clerk' <CityClerk@cupertino.org>

Subject: 2022-08-16 CC Mtg Item #1 - Single Use Plastics - NEEDS 2 CHANGES

Dear City Council and Staff,

The proposed single use plastics ordinance needs 2 changes/amendments:

1. Change it to **not prohibit self-serve stations**, particularly for items like sweeteners, drink condiments.
 - a. Recommended by Staff
 - b. Examples of restaurants impacted (fast-food/casual): Aqui's, Yaisoo's, The Habit, Starbucks/coffee/tea shops, Boudin's (no longer in Cupertino).
2. **Possibly increase the budget of \$100k** to provide technical assistance to our businesses. See below.

In the Staff Report, it recommends to contract to provide technical and financial assistance to help our businesses understand and adjust to the requirements. The cost estimate is \$100,000.

- \$60k for grants
- \$40k for consultant for before and after big changes

The amount of \$40k sounds low IF the consultant is actually going to spend time working with businesses to figure out ways they can adapt. Maybe leave it at \$40k but revisit it if needed?

QUESTIONS:

1. How does the staff see the consultant being used?
2. Will this consultant actually go to individual businesses and provide assistance/suggestions?
3. Will the Environmental Programs Manager and the Economic Development Manager coordinate their efforts to help our businesses and reduce consultant costs?

CONSULTANT REQUIREMENT: I would hope that the consultant's exact number of hours spent, a description of their activity and who they helped should be part of their detailed regular invoice statements and specified in their contract.

I agree that Cupertino's ordinance should not include more than what is required by the state. It will just confuse people and businesses and then not be followed.

Sincerely,
Peggy Griffin

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2022-08-16 CC Mtg Item #1 - Single Use Plastics - NEEDS 2 CHANGES
Date: Tuesday, August 16, 2022 2:09:04 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 Staff,

The proposed single use plastics ordinance needs 2 changes/amendments:

1. Change it to **not prohibit self-serve stations**, particularly for items like sweeteners, drink condiments.
 - a. Recommended by Staff
 - b. Examples of restaurants impacted (fast-food/casual): Aqui's, Yaisoo's, The Habit, Starbucks/coffee/tea shops, Boudin's (no longer in Cupertino).
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I agree that Cupertino's ordinance should not include more than what is required by the state. It will just confuse people and businesses and then not be followed.

Sincerely,
Peggy Griffin

From: [D Woelke](#)
To: [City Council](#); [City Clerk](#)
Cc: [Gilee Corral](#); [R Wang](#); [Dianne Thompson \(she/her\)](#); [Chad Mosley](#); [Benjamin Fu](#)
Subject: Special Meeting 16 Aug 2022: Ordinance related to regulation of single-use plastic foodware and single-use carryout bags
Date: Tuesday, August 16, 2022 10:59:22 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.

Mayor Paul, Vice Mayor Chao, Council Members Moore, Wei and Willey:

The City of Cupertino is to be commended for its relatively early adoption of an expanded polystyrene ban (please expand to include City Government) and its willingness to adopt a ban on single use plastics (SUPs) that are used for an average of 12 minutes before being discarded, often inappropriately.

With some 10,000 different plastics, 97% being made from petrochemicals, and the latest estimates putting less than 6% of plastics made since the 1940's having been recycled, we have created a throw away society that has long overwhelmed human and environmental health. We must turn off the tap and we must do so quickly.

Californians Against Waste currently reports 107 cities with polystyrene bans...dating back to 1989, many of which were enacted within 2 weeks ([1](#)). Surfrider reports 149 bag and 40 straw bans in CA ([2](#)).

Polystyrene containers, straws, bags, bottles and plasticware warrant immediate bans. Fossil fuel, petroleum based plastics pollution is inextricably linked to climate change ([3](#)), human and environmental risks ([4](#)), pandemics ([5](#), [6](#)) and an increased risk of Covid19 and variants ([7](#), [8](#)).

Every day that you fail to take action and continue to invest in petrochemical and plastics industries is an affirmation of your support for climate change ([9](#)), deterioration of human ([10](#)) and environmental health ([11](#)), the current and future pandemics.

When a meal is delivered in polystyrene, plastic, paper wrappers or cardboard coated with per- and polyfluoroalkyl substances (PFAS), you are compromising their health, including their immune system and ability to fight disease. The same applies to you, your family, neighbors and community that you were elected to serve. PFAS are a family of now greater than 12 thousand chemicals known as "forever chemicals" because they persist in the environment and bioaccumulate in our bodies and the environment, with the potential to cause myriad health risks, up to and including cancers and death ([12](#), [13](#), [14](#)). Black plastic that you get with your carry out meal is made from recycled electronics waste and can

contain brominated flame retardants, mercury, arsenic, cadmium, chromium and lead (15). AB 1200 (Ting), was signed into law 5 Oct 2021 (16). Effective 1 Jan 2023, food packaging containing intentionally added PFAS is prohibited.

Thank you for approving this ordinance 3 months ahead of legal requirements and protecting human and environmental health now.

Respectfully submitted,
Dianne Woelke MSN
Ret. Advance Practice and Public Health Nurse

Attachment A, Page 2, D. Has misstatements and lacks clarity. I offer the following changes for your consideration:

Plastics contain hazardous chemicals, including endocrine disruptors and PFAS (per- and polyfluoroalkyl substances) which pose human and environmental health risks. ~~Among other hazards,~~ Additionally, plastic debris breaks down into microplastics and ~~attracts and concentrates adsorbs ambient pollutants, such as endocrine disruptors and persistent organic pollutants (i.e. PFAS, PCBs, PAHs, DDT and Hexachlorocyclohexane (HCHs)) in seawater and freshwater. that can transfer~~ Microplastics are frequently consumed by ~~to~~ aquatic, marine and wildlife ~~fish, other seafood. Microplastics are found seafood, meats, drinking and bottled water and even salt. that is eventually consumed.~~ Nine of the top ten most common debris items found on beaches in the U.S. during International Coastal Cleanup Day are single-use food and beverage plastic packaging items.

Plastics contain hazardous chemicals, including endocrine disruptors and PFAS ((per- and polyfluoroalkyl substances) which pose human and environmental health risks. Additionally, plastic debris breaks down into microplastics and adsorbs ambient and persistent organic pollutants (i.e. PFAS, PCBs, PAHs, DDT and Hexachlorocyclohexane (HCHs)) in sea and freshwater. Microplastics are frequently consumed by aquatic, marine and wildlife. Microplastics are found seafood, meats, drinking and bottled water, salt and more. Nine of the top ten most common debris items found on beaches in the U.S. during International Coastal Cleanup Day are single-use food and beverage plastic packaging items.

From: [Peggy Griffin](#)
To: [City Council](#); [Christopher Jensen](#)
Cc: [City Clerk](#)
Subject: 2022-08-16 CC Mtg Agenda #1 - Single Use Plastics PROHIBITS Self-Serve Stations
Date: Monday, August 15, 2022 12:44:34 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, City Attorney Jensen and Staff,

In the Staff Report (bottom of P2-top of P3), the staff recommends that the prohibition against self-serve stations be removed from the ordinance. I agree with this BUT the current ordinance (Attachments A and B) STILL PROHIBITS these stations!

It is very important to still allow these self-serve stations for people dining in AND picking up to take out. Restaurants are struggling and they are having difficulty hiring enough staff. Boudin's on Prospect tried it and it caused more work for the limited staff they had, disrupted their order taking and food prep/delivery, increased time it took customers to get their drinks and infuriated several enough to vow never to come back! About a month later, Boudin's went back to providing the self-serve stations except for cups, lids and straws. This was manageable for both the staff and their customers.

PLEASE do not prohibit self-serve stations for both in-house dining and take-out.

SEE REFERENCES BELOW.

Sincerely,
Peggy Griffin

STAFF REPORT (bottom of P2-top of P3):

Initially this phase of the Ordinance included an additional recommendation to prohibit self-serve stations for single-use foodware accessories which went beyond what was required by the State law. While self-serve stations do lend themselves to customers taking more items than they need, leading to unnecessary expense and waste,

prohibiting them could cause significant operational impact for some businesses. As such, it is recommended to remove that prohibition and allow this phase to remain identical to the requirements of AB 1276, which will also keep Cupertino in alignment with other jurisdictions and reduce confusion for chain businesses operating in multiple cities.

ATTACHMENT A-Blackline Version of Ordinance (P9 of 18), Definition of “Food Service Ware Accessory”

16. “Food Service Ware Accessory” means any type of accessory or accompanying items usually provided alongside Prepared Food in plates, containers, bowls, or cups, including but not limited to utensils, chopsticks, napkins, cup sleeves, food or beverage trays, condiment packets and saucers, straws, stirrers, splash sticks, spill plugs, cocktail sticks, and toothpicks.

ATTACHMENT A-Blackline Version of Ordinance (P10 of 18), Definition of “Standard Condiments and Spices”

25. “Standard Condiments and Spices” means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes or others as determined by the City.

ATTACHMENT A-Blackline Version of Ordinance (P11 of 18),

SECTION 3. AMENDMENTS TO SECTION 9.15.110 CONCERNING REGULATION OF FOOD SERVICE WARE AND POLYSTYRENE FOAM COOLERS USED BY FOOD PROVIDERS AND SOLD BY RETAILERS

9.15.110 Polystyrene Foam Disposal Food Service Ware Prohibited. Regulation of Food Service Ware and Polystyrene Foam Coolers Used by Food Providers and Sold by Retailers

No food vendor shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after July 1, 2014.

A. ACCESSORIES ONLY UPON CUSTOMER REQUEST

On or after October 6, 2022:

1. **Food Providers shall provide Single-use Food Service Ware Accessories and Standard Condiments in single serve packets only upon request by customers during on-premises dining or when using a third-party food delivery platform. Single-use Food Service Ware Accessories and Standard Condiments packaged for single use provided by Prepared Food Providers for use by consumers shall not be bundled or packaged in a manner that requires a consumer to take a different type of Single-use Food Service Ware Accessory or Standard Condiment**

ATTACHMENT A-Blackline Version of Ordinance (P13 of 18).

C. REUSABLE FOOD SERVICE WARE FOR DINING ON PREMISES

On or after September 6, 2023:

1. **Prepared Food served for consumption on the Prepared Food Provider's premises shall be served only on Reusable Food Service Ware, except that disposable paper food wrappers, sleeves, and bags, foil wrappers, paper napkins, paper tray and plate liners, and straws shall be permitted, so long as they meet the requirements set forth elsewhere in this Chapter.**
2. **Condiments, such as sauces, ketchup, or mustard, provided for on-site consumption, shall not be served in disposable, individual-serving packets.**
3. **Consumption is considered on-premises if it takes place at tables and/or seating provided by the Prepared Food Provider either on its own or in conjunction with another Prepared Food Provider.**

CC 08-16-2022

Item No. 1

Safer from Wildfire

Written Communications



California Department of Insurance

Insurance Protection for All Californians

Protecting Consumers by:

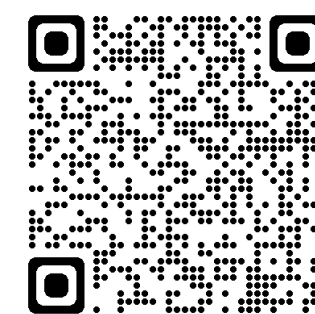
- Resolving consumer complaints
- Investigating and prosecuting insurance fraud
- Overseeing insurer solvency
- Licensing agents and brokers
- Conducting market conduct reviews


Providing Services by:

- One-on-One insurance assistance
- Assisting with catastrophes
- Providing insurance informational guides
- Making in person presentations on potential scams, understanding insurance



For more information visit us at www.insurance.ca.gov
or call us at **1-800-927-4357**





The Auto Insurance You Need At Affordable Rates

Auto insurance is required by law

The law requires licensed drivers to have auto insurance at all times. **California's Low Cost Auto Insurance** is a state-sponsored program that makes auto insurance affordable.

To qualify for this program, you must:

- Have a valid California driver's license including **AB60 license** for undocumented drivers
- Own a vehicle valued at \$25,000 or less
- Have a good driving record
- Meet household income guidelines

Benefits that may help you qualify:

If you receive any of the following benefits you may be eligible for low cost auto insurance:

- CalFresh: Electronic Benefit Transfer (EBT) card
- CalWorks: Notification letter
- Medi-Cal/Medicaid: Medi-Cal card
- State of California Employment Development Department (EDD): Debit card or benefit letter
- Social Security or Pension: SS or Pension letter



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LOW COST
AUTO INSURANCE**

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866-602-8861**

RICARDO LARA
INSURANCE COMMISSIONER

California Department of Insurance

Contact the California Department of Insurance

Consumer Hotline

1-800-927-HELP(4357)

Community Relations & Outreach Branch

CROB@insurance.ca.gov

213-346-6870

Ombudsman Office

916-492-3457

Leg-ombudsman@insurance.ca.gov

California Low Cost Auto Insurance

1-866-602-8861

mylowcostauto.com

Senior Gateway

senior.insurance.ca.gov

insurance.ca.gov | 800-927-4357

Safer from Wildfires in

1

2

3



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES



Governor's Office of
Planning and Research



CALIFORNIA
Public Utilities Commission

Safer from Wildfires is an interagency partnership between Insurance Commissioner Ricardo Lara and the emergency response and readiness agencies in Governor Gavin Newsom's administration to protect lives, homes, and businesses by reducing wildfire risk.

With California experiencing devastating, climate change-intensified wildfires, homes and businesses need insurance they can rely on. Commissioner Lara is using every tool available to improve insurance for our communities. Drawing on the direct experience of first responders and the latest research on wildfires, the partnership created a consistent approach to reducing risk with a list of achievable and effective actions to help make existing homes and businesses safer from wildfires. The ultimate goal is protecting consumers by reducing wildfire risk in their communities, making insurance available and affordable for all Californians.

This "ground up" approach for wildfire resilience has three layers of protection — for the structure, the immediate surroundings, and the community — to prevent wildfires from catching and spreading to other homes and businesses in the neighborhood.

Commissioner Lara is working to increase available incentives for wildfire safety. To view the list of insurance companies currently offering discounts visit insurance.ca.gov.

1 Protecting the structure



- Class-A Fire rated roof
- Maintain a 5 foot ember-resistant zone around a home (including fencing within 5 feet)
- Noncombustible 6 inches at the bottom of exterior walls
- Ember and fire-resistant vents (See [Low-Cost Retrofit List](#), and Chapter 7A)
- Upgraded windows (Double paned or added shutters)
- Enclosed eaves

2 Protecting the immediate surroundings



- Cleared vegetation and debris from under decks
- Removal of combustible sheds and other outbuildings from the immediate surroundings of the home, to at least a distance of 30 feet
- Defensible space compliance (including trimming trees, removal of brush and debris from yard, and compliance with state law and local ordinances)

3 Working together as a community



- A community should have clearly defined boundary and a local risk assessment in consultation with the local fire district or state fire agency; an identified evacuation route, cleared of vegetative overgrowth, and evacuation plan contingencies; clear funding sources to implement community mitigation activities and meet clear risk reduction goals; and integrated and up-to-date local planning documents pertinent to community wildfire risk.
- Current examples include the Fire Risk Reduction Community designation under development by the Board of Forestry, Firewise USA communities in good standing, and Shelter-in-Place designations.

CC 08-16-2022

Item No. 12

Climate Action Plan 2.0

Written Communications

From: [Sean Hughes](#)
To: [City Clerk](#)
Subject: Comment on City Council Agenda Items 12. and 24.
Date: Tuesday, August 16, 2022 3:57:11 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,

I would like to provide the following comment on the Agenda items on the CAP adoption (Item 12) and the Housing Sites HE Update (Item 24).

I have broken my commentary into a summarized version and a more in-depth one given the nature of Item 12. In summary:

- Parts of the CAP are quite robust and I support the aim to increase public transit, but would hope to see certain elements (detailed below) given further consideration with the logistical implications in mind. In addition, the measures to increase public transit seem quite weak, and without any consequence in missing the goals set in that section.
- I urge the Council and staff to adjust their HE approach, which currently over-relies on pipeline projects. While this was dismissed as non-factual by the sitting Planning Commissioner chair, a recent HCD letter to San Francisco validates previous commenters' concerns around Cupertino's current reliance on pipeline projects for HE compliance. I hope that the council can begin to start thinking about more robust solutions (zoning for increased density, Heart of the City focus, removal of parking requirements, etc.) for building more housing for all.

Regards,
Sean

For more detailed commentary on the CAP Update, please see below:

- Measure TR-2 is overly reliant on Via. Compared to even the slowest days on the VTA, Via doesn't come close to the magnitudes of adoption. It is a good compliment, but the Via shuttle service should not be the cornerstone of our "transit" adoption strategy. Moreover a private ride request app using a small ICE shuttle is hardly a green alternative, and is arguably not even mass transit (all VTA buses can carry double if not more than the number of passengers a Via shuttle can)
- TR-2.7: Requiring e-scooters or rideshare for multi-family housing will only ensure that the cost of multi-family housing will rise, making it less likely for affordable, high-density projects to pencil out. This measure could be written in a technology agnostic way, or could be a carrot rather than a stick type of policy - as a requirement is going to have unintended consequences of raising the cost of future housing projects.
- I strongly support BE 2.4 and hope the council keeps it as part of the CAP update
- I think BE 2.5 should be developed in coordination with other groups, agencies and/or regional bodies. We don't need a "Cupertino-specific" definition of equity - equity metrics have already been created. In addition this is a flawed measurement - of course, electrification may result in raised costs, but in those cases, that is exactly where the

gov't should step in. If we just reject all projects where electrification raises costs compared to the status quo, there won't be change in precisely the communities and for the people who need it most; esp if you consider the public health benefits and new research around the [effects of gas stoves \(even when turned off\)](#) on asthma rates and other respiratory health issues.

From: [Rashi Sharma](#)
To: [City Clerk](#)
Subject: Item 12 Comment (to be read into the record)
Date: Tuesday, August 16, 2022 9:00:36 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.

Good evening Mayor Paul, Vice-Mayor Chao, Councilmembers, and City Manager. My name is Rashi Sharma and I am a high school student. I am also an intern with the Santa Clara Valley Audubon Society and am concerned about our climate and biodiversity crises, which continue to impact us on a both global and local scale. In Cupertino Climate Action Plan 2.0, SCVAS supports the CS-1 and CS-2 Actions, which includes actions such as ensuring the sustainability of the urban forest (as detailed in 1.3), and creating new natural areas in existing open spaces (as described in 2.1). We are concerned, however, about impacts of trail connections in ecologically sensitive areas, especially the open space along Stevens Creek Corridor. Please prioritize wildlife and habitat connectivity in Action CS-2, as suggested in the letter Audubon sent earlier today.

We hope to see a future centered around sustainability that includes the urban forest, wildlife habitats and the preservation of ecological corridors.

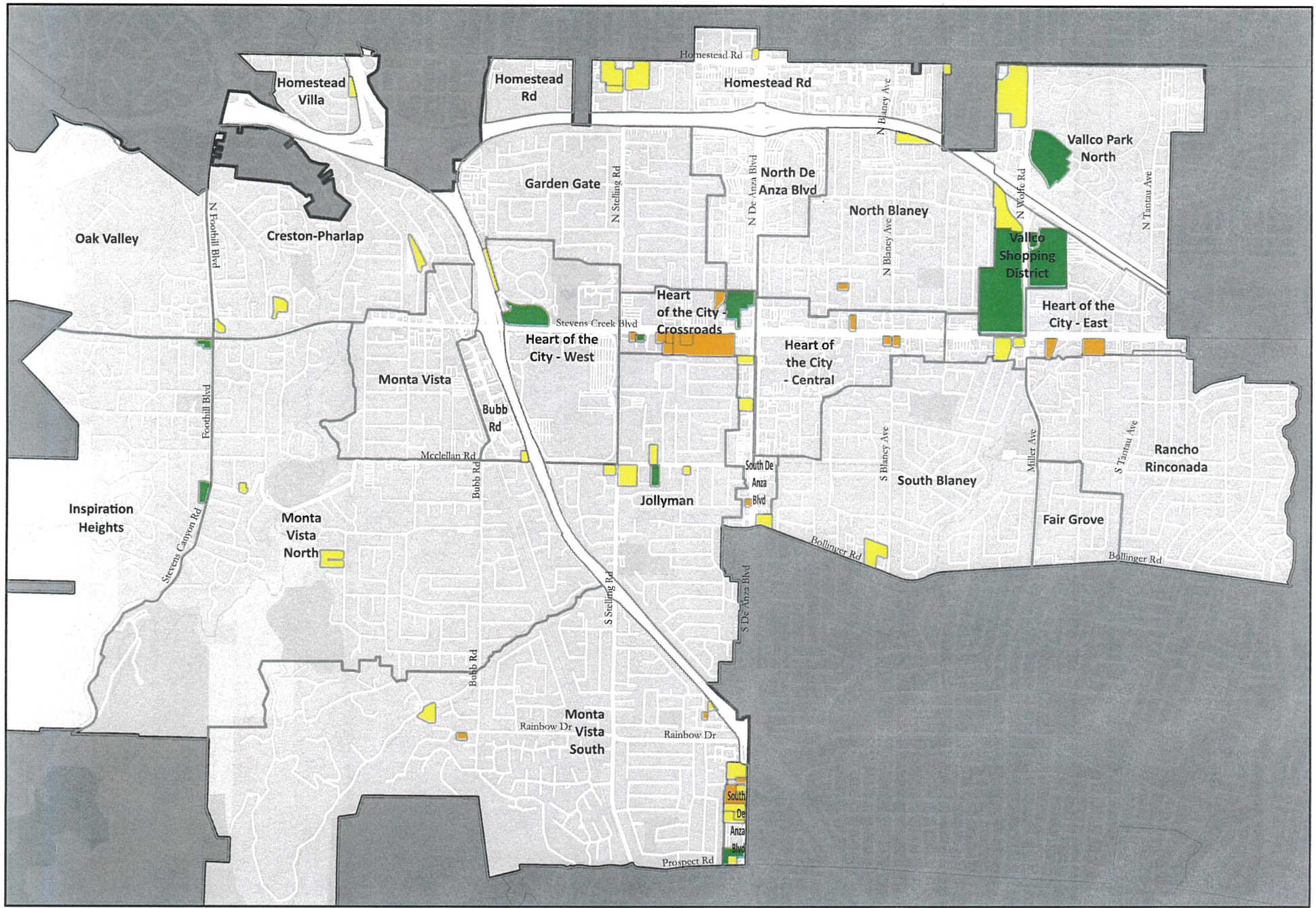
Thank you.

CC 08-16-2022

Item No. 24

Attachment C -Pipeline Tier 1
Tier 2 Projects

Written Communications



Pipeline, Tier 1, and Tier 2 Projects

■ Tier 1 Projects
■ Tier 2 Projects

■ Pipeline Projects

Neighborhood / Special Center Boundary

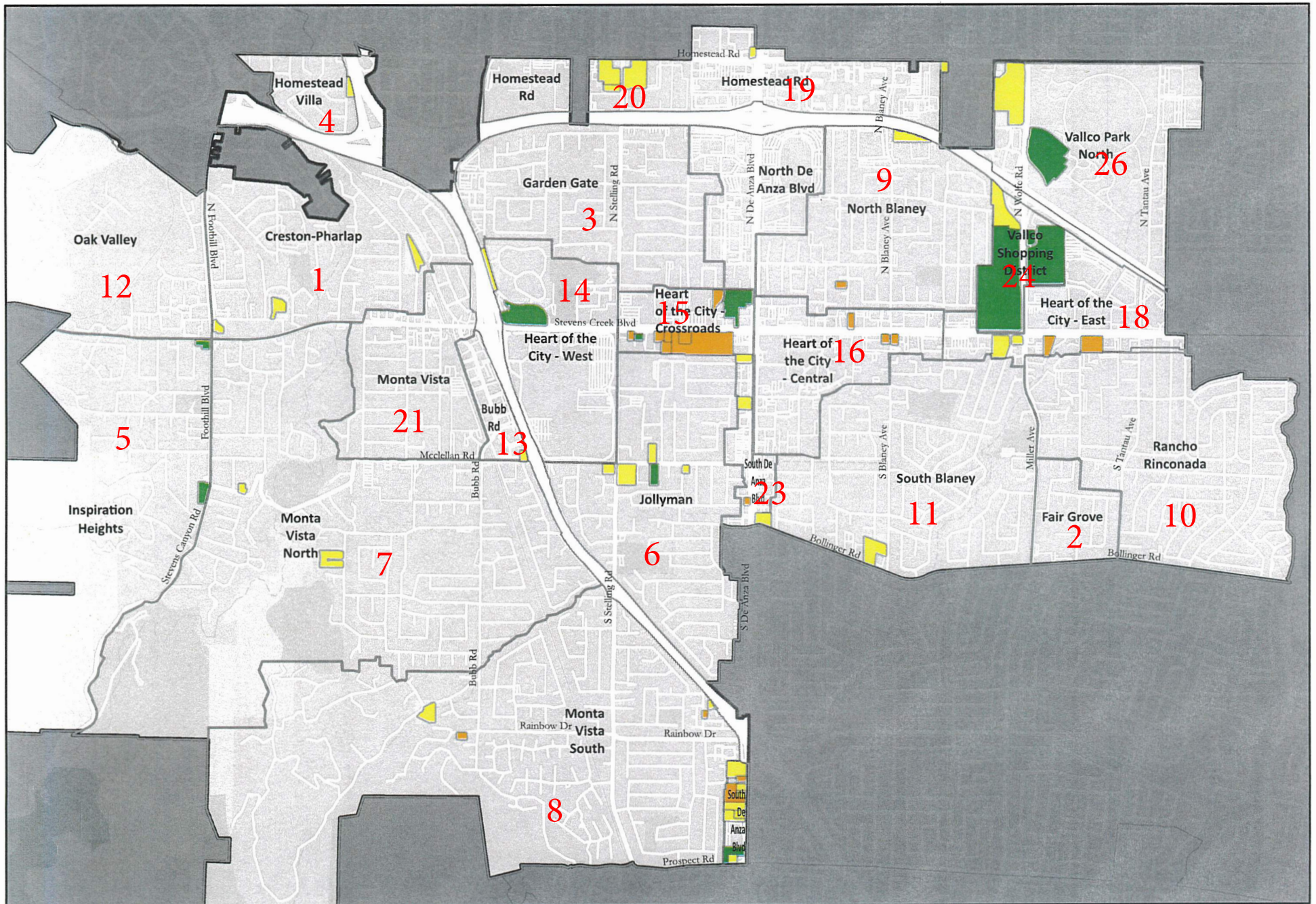
0 0.25 0.5 1 Miles

CC 08-16-2022

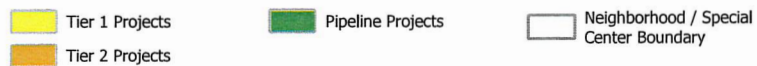
Item No. 24

Attachment C -Pipeline Tier 1
Tier 2 Projects

Written Communications



Pipeline, Tier 1, and Tier 2 Projects



CC 08-16-2022

Item No. 24

Housing Element Update

Written Communications

From: [Barris Evulich](#)
To: [City Council](#); [City Clerk](#); [Piu Ghosh \(she/her\)](#); [Luke Connolly](#)
Cc: ["Barris Evulich"](#); royangie@sbcglobal.net; evulich@sbcglobal.net
Subject: Recommended Sites Inventory Linda Vista Dr. Parcels/Site "7a"
Date: Tuesday, August 16, 2022 3:36:25 PM
Attachments: [A - Sites Inventory Table \(1\).pdf](#)

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Dear City Council

We own the four parcels (2.54 acres of underutilized land) in the Recommended Sites Inventory, "Site 7a" on Linda Vista Dr. The current Recommended Site inventory now shows our property at thirty (30) "minimum" dwelling units per acre (du/ac). The Recommended Sites Inventory showed our site at 20 du/ac at the June 28, 2022 Joint City Council and Planning Commission meeting. We are very concerned about this new increase in density for our property.

We are long time owners in Cupertino and support our site being included on the Recommended Site Inventory, but not at 30 du/ac. We are supportive of 20 du/ac and would request the density be adjusted back to what it was previously in the 6/28/22 Joint meeting. It is our understanding that the 20 du/ac density was recommended by the Planning Commission staff and Consultants hired for the Housing Element project by the city.

We have done our homework and spoken to several developers and come to find that 30 du/ac with a three (3) story height limit will not produce a feasible product type and will not meet the city parking standards. A height limit above 3 stories is not appropriate for the neighborhood. Our desire to include our property in the housing element included our expectation that a realistic density would be applied to our property. We feel the appropriate highest/best use of our site and the one that is most compatible with the surrounding neighborhood is Attached Townhomes. Our understanding is that Attached Townhomes are generally built between 18 -24 du/ac and as you get into upper the upper part of the range, you end up with tandem garages, narrow and ultimately, an inferior product type.

We would like to formally request that the City Council address this request tonight concerning the density for our property and return it to the 20 du/ac that was shown on "Attachment A – Sites Inventory Table" from the June 28th Joint Meeting agenda package.

Sincerely,

Barris J. Evulich
Roy Evulich

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
P	3,536	Pipeline Projects		Pipeline Project Names								
P1		31620120 31620121	10101 N Wolfe Rd 10330 N Wolfe Rd	Vallco							0	2,402
P2		32627043	21267 Stevens Creek Blvd	Westport							0	259
P3		34216087	10625 S. Foothill Blvd	Canyon Crossing							0	18
P4		36610126 36610061	7357 Prospect Rd	Carriage House (1655 S. De Anza)							0	34
P5		32634066 32634043	10118-10122 Bandley Dr 10145 N. De Anza Blvd	Marina Food							0	206
P6		34214066 34214104 34214105	22690 Stevens Creek Blvd	Bateh Brothers							0	8
P7		35907021	10040 Bianchi Way								1	6
P8		35913019	20865 McClellan Rd								1	3
P9		316-06-058 316-06-059 316-06-060	19500 Pruneridge Ave	The Hamptons Apartment Homes							342	600
PIPELINE SUB-TOTAL											344	3,536
1	29	Creston-Pharlap										
1a	Tier 2	32616014	10033 Hillcrest Rd	Res Low 1-5	na	R1-10	na	0.64	4	4	1	-
1b	Tier 2	32616064	10190 Hillcrest Rd	Res Low 1-5	na	R1-10	na	0.53	4	4	1	-
1c		32620034	10231 Adriana Ave	Res Low 1-5	Res ML 5-10	R1-10	R1-7.5	1.42	4	8.7	1	11
1d		32616075	22273 Cupertino Rd	Res Low 1-5	Res ML 5-10	R1-10	R1-5	1.35	4	8.7	1	10
1e		32650062	10050 N Foothill Blvd	Com/Off/Res	Res Medium 10-20	P(OA)	R3	0.62	15	15	1	8
2	0	Fairgrove: There are no sites within this area that are currently recommended										
3	22	Garden Gate										
3a	Tier 2	31624016	10193 Randy Ln	Res MH 5-10	Res Medium 10-20	R1-7.5	R-1C	0.45	10	12	1	-
3b		ROW	Mary Ave site	P/Res	Res H 30>	T	P(Res)	0.75	0	30	0	22

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
4	5	Homestead Villa										
4a		32602063	10860 Maxine Ave	Res ML 5-10	na	R2-4.25i	na	0.71	10	10	2	5
5	0	Inspiration Heights: There are no sites within this area that are currently recommended										
6	44	Jollyman										
6a	Tier 2	35920030	20860 McClellan Rd	Res Low 1-5	Res Medium 10-20	R1-10	R1-7.5	1.27	4.35	5	0	-
6b		35905133	21050 McClellan Rd	Com/Off/Res	Res Medium 10-20	P	P(R-3)	0.78	15	30	0	23
6c	Tier 2	35919043	7540 McClellan Rd	Low Den (1-5 DU/Ac.)	Res Medium 10-20	R1-6	R1-C	0.33	5	10	1	-
6d		35920028	20920 McClellan Rd	Quasi-Public	Res H 30>	BQ	P(Res)	0.71	0	30	0	21
7	45	Monta Vista North										
7a		35606001	10857 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.73	5	20	1	13
		35606002	10867 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.69	5	20	1	12
		35606003	10877 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.25	5	20	1	4
		35606004	10887 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.87	5	20	1	16
7b	Tier 2	35705010	22381 McClellan Rd	Res Low 1-5	Res Medium 10-21	R1-10	R-1C	0.44	5	5	1	-
8	22	Monta Vista South										
8a		36231001	20666 Cleo Ave	Res Medium 10-20	Med/High (20-35 DU/Ac)	P(R3)	P(Res)	0.25	20	30	1	6
8b		36231030	[no address]	Res Medium 10-20	Med/High (20-35 DU/Ac)	P(R3)	P(Res)	0.23	20	30	0	6
8c		35623057	21710 Regnart Rd	Res Very Low 5-10	Res Low 1-5	RHS	R1-5	1.46		5	1	7
		35623001	21710 Regnart Rd	None	Res Low 1-5	RHS	R1-5	0.15		5	0	1
8d		36638021	21530 Rainbow Dr	Res Very Low 5-10		RHS	R1-7.5	0.43		3.4	1	2
9	61	North Blaney										
9a		31643009	10730 N Blaney Ave	Ind	Res H 30>	P(R2, Mini- Steel)	P(Res)	1.76	0	30	1	51
		31643008	10710 N Blaney Ave	Res Low Med 5-10	Res H 30>	R-2	P(Res)	0.37	10	30	1	10

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
9b	Tier 2	31643003	19986 Olivewood St	Res Medium 10-20	Res H 30>	R3	P(Res)	2.93	20	30	36	-
		31643004	10716 Rosewood Rd	Res Medium 10-20	Res H 30>	R3	P(Res)	2.59	20	30	40	-
		31643005	N Portal Ave	Res Medium 10-20	Res H 30>	R3	P(Res)	1.64	20	30	32	-
10	0	Rancho Rincondada: There are no sites within this area that are currently recommended										
11	129	South Blaney										
11a		36934053	10787 S Blaney Ave	Com/Res	Med/High (20-35 DU/Ac)	P(CG)	P(CG/Res)	0.54	15	30	0	15
		36934052	10891 S Blaney Ave	Com/Res	Med/High (20-35 DU/Ac)	P(CG)	P(CG/Res)	2.70	15	30	0	80
11b	Tier 2	36939016	20455 Silverado Ave	Com/Res	Med/High (20-35 DU/Ac)	P[CG]	P(Res)	0.23	25	30	0	-
11c		36937028	10710 S De Anza Blvd	Com/Res	Res H 30>	R2	P(CG/Res)	0.56	25	30	0	16
		36937022	20421 Bollinger Rd	Medium (10- 20 DU/Ac)	Res H 30>	R3	P(Res)	0.39	20	30	0	11
		36937023	20411 Bollinger Rd	Medium (10- 20 DU/Ac)	Res H 30>	R3	P(Res)	0.22	20	30	2	3
		36937024	20431 Bollinger Rd	Medium (10- 20 DU/Ac)	Res H 30>	R3	P(Res)	0.17	20	30	1	4
12	0	Oak Valley Neighborhood: There are no sites within this area that are currently recommended										
13	13	Bubb Road										
13a		35720044	21431 McClellan Rd	Ind/Res/Com	Res H 30>	ML-rc	P(Res)	0.47	20	30	1	13
14	0	Heart of the City - West: There are no sites within this area that are currently recommended										
15	-	Heart of the City - Crossroads										
15a	Tier 2	32634047	10125 Bandlely Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.09	25	50	0	-
15b	Tier 2	35907006	20950 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.32	25	50	0	-
16	-	Heart of the City - Central										
16a	Tier 2	36905007	19990 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.46	25	50	0	-
16b	Tier 2	36903005	20010 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.47	25	50	0	-

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
16c	Tier 2	31623027	20149 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.64	25	50	0	-
17	0	City Center Node: There are no sites within this area that are currently recommended										
18	133	Heart of the City - East										
18a		36906002	10065 E Estates Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.90	25	50	0	45
		36906003	10075 E Estates Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.53	25	50	0	25
		36906004	10075 E Estates Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.29	25	50	0	63
18b	Tier 2	36906007	19550 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.64	25	50	0	-

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
18c	Tier 2	37506007	19220 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.96	25	50	0	-
	Tier 2	37506006	19300 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.71	25	50	0	-
18d	Tier 2	37501023	19400 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.20	25	50	0	-
19	27	Homestead										
19a		31604064	19820 Homestead Rd	Res Low 1-5	Res M 10-20	A1-43	P(Res)	0.44	5	15	1	6
19b		32336018	11025 N De Anza Blvd	Com/Res	Res H 30>	P(CG)	P(CG/Res)	0.42	35	50	0	21
20	440	Stelling Gateway										
20a		32607030	[no address]	Com	Res H 30>	BQ	P(Res)	0.92	15	50	0	45
20b		32609052	20916 Homestead Rd	Com	Res H 30>	P(CG)	P(CG/Res)	0.74	35	50	0	36
		32609061	20956 Homestead Rd	Com	Res H 30>	P(CG)	P(CG/Res)	1.12	35	50	0	55
		32609060	20990 Homestead Rd	Com	Res H 30>	P(Rec/Enter)	P(CG/Res)	2.75		50	0	137
20c		32607036	[no address]	Com	Res H 30>	P(CG)	P(Res)	1.74	15	50	0	86
		32607022	[no address]	Com	Res H 30>	P(CG)	P(Res)	1.64	15	50	0	81
21	8	Monta Vista Village										
21a		35719037	21730 Olive Ave	Res 10-15	na	P(Res)	na	0.58	15	15	3	5
21b	Tier 2	35717139	21685 Granada Ave	Neigh Com/Res	Res 10-15	P[CN,ML, Res 4-12]	P(Res)	0.14	12	12	1	-
21c		35717046	10141 Pasadena Ave	Res 10-15	na	P(Res)	na	0.30	15	15	2	3
22	0	North De Anza: There are no sites within this area that are currently recommended										
23	268	South De Anza										
23a		35909017	10105 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	1.00	25	30	0	30
23b		35917001	10291 S De Anza Blvd	Com/Res	Res H 30>	P(CG)	P(CG/Res)	1.32	25	30	0	38
23c	Tier 2	35918044	10619 South De Anza Blvd	Com/Res	Res H 30>	P(CG)	P(CG/Res)	0.26	25	30	0	-
23d	Tier 2	36619078	[no address]	Com/Res	Res H 30>	P(CG, Res 5- 15)	P(CG/ Res)	0.08	15	30	0	-
		36619047	1361 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 15)	P(CG/Res)	2.33	15	30	0	-
23e	Tier 2	36619081	1375 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 15)	P(CG/Res)	0.30	15	30	0	-

Recommended Sites Inventory

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23f		36619053	1491 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.56	15	30	0	16
		36619054	1491 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	1.75	15	30	0	52
23g		36619044	1451 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.44	15	30	0	13
		36619045	S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.07	15	30	0	2
23h		36619055	1471 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.40	15	30	0	12
23i		36610121	1505 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	1.34	15	30	0	40
23j		36610127	1515 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.86	15	30	0	25
23k		36610137	[no address]	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.92	15	30	0	27
23l		36610054	20555 Prospect Rd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(Res)	0.48	15	30	0	13
24	257	Vallco Shopping District										
24a		31620088	[no address]	Reg Shopping	Res H 30>	CG	P(Res)	5.16		50	0	257
25	0	South Vallco Park: There are no sites within this area that are currently recommended										
26	368	North Vallco Park										
26a		31605050	10989 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	1.02	25	30	0	30
		31645017	10801 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	1.68	25	30	0	50
		31605056	10805 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	6.94	25	30	0	207
		31605052	10871 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	0.73	25	30	0	21
		31605053	10883 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	0.92	25	30	0	27
		31605051	10961 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	0.62	25	30	0	18
		31605072	11111 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	0.54	25	30	0	15
Subtotal	1,871										138	1,871
ADUs												144
TOTAL											482	5,407
RHNA												4,588
Difference												819
Percent of RHNA												118%

From: scemail777@gmail.com
To: [City Council](#); [City Clerk](#)
Subject: 8/16/22 - Housing Element (For Public Record) Public Comment
Date: Tuesday, August 16, 2022 3:16:15 PM
Importance: High

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 Councilmembers & Staff,

I have participated in all of the Housing Element meetings over the past year. I'm looking forward to a robust conversation tonight, although I feel like tonight's agenda is so full, that it will be very late in the evening before this item comes up. From what I can tell, I think there will need to be several Council meetings on the Housing Element for the City to get this right. I know staff has been doing a great job. I continue to be disappointed by the lack of clarity & leadership from the consultant (and will go into specifics below). I have tried to break my comments below into "sections" so that they are easier to follow.

Agenda Items

There are essentially 3 main attachments provided for tonight's meeting.

Attachment A: The Recommended Sites Inventory (Excel Spreadsheet)

- I have asked during public comment over the past 3 meetings, for the consultant to add **"Max Height"** & **"Owner Interest"** columns to this spreadsheet. I do not know why this hasn't been done. Without "height", it's impossible for the public to have real feedback. The consultant provides "height" information in their 11 page write up in Attachment B...why can't that simply be listed on this spreadsheet?
- Is there ultimately going to be a Density "Range" on this spreadsheet? I know HCD only needs the Minimum Density, but Maximum Density is important to residents. This should be discussed at the meeting.

Attachment B: The Consultant drafted "Cupertino Sites Overview" (written description of each property on Attachment A)

- Height specifics are noted for most property's (but not all). I think it's unfair to "hide" the height description here, but not show it in Attachment A.
- At the end of each property description, the consultant lists a "Rationale" for the particular sites density, units & height. All of these Rationales are "canned answers" and not specific to each sites surrounding uses. For instance "Site 8a" on Cleo Ave, is buried in the middle of a single family neighborhood and listed at 4 Stories. The Rationale for this site is noted as *"Rationale for density change is that it would be compatible with adjacent density"*. This just isn't correct...the adjacent uses are single family homes and 2 story townhomes. The site is also only 0.25 acres.

Attachment D: the "Neighborhood Map Series"

- This is a helpful map to view sites on a more granular level.

****Note: Attachment C for tonight's meeting was a "blank page" and not able to be seen***

Public Outreach

I have mentioned the lack of coordinated public outreach to date, over the past 4 meetings. The only outreach that I've seen are one-off emails (I think only 2 emails since the July 3rd last meeting). The last 3 meetings have had an average of only 25 residents. Saratoga, by comparison, had over 500 residents during their 4 Council meetings that ultimately led to the adoption of their Housing Element draft. For a city that has such a history of opinions about housing/growth from the residents, I'd think hundreds of residents would be at these meetings. I think creative & abundant Public Outreach has failed here. Saratoga posted signs at all of their major intersections that read "1700 new units coming to Saratoga – Get Involved". And they did.

City's Main Objective (Very Low & Moderate Units)

Right now, the City should really have one main focus...discussing sites on the list that have the ability to provide "Very Low & Moderate" units. The City's is currently short on VL by 833 units and on Moderate by 655 units. The only way the City will be able to solve this shortages is by looking for individual sites to be at a high density level and high height level, so that an affordable developer can build a 100% affordable housing project of significant units. The City will not be able to solve for these shortages where they limit density/height. The current Site List is filled with small sites and lower density's that ultimately end up in a total unit count for the property that is well below the threshold for an affordable developer to build.

The entire city of Cupertino resides in a "Highest Priority" area on the TCAC map (<https://belonging.berkeley.edu/2022-tcac-opportunity-map>). This is the highest rated area of the map. It allows affordable developers more access to certain pools of monies and provides huge advantages in the competition for those monies. Cupertino is an affordable housing developers dream for big affordable projects.

As you are aware, HCD has established a threshold for a property to be considered eligible as "affordable housing" and that bar is 30 du/ac. You have to remember, HCD manages the entire state. So this 30 du/ac for affordable is realistic in a lot of scenarios & cities...for large parcels in central California, Sacramento, etc...land is so cheap in these places that a developer could buy 8 acres and build garden style walk-up apartments and get to 30 du/ac. But on smaller sites (generally in all the urban areas of the State), there aren't 5-10 acre sites where you'd build this type of product where the land is so expensive. In the urban areas of California, on smaller sites, you need to go vertical in order to make up for the high cost of land. If you ask any developer, a density range between 30-60 du/ac is a "No Mans Land" density range. If a developer is going to build 40 du/ac, they'll need structured parking. The only way to make up for those increased costs, are to go vertical. If they are limited by height, they won't build the project.

Affordable developers need a total unit yield of at least 75 units in order to build a project. For

example, an affordable developer would need a 1 acre site with a density of at least 75 du/ac and a height of 75 feet, in order to have a 100% affordable project pencil.

It's critical for Council to understand that with respect to affordable units, a developer needs to meet these thresholds or they will not have an interest in developing the site.

The City should be looking at sites on De Anza & Stevens Creek for sites that can be developed as dense 100% affordable projects. The height needs to be at least 5 stories (preferably 75 feet). The parcels need to be at least 1 acre. The density needs to be 70+ du/ac.

I know there's been a lot of talk about East side vs. West side in terms of unit allocations. The East side is more urban and flat...it's just a simple fact. Los Altos has a similar layout...the El Camino Real area of Los Altos is the only place where true density can really happen. I think you have tremendous 100% affordable locations on your Site List that are currently in Tier 2. Sites 15a, 18c, 18d, 23f...these should all be Tier 1 sites with height & density being maxed out.

Affordability Levels for Each Property

HCD requires that for every property on a City's Site List, that affordability levels be shown (VL, L, M, AM). To date, Attachment A has not shown these levels. So in theory, right now a property owner might be very excited their property is on the Site List, only to come to find out down the road, that the City is going to require a high percentage of very low & low income units. This is a critical factor for a property owner, especially for sites along De Anza Blvd & Stevens Creek. When is this detail going to be provided? I asked this specific question at the 6/28 Joint Meeting and nothing has been updated.

Sites that will be challenged to be developed/accepted by HCD

Sites 15c-g are Tier 2 sites in the old Mervyn's shopping center on Stevens Creek Rd (west of De Anza). There are two owners...Byer Property's & the Mardesich family. There are likely CCR's on these property's that likely prevent a development w/out both owners amending the CCR's. "Attachment B" notes that there is NO developer interest. If a developer owns a property in Cupertino and the City wants housing on it, and the developer does not express an interest, it means they have no intent of redeveloping at this time. HCD will reject these sites b/c of the long term leases on the property. Has anyone in planning tried to call Byer or Mardesich to inquire? Site 23k is owned by Dollinger Property's, but again no owner interest.

Sites yielding less than 25 Total New Units: There are 25 property's on the Site List that have a "Total New Units" (on Attachment A) of less than 25 units. I'm not sure why these property's are even on this list. Even if these property's were to be built out, they will be mostly "market rate" units. No developer is going to build a site that is over 30 du/ac to only end up with 25 or less units. And if a developer was willing to do this, they would most certainly not develop the property if the City required an onerous amount of affordable units in excess of the City's current inclusionary housing policy (15%). The City already has oversubscribed on their Above Moderate Units. I just don't think these properties with a Total New Unit count of less than 25 units are going to make a substantial difference in the City meeting their Very Low & Moderate income level deficiencies.

Sites that have inefficient parcel sizes that will make getting to the required Minimum density extremely difficult: Sites 1a, 3b, 4a, 9a

Sites with major topography challenges: 1b

Sites with CCR Issues: Site 20b is a shopping center with multiple owners. There are existing CCR's that prevent the redevelopment of a parcel, unless all owners are on board. Has there been any outreach to all of the property owners in this center? HCD will not accept this site without the proof that all owners are on board and that there are no leases in place that go out longer than 2021.

Church Property: Sites 20a & 20c are Valley Church properties consisting of active & busy tennis courts and raw land. Attachment B shows that there is no owner interest. Why are these sites on the list if Valley Church has no interest?

Sites that should have more density & height

Everywhere on the Site List where the City is showing 50 du/ac on property's that are over 1 acre, should be 8 stories in height and 75 du/ac. For the sole reason of laying the ground work for an affordable developer to be able to achieve enough units to make a project pencil. The only reason this would not be appropriate is if a particular site was next to existing single family homes and in that event (for sites on De Anza or Stevens Creek, the City could use the 45-degree rule to step-back from existing residential). All sites that are under 0.75 acres and do not have at least a 75 foot height limit will have intense challenges financially to be viable projects.

Test Fit Challenge

With respect to buildability, I would ask the City (as I have before) to have David Masten (an architect on the consultant team) to take 3 sites on the Site List and do a rough conceptual plan that complies with the suggested density/height of a site AND to make sure the plan is able to park the site to City standards. I think this is a major flaw that the City has not taken seriously. For example, I would suggest a "Test Fit" on these sites:

- **Site 1a:** There is just no way that you can stay at 2 stories and build 10 units on this oddly shaped site.
- **Site 7a:** 3 stories on 2.54 acres at 30 du/ac...this is the best site on your list, but at 30 du/ac & 3 stories it will never work in this deeply buried existing neighborhood. This needs to be a site at 20 du/ac and attached townhome product. You can't build 30 du/ac without structured parking and stay under 3 stories & adequately park the site to City standards.
- **Site 19b:** 8 stories on 0.42 acres and two sides back up to SFH's. A developer is not going to build 8 stories to net 21 units.

Thank you for taking the time to read through this email. I look forward to the meeting this evening.

Scott
408-640-0383

From: [char_marshall](#)
To: [City Clerk](#)
Subject: Comments on Monta Vista North housing proposal
Date: Tuesday, August 16, 2022 2:17:22 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.

I have lived at 10827 Linda Vista Drive in Cupertino for over 30 years. The proposed zoning of Monta Vista North - Evulich Court to allow for multi-family dwellings numbering up to 72 units would be very dangerous to the safety of the neighborhood.

I am very aware of the traffic patterns on Linda Vista. Without any additional cars, it is already somewhat unsafe, given the fact that cars frequently exceed the speed limit traveling in both directions on the street. If there were 72 housing units built and approximately 150 cars added to the neighborhood the traffic would be triple what it is today. This is based on counting the number of dwellings between Hyannisport and Linda Vista Park and assuming most households generally have 2 cars. Linda Vista Drive cannot safely absorb that much more traffic.

Parking could also become a safety issue. More cars in the community means more parking on the street. It is already difficult to see oncoming traffic when backing out of a driveway if there are cars parked along the sidewalks next to the driveway.

I am not opposed to multi-family dwellings on the Monta Vista North – Evulich site. However, for the safety of the neighborhood, a more reasonable number of units should be proposed. It would seem much more reasonable to have something like 12 housing units within a two-story format. The density currently proposed would overwhelm the capacity of the neighborhood. The impact would obviously not be limited to Evulich Court alone.

Char Marshall for
Charean B and Joseph D Marshall

char_marshall23@gmail.com

From: [Jenny Griffin](#)
To: [City of Cupertino Planning Commission](#)
Cc: [City Clerk](#)
Subject: Fwd: Affordable Housing Overlay
Date: Tuesday, August 16, 2022 10:56:36 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.

FYI. Please add this to the Public Record for the City Council Meeting on August 16, 2022, Item 24. Thank you.

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

Subject: Affordable Housing Overlay
From: Jenny Griffin <grenna5000@yahoo.com>
Sent: Tuesday, August 16, 2022, 10:53 AM
To: "CityCouncil@Cupertino.org" <citycouncil@cupertino.org>
CC: grenna5000@yahoo.com

Dear City Council:

I do not think the city of Cupertino should have an Affordable Housing Overlay as part of this Housing Element Cycle. This type of zoning has caused problems for other cities going Through their Housing Elements this year.

I think HCD is making this option available to allow sites to be upzoned easier and have greater densities Than cities had originally anticipated. It seems to be a mechanism to allow developers greater Ability to build high density than cities or residents want or ever wanted.

I believe Cupertino needs to proceed cautiously in the types of zoning allowed by HCD. This zoning May not be what is seems.

I do not think an Affordable Housing Overlay is a good option for Cupertino at this time. It comes With too many strings attached.

Thank you.

Sincerely,

Jennifer Griffin

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2022-08-16 CC Mtg Item #24 HE Site Selection - distribution of sites
Date: Tuesday, August 16, 2022 1:23:09 AM
Attachments: [HE Site counts - east-central-west using Bubba Rd.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 Staff,

In an effort to understand the distribution of the sites selected and their numbers, I split the city into 3 areas West, Central and East and made a spreadsheet with the numbers for each area. The attached file are my results:

1. HE Site counts – east-central-west using Bubba Rd.pdf

I also wanted to see how many units have been allocated in each area, not including the pipeline projects. That's the "TOTALS w/o Pipeline Projects".

In the process of doing this, I realized that there is an enormous reliance on the South De Anza area and the Stelling Gateway for housing units. These 2 areas each have been assigned 440+ units.

Q: Are these reasonable numbers for these 2 areas?

I'm not complaining. I'm just questioning - asking and would like our staff (not the consultant), to respond based on their experience/knowledge, particularly in the Stelling Gateway.

Also, in looking at the map and the numbers, there appears to still be a need to better distribute sites more evenly across the city, if possible. A lot has been done towards meeting the city's RHNA requirements and our city will benefit from your work.

Thank you,
Peggy Griffin



**Site Counts by West-Central-East USING Bubbl Rd
8/15/2022**

Site #	West (west of Bubbl Rd)	Central (Bubbl Rd-DeAnza)	East (east of DeAnza)	
P1 Vallco			2,402	
P2 Westport		259		
P3 Canyon Crossing	18			
P4 Carriage House		34		
P5 Marina Food		206		
P6 Bateh Brothers	8			
P7 10040 Bianchi Way		6		
P8 20860 McClellan Rd		12		
P9 The Hamptons			600	
1 Creston-Pharlap	31			
2 Fairgrove 0				
3 Garden Gate		22		
4 Homestead Villa	12			
5 Inspiration Heights 0				
6 Jollyman		64		
7 Monta Vista North	73			
8 Monta Vista South	29			
9 North Blaney			61	
10 Rancho Rinconada 0				
11 South Blaney			103	
12 Oak Valley 0				
13 Bubbl Road		23		
14 Heart of the City West 0				
15 Heart of the City Crossroads 0				
16 Heart of the City - Central 0				
17 City Center Node 0				
18 Heart of the City East			165	
MISSING Monta Vista Village 0				
19 Homestead				
20 Stelling Gateway		440		
21 Monta Vista Village 0				
22 North De Anza 0				
23 South De Anza		463		
24 Vallco Shopping District			257	
25 South Vallco Park 0				
26 North Vallco Park			324	
TOTALS	171	1,529	3,912	
TOTALS w/o Pipeline Projects	145	1,012	910	
TOTAL across all 3 areas				5,612
TOTAL across all 3 areas w/o Pipeline				2,067
TOTAL across all 3 areas-just Pipeline				3,545

From: [Peggy Griffin](#)
To: [Luke Connolly](#); [Piu Ghosh \(she/her\)](#)
Cc: [City Clerk](#); [City Council](#)
Subject: Housing Element Survey - Balancing Act - comments so far?
Date: Monday, August 15, 2022 11:09:35 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.

Hi Luke and Piu,

I know y'all are probably very busy with the Housing Element work. Many of us thought that all the comments from the Balancing Act Survey on individual sites would be part of the material for the 8-16-2022 CC meeting. I, and hopefully many others spent hours commenting on each site. When we submitted our comments, we didn't get a copy of what we'd submitted (I did give my email).

Q: Is there any way to see the comments so far? It might impact future comments submitted before the survey is closed.

Q: If it doesn't make sense to publish the comments so far, when will these comments be made available for Council and the public to view?

Making a decision without having this input doesn't make sense to me.

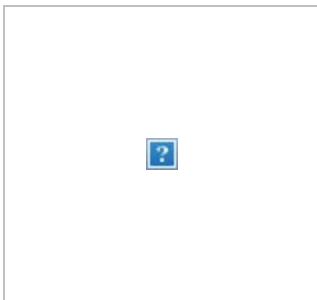
Thank you,
Peggy Griffin

From: [Housing](#)
To: [City Clerk](#)
Cc: [Luke Connolly](#); [Ande Flower](#); [Kerri Heusler](#)
Subject: FW: Plan for the Housing that Our Schools Desperately Need
Date: Monday, August 15, 2022 9:31:08 AM

Good morning,

Written Comms received in the Housing inbox, intended for City Council.

Thank you,



Cyrah Caburian

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



From: Gauri Chawla <gchawla327@student.fuhsd.org>
Sent: Saturday, August 13, 2022 9:13 PM
To: Housing <Housing@cupertino.org>
Cc: ComplianceReview@hcd.ca.gov; HousingElements@hcd.ca.gov; housing@doj.ca.gov
Subject: Plan for the Housing that Our Schools Desperately Need

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,

I have been a Cupertino resident for more than a decade. I am currently a rising junior at Cupertino High School, and I am writing to encourage you to capitalize on the Housing Element as an opportunity to plan for more housing in a way that will strengthen our schools and benefit our community as a whole.

I first want to bring to your attention the fact that creating affordable housing will lead to the prospering of our community in Cupertino. It is important to have a fair reflection of this community in the analysis of housing needs. We must endeavor to include as many people in our city as possible in order to better inform the policies and programs the council will need to come up with to remedy housing needs. Moreover, we must establish a thorough criteria for the designation and development of these new houses, and aspire to set aside five to ten percent of new housing units for lower income families. We can reserve such housing in multi-unit apartment buildings.

When we create widespread housing opportunities, we encourage families to come to Cupertino for their children's educational needs. Our schools are losing enrollment. This

means less programs for our students no matter how well the district is funded. When we lose students, it translates into worse educational outcomes because our schools aren't able to support as many beneficial programs without kids to fill classrooms. Our student diversity also declines, which saps the richness from our educational experiences. I was a part of the Cupertino Union School District only three years ago and my brother is still a part of it today. When we create equitable, affordable living spaces for all, we boost enrollment for our schools and encourage our youth to gain the knowledge and opportunities they need to better flourish in our world.

Additionally, I encourage the City Council to take advantage of this opportunity to include spaces for youth and members of the community to meet and create connections with each other. Providing vibrant, multi-use spaces will embolden our youth to look to Cupertino for safe spaces to meet and grow. Our council should allow for the height, density, and flexibility for developers to create safe, lively spaces for our community.

We must also acknowledge and rectify the difficulties those who are trying to attend universities in the Bay Area are faced with, not the least of which is housing insecurity. Many students look to rent homes in order to further their education, only to be met with high housing costs that are near-impossible to meet. Students should not have to worry about juggling two to three jobs while trying to achieve an education to better their future. We should encourage students in their endeavors in higher education, not only with affordable housing for students, but also with better rental protections as a whole.

Teachers are another population segment that would greatly benefit from substantial increases in housing production. When teachers show up to work drained from a crushing commute our students suffer. The same is true for staff and administrators. We should be doing everything we can to plan for significant housing construction including market rate, affordable, and teacher housing close to our schools. Especially the ones that are most rapidly losing the student population. More homes will mean a richer educational experience for our families and a much healthier community overall.

I am also the president of the Cupertino High School Anti-Racism Task Force. The historic racism of redlining and discrimination in housing policy is well documented, and Cupertino is no exception. This housing element is our opportunity to enact antiracist policy that gives minority populations the housing opportunities they have historically been denied. This time around, it is indeed the law for us to Affirmatively Further Fair Housing. This means planning for, and facilitating, the production of substantially more homes of all types, including ones we have traditionally shunned: the six, eight, and ten story apartment buildings for low income renters and homeowners. We must also build this housing throughout the city, not just concentrated in two or three parts of town. Equitable and affordable housing should be prioritized around resources that are very much needed for members of our community (schools, workplaces, parks, libraries, etc.)

Most importantly, I want to strongly encourage the council to reach out to youth when thinking about the Housing Element. We are the ones who are going to be living with your decisions, and alongside many members of our community, we hope you will value our voices and work to create safe, equitable, and affordable housing for ALL. This is our students, our elderly population, our young adults, our working class population, and more. Your decisions regarding the Housing Element shape so many futures, and I implore you to use this power to make housing an exciting prospect for our community, rather than a daunting, arduous task.

Thank you for your consideration,

Gauri Chawla
Cupertino City Center

student email provided for educational purposes by Fremont Union HSD

From: [Peggy Griffin](#)
To: [City Council](#); [City of Cupertino Planning Commission](#); [HousingCommission](#)
Cc: [City Clerk](#)
Subject: Housing Element Survey - Missing Monta Vista Village completely!
Date: Tuesday, August 2, 2022 8:20:43 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, Planning Commission and Housing Commission,

In the Housing Element Survey where it lists all the different areas of the city, it is missing the “Monta Vista Village” area completely. All the other areas that have no housing allocated to them are listed with a zero and allow you to comment on whether you agree or not but there is no way to comment on this area because it’s not even listed!

<https://city-of-cupertino.abalancingact.com/cupertino-available-housing-sites>

Sincerely,
Peggy Griffin

From: [Peggy Griffin](#)
To: [City Council](#); [City of Cupertino Planning Commission](#); [HousingCommission](#)
Cc: [City Clerk](#)
Subject: Housing Element Recommended Sites Excel Spreadsheet
Date: Tuesday, August 2, 2022 8:07:14 AM
Attachments: [image1.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 City Council, Planning Commission and Housing Commission members,

The "Final Excel for CC 7-21-22.pdf" which is listed on the Housing Element Survey website page as a "Resource" called "Recommended Sites List" does not have a color index telling the reader what all the different colors mean.

Not knowing the color coding it's confusing to look at the information not knowing whether RED means rejected or important or what? Is WHITE a definitely included site? What does YELLOW mean? What does ORANGE mean? Does one color mean owner interest? That'd be important to know, right?

REQUEST: Please have the color index included in the document (not in another document) when it becomes part of the CC agenda material. It doesn't have to be fancy - just a page with the color index inserted into this PDF would be tremendously helpful.

Sincerely,
Peggy Griffin

◀ Safari 8:00 AM Tue Aug 2

...

100% 🔋

✕ Final Excel for CC 7-21-22.pdf

🔍 🗨️ ⋮

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
18b		36906003	10075 E Estates Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.53	25	50	0	25
		36906004	10075 E Estates Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.29	25	50	0	63
		36906007	19550 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.64	25	50	0	32
18c	Tier 2	37506007	19220 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.96	25	50	0	-
18d	Tier 2	37506006	19300 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.71	25	50	0	-
		37501023	19400 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.20	25	50	0	-
19	27	Homestead										
19a		31604064	19820 Homestead Rd	Res Low 1-5	Res M 10-20	A1-43	P(Res)	0.44	5	15	1	6
19b		32336018	11025 N De Anza Blvd	Com/Res	Res H 30>	P(CG)	P(CG/Res)	0.42	35	50	0	21
20	440	Stelling Gateway										
20a		32607030	[no address]	Com	Res H 30>	BQ	P(Res)	0.92	15	50	0	45
20b		32609052	20916 Homestead Rd	Com	Res H 30>	P(CG)	P(CG/Res)	0.74	35	50	0	36
		32609061	20956 Homestead Rd	Com	Res H 30>	P(CG)	P(CG/Res)	1.12	35	50	0	55
		32609060	20990 Homestead Rd	Com	Res H 30>	P(Rec/Enter)	P(CG/Res)	2.75		50	0	137
20c		32607036	[no address]	Com	Res H 30>	P(CG)	P(Res)	1.74	15	50	0	86
		32607022	[no address]	Com	Res H 30>	P(CG)	P(Res)	1.64	15	50	0	81
21	0	Monta Vista Village: There are no sites within this area that are currently recommended										
22	0	North De Anza: There are no sites within this area that are currently recommended										
23	462	South De Anza										
23a		35909017	10105 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	1.00	25	50	0	50
23b		35917001	10291 S De Anza Blvd	Com/Res	Res H 30>	P(CG)	P(CG/Res)	1.32	25	50	0	66
23c	Tier 2	35918044	10619 South De Anza Blvd	Com/Res	Res H 30>	P(CG)	P(CG/Res)	0.26	25	30	0	-
23d		36619078	[no address]	Com/Res	Res H 30>	P(CG, Res 5-15)	P(CG/Res)	0.08	15	50	0	4
		36619047	1361 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5-15)	P(CG/Res)	2.33	15	50	0	117
23e	Tier 2	36619081	1375 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5-15)	P(CG/Res)	0.30	15	30	0	-
23f	Tier 2	36619053	1491 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5-15)	P(CG/Res)	0.56	15	30	0	-

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#); [City of Cupertino Planning Commission](#); [HousingCommission](#)
Subject: CONFUSED...Housing Element Survey
Date: Monday, August 1, 2022 10:03:32 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.

City Clerk: Please include this email as part of Written Communications for the August 16, 2022 City Council meeting associated with the Housing Element agenda item. Thank you.

Dear City Council,

I know more than the average person about the Housing Element and I am thoroughly confused trying to take the survey! I spent all afternoon entering info in "The Balancing Act" but ended up very confused as to whether I'd done the right survey. Are there 2 surveys???

<https://engagecupertino.org/hub-page/housing-element>

The screenshot shows the Engage Cupertino website interface. At the top, there's a navigation bar with the URL <https://engagecupertino.org/hub-page/housing-element> and icons for accessibility, favorites, and a notification bell. Below the navigation bar, the word "English" is displayed. The main content area features four vertical cards, each with a header image, a title, a brief description, and a "Begin" button. The cards are: 1. "Welcome to the Housing Element Update" with an image of a hand holding a compass, text "It's your City - join the conversation!", and a blue "Begin" button. 2. "Events and Updates" with an image of people at a meeting, text "Please scroll down to see upcoming meeting dates and details as well as information from past mee...", and a blue "Begin" button. 3. "Balancing Act Part II" with a map image, text "The deadline is 8/4/22 for public comment for the upcoming Council Meetings on 8/16 and 8/30.", and a blue "Begin" button. 4. "Available Housing Sites: Information and Surveys" with a map image, text "The deadline for public comment on sites for the upcoming Council Meeting is August 4, 2022.", and a blue "Begin" button.

BALANCING ACT SURVEY:

I clicked on the City email regarding the "survey" and saw the link to the "balancing act" so I clicked on it. I went area by area reviewing the sites and "submitting" my comments for each response. **Luckily**, I happened to scroll to the end of EVERYTHING and saw a final submit button that I clicked where it asked for my email address. If I had not done that, I would have assumed that my inputs for each individual site

had been recorded BUT that's not true!

AVAILABLE HOUSING SITES:

Clicking this looks like it takes you to something very similar to the "Balancing Act". This is very confusing.

Q: Which one is the real "survey"?

Q: If I do either one, will it count?

CONCERNS:

1. There's no way to comment generally on each area.
2. There's no way to input comments on areas that ARE NOT INCLUDED like the Monta Vista Village area or Bubb Rd!
3. The errors that people brought up and identified in April are still present in the material!
4. Some people say they had options to just indicate a smiley face or frown as input on sites. I never saw that. Are they taking the same survey?
5. With the multiple iterations of surveys, etc. Will the Council receive all the comments from all the surveys for each site?
6. What if there are multiple people in a home submitting their individual survey using the same computer – does the survey allow it?

RECOMMENDATION:

1. If the "Balancing Act" and the "Available Housing Sites" are actually the same survey, please get rid of one of them!
2. Send a final reminder email with a link DIRECTLY TO THE SURVEY. Don't take people to an overview page where there's a lot of stuff on the page and they have to try and figure out where the survey link is. Take them to the survey!
3. Please post the material for the August 16, 2022 Council meeting as soon as it's ready. It will probably be a lot of material so if you could post the material as soon as it becomes available people could start reviewing it. Make a note that it's "preliminary" until it's final. Just give us time to read it, please.

I realize this is an enormous task and both the Council, staff and consultant are overworked trying to get to a final resolution. Make it easy for people to submit their comments. Make it clear.

Sincerely,
Peggy Griffin

From: [BAHN Org](#)
To: [Darcy Paul](#); [Liang Chao](#); [Kitty Moore](#); [Hung Wei](#); [Jon Robert Willey](#)
Cc: [City Clerk](#)
Subject: comments for housing Elements
Date: Monday, August 1, 2022 9:08:11 PM
Attachments: [housing element comments BAHN 080122.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 Cupertino Mayor, Vice Mayor, and Council Members,

Attached please find our comments for the housing elements Cupertino city likes to discuss. Please feel free to reach out to us if you have any questions.

Thanks for reading.

Best!

Dan Pan

BAHN Representative

website: [BAHN.house](#)

Phone: [408-475-8498](#)

BAHN is a non-profit, grassroots organization representing mom and pop housing providers in California. BAHN advocates for private property rights and housing friendly policies. It promotes education and professional development among members for their daily property management needs. It provides a platform for homeowners to connect and help each other. Its mission is to help members achieve greater success in their rental housing business.

From: [Melissa Robertson](#)
To: [Melissa Robertson](#)
Subject: Item 24, Discuss Priority Housing Sites for HE cycle 6 - City Council mtg August 16 2022
Date: Wednesday, August 17, 2022 8:02:49 AM
Attachments: [Attachment - A - Sites Inventory Table FOR PC and HE June 28 and July 5 2022 joint meetings.pdf](#)
[Attachment A - Recommended Sites Inventory \(3\) for Housing Element City Council August 16 meeting - First time coming to Council.pdf](#)
[Attachment C \(does not load\) Site Map entire city color coded PL, T1, T2 available in Written Communications \(Updated 08-12-2022\) \(2\).pdf](#)
[E - EMC Memo Attachment B - Site Map \(5\) entire city color coded PL, T1,T2 FOR PC and HC.pdf](#)

From: Lisa Warren <la-warren@att.net>
To: City Council <citycouncil@cupertino.org>; City of Cupertino Planning Commission <planningcommission@cupertino.org>
Cc: Christopher Jensen <chrisj@cupertino.org>; Benjamin Fu <benjaminf@cupertino.org>; Luke Connolly <lukec@cupertino.org>; piug@cupertino.org <piug@cupertino.org>; housingcommission@cupertino.org <housingcommission@cupertino.org>
Sent: Tuesday, August 16, 2022 at 04:22:42 PM PDT
Subject: Item 24, Discuss Priority Housing Sites for HE cycle 6 - City Council mtg August 16 2022

Good afternoon Mayor, Council and others.

I have some observations about items attached to tonight's agenda item 24 that I will share.

This email message is not able to cover all of my questions and needs for clarification.

Unfortunately, I have run out of time to go through all of the material you have in your packet. I have done quite a bit of comparing of the documents attached to your agenda and what Planning Commission and Housing Commission (PC/HC) received as attachments for their June 28 and July 5 meetings. I also referred to the notes that I have from PC/HC discussions, decisions and requests to Staff related to the their version of documents and site selection process.

A couple of things I do not want to forget to mention here as I begin to listing things :

****Please consider suggesting any sites you feel are missing. Especially in Areas on main arteries that**

have been noted (for mapping exercise and in your written packet) as Areas that have no recommended sites. Also don't shy away from considering, if appropriate, Tier2 sites over Tier1 sites. You may need to review older documents if you are looking for unused T2 sites if you are willing to think in new ways.

****Please understand that there has been very little satisfaction from answers to questions about Why sites are not either Tier1 or Tier2.**

I have, over many months, observed that answers are not consistent. Often they refer to 'property owner' showing no interest. However, the method to communicate with property owners has often not been productive.

I suggest this :

If a property owner indicated a level of interest, the site should be given good thought.

If a property owner gave a clear written message that they do not want their site(s) considered, respect that, but remember they could have a change of heart.

If a property owner was unreachable, did not respond to inquiry, etc., do NOT take that as a no to considering the site.

other comments :

- I truly hope that no one expects the City Council to finalize their thoughts about HE site selection with this single meeting where the subject/material is being presented.
- I question why this critical discussion is on the Aug 16 agenda as Item 24.. the last item. Especially since there are other important agenda items that I expect will take a significant amount

of discussion from participating parties.

- It was stated that there would be a document compiled to represent responses from the 'public' Balancing Act map exercise and the new 31Q Survey. There is no reference to that information in the agenda attachments for the public to review. And one of these is still open for public input.

In the time I did spend trying to compare PC/HC documents and CC documents, I found some errors, or concerns.

I will list a few here.

-- First, I believe that the edited Recommended Site Inventory (from what PC/HC had to what CC has) should have been done in a way that number/letter references should have been changed. If a site was 'removed or moved', it could have been stricken and noted where it was moved to.

Example: Initially P8 was listed as 20865 McClellan Rd.
-- PC/HC and Staff agreed to remove it from Pipeline and make it a Tier 1 in corresponding 'area' Jollyman as site 6e. It is currently listed as 6a (instead of 6e) replacing a similar parcel across the street at 20860 McClellan Rd. Super confusing. And as I remember it, CC/HC asked for 20860 to be changed from original Tier 2 to Tier1 in Jollyman and correcting the current max density from 4.35 DR/Ac to something larger. This 20860 is NOW on Pipeline as P8 with 12 units (there is currently a unit on the site but list shows '0' existing units. I do not believe it qualifies for Pipeline.

Note: I believe that Balancing Act Mapping info has street numbers reversed for 20860 and 20865 McClellan.

Tier2 sites have seem to disappear from some areas in the new list.

Example: North Blaney 9b.

Example: 11b T2 from PC/HC list is gone and now

what was 11c is labeled 11b

Column 6 now has the descriptor 'Tentative' added to 'General Plan Designation (New)'. There are changes in some cases so that now there are ranges for DU/Ac Perhaps the Staff report explains why that is ? Part of the 'maximum/minimum' discussion ?

Heart of the City Crossroads initially had 2 T2 sites and nothing else. They were the Mr Sun and Lei Garden. There are now 5 sites added (total of 7). All are T2. Byer Properties owner of the additional 5. Several commissioners and residents have asked to consider HE sites in this area but I question how some of the 5 got included. I have heard/read anyone asking for TJMaxx/Homegoods or DishnDash to be sites.

::::

Comparing the 'Sites Overview' documents (28p and 27p) there are errors.

Examples but may not be complete list:

Page 2 in July 20 (CC) version has P8 parcel# and address that do not match. Above I mention issues with McClellan address numbers. I believe that the parcel number in the document is correct and that the address number is wrong. ALSO I remember that P8 with the 20865 # was to be moved to 'Jollyman'.

Also page 2, there is a list titled 'Areas with NO specific sites anticipated to accommodate housing'. The lists differ some. It should be noted that Areas 16 and 26 included in the list on CC version DO have sites assigned to them... one is a biggy. North Vallco Park.

Page 3 in July 20 (CC) version is missing map.

I have no time to comment on the over 20 additional pages except this general comment :

Things I heard from PC/HC (and community members) Maximum building height should be defined in measured FEET, not just number of stories. I don't see that addition in the CC version of Overview document.


Commission (I believe it was the Chair) asked for Max Height in Feet to be added to the Site Inventory 'spreadsheet' . Also requested parking space info and maybe something else. No columns have been added.

It would be helpful if the appropriate digit be use (example 5, not 'five') when referring to max height, wherever that info is included.

Lisa Warren



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Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
P	3,536	Pipeline Projects		Pipeline Project Names								
P1		31620120 31620121	10101 N Wolfe Rd 10330 N Wolfe Rd	Vallco							0	2,402
P2		32627043	21267 Stevens Creek Blvd	Westport							0	259
P3		34216087	10625 S. Foothill Blvd	Canyon Crossing							0	18
P4		36610126 36610061	7357 Prospect Rd	Carriage House (1655 S. De Anza)							0	34
P5		32634066 32634043	10118-10122 Bandley Dr 10145 N. De Anza Blvd	Marina Food							0	206
P6		34214066 34214104 34214105	22690 Stevens Creek Blvd	Bateh Brothers							0	8
P7		35907021	10040 Bianchi Way								1	6
P8		35913019	20865 McClellan Rd								1	3
P9		316-06-058 316-06-059 316-06-060	19500 Pruneridge Ave	The Hamptons Apartment Homes							342	600
PIPELINE SUB-TOTAL											344	3,536
1	29	Creston-Pharlap										
1a	Tier 2	32616014	10033 Hillcrest Rd	Res Low 1-5	na	R1-10	na	0.64	4	4	1	-
1b	Tier 2	32616064	10190 Hillcrest Rd	Res Low 1-5	na	R1-10	na	0.53	4	4	1	-
1c		32620034	10231 Adriana Ave	Res Low 1-5	Res ML 5-10	R1-10	R1-7.5	1.42	4	8.7	1	11
1d		32616075	22273 Cupertino Rd	Res Low 1-5	Res ML 5-10	R1-10	R1-5	1.35	4	8.7	1	10
1e		32650062	10050 N Foothill Blvd	Com/Off/Res	Res Medium 10-20	P(OA)	R3	0.62	15	15	1	8
2	0	Fairgrove: There are no sites within this area that are currently recommended										
3	22	Garden Gate										
3a	Tier 2	31624016	10193 Randy Ln	Res MH 5-10	Res Medium 10-20	R1-7.5	R-1C	0.45	10	12	1	-
3b		ROW	Mary Ave site	P/Res	Res H 30>	T	P(Res)	0.75	0	30	0	22

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
4	5	Homestead Villa										
4a		32602063	10860 Maxine Ave	Res ML 5-10	na	R2-4.25i	na	0.71	10	10	2	5
5	0	Inspiration Heights: There are no sites within this area that are currently recommended										
6	44	Jollyman										
6a	Tier 2	35920030	20860 McClellan Rd	Res Low 1-5	Res Medium 10-20	R1-10	R1-7.5	1.27	4.35	5	0	-
6b		35905133	21050 McClellan Rd	Com/Off/Res	Res Medium 10-20	P	P(R-3)	0.78	15	30	0	23
6c	Tier 2	35919043	7540 McClellan Rd	Low Den (1-5 DU/Ac.)	Res Medium 10-20	R1-6	R1-C	0.33	5	10	1	-
6d		35920028	20920 McClellan Rd	Quasi-Public	Res H 30>	BQ	P(Res)	0.71	0	30	0	21
7	45	Monta Vista North										
7a		35606001	10857 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.73	5	20	1	13
		35606002	10867 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.69	5	20	1	12
		35606003	10877 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.25	5	20	1	4
		35606004	10887 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.87	5	20	1	16
7b	Tier 2	35705010	22381 McClellan Rd	Res Low 1-5	Res Medium 10-21	R1-10	R-1C	0.44	5	5	1	-
8	22	Monta Vista South										
8a		36231001	20666 Cleo Ave	Res Medium 10-20	Med/High (20-35 DU/Ac)	P(R3)	P(Res)	0.25	20	30	1	6
8b		36231030	[no address]	Res Medium 10-20	Med/High (20-35 DU/Ac)	P(R3)	P(Res)	0.23	20	30	0	6
8c		35623057	21710 Regnart Rd	Res Very Low S/D	Res Low 1-5	RHS	R1-5	1.46		5	1	7
		35623001	21710 Regnart Rd	None	Res Low 1-5	RHS	R1-5	0.15		5	0	1
8d		36638021	21530 Rainbow Dr	Res Very Low S/D		RHS	R1-7.5	0.43		3.4	1	2
9	61	North Blaney										
9a		31643009	10730 N Blaney Ave	Ind	Res H 30>	P(R2, Mini- Steel)	P(Res)	1.76	0	30	1	51
		31643008	10710 N Blaney Ave	Res Low Med 5-10	Res H 30>	R-2	P(Res)	0.37	10	30	1	10

Recommended Sites Inventory

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9b	Tier 2	31643003	19986 Olivewood St	Res Medium 10-20	Res H 30>	R3	P(Res)	2.93	20	30	36	-
		31643004	10716 Rosewood Rd	Res Medium 10-20		R3	P(Res)	2.59	20	30	40	-
		31643005	N Portal Ave	Res Medium 10-20		R3	P(Res)	1.64	20	30	32	-
10	0	Rancho Rincondada: There are no sites within this area that are currently recommended										
11	129	South Blaney										
11a		36934053	10787 S Blaney Ave	Com/Res	Med/High (20-35 DU/Ac)	P(CG)	P(CG/Res)	0.54	15	30	0	15
		36934052	10891 S Blaney Ave	Com/Res	Med/High (20-35 DU/Ac)	P(CG)	P(CG/Res)	2.70	15	30	0	80
11b	Tier 2	36939016	20455 Silverado Ave	Com/Res	Med/High (20-35 DU/Ac)	P[CG]	P(Res)	0.23	25	30	0	-
11c		36937028	10710 S De Anza Blvd	Com/Res	Res H 30>	R2	P(CG/Res)	0.56	25	30	0	16
		36937022	20421 Bollinger Rd	Medium (10- 20 DU/Ac)		R3	P(Res)	0.39	20	30	0	11
		36937023	20411 Bollinger Rd	Medium (10- 20 DU/Ac)		R3	P(Res)	0.22	20	30	2	3
		36937024	20431 Bollinger Rd	Medium (10- 20 DU/Ac)		R3	P(Res)	0.17	20	30	1	4
12	0	Oak Valley Neighborhood: There are no sites within this area that are currently recommended										
13	13	Bubb Road										
13a		35720044	21431 Mcclellan Rd	Ind/Res/Com	Res H 30>	ML-rc	P(Res)	0.47	20	30	1	13
14	0	Heart of the City - West: There are no sites within this area that are currently recommended										
15	-	Heart of the City - Crossroads										
15a	Tier 2	32634047	10125 Bandley Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.09	25	50	0	-
15b	Tier 2	35907006	20950 Stevens Creek Blvd	Com/Off/Res		P(CG, Res)						
16	-	Heart of the City - Central										
16a	Tier 2	36905007	19990 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.46	25	50	0	-
16b	Tier 2	36903005	20010 Stevens Creek Blvd	Com/Off/Res		P(CG, Res)						

Recommended Sites Inventory

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16c	Tier 2	31623027	20149 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.64	25	50	0	-
17	0	City Center Node: There are no sites within this area that are currently recommended										
18	133	Heart of the City - East										
18a		36906002	10065 E Estates Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.90	25	50	0	45
		36906003	10075 E Estates Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.53	25	50	0	25
		36906004	10075 E Estates Dr	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.29	25	50	0	63
18b	Tier 2	36906007	19550 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.64	25	50	0	-

Recommended Sites Inventory

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18c	Tier 2	37506007	19220 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	0.96	25	50	0	-
	Tier 2	37506006	19300 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.71	25	50	0	-
18d	Tier 2	37501023	19400 Stevens Creek Blvd	Com/Off/Res	Res H 30>	P(CG, Res)	P(Res)	1.20	25	50	0	-
19	27	Homestead										
19a		31604064	19820 Homestead Rd	Res Low 1-5	Res M 10-20	A1-43	P(Res)	0.44	5	15	1	6
19b		32336018	11025 N De Anza Blvd	Com/Res	Res H 30>	P(CG)	P(CG/Res)	0.42	35	50	0	21
20	440	Stelling Gateway										
20a		32607030	[no address]	Com	Res H 30>	BQ	P(Res)	0.92	15	50	0	45
20b		32609052	20916 Homestead Rd	Com	Res H 30>	P(CG)	P(CG/Res)	0.74	35	50	0	36
		32609061	20956 Homestead Rd	Com	Res H 30>	P(CG)	P(CG/Res)	1.12	35	50	0	55
		32609060	20990 Homestead Rd	Com	Res H 30>	P(Rec/Enter)	P(CG/Res)	2.75		50	0	137
20c		32607036	[no address]	Com	Res H 30>	P(CG)	P(Res)	1.74	15	50	0	86
		32607022	[no address]	Com	Res H 30>	P(CG)	P(Res)	1.64	15	50	0	81
21	8	Monta Vista Village										
21a		35719037	21730 Olive Ave	Res 10-15	na	P(Res)	na	0.58	15	15	3	5
21b	Tier 2	35717139	21685 Granada Ave	Neigh Com/Res	Res 10-15	P[CN,ML, Res 4-12]	P(Res)	0.14	12	12	1	-
21c		35717046	10141 Pasadena Ave	Res 10-15	na	P(Res)	na	0.30	15	15	2	3
22	0	North De Anza: There are no sites within this area that are currently recommended										
23	268	South De Anza										
23a		35909017	10105 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	1.00	25	30	0	30
23b		35917001	10291 S De Anza Blvd	Com/Res	Res H 30>	P(CG)	P(CG/Res)	1.32	25	30	0	38
23c	Tier 2	35918044	10619 South De Anza Blvd	Com/Res	Res H 30>	P(CG)	P(CG/Res)	0.26	25	30	0	-
23d	Tier 2	36619078	[no address]	Com/Res	Res H 30>	P(CG, Res 5- 15)	P(CG/ Res)	0.08	15	30	0	-
		36619047	1361 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 15)	P(CG/Res)	2.33	15	30	0	-
23e	Tier 2	36619081	1375 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 15)	P(CG/Res)	0.30	15	30	0	-

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23f		36619053	1491 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.56	15	30	0	16
		36619054	1491 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	1.75	15	30	0	52
23g		36619044	1451 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.44	15	30	0	13
		36619045	S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.07	15	30	0	2
23h		36619055	1471 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.40	15	30	0	12
23i		36610121	1505 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	1.34	15	30	0	40
23j		36610127	1515 S De Anza Blvd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.86	15	30	0	25
23k		36610137	[no address]	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(CG/Res)	0.92	15	30	0	27
23l		36610054	20555 Prospect Rd	Com/Res	Res H 30>	P(CG, Res 5- 1.51)	P(Res)	0.48	15	30	0	13
24	257	Vallco Shopping District										
24a		31620088	[no address]	Reg Shopping	Res H 30>	CG	P(Res)	5.16		50	0	257
25	0	South Vallco Park: There are no sites within this area that are currently recommended										
26	368	North Vallco Park										
26a		31605050	10989 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	1.02	25	30	0	30
		31645017	10801 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	1.68	25	30	0	50
		31605056	10805 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	6.94	25	30	0	207
		31605052	10871 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	0.73	25	30	0	21
		31605053	10883 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	0.92	25	30	0	27
		31605051	10961 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	0.62	25	30	0	18
		31605072	11111 N Wolfe Rd	Com/Res	Res H 30>	P(CG, Res)	P(CG/Res)	0.54	25	30	0	15
Subtotal	1,871										138	1,871
ADUs												144
TOTAL											482	5,407
RHNA												4,588
Difference												819
Percent of RHNA												118%

Recommended Sites Inventory

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Color Legend												
P	Pipeline Project: Projects that have received approval											
	Neighborhood or Special Area Name											
Tier 2	Tier 2: Sites that are not currently part of the Draft Sites List											
	Represents possible lot merges for a single project site											
P	3,545	Pipeline Projects		Pipeline Project Names								
P1		31620120	10101 N Wolfe Rd	Vallco							0	2,402
		31620121	10330 N Wolfe Rd									
P2		32627043	21267 Stevens Creek Blvd	Westport							0	259
P3		34216087	10625 S. Foothill Blvd	Canyon Crossing							0	18
P4		36610126 36610061	7357 Prospect Rd	Carriage House (1655 S. De Anza)							0	34
P5		32634066 32634043	10118-10122 Bandlely Dr 10145 N. De Anza Blvd	Marina Food							0	206
P6		34214066 34214104 34214105	22690 Stevens Creek Blvd	Bateh Brothers							0	8
P7		35907021	10040 Bianchi Way								1	6
P8		35920030	20860 McClellan Rd								0	12
P9		316-06-058 316-06-059 316-06-060	19500 Pruneridge Ave	The Hamptons Apartment Homes							342	600
PIPELINE SUB-TOTAL											344	3,545
1	31	Creston-Pharlap										
1a		32620034	10231 Adriana Ave	Res Low 1-5	Res ML 5-10	R1-5	R1-7.5	1.42	4	10	1	13
1b		32616075	22273 Cupertino Rd	Res Low 1-5	Res ML 5-10	R1-10	R1-5	1.35	4	5	1	10
1c		32650062	10050 N Foothill Blvd	Com/Off/Res	Res Medium 10-20	P(OA)	R3	0.62	15	15	1	8
2	0	Fairgrove: There are no sites within this area that are currently recommended										

Recommended Sites Inventory

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3	22	Garden Gate										
3a		ROW	Mary Ave site	P/Res	Med/High (20-35 DU/Ac)	T	P(Res)	0.75	0	30	0	22
4	12	Homestead Villa										
4a		32602063	10860 Maxine Ave	Res ML 5-10	Res Medium 10-20	R2-4.25i	P(Res)	0.71	10	20	2	12
5	0	Inspiration Heights: There are no sites within this area that are currently recommended										
6	64	Jollyman										
6a		35913019	20865 McClellan Rd	Res Low 1-5	Res Medium 10-20	R1-10	R1-7.5	1.00	5	20	0	20
6b		35905133	21050 McClellan Rd	Com/Off/Res	Res Medium 10-20	P	P(R-3)	0.78	15	30	0	23
6c		35919043	7540 McClellan Rd	Low Den (1-5 DU/Ac.)	Res Medium 10-20	R1-6	R1-C	0.33	5	10	1	-
6d		35920028	20920 McClellan Rd	Quasi-Public	Med/High (20-35 DU/Ac)	BQ	P(Res)	0.71	0	30	0	21
7	72	Monta Vista North										
7a		35606001	10857 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.73	5	30	1	21
		35606002	10867 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.69	5	30	1	20
		35606003	10877 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.25	5	30	1	7
		35606004	10887 Linda Vista Dr	Res Low 1-5	Med/High (20-35 DU/Ac)	R1-7.5	P(R-3)	0.87	5	30	1	25
7b	Tier 2	35705010	22381 McClellan Rd	Res Low 1-5	Res Medium 10-20	R1-10	R-1C	0.44	5	5	1	-
8	29	Monta Vista South										

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	Tentative General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
8a	Tier 2	36231001	20666 Cleo Ave	Res Medium 10-20	Med/High (20-35 DU/Ac)	P(R3)	P(Res)	0.25	20	30	1	-
8b		36231030	[no address]	Res Medium 10-20	Med/High (20-35 DU/Ac)	P(R3)	P(Res)	0.23	20	30	0	6
8c		35623057	21710 Regnart Rd	Res Very Low S/D	Res Low 1-5	RHS	R1-5	1.46		15	1	21
		35623001	21710 Regnart Rd	None	Res Low 1-5	RHS	R1-5	0.15		15	0	2
8d	Tier 2	36638021	21530 Rainbow Dr	Res Very Low S/D	TBD	RHS	R1-7.5	0.43	5	5	1	-
9	61	North Blaney										
9a		31643009	10730 N Blaney Ave	Ind	Med/High (20-35 DU/Ac)	P(R2, Mini-Stor)	P(Res)	1.76	0	30	1	51
		31643008	10710 N Blaney Ave	Res Low Med 5-10	Med/High (20-35 DU/Ac)	R-2	P(Res)	0.37	10	30	1	10
10	0	Rancho Rincondada: There are no sites within this area that are currently recommended										
11	102	South Blaney										
11a		36934053	10787 S Blaney Ave	Com/Res	Med/High (20-35 DU/Ac)	P(CG)	P(CG/Res)	0.54	15	20	0	11
		36934052	10891 S Blaney Ave	Com/Res	Med/High (20-35 DU/Ac)	P(CG)	P(CG/Res)	2.70	15	20	0	54
11b		36937028	10710 S De Anza Blvd	Com/Res	Med/High (20-35 DU/Ac)	R2	P(CG/Res)	0.56	25	30	0	17
		36937022	20421 Bollinger Rd	Medium (10-20 DU/Ac)	Med/High (20-35 DU/Ac)	R3	P(Res)	0.39	20	30	0	12
		36937023	20411 Bollinger Rd	Medium (10-20 DU/Ac)	Med/High (20-35 DU/Ac)	R3	P(Res)	0.22	20	30	2	5
		36937024	20431 Bollinger Rd	Medium (10-20 DU/Ac)	Med/High (20-35 DU/Ac)	R3	P(Res)	0.17	20	30	1	4
12	0	Oak Valley Neighborhood: There are no sites within this area that are currently recommended										
13	23	Bubb Road										
13a		35720044	21431 McClellan Rd	Ind/Res/Com	High (>35 DU/Ac)	ML-rc	P(Res)	0.47	20	50	1	23
14	0	Heart of the City - West: There are no sites within this area that are currently recommended										
15	0	Heart of the City - Crossroads										
15a	Tier 2	32634047	10125 Bandlely Dr	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	1.09	25	50	0	-
15b	Tier 2	35907006	20950 Stevens Creek Blvd	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	0.32	25	50	0	-
15c	Tier 2	35908025	20840 Stevens Creek Blvd	Com/Off/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	0.83	25	30	0	-

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	Tentative General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
15d	Tier 2	35908028	20730 Stevens Creek Blvd	Com/Off/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	10.45	25	30	0	-
15e	Tier 2	35908027	20830 Stevens Creek Blvd	Com/Off/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	0.81	25	30	0	-
15f	Tier 2	35908029	20750 Stevens Creek Blvd	Com/Off/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	0.92	25	30	0	-
15g	Tier 2	35908026	20840 Stevens Creek Blvd	Com/Off/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	0.45	25	30	0	-
16	0	Heart of the City - Central										
16a	Tier 2	36905007	19990 Stevens Creek Blvd	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	0.46	25	50	0	-
16b	Tier 2	36903005	20010 Stevens Creek Blvd	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	0.47	25	50	0	-
16c	Tier 2	31623027	20149 Stevens Creek Blvd	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	0.64	25	50	0	-
17	0	City Center Node: There are no sites within this area that are currently recommended										
18	165	Heart of the City - East										
18a		36906002	10065 E Estates Dr	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	0.90	25	50	0	45
		36906003	10075 E Estates Dr	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	0.53	25	50	0	25
		36906004	10075 E Estates Dr	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	1.29	25	50	0	63
18b		36906007	19550 Stevens Creek Blvd	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	0.64	25	50	0	32

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	Tentative General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
18c	Tier 2	37506007	19220 Stevens Creek Blvd	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	0.96	25	50	0	-
		37506006	19300 Stevens Creek Blvd	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	1.71	25	50	0	-
18d	Tier 2	37501023	19400 Stevens Creek Blvd	Com/Off/Res	High (>35 DU/Ac)	P(CG, Res)	P(Res)	1.20	25	50	0	-
19	27	Homestead										
19a		31604064	19820 Homestead Rd	Res Low 1-5	Res M 10-20	A1-43	P(Res)	0.44	5	15	1	6
19b		32336018	11025 N De Anza Blvd	Com/Res	High (>35 DU/Ac)	P(CG)	P(CG/Res)	0.42	35	50	0	21
20	440	Stelling Gateway										
20a		32607030	[no address]	Com	High (>35 DU/Ac)	BQ	P(Res)	0.92	15	50	0	45
20b		32609052	20916 Homestead Rd	Com	High (>35 DU/Ac)	P(CG)	P(CG/Res)	0.74	35	50	0	36
		32609061	20956 Homestead Rd	Com	High (>35 DU/Ac)	P(CG)	P(CG/Res)	1.12	35	50	0	55
		32609060	20990 Homestead Rd	Com	High (>35 DU/Ac)	P(Rec/Enter)	P(CG/Res)	2.75		50	0	137
20c		32607036	[no address]	Com	High (>35 DU/Ac)	P(CG)	P(Res)	1.74	15	50	0	86
		32607022	[no address]	Com	High (>35 DU/Ac)	P(CG)	P(Res)	1.64	15	50	0	81
21	0	Monta Vista Village: There are no sites within this area that are currently recommended										
22	0	North De Anza: There are no sites within this area that are currently recommended										
23	462	South De Anza										
23a		35909017	10105 S De Anza Blvd	Com/Res	High (>35 DU/Ac)	P(CG, Res)	P(CG/Res)	1.00	25	50	0	50
23b		35917001	10291 S De Anza Blvd	Com/Res	High (>35 DU/Ac)	P(CG)	P(CG/Res)	1.32	25	50	0	66
23c	Tier 2	35918044	10619 South De Anza Blvd	Com/Res	Med/High (20-35 DU/Ac)	P(CG)	P(CG/Res)	0.26	25	30	0	-
23d		36619078	[no address]	Com/Res	High (>35 DU/Ac)	P(CG, Res 5-15)	P(CG/ Res)	0.08	15	50	0	4
		36619047	1361 S De Anza Blvd	Com/Res	High (>35 DU/Ac)	P(CG, Res 5-15)	P(CG/Res)	2.33	15	50	0	117
23e	Tier 2	36619081	1375 S De Anza Blvd	Com/Res	Med/High (20-35 DU/Ac)	P(CG, Res 5-15)	P(CG/Res)	0.30	15	30	0	-

Recommended Sites Inventory

Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	Tentative General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
23f	Tier 2	36619053	1491 S De Anza Blvd	Com/Res	Med/High (20-35 DU/Ac)	P(CG, Res 5-1.51	P(CG/Res)	0.56	15	30	0	-
		36619054	1491 S De Anza Blvd	Com/Res	Med/High (20-35 DU/Ac)	P(CG, Res 5-1.51	P(CG/Res)	1.75	15	30	0	-
23g		36619044	1451 S De Anza Blvd	Com/Res	High (>35 DU/Ac)	P(CG, Res 5-1.51	P(CG/Res)	0.44	15	50	0	22
		36619045	S De Anza Blvd	Com/Res	High (>35 DU/Ac)	P(CG, Res 5-1.51	P(CG/Res)	0.07	15	50	0	4
23h		36619055	1471 S De Anza Blvd	Com/Res	High (>35 DU/Ac)	P(CG, Res 5-1.51	P(CG/Res)	0.40	15	50	0	20
23i		36610121	1505 S De Anza Blvd	Com/Res	High (>35 DU/Ac)	P(CG, Res 5-1.51	P(CG/Res)	1.34	15	50	0	67
23j		36610127	1515 S De Anza Blvd	Com/Res	High (>35 DU/Ac)	P(CG, Res 5-1.51	P(CG/Res)	0.86	15	50	0	43
23k		36610137	[no address]	Com/Res	High (>35 DU/Ac)	P(CG, Res 5-1.51	P(CG/Res)	0.92	15	50	0	46
23l		36610054	20555 Prospect Rd	Com/Res	High (>35 DU/Ac)	P(CG, Res 5-1.51	P(Res)	0.48	15	50	0	24
24	257	Vallco Shopping District										
24a		31620088	[no address]	Reg Shopping	High (>35 DU/Ac)	CG	P(Res)	5.16		50	0	257
25	0	South Vallco Park: There are no sites within this area that are currently recommended										
323	323	North Vallco Park										
26a		31605050	10989 N Wolfe Rd	Com/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	1.02	25	30	0	31
		31605056	10805 N Wolfe Rd	Com/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	6.94	25	30	0	208
		31605052	10871 N Wolfe Rd	Com/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	0.73	25	30	0	22
		31605053	10883 N Wolfe Rd	Com/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	0.92	25	30	0	28
		31605051	10961 N Wolfe Rd	Com/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	0.62	25	30	0	19
		31605072	11111 N Wolfe Rd	Com/Res	Med/High (20-35 DU/Ac)	P(CG, Res)	P(CG/Res)	0.54	25	30	0	16

Recommended Sites Inventory

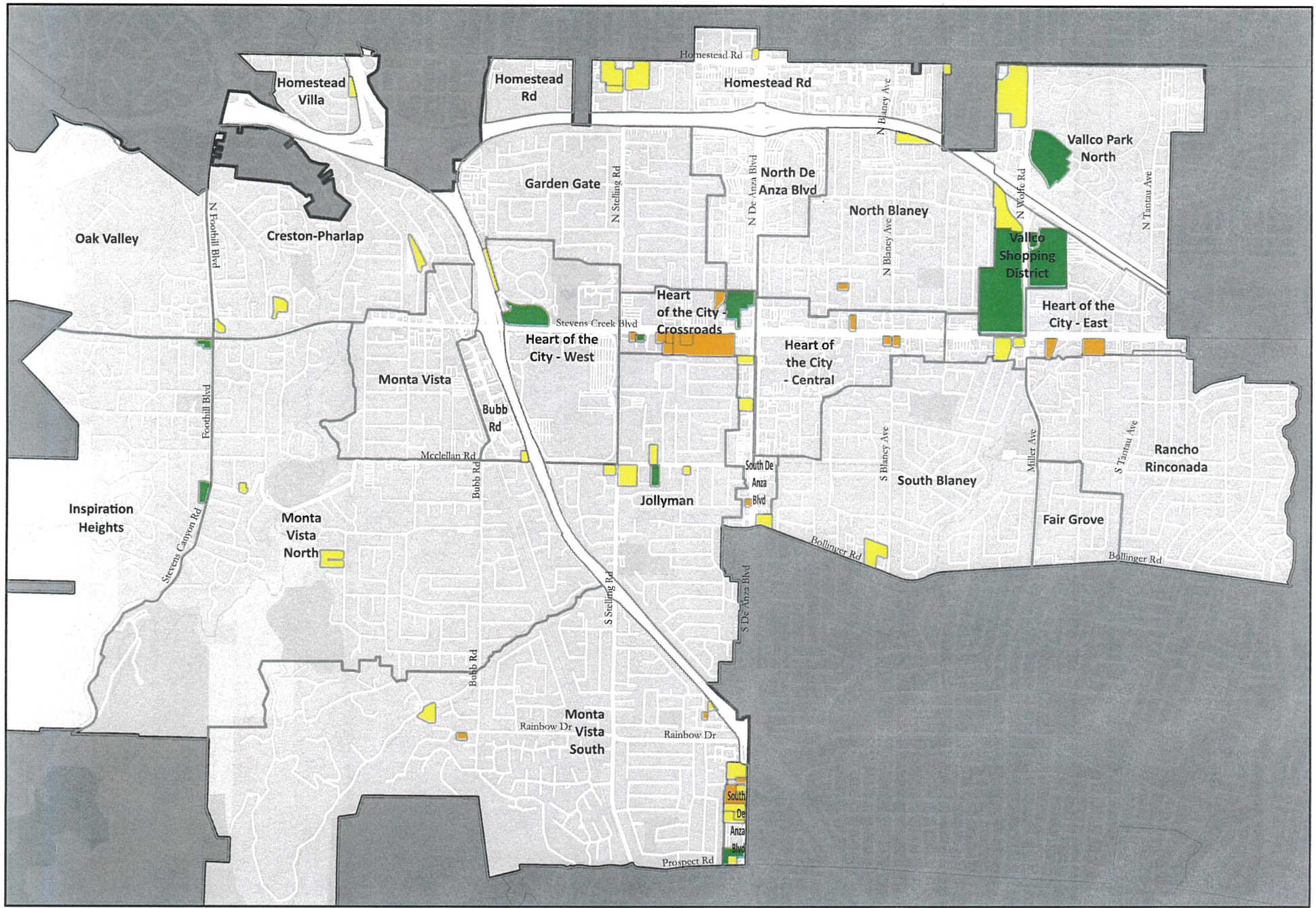
Key Map ID	Tier 2/ Total Units for each Area	Assessor Parcel Number	Site Address/Intersection	General Plan Designation (Current)	Tentative General Plan Designation (New)	Zoning Designation (Current)	Zoning Designation (New)	Parcel Size (Gross Acres)	Current Maximum Density (du/ac)	New Minimum Density (du/ac)	Existing Units	Total New Units
Subtotal	2,090										21	2,090
ADUs												200
TOTAL (Gross)												5,835
TOTAL (Net)											365	5,470
RHNA												4,588
Difference												882
Percent of RHNA												119%

CC 08-16-2022

Item No. 24

Attachment C -Pipeline Tier 1
Tier 2 Projects

Written Communications



Pipeline, Tier 1, and Tier 2 Projects

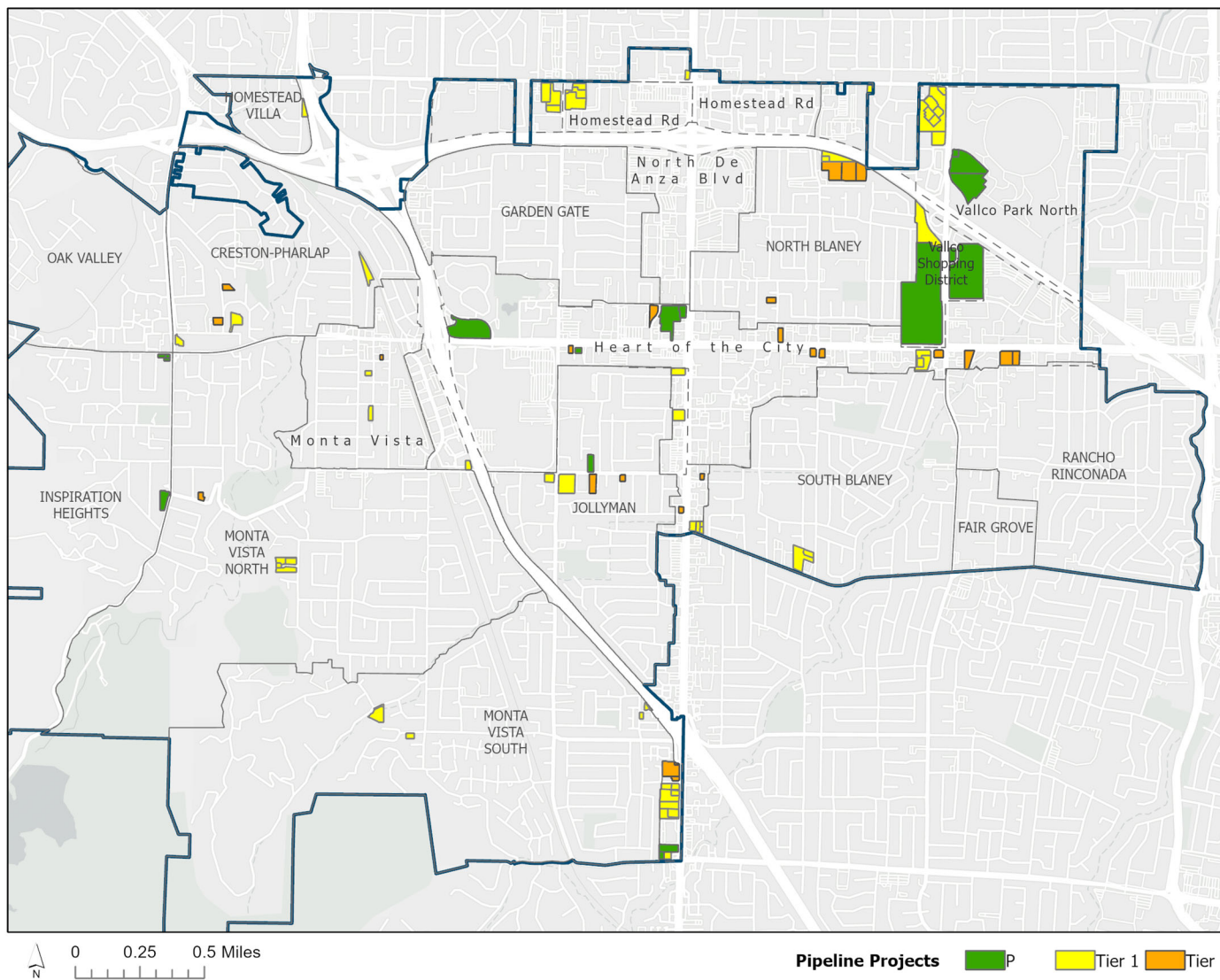
Tier 1 Projects
 Tier 2 Projects

Pipeline Projects

Neighborhood / Special Center Boundary

0 0.25 0.5 1 Miles

Reference Map for Recommended Sites



From: [Vijaya Sarathy Kasi](#)
To: [City Clerk](#)
Subject: Regarding housing on vacant land on 21670 Lomita Ave (Bubb Rd area) -- Comments City Council Meeting
Date: Tuesday, August 16, 2022 9:38:30 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.

Good evening Mayor Paul, council members and staff.
I would like to thank you for the opportunity to voice our opinion.

We would like to write this email as a follow-up to our discussion to plead our case and express deep interest and commitment to build a single family residence on the vacant land at 21670 Lomita Ave Cupertino 95014 (APN 357-18-005) intersection of Lomita and Imperial , for our family to move in.

21670 Lomita Ave is a vacant land with approximate sq footage of 5800 sq feet, and is currently zoned as ML and from our understanding the only impediment to us building a home here is the zoning. We would like to plead some of our observations with regards to this property:

- 1) While the property is zoned as ML, it is surrounded by a number of residential buildings. We have townhomes opposite to the land which is a corner lot. In fact even though the area is zoned as ML there is no clear demarcation on the zoning with the area having a mixture of ML and residential properties next to each other. We honestly feel a single family residence here will fit right into the neighborhood without standing out.
 - 2) There are at least a couple of properties right next or very close to the property that are residences on ML zoning and in some cases on an even smaller lot.
 - 3) With the land currently being vacant land there is no fear of any kind of displacement.
 - 4) The property is located very conveniently close to the top rated schools in Cupertino. We have two kids aged 8 years and 2 and it would be ideal if we are able to move in here and our kids get to attend Cupertino schools
 - 5) We have been constantly following the housing element update, the joint planning commission and housing commission meetings. We have noticed discussions where even upzoning of certain areas of the Bubb Road special area were being discussed if the desired interest from owners is seen. We would like to take this opportunity to express great interest and commitment to build a single family home and move in here with our family.
- We also feel this could be one of the building sites on the western side (Monta Vista) which could help in a small way improve the balance of new housing on the two sides of Cupertino. Also, we are seeing a drop in school attendance in Cupertino, as mentioned above we have two kids who would love to attend the highly rated Cupertino schools here and we can envision living here for a while if granted permission.

We hope you will consider our request to build a single family home on this vacant land.

We will be available through email or phone (919-332-0234) should you require any information from our side.

Thanks and Regards
Vijay and Srinithyaa

From: [Randy Ong](#)
To: [City Clerk](#)
Subject: Evulich Property Re-zoning
Date: Tuesday, August 16, 2022 6:27:12 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 Council Members,

I would like to voice my deepest concerns in the possibility of re-zoning the Evulich property, which could result in adding approximately 72 units on Linda Vista. It would almost triple the units that are already on this street. There already is a significant traffic problem on Linda Vista for several reasons. First, because of the location of Kennedy Middle School, Monta Vista High School, and Lincoln Elementary School, Linda Vista is a major traffic lane for parents and students who drive, bike, or walk to school in the mornings and back. This is not just a congestion issue, but a safety issue. Secondly, that street is often used as a short cut to avoid getting on the freeways if you go from Los Altos/Palo Alto to San Jose. (I have friends that told me they do just that). Furthermore, all the streets that lead to the Freeways, not just Linda Vista, will be dramatically affected, which includes Bubb Road, Byrne Ave, and Foothill. Traffic is already congested in the mornings and afternoons to the point of beyond frustration.

While I appreciate the need for more affordable housing, Evulich is located too far away from major traffic roads and freeways. This will cause more and un-necessary traffic log jams than if the affordable housing were located somewhere where the traffic would be a less of an impact, i.e. closer to the freeways and a smaller percent of increase in density.

Also, I think the affordable housing should be located where the property tax values of existing housing are more similar. Homes are going for \$3.5 million dollars right now on Linda Vista. The increase traffic will significantly lower the property values which hurt not just the home owners, but the tax revenue for the county.

Sincerely,

Randy Ong

From: [Sean Hughes](#)
To: [City Clerk](#)
Subject: Comment on City Council Agenda Items 12. and 24.
Date: Tuesday, August 16, 2022 3:57:11 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,

I would like to provide the following comment on the Agenda items on the CAP adoption (Item 12) and the Housing Sites HE Update (Item 24).

I have broken my commentary into a summarized version and a more in-depth one given the nature of Item 12. In summary:

- Parts of the CAP are quite robust and I support the aim to increase public transit, but would hope to see certain elements (detailed below) given further consideration with the logistical implications in mind. In addition, the measures to increase public transit seem quite weak, and without any consequence in missing the goals set in that section.
- I urge the Council and staff to adjust their HE approach, which currently over-relies on pipeline projects. While this was dismissed as non-factual by the sitting Planning Commissioner chair, a recent HCD letter to San Francisco validates previous commenters' concerns around Cupertino's current reliance on pipeline projects for HE compliance. I hope that the council can begin to start thinking about more robust solutions (zoning for increased density, Heart of the City focus, removal of parking requirements, etc.) for building more housing for all.

Regards,
Sean

For more detailed commentary on the CAP Update, please see below:

- Measure TR-2 is overly reliant on Via. Compared to even the slowest days on the VTA, Via doesn't come close to the magnitudes of adoption. It is a good compliment, but the Via shuttle service should not be the cornerstone of our "transit" adoption strategy. Moreover a private ride request app using a small ICE shuttle is hardly a green alternative, and is arguably not even mass transit (all VTA buses can carry double if not more than the number of passengers a Via shuttle can)
- TR-2.7: Requiring e-scooters or rideshare for multi-family housing will only ensure that the cost of multi-family housing will rise, making it less likely for affordable, high-density projects to pencil out. This measure could be written in a technology agnostic way, or could be a carrot rather than a stick type of policy - as a requirement is going to have unintended consequences of raising the cost of future housing projects.
- I strongly support BE 2.4 and hope the council keeps it as part of the CAP update
- I think BE 2.5 should be developed in coordination with other groups, agencies and/or regional bodies. We don't need a "Cupertino-specific" definition of equity - equity metrics have already been created. In addition this is a flawed measurement - of course, electrification may result in raised costs, but in those cases, that is exactly where the

gov't should step in. If we just reject all projects where electrification raises costs compared to the status quo, there won't be change in precisely the communities and for the people who need it most; esp if you consider the public health benefits and new research around the [effects of gas stoves \(even when turned off\)](#) on asthma rates and other respiratory health issues.

From: [Aaron Klinefelter](#)
To: [Piu Ghosh \(she/her\)](#); [Luke Connolly](#); Flower@emcplanning.com
Cc: [City Council](#); [City Clerk](#)
Subject: Re: Housing Element site inventory
Date: Wednesday, August 17, 2022 9:10:23 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 Planning Staff:

My thanks to you and to the decisionmakers thus far that have included St. Jude's in the city's site inventory for its Housing Element update.

In reviewing the materials and the most recent public hearings on the site inventory, I was hoping to clarify two things:

1. The inclusion of housing on our parish grounds would be supplemental to our existing uses. The church sanctuary and parish hall would both continue to operate as they have for many decades in service to the West Valley community. We see the addition of housing on our site as part of the fulfillment of our Christian mission.
2. I noticed that the current proposal looks only to 0.71 acres of our 3.0 acre site at a density of 30 dwelling units per acre. The commentary at joint Housing Commission/Planning Commission from staff indicated that the reason for these figures was an assumption that we would rely on AB 1851 to build housing in lieu of parking. Please note that St. Jude's welcomes a broader conversation about what sort of housing to build and at what densities. We would welcome the opportunity to open a wider discussion of what updates the BQ zoning district on which St. Jude's sits might require in order to facilitate the best possible project for the city and our community.

In service of our community,
Rev. Aaron

The Rev. Aaron Klinefelter
Rector
St. Jude's Episcopal Church
20920 McClellan Road
Cupertino, CA 95014

aaron@saintjudes.org
408-431-3315 mobile
408-252-4166 x.303 office

pronouns: he/him/his

My days off are Friday and Saturday

City Council
City of Cupertino

Re: Council Meeting of August 16, 2022
Item No. 24 - Housing Element Site Inventory



Mayor Paul and Members of the City Council:

I write to you this evening on behalf of Cupertino for All, which seeks to create a more inclusive, sustainable, and vibrant Cupertino now and into the future. Key to our mission is education and advocacy in relation to how the city uses the land in its jurisdiction.

We thank staff and the city's outside consultant, EMC Planning, for a much improved proposed site inventory and analysis. We maintain a number of the concerns our organization, members, and individuals in the public raised at the Planning Commission's April 26, 2022 discussion of the site inventory, and at the joint Planning Commission and Housing Commission meeting of June 28, 2022. Indeed, few of our key concerns were addressed at that meeting and the Commissions appear to have reinforced their support for a number of problematic policy choices that we believe are out of step with the spirit of the Regional Housing Needs Assessment (RHNA) process, and which will lead the California Department of Housing and Community Development (HCD) to reject Cupertino's draft Housing Element when it is submitted for review.

In particular, we note the experience of San Francisco, which has already had the benefit of an initial round of review with HCD and whose draft Housing Element was rejected in part based on its approach to pipeline projects—an approach on which Cupertino even more heavily relies. We have attached a copy of HCD's letter rejecting San Francisco's draft Housing Element in the hope that examining it will allow you to recalibrate Cupertino's site inventory accordingly. You will find HCD's analysis of San Francisco's reliance on pipeline projects beginning on page 2 of the letter proper. We offer the following comments for your consideration tonight:

1. The site inventory remains overly reliant on pipeline projects.

As the staff report notes, 77% of the homes planned to account for Cupertino's 6th Cycle RHNA continue to come from pipeline projects. Two pipeline projects in particular account for the bulk of that figure: 2402 homes in Vallco/The Rise, and 600 net new homes in The Hamptons. Combined, these two projects constitute some 84% of all pipeline project homes. Both have been approved for a number of years (2018 and 2016, respectively), but, to date, neither has built a single new home.

In multiple places, the staff report underscores that pipeline projects have a high likelihood of development because their fundamental entitlements have been approved. However, as HCD's Site Inventory Memo emphasizes at page 5, consistent with AB 1397, "[f]or projects yet to receive their certificate of occupancy or final permit, the element must demonstrate that the project is expected to be built within the planning period." Simply stating that approved projects have a high likelihood of development reduces this rule to mere surplussage. The city must still make appropriate findings supported by substantial evidence in the record that these two projects (and all other pipeline projects, for that matter) will be built during the planning period. The large size of these two projects and the length of time since they were approved militates against either being

fully built during the 6th Cycle production period--if at all. Moreover, per documents responsive to Public Records Act requests, neither property owner has yet communicated a letter of intent that would support a 100% buildout of either site's expected housing within the next planning period.

The unsupported assumption that recently approved projects will be built during the planning period likewise proved to be a fatal error in San Francisco's draft Housing Element. There, HCD rejected San Francisco's reliance on pipeline projects *for only one quarter* of all affordable housing in the city for lack of supporting evidence demonstrating that they will be fully built during the 8-year planning period, for lack of supporting programs intended to facilitate a full build out, and for lack of a concrete back-up plan in case a full buildout fails to materialize. **Cupertino should not repeat San Francisco's mistake.**

We therefore encourage staff and EMC Planning to demonstrate how the city will facilitate the full build-out of these homes over the 6th Cycle if Cupertino wishes to count these sites to HCD's satisfaction. We reincorporate and reiterate our comments of April 26, 2022, to the Planning Commission with respect to these two projects. The development agreement for The Hamptons is long and now stale. We question whether the economics that underpinned this project application at the time it was brought still prevail today and we encourage the city to undertake an economic feasibility study if it wishes to include The Hamptons. Given that its development agreement will expire early in the production period, Commissioners should consider recommending alternative back-up sites or expanding the buffer accordingly. Similarly, Vallco/The Rise now approaches four years since its original approval date. Given the unusually large size of this project, and the regulatory hurdles it has encountered, the city should discount the number of units it proposes to include by how many are likely to be built by 2031. In particular, we encourage you to reopen Tier 2 sites for consideration to ensure a sufficient back up plan of additional sites in the city to satisfy the analysis HCD will employ when examining Cupertino's reliance on pipeline projects.

2. Insufficient buffer.

With so much of the site inventory relying on its two least likely pipeline projects, we are concerned that the buffer is too low to meet HCD's requirements and may implicate the No Net Loss Law. Cupertino's 5th Cycle buffer was considerably more ambitious and ultimately helped generate project applications for each Housing Element site, even if not all such sites produced said housing during the production period. We therefore encourage Council to consider a greater buffer (either through higher permissible densities on strategic sites or the inclusion of more sites), or the establishment of an alternative set of back-up sites akin to Cupertino's 5th Cycle Scenario B. Doing one or both will minimize the likelihood of HCD's rejection of the 6th Cycle Housing Element as well as the probability of needing to revise the Housing Element mid-cycle if one or the other major pipeline project is unable to be built.

3. Misdirection of policy priority.

We are concerned by the policy direction with respect to "up-zoning." The Housing Element's policy priorities should focus on feasibility so that the plan developed through this process will result in actual production of much-needed homes at all income levels. To the extent that the policy direction minimizing up-zoning reflects an aesthetic preference for smaller structures, Council should refocus its attention on permissible building envelopes and regulations that contribute to building bulk (such as excessive minimum parking requirements)

so as to achieve that aim without removing an important tool for producing more affordable housing.

In addition to the above, we remain concerned that Cupertino is missing an opportunity to create a more sustainable and vibrant city through this process by virtue of its avoidance of reform of the Heart of the City Special Area. We strongly endorse the principles of spreading housing opportunity throughout the city and avoiding sites with existing homes that might provoke displacement. At the same time, it is important that we avoid reinforcing our dependence on the automobile. Placing too many homes in sites far from transit or alternative mobility options increases the city's carbon footprint and limits the efficiency of public services. We also note the continuing progress of AB 2011 through the Legislature. Since this bill would effect a generalized upzoning and rezoning of commercial corridors like The Heart of the City, it would behoove us to pay additional attention to planning principles in this area so that we can foster housing development responsive to Cupertino's needs, rather than surrendering more local control to developer preferences. We therefore encourage Council to focus its attention on transportation-oriented development opportunities--such as in The Heart of the City--that bring homes closer to where people work, shop, and play.

Many thanks for the opportunity to comment,

J.R. Fruen
Policy Director
Cupertino for All

Enc. Letter from HCD to City of San Francisco re: San Francisco's 6th Cycle (2023-2031) Draft Housing Element, dated August 8, 2022

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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August 8, 2022

Rich Hillis, Director
San Francisco Planning Department
City and County of San Francisco
49 South Van Ness Avenue
San Francisco, CA 94103

Dear Rich Hillis:

RE: San Francisco's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City and County of San Francisco's (City) draft housing element received for review on May 10, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on June 17, 2022 with you, Miriam Chion, James Pappas, Maia Small, Rich Hillis, Lisa Gluckstein, Malena Leon-Farrera, Audrey Pearson, Andrea Ruiz-Esquide, Reanna Tong, and Shelley Caltagirone. In addition, HCD considered comments from Kevin Burke, Christopher Elmendorf, Heidi Petersen, Forge Development Partners, San Francisco YIMBY, Greenbelt Alliance, YIMBY Law, David Broockman, Scott Pluta, Nanditha Ramachandran, Meghan Warner, Riley Avron, and Maggie Pace.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

HCD applauds San Francisco's several aspects of the approach to the housing element update. The element places a strong emphasis on acknowledging and repairing the harms of decades of inequitable and discriminatory land use and planning policies that resulted in exclusionary and disinvested communities. The City has proposed bold and meaningful actions to both reduce barriers to higher-opportunity neighborhoods while simultaneously reinvesting in historically underserved neighborhoods. For example, the element is focusing on creating new housing opportunities for lower- and moderate-income families in well-resourced communities to increase access to quality parks, schools, jobs, transportation, etc. Additionally, the element includes actions to reinvest in communities of color by providing high-quality neighborhood amenities and housing opportunities that will foster positive economic, social, and health outcomes.

This includes prioritizing local funds to create affordable housing opportunities; develop culturally responsive community amenities; and improve neighborhoods, schools, parks, and infrastructure. HCD appreciates San Francisco's leadership in affirmatively furthering fair housing (AFFH) and looks forward to continuing to work with the City in meeting all statutory requirements.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City and County fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A), and Government Code section 65583.2, subdivision (c), are completed.

Public participation in the development, adoption, and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City and County should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and a link to the element must be emailed to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, San Francisco will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City and County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication the housing element team provided during the review. We are committed to assisting the City and County in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Sohab Mehmood, of our staff, at sohab.mehmood@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul McDougall', with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY AND COUNTY OF SAN FRANCISCO

The following changes are necessary to bring the housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element must identify sites to accommodate the regional housing need allocation (RHNA) throughout the community in response to all components of the analysis of AFFH. This analysis should consider all income groups for the RHNA. To address this requirement, the element (p. F-19) lists the number of units in the development pipeline and non-site-specific means (e.g., accessory dwelling units (ADUs), SB 9, at-risk preservation) by income group and whether sites are in well-resourced areas. However, this listing and analysis should also include underutilized and vacant sites and candidate sites for rezoning. In addition, the analysis is limited to "well-resourced" or higher opportunity areas but should address all the components of the analysis of AFFH (e.g., segregation and integration, concentrated areas of poverty and affluence, and disproportionate housing need, including displacement risk). Finally, the analysis should evaluate the impact of the RHNA by income group on the socio-economic patterns on a locational basis (e.g., neighborhood, census tract, district), including addressing any isolation of the RHNA. Based on the outcomes of this analysis, the element should re-evaluate the appropriateness of targets (e.g., increase lower-income targets in well-resourced areas) and add or modify programs to better improve fair housing conditions, including equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).

Strategies, Actions, Metrics, and Milestones: To facilitate meaningful change and achieve beneficial impact during the planning period, programs must have specific commitments, metrics or numerical targets, geographic targeting, and definitive timelines such as deadlines, dates, or benchmarks for implementation. While the element has included many meaningful and significant policies and actions that address

the identified fair housing issues, programs or actions should be modified with definitive timelines and metrics, as follows:

- **Timelines:** The element includes many programs with three general timelines: short (0-5 years), medium (6-15 years), and long (16 plus years). However, actions should have timelines more appropriate for an eight-year planning period, including earlier and within the planning period, as well as more specific to the intended actions and housing or people outcomes. For example, many of the identified policies and actions included implementation timelines range from 6 to 15 years. The element must be revised to include timelines that are within the eight-year planning period. Also, some actions have short-term timing (0-5 years), over halfway through the planning period. Instead, these actions should occur earlier in the planning period (1-2 years). Finally, some actions do not have timing that commits to how often an action will be taken and should be revised with specific commitment and timing to complete steps toward housing outcomes. For example, Policy 17, action b (Investment in Priority Equity Geographies) should commit to how often the City will prioritize investment and what steps with dates will be taken to prioritize investment toward outcomes.
- **Metrics:** The element must revise its fair housing policies and actions to include metrics or numerical targets toward significant and meaningful AFFH outcomes. Additionally, where appropriate, metrics should be targeting impacts for people, households, and neighborhoods (e.g., number of people or households assisted, number of housing units built, number of parks or infrastructure projects completed).

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Progress in Meeting the RHNA: The element indicates 47,738 units, of which 11,996 units will be affordable to lower-income households, are pending approvals, approved, or under construction (p. F-8). To count these units as progress towards RHNA, the element must analyze and demonstrate the likelihood and availability of these units during the planning period. The element lists an estimated percentage of development capacity in the planning period, but as noted in the element (p. F-9), it must include analysis to support those assumptions or utilize different assumptions. For example, the element could discuss infrastructure schedules and commitments, outreach with project developers, timelines for final approvals, and the timing of any remaining steps prior to building permits. In addition, the element should only count net new units unless meeting statutory requirements pursuant to Government Code section 65583.1 (see below). Lastly, given the element's reliance on pipeline projects, the element must include programs with actions that commit to facilitating development and monitoring approvals of the projects (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, commitment to expedite approvals, etc.) with a commitment to alternative actions (e.g., rezoning) if assumptions are not realized.

Candidate Sites for Rezoning: The element identifies a current shortfall in accommodating the 6th cycle RHNA for lower- (16,766 units) and moderate-income households (8,535 units), including a 15-percent buffer. As a result, the element must identify and analyze the candidate sites for rezoning, including meeting all components of Government Code section 65583.2. The components generally include a parcel listing, analysis of capacity, size of parcels, and the extent existing uses impede additional development (redevelopment potential). The element may utilize a methodology similar to underutilized sites to meet requirements for calculating capacity and demonstrating redevelopment potential.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within specified time periods. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period. The program rezoning sites must commit to appropriate densities as specified in statute and allow residential uses by-right for housing developments in which at least 20 percent of the units are affordable to lower income households. By-right is generally defined as permitting uses without discretionary action. Finally, rezoning must be complete within three years. However, if the element is not adopted and found in compliance within 120 days of the statutory deadline, rezoning must be complete in one year. For more information on program requirements, please see HCD's Housing Element Sites Inventory Guidebook at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

Suitability of Novacant Sites: The housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. The element must demonstrate existing uses are not an impediment to additional residential development (Gov. Code, § 65583.2, subd. (g)(2)). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

In addition, if the sites inventory identifies sites with existing residential uses, it must identify whether the current residential uses are affordable to lower-income households or describe whether the additional residential development on the site requires the demolition of the existing residential use. For nonvacant sites with existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years, there must be a replacement housing program for units affordable to lower-income households. (Gov. Code, § 65583.2, subd. (g)(3).) Absent a replacement housing program, these sites are not adequate sites to accommodate lower-income households. The replacement housing program has the same requirements as set forth in Government Code section 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program, if necessary.

Small Sites: Sites smaller than half an acre are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites of equivalent size with affordability were successfully developed during the prior planning period or other evidence demonstrates the suitability of these sites. For example, the element could discuss past trends such as examples of affordable housing projects on small sites and relate it to the sites inventory. The element must also address these requirements for candidate rezoning sites to accommodate the RHNA for lower-income households.

Adequate Sites Alternatives: The element is counting roughly 4,125 units under the alternative adequate sites (Gov. Code, § 65583.1, subd. (c)) through preservation, conversion, and rehabilitation (pipeline and projected), including HOPE SF and Homekey programs. Of the 4,125 units, 3,625 units will be affordable to lower-income households, and 500 units will be affordable to moderate-income households. To utilize this potential for converting existing units toward the RHNA, the element must demonstrate how these units will meet the requirements of Government Code section 65583.1, subdivision (c), including but not limited to identifying sources of committed assistance and various other requirements. For additional guidance, please see Building Blocks at [Adequate Sites Alternative | California Department of Housing and Community Development](#).

Senate Bill 9 (Statutes of 2021) Projections: The element mentions multiple challenges regarding the anticipated results of SB 9 given the unique circumstances of residential patterns in the City and County. Yet, the element assumes 1,500 units in the planning period that does not appear to be based on recent trends. For these reasons, the element should consider not utilizing these units toward the RHNA or significantly reducing assumptions in the planning period. If utilizing SB 9 toward the RHNA, the element must 1) include a site-specific inventory of sites where SB 9 projections are being applied; 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute an impediment for additional residential use; and 3) include programs and policies that establish zoning, development standards, and incentives early in the planning period and monitor production and affordability and adjust as appropriate (e.g., additional rezoning).

Publicly-Owned Sites: The element must include additional discussion on publicly-owned sites identified to accommodate the RHNA. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses, and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act (Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5).

Availability of Infrastructure: The element must discuss whether sufficient total water and sewer capacity (existing and planned) can accommodate the regional housing need and include programs if necessary.

In addition, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should discuss compliance with these requirements and, if necessary, add or modify programs to establish a written procedure by a date early in the planning period. For additional information and sample cover memo, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

Environmental Constraints: The element must describe any known environmental constraints or other conditions that could preclude development on the identified sites (including candidate rezoning sites) during the planning period. (Gov. Code, § 65583.2, subd. (b).) For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental>.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions.

Zoning for a Variety of Housing Types:

- *Accessory Dwelling Unit (ADU):* HCD's records indicate that the City and County has not submitted its adopted ADU ordinance for review and compliance with State ADU Law. The City and County must submit its ADU ordinance at adu@hcd.ca.gov.
- *Emergency Shelters:* While the element stated that emergency shelters are defined as a residential use and are allowed in most zones, pursuant to Government Code section 65583, the element must clarify if at least one zone allows emergency shelters without discretionary action. Additionally, the element should discuss and evaluate any development standards (e.g., parking, spacing, etc.) as potential constraints. Lastly, the element should determine whether parking requirements comply with AB 139 (Chapter 335, Statutes of 2019), which limits parking requirements to employee parking and add or modify programs as appropriate.

- *Low Barrier Navigation Centers (LBNC)*: Government Code section 65660 requires LBNC be a use by-right (without discretionary action) in areas zoned for mixed use and nonresidential zones permitting multifamily uses. The element should demonstrate compliance with this requirement or add or modify programs as appropriate.
 - *Transitional and Supportive Housing*: Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).) The element must demonstrate compliance with Government Code section 65583, subdivision (a)(5), or add or revise programs as appropriate.
 - *Permanent Supportive Housing*: Supportive housing shall be a use by-right (without discretionary action) in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement or add or modify programs as appropriate.
 - *Employee Housing*: Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. The element must demonstrate zoning in compliance with the Employee Housing Act (Health and Safety Code, § 17000 et seq.) or add or modify programs as appropriate.
 - *Manufactured Housing*: Manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling would be subject to. The element must demonstrate compliance with this requirement or add or modify programs as appropriate.
3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls (Heights): The element must identify and analyze the impact of all relevant land use controls as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. Specifically, the element noted the height limits for moderate and high-density developments vary by zone (Attachment G, p. 15). The element should identify and analyze height limits as they relate to reaching allowable densities (without exception). The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty, and ability to achieve maximum densities and include programs to address identified constraints.

Fees and Exaction: The element includes some information on planning and impact fees, such as environmental impact report and Transportation Sustainability Fee. However, given in some cases that cumulative fees can well exceed \$60,000 per unit, the element should list all planning (e.g., rezones, conditional use permit (CUP), variance) and impact fees, evaluate the impacts on the cost of development and, if necessary, include programs to address identified constraints.

Local Processing and Permit Procedures: HCD has received several public comments and has active enforcement cases and complaints related to the local permit process that have indicated a complex, untimely, and cumbersome process with little certainty to applicants. There are also indications of potential violations of various state laws, including the Permit Streamlining Act, Housing Accountability Act, Housing Crisis Act, and State Density Bonus Law. As stated in HCD's February 1, 2022, Technical Assistance Letter, the element must 1) analyze potential and actual governmental constraints on housing development pursuant to State Housing Element Law (Gov. Code, § 65583, subd. (a)(5)), and 2) specifically address potential violations with state housing laws.

While the element includes some information about the permit process and processing time (Attachment G, pgs. 22-36), a complete analysis must evaluate the processing and entitlement procedures for potential constraints on housing supply, cost, timing, financial feasibility, approval certainty and ability to achieve maximum densities. Specifically, the element must describe the procedures for a typical single-family and multifamily development. As most projects require discretionary approvals, the analysis must describe the decision-making framework for discretionary approvals related to all permits and entitlements, including but not limited to building permits, design review, CUPs, lot splits/consolidations, variances, site plans, environmental review, etc. The analysis must include the approval bodies, the number of public hearings, the actual approval findings, and all relevant information. Examples of processes that could constrain development include the discretionary review application for building permits (p. G-22). The element indicates that a member of the public can request that a building permit that would normally be reviewed and approved at the staff level be evaluated by the planning commission, which could result in impacts to the cost of the project, timing, and certainty for approval. Based on the outcomes of a complete analysis, the element must add or modify programs as appropriate.

Compliance with State Housing Element Laws: The element must discuss how it currently implements and complies with state housing laws and include programs as appropriate. The element should specifically address processes related to SB 35 Streamlined Ministerial Approval Process (Gov. Code, § 65913.4), Housing Crisis Act (Gov. Code, § 66300), Housing Accountability Act (Gov. Code, § 65589.5), Permit Streamlining Act (Gov. Code, §§ 65941.1 and 65943), and CEQA timelines.

Locally Adopted Ordinances: The element must identify and analyze any locally adopted ordinances that impact the cost and supply of housing, e.g., short-term rentals, inclusionary, growth controls, Senate Bill 9, etc.

Additionally, through initial review of recent enforcement cases, HCD is aware of potential constraints associated with the inclusionary program in relationship to other state laws such as State Density Bonus Law (SDBL) (Gov. Code, § 65915) and SB 35 Streamlined Ministerial Approval Process (Gov. Code, § 65913.4). Specifically, while the element generally describes the local inclusionary housing program (pp.s. G-18 and G-46) and a brief discussion of its overall impact on project feasibility, it must also include additional information and analysis about how the inclusionary housing program is implemented in relationship to these other state laws. For example, the element should identify and analyze how affordable units provided through SDBL and/or SB 35 are accounted for in relation to the inclusionary requirement, how density bonus units are considered when applying the inclusionary requirement, and the availability of clear written implementation guidelines for establishing a project's on-site affordability requirement. Based on the information and analysis provided, the element must add or modify programs as appropriate.

On/Off-Site Improvements: While the element included some information on required improvements, including public-rights-of-way and general requirements imposed by other agencies related to fire, transit, and parks (p. G-33), it must identify and evaluate actual site improvement standards on typical projects for impacts on the cost of development.

Codes and Enforcement: The element describes adoption of building codes and includes some information on local amendments related to the Green Building Code (p. G-41); however, it must identify and analyze all local amendments for impacts on the cost and supply of housing.

Zoning, Development Standards, and Fees: The element must clarify its compliance with new transparency requirements for posting all zoning, development standards, and fees on the City and County's website and include programs if appropriate.

Constraints on Housing for Persons with Disabilities:

- *Reasonable Accommodation:* While the element briefly described the reasonable accommodation process, it must describe the written procedure and evaluate the process, including approval findings. Additionally, the element indicates two separate processes to request a reasonable accommodation and that one of

these processes requires the use of a standard variance process. However, reasonable accommodation should be a unique exception process from discretionary permits, especially given its importance in addressing barriers to housing for persons with disabilities. The element should evaluate these requirements as constraints and include programs as appropriate.

- *Definition of Family*: The element states the planning code includes a definition of family as a group of five unrelated individuals (p. G-61); however, the element also indicates zoning does not restrict occupancy of unrelated individuals in group homes, define family, or enforce a definition (p. G-63). The element must reconcile this discussion to be clear on the implementation of a family definition or include a program that clearly commits to address the constraint, if necessary.
- *Group Homes for Six or Fewer and Seven or More*: While the element included some general information on how group housing and residential care facilities (p. G-63) are allowed, it must specifically clarify whether group homes of six or fewer are treated as a single-family use and allowed in all zones allowing single-family uses. Additionally, the element must discuss how and where group homes of seven or more are permitted. For your information, zoning should simply implement a barrier-free definition of family instead of potentially subjecting persons with disabilities to special regulations such as the number of persons, population types, and licenses. The element should include specific analysis of these constraints for impacts on housing for persons with disabilities and include clear commitments to allow these uses with objectivity and certainty.

Governmental Constraint (General): The cumulative impact of governmental constraints can impact the feasibility of development as well as costs and supply. Given the complexity of the regulatory and political environment, the element should include an analysis of the combination of potential governmental constraints, including but not limited to land use controls, discretionary actions, permit and entitlement procedures, fees and exactions, and any other ordinances or requirements affecting development and add or modify programs as appropriate to address constraints.

4. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the... and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

Approval Time and Requests Lesser Densities: The element must include an analysis of requests to develop housing at densities below those identified in the sites inventory, and the length of time between receiving approval for a housing development and submittal of an application for building permits. The analysis should address any hinderances on the jurisdiction's ability to accommodate RHNA by income category and include programs as appropriate.

5. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D)).*

While the element lists an inventory of at-risk units utilizing federal and state funding, the element must also include and analyze any deed-restricted affordable housing units using local governmental assistance such as density bonus or inclusionary program that are at-risk of converting to market-rate within the next ten years. In addition, while the element included an inventory of units at-risk of converting in the next ten years, it must estimate and analyze the cost of replacing versus preserving the units and identify qualified entities to assist with maintaining its affordability. For additional information, please see: [Assisted Housing Developments at Risk of Conversion | California Department of Housing and Community Development](#). For a list of qualified entities serving San Francisco and the broader region, please see: <https://www.hcd.ca.gov/policy-research/preserving-existing-affordable-housing.shtml>.

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c)).*

The element identifies three implementation timeframes: short (0-5 years), medium (6-15 years), and long term (15+ years). Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact, among other things, means specific commitment with definitive timelines such as deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. However, in many cases, program should be revised with specific commitment and definitive timing. Further, program timelines must be revised to reflect implementation during the 8-year planning period and where appropriate earlier in the planning period. For example, the “short” timeframe should be adjusted to 0-2 years and the “medium” and “long” timeframes should be replaced with timeframes of 3-5 and 6-8 years, respectively. The element may indicate aspirational and complex programs with timelines beyond the planning period. However, these programs should be ancillary and denoted in some manner.

In addition, the element includes many complex and challenging strategies that are essential to the City's approach in addressing its housing needs. As a result, the element should include a program to evaluate the effectiveness of these approaches and commit to making adjustments, as appropriate, to continue working toward the housing element's goals and objectives. Specifically, the element could include a program to conduct an in-depth mid-term evaluation of programs, including effectiveness, and commit to make adjustments within a specified time period. Topics could include AFFH, pipeline projects, nonvacant sites, rezoning, SB 9 sites, ADUs, and governmental constraints.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the element may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Shortfall of Sites: The element identifies a shortfall of sites to accommodate the RHNA for lower- and moderate-income households and includes Policy 20, Actions A-D to implement rezoning efforts. However, the element must revise programs to specifically commit to acreage, allowable densities, and anticipated units. In addition, to accommodate the housing needs of lower-income households, the program should specifically commit to rezoning pursuant to Government Code section 65583.2, subdivisions (h) and (i).

The rezone program must be revised to include all the provisions of Government Code section 65583.2, subdivisions (h) and (i), as follows:

- permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval;
- accommodate a minimum of 16 units per site;
- require a minimum density of 20 units per acre; and

- at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low- and low-income housing need, if those sites:
 - allow 100 percent residential use, and
 - require residential use to occupy 50 percent of the total floor area of a mixed-use project.

Sites Identified in Prior Planning Periods: As noted in Finding A2, if the element identified vacant sites in two of more consecutive planning periods' housing elements or nonvacant sites in a prior housing element, that are currently identified to accommodate housing for lower-income households, the element must include a program. The program must be implemented within the first three years of the planning period and commit to zoning that will meet the density requirements for housing for lower-income households and allow by-right approval for housing developments that include 20 percent or more of its units affordable to lower-income households (Gov. Code, § 65583.2, subd. (c).). Please also note, rezoning must be implemented within the first year of the planning period if the element is not adopted in compliance in a timely manner as described in Finding A2.

Replacement Program: As noted in Finding A2, for nonvacant sites with existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years, there must be a replacement housing program for units affordable to lower-income households (Gov. Code, § 65583.2, subd. (g)(3)).

Publicly-Owned Sites: The element identified several publicly-owned sites to accommodate a portion of the RHNA. While the element included Policy 24, Action E and F committing to building public-private partnerships and prioritizing local resources, these actions should be revised with timelines that will occur during the planning period. Additionally, the element should include a schedule of actions to facilitate development and ensure compliance with the Surplus Land Act. Actions could include annual outreach with developers, rezoning and financial assistance, issuing requests for proposals, facilitating any subsequent entitlements, and numerical objectives by affordability.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding(s) A3 and A4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the element may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:

Compliance with State Housing Laws: The element must include a program to comply with all state housing laws. This program must include steps for implementing (e.g., develop processes, standard procedures, forms, etc.), definitive timelines, specific commitments, and quantified objectives, where appropriate.

Policy 25, Action A-C and E (Reduce Development Constraints...): The element included Policy 25 to reduce development constraints, including lengthy entitlement processes. Actions under this policy include establishing streamlined approvals for housing development that meet specific criteria, including specific housing types (small and multifamily developments), affordability requirements, and community benefits. The element indicates an implementation timeline of 0-15 years. In efforts to address the City's well documented lengthy permit process, the element should revise these timelines to complete these actions earlier in the planning period (e.g., 0-2 years). Additionally, the element could also include quantified objectives to measure program effectiveness throughout the planning period.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. Additionally, policies and actions must be revised to include definitive timelines during the planning period and quantifiable metrics to measure program effectiveness.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

Policy 2, Action B-D, and H: While the element included policies and actions to preserve deed restricted units at-risk of converting to market rate, these actions must be revised to occur during the planning period. Additionally, actions must be revised with specific commitment to comply with noticing requirements and to coordinate and outreach with qualified entities to purchase properties and provide education and support to tenants.

C. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

The element must include quantified objectives estimating the number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time period. This requirement could be addressed by utilizing a matrix like the one illustrated below:

Income	New Construction	Rehabilitation	Conservation/ Preservation
Extremely Low-			
Very Low-			
Low-			
Moderate-			
Above Moderate-			
TOTAL			

D. Coastal Zone Analysis

Coastal localities shall document the number of low- and moderate-income units converted or demolished, and the number of replacement units provided. (Gov. Code, § 65588, subd. (d).)

The element does not meet the statutory requirements. To determine whether the affordable housing stock in the coastal zone is being protected and provided as required by Government Code section 65588, the element must be revised to include the following:

1. The number of new housing units approved for construction within the coastal zone since January 1982.
2. The number of housing units for persons and families of low- and moderate-income required to be provided in new housing developments either within the coastal zone or within three miles.
3. The number of existing residential dwelling units occupied by low- and moderate-income households either within the coastal zone or three miles of the coastal zone that have been authorized to be demolished or converted since January 1982.
4. The number of residential dwelling units for low- and moderate-income households that have been required for replacement.