

CITY OF CUPERTINO  
10300 Torre Avenue  
Cupertino, CA 95014

CITY OF CUPERTINO  
PLANNING COMMISSION MEETING  
DRAFT MINUTES

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6:45 P.M.	MAY 23, 2017	TUESDAY
CITY COUNCIL CHAMBERS		

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The regular Planning Commission meeting of May 23, 2017, was called to order at 6:45 p.m. in the Cupertino Council Chambers, 10350 Torre Avenue, Cupertino, CA. by Chairperson Don Sun.

**SALUTE TO THE FLAG**  
**ROLL CALL**

Commissioners Present:	Chairperson:	Don Sun
	Vice Chairperson:	Geoff Paulsen
	Commissioner:	Alan Takahashi
	Commissioner:	David Fung
	Commissioner:	Jerry Liu

Staff Present:	Asst. Director of Community Development:	Benjamin Fu
	Principal Planner:	Piu Ghosh
	Associate Planner:	Gian Paolo Martire
	Deputy City Attorney:	Angela Munuho

**APPROVAL OF MINUTES**

***1. Minutes of the April 25, 2017 Planning Commission meeting.***

The following change to be made:

Page 6, 2<sup>nd</sup> paragraph, insert the word “up” after the word “step” (in terms of nobody wants to step up);  
Page 20: Before “Motion” One sentence statement relative to the discussion held about the proposed project was acceptable.

**MOTION: Motion by Com. Liu, second by Vice Chair Paulsen, and unanimously carried 5-0-0 to approve the April 25, 2017 minutes as amended.**

**POSTPONEMENTS/REMOVAL FROM CALENDAR:** None

**ORAL COMMUNICATIONS:** None

**WRITTEN COMMUNICATIONS:** None

**CONSENT CALENDAR:** None

**PUBLIC HEARINGS:**

2. **DP-2016-02, ASA-2016-15, EXC-2017-03, Kathy Robinson (Charities Housing) 19160 Stevens Creek Blvd.** Development project to consider allowing construction of a 19-unit affordable senior housing development with associated parking & landscape improvements on a vacant parcel including a Heart of the City Exception to allow 100% of the front and rear of the property to be a non-retail use.

**Gian Paolo Martire, Associate Planner, presented the staff report:**

- Reviewed the background history of the project for a 19-unit affordable senior housing development, including one 2-bedroom manager's unit, and 18 studio apartments; to be developed on a vacant .56 acre parcel, as outlined in the staff report. He presented a detailed Power Point summary, including the Site and Surroundings, Approval of Below Market Rate (BMR) Affordable Housing Fund (AHF), Development Capacity, Development Allocation, Site Plan, Architectural Review, Proposed First to Third Floor Plan.
- He referred to the site plan and reviewed the areas for parking, which are not visible from the street; common open space for residents' use; interior lounge areas for use; balconies; etc. Units are all the same size, 350 square feet, with 150 sq. ft. balcony, with a larger 2-bedroom unit for the manager's unit. Heart of the City Exception is required because the HOC area of Stevens Creek Blvd. is a mixed use zone; residential uses are permitted if they are housing element priority site, the project does not provide any retail component. The City supports it through the Housing Element acknowledging it would be a suitable affordable housing site because of the site constraints; this would not be a suitable retail site or mixed use. He also reviewed the traffic, parking and circulation; because of the use and scope of the project, traffic generates only 4 morning peak hour trips and 5 evening peak hour trips which is very low impact. Because the project is affordable senior housing and is close proximity to transit, the complex is required to have only 5 spaces per unit, for a total of 11 parking spaces for the complex (19 are being provided).
- The city is not the only funding source for the project; funds from multiple funding sources are needed to complete the development. The project is exempt under CEQA; staff recommends that subject to the findings and conditions of the applicable resolutions the Planning Commission approve the Development Permit, Architectural and Site Approval and Heart of the City Exception.
- Staff answered questions about the project relative to parking, connectivity, removal of trees, stormwater runoff.

**Kathy Robinson, Charities Housing; Applicant:**

- Said rents for the units are graduated dependent upon which AMI area income level they are trying to meet; 3 units at 30% area medium income which classifies as extremely low income and the rents for those units will be \$590 per month; 5 units at 40% AMI which is now in the very low income range, renting for \$800 per month; and 10% units at 50% AMI with a monthly rental of about \$1,000/month.
- Reviewed the timeline: one approval of all entitlements is received; the last step in financing the development is to apply for tax credits from the State of California and the application to the Tax Credit Allocation committee is intended to be submitted at the end of June; if successful, construction will start in the Spring of 2018. Said the Charities Housing will work with the City of Cupertino to conduct an outreach within the Senior Center, Library, and various service organizations within the city, to seek applicants and their staff will do the income qualification assessments, other checks, and may have to conduct a lottery to make the final selection of tenants.
- Relative to the size of a proposed senior housing project, she said that 19 units made sense; as an affordable housing developer they are looking for every opportunity to increase densities and build as many affordable units as they can; a problem with building only a 19 unit development is property management and service delivery. The smaller the development, the costlier it is to provide all the services for the residents. They made the decision that 19 units was probably the appropriate number on

that site; it fits in the neighborhood well, the development next door, is about the same height, the properties in the surrounding area are compatible. A 6-unit project might look out of place and wouldn't be as well accepted by the community and they want to be a partner with the city. She said that she felt there was not a stigma attached to residing in the affordable senior housing complex; the residents are more often than not envied for being selected by a fair process to have affordable housing. She also reviewed the process for assignment of parking spaces.

**Com. Takahashi:**

- Thanked the Charities Housing organization for being involved in the project.

**Kathy Robinson:**

- Presented a slide presentation shown at recent community meeting. She reviewed the background of Charities Housing that serves Santa Clara County.

**John Sheehan, Studio E Architects, San Diego, Ca.:**

- Gave a brief presentation on his company founded in 1987 which specializes in building affordable small square footage housing throughout the U.S. He reviewed a slide presentation describing the proposed project.

**Vice Chair Paulsen:**

- Congratulated him on superb project, and asked if any consideration was given to having potted trees or vegetation on the balconies.

**John Sheehan:**

- Said that having potted plants and hanging plants on the balconies created a maintenance issue with some challenges; the balcony is the private space of the occupants and would be their responsibility. He also answered questions about elevator location, parking, and height of the project.

Chair Sun opened the public hearing.

**Jennifer Griffin, Rancho Rinconada resident:**

- Commended Charities Housing for the project, said it is a difficult space with a deep lot with limited access to Stevens Creek Blvd., they have stepped up and went beyond what they were required to do. Said she did not support any reductions in parking; she has seniors in her family who all drive, and it is a myth to believe that seniors are not active and don't drive. Said she was pleased they have considered having 19 parking spaces; Charities Housing has a good concept and grasp on their parking requirements and she was pleased they were starting out with 19. Also the units were originally supposed to be 200 square feet; commented that Cupertino Chateau is at 400 square feet which is too small for a senior; seniors are active and she was pleased they would have 350 sq. ft. with a large balcony. It is a good fit for Cupertino.

**Tracey Edwards, League of Women Voters/Cupertino, Sunnyvale:**

- Said that on May 16<sup>th</sup> the League submitted a letter to the Planning Commission in support of the housing project and was present to reinforce their letter of support and express how pleased they are with the proposal for affordable senior housing. She urged approval of the development permit for the project.

**Jeffrey Pugh, representing St. Jude's Church, Cupertino:**

- Supports the project; is long-time parishioner at St. Jude's Church, Cupertino, which has an aging population with about 50% of members over 70. He said his observation is parishioners as young as

their 60s are getting squeezed out of the area; some parishioners have not been able to stay in their home, can't retire locally and have to leave their friends, church and infrastructure and move out of the area. It also impacts the people who are left; the community loses their wisdom, their commitment, their time and their financial support. Although not speaking on the church's behalf, he said anything they can do that supports affordable housing for retirees or aged people the project would support. Said people as young as 62 are being squeezed out as well as those older. Relative to parking, he noted his father was 89, living in an independent apartment in New Zealand and is still driving safely.

**Janet Van Zoeran:**

- Spoke on her own behalf and the organization Housing Choices Coalition, in favor of affordable housing in Cupertino. It is proud of its support and diversity and for the most part when hearing discussions about diversity, it is referring to cultural diversity or ethnic diversity. She said they also need to be looking at age diversity and economic diversity; they want to be a community that is welcoming to all its members; those who are on the lower end of the economic scale are as deserving and worthy of our attention and our homes here as those who are not, and the same for those who are aging, they have wisdom and family contacts and are wonderful members of the community; many do a lot of volunteer work.
- With regard to the project in particular, she said she would vouch for the location being an excellent location for housing. Her daughter has resided in the apartment complex next to the adjacent property for 17 years; she does not have a car and used to take 2 buses to get to her volunteer job in Mountain view. Relative to parking, having one space available for each unit is wonderful; whether or not the person drives. Non-drivers may need care services who visit from time to time and they need places to park. It is important for seniors to not become isolated and important that their friends can take them places if they don't drive or just visit. She said she would like to vouch for Charities Housing also, the organization Housing Choices Coalition has done projects with them in the past. Relative to the easement, she felt that the other property owner's hesitation may be related to it being wide open rather than just open for emergency vehicles, resulting in heavy foot traffic from high school students which has been a problem keeping them off the property.

**Jean Bedore:**

- Supports the Charity Housings application; affordable housing in Cupertino is scarce and is badly needed especially for low income seniors. This is a good solid project backed by an experienced and competent non-profit. She urged unanimously approval of the project.

**Sujatha Venkatraman, West Valley Community Services (WVCS):**

- Supports the project; WVCS is a safety net organization serving the low income families, and seniors in Cupertino; on a monthly and weekly basis about 80 senior households access their food pantry and one of the concerns they always bring up is affordable housing. Statistics showed in 2014 that about 60% of seniors in Santa Clara County are paying about 50% of their income for rent in Cupertino and goes to about 75%; so this project is much needed; the 70 households served will apply; it is fulfilling a need; they are an advocate for affordable housing and are pleased with the initiative.

**Jan Stokley, Exec. Dir., Housing Choices Coalition:**

- The organization focuses on creating quality affordable housing for people with developmental disabilities in Cupertino and across Santa Clara County. They see tremendous gains in the lifespan of adults with developmental disabilities, more are living well past the 62 year old cutoff for this project. Unfortunately the main barrier that they have to remaining in Cupertino and staying close to the support, family, friends, the networks they develop as they age, is affordable housing. Said they were excited to support the project and to work with Charities Housing in Cupertino to make sure everybody in the community is aware of the housing and to apply for the lottery. Said it was an excellent project and

she has watched Charities Housing reach out and talk to neighbors and listen to all the concerns and create a design and a scale for the project that addressed what everyone wanted. She asked that they look forward two years and ask Charities Housing to return and share their experiences of the lottery. She projected that there will be hundreds of people applying for the units and it will be a good measure to get a more nuance picture of the need for senior housing in Cupertino. In addition to supporting the project tonight, she urged the Commission to look at the experience with the lottery and what it says about the need and to join them and all present to commit themselves to making it just one step toward more affordable housing in Cupertino, one of many to come.

**Soheila Jahdat, HCC Cupertino Task Force:**

- Said she was interested in having more low income housing for people with special needs. She has a daughter with down syndrome, has attended school in Cupertino and has friends there. Hoping for housing for people with special needs in the area.

**Becky Smith:**

- Concurred with the comments about the importance of economic diversity in the community. Recently at her church they had a listening campaign to speak with half the congregation interviewing people about issues in their lives. For those she interviewed, each conversation included the issue of housing. Said she supports the project and in the past some have fallen by the wayside, and she is hopeful this one will succeed.

**Connie Cunningham:**

- Said she recently became interested in below market rate housing and became aware that there was such a dearth of housing for low income people. It is stated in the media that \$80K is considered low income and that is what Cupertino's teachers earn, which indicates a huge problem. She urged the Commission on every action they take that they consider below market rate housing; and said the fact that units are not being built even though promised, is a sad state of affairs in a city such as Cupertino, with its values. Thanked the staff for their work on the application; and Charities Housing, and urged the Commission to support the project.

**Gail Osmer, San Jose resident, Member of the Santa Clara County Senior Care Commissioner:**

- Said she was an advocate for seniors and encouraged the Commission to support the project; being an age-friendly city, it is important that seniors are taken care of and get housing. Relative to a comment made earlier that some low income people feel inferior, but they are the most vulnerable population and low income seniors need housing. She said she resides in a mobile home park that is considered a community and this project seems like a community, where they can be with each other, talk, have BBQs and feel like they are somebody. Being an age-friendly city is important and she said she believes they will pass the application because it is a good thing.

Chair Sun closed the public hearing.

**Vice Chair Paulsen:**

- Said he liked it.

**Com. Liu:**

- Said it was clear there is a dearth of affordable senior housing in Cupertino. Research shows that senior housing is difficult not only in Cupertino, but the county in general. He commended Charities Housing for bringing the project this far; particularly working with the outside agencies and the neighbors. The project also asks for an exception with respect to the Heart of the City Specific Plan area, but at the same time the issue of having enough BMR senior housing is stronger. Because it is a higher priority

for him, he said he fully supports granting the exception also.

**Com. Fung:**

- Said he was interested in supporting affordable housing in Cupertino; it is a great project, in particular it seems to be well scaled into this location and the community. Said he attended the recent Silicon Valley Leadership Group housing tour and had a chance to see a number of great complexes where they demonstrated efficient use of space for great living space. Said he saw many of the same elements in the plan set and looks forward to visiting this on the tour in future years. Said he supported the density bonus and the units they have had there; there was some discussion about parking; another one of the events of Housing Week was a discussion about how the greatest limiting factor on affordable housing of all ranges has to do with providing parking.
- Said the reality is, the solution in many places is to go at a much lower or no parking integrated into the project, here not only if you met the required level but exceeded that as well, and again for a place where you are on the primary transit line defined in Cupertino. Realistically it is limited in volume and scope so having that parking makes it great, maybe at the cost of being able to use this very expensive land; had there been an opportunity to build more units, that would have been great, but it is a good tradeoff.
- Relative to the easement, he noted that nobody spoke from the owners on either side tonight; in reading the letters from the owners, it was not clear that there was a huge benefit coming from having the passage as intended in the General Plan. It will require access on that opening to be able to handle trash or emergencies. Said he would be supportive of something where that access was limited; the benefit is probably minimal from having that be a public easement. He said he felt they would see traffic from the high school as people use those parking lots as drop off and meet up spots. He would consider that although he felt it looks like if you have a parking arrangement with the neighbor and you have the additional spaces as well, hopefully it won't be an issue.
- Said he supported the project.

**Com. Takahashi:**

- Said he felt the easement was needed from the standpoint of emergency access as well as providing residents with options if they need to head westbound on Stevens Creek Blvd. and connectivity is important; blind driveways are more challenging. It is unanimous opinion that the project is a great project for the city; its need cannot be overstated and all recognize that that need is something that this is a drop in the bucket. Aging population, sky high real estate prices is a recipe for increased demand and continued decrease in supply and it will only get worse. Said everything they can do to try to make some dents in that supply is something he feels an obligation to do; the city in general understands that.
- Said the retail exception seems to be a no-brainer, and his thoughts were aligned with the applicant that he would have to take away units which is contrary to the overall goal. Said he liked the studios, there was one written response if there should be one bedroom apartments; the size of a house is vastly overrated; it is something in our city, people want big houses, and fill them and it is just a lot of space. Seniors don't need a lot of space. The studio has many benefits from the standpoint of one concern could be that grandchildren living in these to gain access to the schools and how many residents will actually live in each unit, but the studio itself limits those types of elements and as a senior my plan is to minimize and not have a lot of stuff and this forces that. Parking is great; if you did go to the minimum there would be conflicts.
- Said he supported the project.

**Vice Chair Paulsen:**

- Concurred with commissioners' comments except related to the easement. Said they would be moving to a time when the car becomes obsolete as a means of daily transportation; they need the back alley routes to create a grid that is more important than the stream related traffic street pattern they are stuck

with in Cupertino. Anything they can do to provide some alternate routes to take the pressure off Stevens Creek Blvd. is something that is important to keep in the plan. Said he appreciated the comments about retaining the wisdom of the aged; his grandfather built a 2,000 unit senior housing project in the middle of downtown Palo alto, and although he didn't hope to aspire to his accomplishments, he said he hoped to do what little he could along those lines.

**Chair Sun:**

- Said that in his six years as a Planning Commissioner, it is the first time he has truly felt the people of Cupertino's voice in support of one particular project for the low income people and seniors. It is good to have a different voice, and today he is truly moved with all his fellow commissioners and the citizens of Cupertino who are in attendance.

**Motion: Motion by Com. Liu, second by Vice Chair Paulsen, and unanimously carried 5-0-0 that DP-2016-02, ASA-2016-15, EXC-2017-03 be approved and find that the proposed actions are exempt from CEQA.**

Vice Chair Paulsen applauded those present in the audience for their support and appearance at the meeting.

- 3. MCA-2017-03**  
**City of Cupertino**  
**Citywide Location**

Municipal Code Amendments to regulate the placement of storage containers and temporary fencing (Chapter 9.22 - Property Maintenance) size of signage notice boards for development (Chapter 19.12 – Administration), size of Accessory Dwelling Units (Chapter 19.112 – Accessory Dwelling Units in R-1, RHS, A and A-1 Zones), and including amendments to various other chapters of Title 19 – Zoning of the Municipal Code, including but not limited to, Chapter 19.08 (Definitions), Chapter 19.28 (Single-Family Residential (R-1) Zones), Chapter 19.40 (Residential Hillside (RHS) Zones), Chapter 19.60 (General Commercial (CG) Zones), and 19.116 (Conversions of Apartment Projects to Common Interest Developments) for compliance with State Law, readability, clarifications, and internal consistency.

**Gian Paolo Martire, Associate Planner, presented the staff report:**

- Reported that language in the Municipal Code is reviewed periodically to ensure consistency with State Law, internal consistency, clarifications, corrections and to propose changes to existing text to adequately address issues arising in the community. Presently, revisions have been identified to the following chapters in the General Provisions and Zoning Titles: Chapter 9.22 General Maintenance; Chapter 19.08 Definitions; and Chapter 19.112 Accessory Dwelling Units in R-1, A and A-1 Zones.
- He reviewed the proposed revisions to Chapter 9.22 Property Maintenance relative to Storage Containers. Currently the Code does not specifically address the placement of storage containers. They are currently regulated as accessory structures and allowed to areas not visible from a right-of-way or sidewalk, such as side yards or backyards. Proposed revision would allow the placement of storage containers in visible yard areas on two (2) occurrences per year for up to 15 days at a time during any calendar year to allow loading and unloading of items from the container. The proposed revisions are intended to help address the short term needs of residents while limiting the long term impacts on the neighborhood. Long term storage would continue to be allowed if in compliance with the Accessory Structures ordinance.
- Reviewed the revisions to Temporary Fencing. Currently temporary fencing is permitted only during construction pursuant to Chapter 19.48; the proposed revision clarifies that temporary fencing that is visible from a right-of-way or sidewalk is only allowed for the duration of a construction project.

- Relative to revisions to Chapter 19.112 Accessory Dwelling Units in R-1, RHS, A and A-1 Zones; in conformance with State law, the cities around California starting September 2016 were in a hurry to have their accessory dwelling ordinances amended to conform to the various assembly bills and senate bills by January 1, 2017. What resulted in February/March 2017 was the State Housing Community Development interpretation of those senate bills and assembly bills after most cities had adopted their amended ordinances. Staff is returning to make minor adjustments or amendments to that recently adopted ordinance to ensure greater conformance with the HCD interpretation and state regulations. The first thing is to establish the minimum size of ADUs to 150 sq. ft. to meet the state's definition of what is called an efficiency unit. The other is a clarification of maximum size for attached units themselves, attached units, either attached, added onto or internal conversions of a principle dwelling unit; it can only be one-half of the living area of the principle dwelling unit rather than a standard, such as 1200 or 800 sq. ft. There is a further regulation of the size of attached ADU on top of the 800 or 1200 based on the lot size. There was no recommendation from staff as to which way the Commission would go, either leave as is, more of the matter of discussion we had, when this was presented late last year it was thought that 1200 sq. ft. was how high it would go and we could go with 800 for lots under 10,000 sq. ft.
- Now that we have learned more, what other cities have done, how the state interprets the laws, there is greater discretion from the city's standpoint as to what are the maximum sizes the city can allow for ADUs on site. Staff has no recommendation on this. The Planning Commission has the opportunity to forward a recommendation to City Council if they desire.
- He reviewed the revisions to Chapter 19.12 Administration, Site Notice. Currently site notices only have to be 3 ft. x 2 ft.; in practice for non-single family developments, a 6 ft. by 4 ft. notice is required. Staff is proposing to codify established practice that has been done in the past years to have not only the 3 ft. by 2 ft. minimum for single family developments, but also the 6 ft. by 4 ft. minimum for non-single family developments.
- He reviewed proposed redline changes to Chapters 9.22, 19.12, 19.40, and 19.116 which are noted on the overhead presentation Clarification & Readability (Pg. 4). Also reviewed were changes made for consistency, as noted on Pg. 5 of the overhead presentation.
- Staff recommends that the Planning Commission recommend to the City Council the finding that the project is exempt from CEQA, and adopt the draft ordinance and incorporate any proposed revisions.

Staff answered questions about the application.

**Com. Liu:**

- Asked staff if it was their observation that the PODS were being used for permanent storage?

**Piu Ghosh:**

- Said one aspect is currently PODS are not to be visible in the front yard; when people want to move things off their property for purposes of construction or temporary storage, they are informed they cannot have them in the front yard or in the street, but it still occurs. Staff wants to provide people with a legal way of going about their business, packing things into the POD and having it moved off site.
- The other issue is they have PODS long term which is a code enforcement issue; it is not specifically stated in the Code; there is an interpretation involved, but they are considered accessory structures. Said they want to add the flexibility of allowing people to have PODS be permitted temporarily on site and from a long-term perspective not create a nuisance and be there long term.
- Explained the reason for two different sizes of notices. It is a matter of how important a project might be to the public and how much visibility it has. For a project like Charities Housing, it has a bigger impact than a single-family homeowner redoing his home; he is required to have the notice posted as a courtesy to the neighbors and the Council saw fit to have that size of sign. For a larger development it needs to be more apparent; a bigger site is being redeveloped and having 3 ft. by 2 ft. signs for a project like Main Street doesn't seem appropriate. The



Code currently reads “at least 3 ft. by 2 ft.” Staff has been consistently requiring the 6 ft. by 4 ft. for the larger projects.

**Com. Fung:**

- Raised the issue of the duration that a POD could be left on a property in the case of a property under construction as the period may be longer; felt it was not unreasonable to have restriction of time period for the POD if it was not for a longer construction period; such as moving furniture or storing items for a shorter period of time.

**Chair Sun:**

- Said he agreed with Com. Fung’s observation if the containers were going to be used for storage while doing construction; his concern is the city code’s emphasis is probably more on the container they put on the street or public place which will cause some parking and traffic problems. There should be a code to cover those types of containers. He said he observed that there were some containers in the city that have been in place for long periods of times, sometimes years.

**Com. Takahashi:**

- Said he felt there should be further discussion regarding the size of the storage containers. He said he favored the original code sizes for containers.

Chair Sun opened the public hearing.

**Jennifer Griffin, Rancho Rinconada resident:**

- Said she was pleased that the city could regulate the maximum size of the auxiliary units, and she felt it was important that they did not have auxiliary units larger than the primary house because it opens up a whole arena where you could have people building things to rent out for Air B&B. If the primary goal is to have the parents or children live in the auxiliary unit or vice versa, it is important that we look at what the size is. For small lots she said she felt it was not good to have up to 800 sq. ft. if you are on a 5,000 sq. ft. lot. Said she would like to see lots that are less than 6,000 sq. ft. and have a maximum of 600 there. Less than 10,000 and greater than 10,000 is far too broad, and then also increasing the sizes to 800 or 1200 is way beyond the scope of this. Said she felt they need to look at the average size of residential lots in cities; and look at what we want the maximum sized to be and it should not be bigger than the primary residence.

Chair Sun closed the public hearing.

**Vice Chair Paulsen:**

- Relative to dwelling unit size, the two step size, 10,000 above and below; is that state law or are we free to have certain percentage up to a certain square footage for the accessory dwelling unit?

**Piu Ghosh:**

- Said they looked at what cities and what the County has with regard to the size of the accessory dwelling units; the ADUs are in line with what the Santa Clara County has for their urban district lots, and that has been what they have adopted and has worked well for the city since put in place. A 640 sq. ft. allows a one-bedroom accessory dwelling unit, 800 sq. ft. allows up to a 2-bedroom sq. ft. ADU. Said they were allowing this opportunity for the Commission to consider going back to what was originally in place; there is a number of units that have been approved at those sizes; you could come up with any parameter you wish to recommend.

**Vice Chair Paulsen:**

- It seems that although this does create more density in the suburban neighborhoods, it gives city residents an opportunity to have more affordable housing without completely changing the character of the suburban neighborhood; and at the same time you are not going to have to purchase land. For older persons who may live in the ADU and have their children live in the main house, it provides an opportunity for young families to live in Cupertino and have a home. Those are positive things; the streets will get more crowded with cars but hopefully there will be smaller cars and other alternative means of transportation in the future, and houses last a long time.

**Com. Liu:**

- Asked when they have the larger ADUs, potentially more cars, is there a corresponding requirement having more offstreet parking; as one of the concerns with having these units is having a street turn into a parking lot.

**Piu Ghosh:**

- With the recent changes in state law depending on where the house is located, there are two things; the parking for the ADU, and the parking for the principle dwelling unit. With the recent changes in state law, depending on where the house is located; its proximity to a bus stop or other things, there are limitations on how many parking spaces they can require. The code requires one parking space for an ADU if you don't have onstreet parking in front of your house. With the recent changes in state law, we cannot require the offstreet parking. In addition, state law also puts limitations on where we can require parking to be replaced if people convert their garages. If you have a detached garage in your backyard and you are converting that into an ADU, earlier we would ask the homeowner to provide a 2-car garage; the code has a requirement that you have 2 enclosed spaces and 2 driveway spaces; we could require a garage to be constructed in order to replace that covered parking. Now state law states that they can be provided in any fashion on the lot; it doesn't matter. There are restrictions in terms of what we can require for parking.

**Com. Liu:**

- Said he agreed to a certain extent the concern that Com. Fung brought up in terms if you are doing construction, you are going to need it there longer. Said when they were building their home they had an active building permit for almost a year; when the lot is a mess and the container is out there, people expect it, but a big part is that toward the end, the house is complete. Said he supported the idea of having some provisions for people doing active construction; otherwise the two 15-day periods seemed to be a good compromise.

**Com. Takahashi:**

- Said he agreed, when there is active construction, it makes sense to allow more time.

**Piu Ghosh:**

- Said an electrical permit is considered a building permit; the key would be to make sure the language is there. If that is the Commission's wish that talks about permitted active continuous construction. There are some building permits that have been active for 3 years, some storage containers have been out there longer; it is a matter of what is important to the residents. Said when staff was thinking about this they were hoping that the POD companies offered the service to pick up and remove it to another site. If that is the way the Commission wants to amend the recommendation, the language can be added.

**Vice Chair Paulsen:**

- Said he felt it was important to not limit the size of an ADU; it provides a source of income for elderly people wishing to stay in the community and it provides a source of lower cost housing for young

families who may want to live on the site.

**Chair Sun:**

- Each city has a leeway to adjust it or go back to the original one, but for Cupertino it keeps some ownership that the owners have freedom to make their own economic decision how they use their land. Said his philosophy is it is state law and the fundamental right of ownership.

**Com. Takahashi:**

- Said he felt the first two sizes of 640 and 800 made sense to him from the standpoint of one bedroom and 2 bedroom standard sizes on those differentiated lot sizes of less than and greater than 10,000 sq. ft. From his perspective it being an ADU ideally, to the public speaker's comment it should be smaller than the primary DU.

**Piu Ghosh:**

- Said every lot has an FAR that is the maximum developable square footage of your property; for R-1 development it is 45% of the lot and anything you put on your lot, whether sheds, ADUs, detached garages, house, has to be under 45%. You still have to meet any other zoning regulations that apply to the property.

**Com. Liu:**

- Said he had an ADU on his property, an 8,000 sq. ft. lot with an ADU about 500 sq. ft. taking into consideration the garage, the ratio is about 44. There is another constraint there besides the maximum ADU unit; the main concern is the parking situation and how it affects the character, most of these are going to be R-1 neighborhoods and it is very different. Said he would be supportive of moving it back; however, if keeping it, there are other constraints in play.

**Com. Takahashi:**

- Said parking is not a constraint that you can use to limit the size. This is their shot at limiting the size. Said from his perspective he would support the minimum, the previous size. It will be a close discussion.

**Com. Fung:**

- Said he was uncomfortable about the larger size proposed; asked if there is a limit on the number of people who occupy a home?

**Piu Ghosh:**

- Said it was unlawful to limit the number of occupants living in a residential structure. The Fire Department has limitations in buildings in terms of occupancy.

**Com. Fung:**

- Expressed concern that a 1200 sq. ft. space even on a 10,000 sq. ft. lot could have a lot of people on it; without the ability to address the parking issue, said he did not feel that necessarily needs to be hard bound, but at the same time if they have latitude in the size allowed, that will help control that problem.
- Said he was more comfortable with the 600, 800 level. The majority of lots will be below 10,000 sq. ft. You are really talking about 600 so the question is, is 600 the right number, if they were both 800 would that be a problem? Given that the FAR is still a restriction, that may be workable as well.
- What kind of city does Cupertino want to become? Said if they want to limit the number of people and have large trophy homes and Atherton-type mansions, they will start seeing gates, prices will go up and will be an advantage to those who purchased homes 30 years ago. On the other hand it is a very difficult problem for people who are looking for an affordable place to live. Do you want to move toward a city

that has more people per acre and more cars on the street, or move toward an Atherton-type model that has more expensive homes but fewer people? That is a question; assuming staff has tossed around those thoughts.

**Piu Ghosh:**

- Said staff brought forward the recommendation. They took it to a hearing back in November and December, with the understanding it was the requirement as well. She said however, there is no reason to bring it back at this time, except that they heard the concerns from the Planning Commission and City Council and wanted to flag it as something they saw when they read the HCDs handout in terms of what they can and cannot do at the time. Staff wanted to bring it back because the Commission had concerns at the time, they wanted to point out what had to be done; the recommendation from the HCD is different, it is up to the Commission to decide. As pointed out in the staff report, they do rely on the ADUs for some portion of their RHNA; however, the size of the unit hasn't precluded them from using it towards RHNA goals. However, if it is 1200 sq. ft. she does not know whether the rents would be higher or not.

**Com. Takahashi:**

- Said he felt the main intent was to allow housing expansion but on a small scale; the primary thought about ADU is in-law quarters, grandparents.

**Chair Sun:**

- Affordable housing has become very challenging for Cupertino; the city provides some solution and the State provides some solution, and a decision made. Said he would support 1,000 or 1,200 but does not agree with Vice Chair Paulsen's analysis about it always being about one's self, because it is the general population and citywide. He would prefer to go to the current site or if people have concerns about the current residents, especially in the particular zoning areas, they prefer to stay there and find some common ground.

**Com. Takahashi:**

- Said he felt the affordable housing argument would opt toward the smaller sizes because it tends to boil down to dollars per square foot and smaller residence rent for lower costs and therefore they are more affordable. If that's the argument to make he said it is an argument that favors the smaller sizes.

**Vice Chair Paulsen:**

- Said he agreed with Com. Takahashi's 'small is beautiful' concept; however, was concerned they were losing an opportunity to provide affordable square footage in the city by not taking staff's recommendation.

**Com. Fung:**

- Said he was committed to increase density and to have more variety of housing but felt auxiliary units is not the way to solve the problem. Said that is one of the odd ones where there needs to be an application process that allows you to get more square feet in the auxiliary unit or in a secondary unit or dividing it. Said he would feel more comfortable with the previous limits of the past and was willing to adjust.

**Com. Liu:**

- Said he agreed with Com. Takahashi's observations in terms of smaller units being more affordable; and picked up on Com. Fung's point that this is probably not the main mechanism for getting more people in. Agrees with many things said in support of the lower unit; much of it is to try and preserve the current character of the R-1 neighborhoods because not hearing people say they want to make it

different.

- Added he thought it through about placing it because he had an ADU; once you start considering the FAR and the setbacks, unless you want that second unit to be next door to your main unit it is hard to fit these things in there. This is only one of the many constraints; said he would prefer a lower one but felt even if it was higher there are other constraints that would drive it low.

**Chair Sun:**

- Said he didn't feel comfortable if they just make a compromise on both sides and go to the 1000 for 10,000. He said he agreed with Com. Liu if they push to the 1200 there are still many restrictions for people who want to build an ADU. Stated his position and said if they vote to reduce, he was eager to find a way to make it work.

**Vice Chair Paulsen:**

- Said he agreed; was a fan of consensus because that means they have worked an issue through; further discussion may result in a compromise or consensus. Said he would be willing to go down on the square footage; perhaps 700 and 1,000; but don't know what this would do to the city.

**Com. Fung:**

- Said it seemed going to 800 on both above and below 10,000 would be something that could be done and if you feel uncomfortable on the 800 on large lots, he did not have a problem with that.

**Com. Takahashi:**

- Stated 700 or 1000.

**Chair Sun:**

- Replied Yes.

**Com. Liu:**

- Said he would support anything that is different.

**Com. Takahashi:**

- With caveats that there are many other restrictions that are going to be weighing in, in terms of setbacks and everything else.

**Vice Chair Paulsen:**

- Said he felt Com. Takahashi brought up many good points; and 700 and 1,000 would be something that could be agreed on.

**MOTION:** Motion by Com. Fung, second by Vice Chair Paulsen, and unanimously carried 5-0-0 that the findings are that the proposed actions are exempt from CEQA and that the ordinance be adopted amending Chapter 9.22 Property Maintenance with the modification; (adopt same language used for building materials section) Chapter 19.12, Administration; Chapter 19.112 ADU in R-1, RHS A and A-1 zones with the modification recommending the current size for lots less than 10,000 sq. ft. at 700 sq. ft. and lots greater than 10,000 sq. ft. at 1,000 sq. ft., and Minor Amendments in Chapter 19.08 Definitions; Chapter 19.24 Agriculture (A) and Agricultural-Residential (A-1 Zones, Chapter 19.28, Single-Family Residential (R-1) Zones, Chapter 19.36, Multiple-Family Residential (R-3) Zones, Chapter 19.40 Residential Hillside (RHS) Zones, Chapter 19.60 General Commercial (CG) Zones; Chapter 19.64 Permitted, Conditional and Excluded Uses in Office and Industrial Zones, and 19.116, Conversions of Apartment Projects to Common Interest

**Developments.**

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**REPORT OF THE PLANNING COMMISSION****REPORT OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:****Piu Ghosh:**

- Reported that the General Plan authorization process was up for the second cycle when Council will hear the items in the Fall when applicants come in with projects that they wish to apply for with General Plan amendments; three were received as of the May 15<sup>th</sup> deadline; one for the Oaks Shopping Center and two applications for hotels. She explained the process to be followed for the applications.

**Economic Development Committee:****Vice Chair Paulsen:**

- Reported on the quarterly meeting; committee is studying 3 issues, one for mobile services including food service trucks and other services; maker space and under-used retail.

**Com. Fung:**

- Reported that he attended four events relating to Housing Week.

**ADJOURNMENT:**

- The meeting was adjourned to the next Planning Commission meeting on June 13, 2017, at 6:45 p.m.

Respectfully Submitted:

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/s/Elizabeth Ellis

Elizabeth Ellis, Recording Secretary