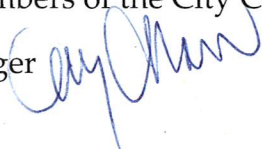


## CITY MANAGER'S OFFICE

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December 13, 2018

TO: The Honorable Mayor and Members of the City Council  
FROM: Amy Chan, Interim City Manager   
SUBJECT: Items of Interest

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### **Quinlan Replanting Project**

The front of Quinlan Community Center has been replanted after a "browning out" period of the turf areas. The new planting was completed by the Public Works Grounds Division staff. Kevin Greene took the lead and collaborated with Paul Sapudar on the design.

The design incorporated a variety of plants with different color palettes and growth rates to add assorted color, elevation, and spread characteristics. A dry creek bed concept, with boulders set in strategic areas, was designed to cover and protect drainage issues. The style of wood chip was used so future smaller chips of the same type would be spread into the existing chip and act as a binder to help keep everything in place. A drip irrigation system is being utilized to release different flow rates for each plant type. The entire project was built with the consideration of future maintenance and water reduction while keeping to a pleasing visual landscape design. (Photos Attached)

### **Water Rates to Change with the New Year**

On November 29, the California Public Utilities Commission authorized a 4.55% increase in water rates for San Jose Water Company (SJWC). The effective date for the rate increase is January 1, 2019. In addition to the increase of rates, rates are now designed to recover more through the monthly service charge and less through the volumetric water quantity charge. This new rate design is intended to help rates be less volatile when customers use less water than projected. New rates also have the 2016, 2017, and 2018 Santa Clara Valley Water District wholesale water increase charges rolled into the base rates instead of being listed as a surcharge.

For a typical residential customer with a 3/4-inch meter, the monthly service and quantity charges will change as follows:

San Jose Water Company	Current	1/1/2019
Monthly Service Charge	\$25.28	\$39.50
Volume Charge (per unit)		
0-3 units	\$4.25	\$3.20
4-18 units	\$4.73	\$4.80
Greater than 18 units	\$5.20	\$6.40

For a typical SJWC customer using 11 Ccf (1 Ccf = 748 gallons) per month, the monthly service and volume charge will increase from \$75.87 to \$87.50. CPUC authorized surcharges will be \$8.12 per month for a total monthly bill of \$95.62 (compared to the current total charge of \$88.93). With surcharges, this represents a 7.5% increase. **The customers of the Cupertino Municipal Water System leased to SJWC will not experience a rate increase. A Cupertino Municipal Customer using 11 Ccf currently pays a total monthly water bill of \$84.06.**

In authorizing an increase in rates, the CPUC also authorized SJWC to begin refunding customers that were overbilled due to how SJWC prorated prior rate increases. At this time the refund period will cover the period of June 1, 2011, through December 31, 2016. The one-time refund amount is estimated to be about \$5.70 for a typical residential customer. Proceedings between the CPUC and SJWC will continue regarding any refunds for the time preceding June 2011. Refunds will apply to both customers of the system owned and operated by SJWC and to customers of the Cupertino Municipal Water System. Refunds amounts between the two customers will be slightly different as some charges (Utility Users Tax and CPUC fee) are not levied on Cupertino Municipal Water customers.

California Water Service Company (CWSC) has also been authorized a rate change. For a typical residential customer with a 3/4-inch meter, the monthly service and quantity charges will change as follows:

California Water Service Company	Current	1/1/2019
Monthly Service Charge	\$17.97	\$18.53
Volume Charge (per unit)		
1-10 units	\$5.24	\$5.13
11-27 units	\$5.58	\$5.46
Over 27	\$6.69	\$6.56

For a typical CWSC customer using 11 Ccf per month, the monthly service and volume charge will decrease from be \$75.95 to \$75.29. CPUC authorized surcharges are \$8.62 per month and expected to remain the same for a total monthly bill of \$83.91 (compared to the current total charge of \$84.58). With surcharges, this represents a .8% decrease.

## **Neighborhood Meeting Scheduled for December 19 to Discuss Increased Truck Traffic between Lehigh and Stevens Creek Quarries**

At 6:30 p.m. on December 19, there will be a neighborhood meeting at the Monta Vista Community Center (22601 Voss Avenue). The purpose of the meeting is to discuss increased truck traffic between the Lehigh and Stevens Creek Quarries and what responsibilities the City, County, and the quarries have in addressing resident concerns. To advise residents of the meeting, the attached notice was mailed to approximately 1200 residents that reside within 300' of Stevens Creek and Foothill Boulevards between the two quarries. County Planning and the Sheriff's Office will be in attendance.

A letter detailing the impacts of the increased truck traffic and County responsibilities was sent Supervisor Joe Simitian on Wednesday. Supervisor Simitian has been invited to the neighborhood meeting. Representatives from Lehigh and Stevens Creek Quarries have been asked to attend as well. (Notice Attached)

## **Proposed Housing Bill (2019-2020 Legislative Session)**

In December 2018, Senator Scott Weiner introduced SB 50. This is a revised version of SB 827, which failed to pass out of committee in 2018. The bill preliminarily has lots of placeholders and undefined terms, so it is difficult to fully gauge its impact on cities at this point, but the legislature is expected to consider in 2019. There already has been outreach efforts to get labor and affordable housing advocates to support this bill. A recent article summarizing where SB 50 is currently is available online at <https://calmatters.org/articles/blog/bill-pushes-denser-housing-around-transit-california/>.

In summary, SB 50 currently does the following:

- Requires communities to approve an "equitable communities incentive" for qualifying "job-rich housing" or "transit rich housing" projects.
  - A "job rich housing project" is a development with at least 2/3rds of its sq. ft. for residential use in a jobs-rich area. The bill doesn't define what a jobs rich area is, which is one of the major uncertainties facing the bill.
  - A "transit rich housing project" is a development with at least 2/3rds of its sq. ft. for residential use within 1/2 mile of a rail station or ferry terminal or within 1/4 mile of a corridor with fixed route bus service with 15 min. headways or better on weekdays during peak commute times.
- To qualify, a project must be on property that allows residential use (including residential, mixed use, or even commercial zones depending on the local ordinance). It must also provide at least enough affordable units on site to qualify for a 35% density bonus (e.g. 11% VLI or 20% low income units), or meet the requirement of a local inclusionary ordinance, whichever is greater.
- All qualifying projects are entitled to receive:
  - A waiver from density limits;
  - A maximum parking requirement of 0.5 spaces/unit; and
  - Three concessions under Density Bonus law.

- Qualifying projects within 1/2 mile of transit but more than 1/4 mile from transit that provide a yet-to-be-determined amount of affordable housing are also eligible to receive:
  - A height of no less than 45 feet;
  - A max FAR of at least 2.5; and
  - No parking requirement.
- Qualifying projects within 1/4 mile from transit that provide a yet-to-be-determined amount of affordable housing are also eligible to receive:
  - A height of no less than 55 feet;
  - A max FAR of at least 3.25; and
  - No parking requirement.

SB 50 also has an "opt out" provision for communities that develop their own plans that reach or exceed the minimum requirements of SB 50. For example, Los Angeles has a Transit Oriented Community program that its voters adopted as Measure JJJ that meets the SB 50 standards, so LA would be exempt from the state law.

## City Hall Power Outage

Last Wednesday, December 5, City Hall experienced a power outage at approximately 6:30 a.m. The cause of the outage was PG&E related. When a power failure occurs, the emergency generator is designed to automatically start and power the majority of the building's systems. Unfortunately, this did not occur and Public Works staff immediately began to investigate the problem. Within 30 minutes, staff was able to determine that the generator batteries were dead. Replacement batteries were installed by staff and the generator began powering the building at approximately 7:30 a.m. until 2:45 p.m., when PG&E restored power.

Why the batteries were dead is being investigated. The batteries were replaced in April and the generator is operated monthly to confirm operability. Either it will be determined that a battery went bad or that the battery charging system is faulty. In either event, appropriate action will be taken to reduce this type of event from happening in the future. The event is a reminder that aging systems have increased likelihoods for failure. The generator system is approximately 50 years old.

## Breakfast with Santa

Our 27<sup>th</sup> Annual Breakfast with Santa event was held on Saturday, December 1, at Quinlan Community Center. Over 250 participants enjoyed a morning of holiday cheer. The De Anza Optimist Club of Cupertino, along with over 25 teen volunteers, supported staff to provide a wonderful pancake/sausage breakfast, letter writing to Santa at Santa's Post Office, and a variety of holiday themed crafts for the Cupertino community.

Holiday music provided by the Monta Vista Tri-M Music Club set the mood for the spirit of the holidays and provided a venue to show off the musical talents of our own Cupertino students. The highlight for many children and families was having their personal and/or family picture taken with our own Santa... a lasting memory for all. (Photos Attached)



## **San Jose – Hotel at Stevens Creek Boulevard and Stern Avenue**

Staff attended the San Jose Director’s Meeting on November 28, 2018 regarding the proposed hotel project on the corner of Stevens Creek Boulevard and Stern Avenue on the east border of San Jose and Cupertino.

The proposed project was for a Site Development Permit to allow the demolition of the existing gas station and convenience store, and the construction of a seven story hotel with 168 rooms, four levels of subterranean parking, a restaurant, and associated on-site improvements including paving and landscaping on a 0.415 gross acre site. The height of the hotel will vary from 86’6” at the lower parapet to 95’ at the proposed tower at the northwest corner of the building.

At the meeting, staff provided a previously submitted comment letter regarding the projects impacts regarding aesthetics, air quality, biological resources, cultural resources, and traffic. At the hearing, four members provided public comment, including three Cupertino residents. Comments rendered by the public centered on traffic, parking, air quality, and low-income housing concerns for future hotel workers. The item was approved with a condition of approval added to provide an on-site contact should any construction related issues arise.

## **Bay Area Metro Horizon Initiative**

The Horizon Initiative commenced in early 2018 in order to identify the preferred scenario, and alternatives, for future growth to be considered in an updated Sustainable Communities Strategy for the year 2050 by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) and collectively the Bay Area Metro. To help understand the issues and identify innovative strategies, Bay Area Metro has been preparing several Perspective Papers on different subjects as a part of Horizon. These are available online at: <https://mtc.ca.gov/our-work/plans-projects/horizon/perspective-papers>.

Most recently, the Regional Advisory Working Group (RAWG), which provides input on updates to the Plan Bay Area from private residents, local governments, advocacy groups and others was presented an overview of the third Horizon Perspective Paper – *Regional Growth Strategies* – prior to its release in January. The paper will evaluate the shortcomings of the current regional growth framework and identifies potential strategies for an updated framework. The paper reevaluates existing Priority Development Areas (PDAs) for eligibility and determines that focusing growth within existing PDAs will not be enough to meet housing demand. Therefore, three scenarios have been identified to update the framework:

1. Double Down on PDAs – Allow transit-supportive densities, with design standards and displacement mitigation strategies; Implement regional employment location policy supported by incentives to balance the location of job and housing growth, invest in transportation, so all PDAs may have sufficient transit.
2. PDAs Plus – Create guidelines for expanded range of priority areas; support local implementation through an expanded PDA planning program; Infrastructure funding and tech assistance to mixed-income “Regional Catalyst Projects” with 1000+ units.

3. Clean Slate – Adjust urban limit lines to create “Urban Reserves” for future development that meets environmental standards; Streamline permitting and mitigation to maximize regional ecological benefit and minimize uncertainty; money for funding new infrastructure to serve new mixed-income communities with 10,000+ units.

In all cases they would require integration of the regional growth framework into local General Plans, expand One Bay Area Grant funding and align it to housing outcomes, invest in infrastructure, schools and services in growth areas, and establish a Regional Housing Enterprise with the ability to raise and collect funds and disburse them regionally. The meeting agenda and the staff memo on this subject is available online at: <https://mtc.ca.gov/whats-happening/meetings/meetings-archive/regional-advisory-working-group-16>. It is anticipated that the Perspective Paper will be available in January 2019.

## 2019 Housing Bills

The Governor signed 16 pieces of housing legislation in September 2018. Several amendments have been made to Density Bonus law and to Housing Element law. A summary of the bills signed is available online at <https://www.hklaw.com/publications/Californias-2019-Housing-Laws-What-You-Need-to-Know-10-08-2018/>.

Two bills, AB 1771 and SB 878, relate to the way Regional Housing Needs Allocation (RHNA) is determined and may affect the way the City’s RHNA for the next Housing Element cycle is calculated.

- AB 1771 requires more focus on jobs-housing balance, especially for low-wage workers, and also includes changes in the methodology of RHNA calculation, including granting the Department of Housing and Community Development (HCD) the ability to adjust RHNA targets set by the Council of Governments (ABAG in the case of the Bay Area.)
- SB 878 prohibits the HCD from using prior underproduction of housing and stable population numbers in a jurisdiction from being used as a justification for a determination or reduction in the jurisdiction’s share of the regional housing need. Attached is an analysis prepared by the City of San Francisco on these two bills as of July 2018. As additional information becomes available, they will be forwarded to the Council.

## City of San Jose General Plan Amendments and Downtown Strategy

The City of San Jose is considering General Plan amendments and a new Downtown Strategy to further its Jobs First Strategy while achieving a jobs to housing ratio of 1:1. These amendments will be considered at its December 18, 2018 meeting. A comment letter that has been sent to San Jose for its consideration is attached.

## Cupertino Library Opens New ThinkTank Community Workspace

The Cupertino Library now offers library patrons a new space in which to collaborate and meet with the opening of its new ThinkTank room. The ThinkTank can accommodate up to 15 people, and is a workspace with mobile tables that can be set up for meetings or folded away to hold a small class. Patrons can reserve the ThinkTank for up to 2 hours a week using their Santa Clara

County Library District (SCCLD) library card. “The ThinkTank is a 21<sup>st</sup> Century concept for a meeting room, with interactive media equipment and walls painted with whiteboard paint for all-over inspiration,” said Community Librarian, Clare Varesio. “This new space helps to promote the Library’s values of creativity, inspiration, and collaboration.”

Reservations can be made online at [www.sccl.org/thinktank](http://www.sccl.org/thinktank).

### **MTC CASA Compact**

Attached is a memo prepared by staff regarding the CASA Compact along with a letter from Interim City Manager, Amy Chan to Jeannie Bruins, our ABAG Board Representative.

### **Upcoming Agenda Items**

Attached is the City Council agenda forecast through March 19, 2019.

### **Law Enforcement**

Attached is the Sheriff’s weekly report for November 26 to December 9, 2018.

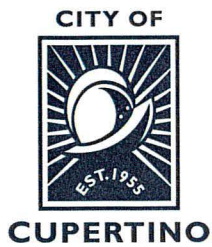
### **Upcoming Events or Meetings:**

Date	Event	Time	Location
January 19, 2019	Environmental Recycling and Shredding	9:00 am to 1:00 pm	De Anza College, Parking Lot A

**Quinlan Replanting Project**







**CITY MANAGER'S OFFICE**

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December 10, 2018

By FIRST CLASS MAIL AND ELECTRONIC MAIL  
([supervisor.simitian@bos.sccgov.org](mailto:supervisor.simitian@bos.sccgov.org))

Joe Simitian  
District 5 Supervisor  
70 West Hedding Street, 10th Floor  
San Jose, CA 95110

Re: Increased Truck Traffic between Permanente Quarry (Lehigh) and Stevens Creek Quarry (SCQ)

Dear Mr. Simitian:

On August 17, 2018 the County of Santa Clara Department of Planning and Development (County) issued a Notice of Violation (Notice) to Lehigh for illegal grading. Specifically, the NOV cited Lehigh for grading outside of the boundaries of the approved 2012 Reclamation Plan Amendment. The purpose of the grading was for a haul road connecting the Lehigh facility to the SCQ facility. In issuing the NOV, the County notified Lehigh to stop any additional grading activities and to cease the transportation of minerals from Lehigh to the SCQ. The NOV is attached.

Upon receipt of the NOV, Lehigh and SCQ switched the truck hauling operation from the haul road to City of Cupertino streets. This action has resulted in considerable truck traffic between the two facilities when previous truck traffic had not existed in the past. Consequently, the City has received numerous complaints related to increased traffic congestion, illegal truck movements, noise, dust and debris on the streets. The City has contacted Lehigh and SCQ on numerous occasions regarding the issue and progress to resolve most of the issues has not been satisfactory.

Our Public Works Department has been in regular contact with the County and is aware that Lehigh has submitted to the County a minor reclamation plan amendment. The purpose of the amendment is to expand the reclamation plan boundaries within the jurisdictional area of the County, realign the haul road to be only within these amended boundaries and then to resume hauling of minerals from Lehigh to the SCQ. Review of



this amendment by the County and State Department of Conservation will take months and an approved minor amendment may or may not occur. In the interim or perhaps longer, an estimated twenty trucks are circulating continually each workday between the two facilities on City streets. This activity is a nuisance to our residents and potentially hazardous to our motorists, bicyclists and pedestrians that frequent the area.

Since September, the City has had the County Sheriff increase presence in the area. The cost to the City for this presence is estimated to be \$400/day and more Deputy time is needed. Your assistance is needed to coordinate activities between Lehigh and SCQ so that the City and its' residents are not impacted financially or otherwise. Specifically, both Lehigh and SCQ need to regulate the trucks to alieve impacts or the Sheriff needs to more than double their current time of two hours per day to a minimum of four hours per day at an expense not paid by the City.

On December 19, 2019 6:30pm the City is hosting a neighborhood meeting at 22601 Voss Avenue, Cupertino to discuss the issue. The County and Sheriff have indicated that they will attend and representatives from Lehigh and SCQ have been invited. You or your representative are invited and a notice and agenda of the meeting is attached.

Please let me know the assistance you can provide and if you or a representative will be attending the neighborhood meeting. Please refer any specific questions to Timm Borden, Public Works Director at 408-777-3354.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy Chan".

Amy Chan  
Interim City Manager



## PUBLIC WORKS DEPARTMENT

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December 11, 2018

### CITY OF CUPERTINO PUBLIC WORKS DEPARTMENT AGENDA AND NOTICE OF NEIGHBORHOOD MEETING REGARDING INCREASED TRUCK TRAFFIC ON STEVENS CREEK AND FOOTHILL BOULEVARDS

#### AGENDA

Monta Vista Community Center  
22601 Voss Avenue, Cupertino, CA  
Wednesday, December 19, 2018, 6:30 PM

The City of Cupertino Public Works Department will be conducting a public neighborhood meeting regarding increased truck traffic on Stevens Creek Boulevard and Foothill Boulevard between the Lehigh Southwest Cement Plant and Stevens Creek Quarry. All residents are welcome.

Items to be discussed include:

- Cause of increased truck traffic
- Roles of Lehigh and Stevens Creek Quarry
- Submission of an amended minor reclamation plan by Lehigh to County of Santa Clara Department of Planning & Development and to the California Department of Conservation (Division of Mine Reclamation).
  - Authority to proceed from County, if granted, may exceed 3 months.
  - Trucks may continue using City streets until July 2019 or longer.
- Roles of the County Planning and Sheriff
- Roles of the State (Division of Mine Reclamation)
- Roles of the City
- Impacts to City & residents (congestion, safety, noise, pollution, cost)
- Upcoming Santa Clara County Zoning Administration Hearing Agenda at the County Government Center, 70 West Hedding Street, San Jose, CA 1<sup>st</sup> Floor, Room #157 is TENTATIVELY scheduled for January 17, 2019 at 9am. Dial (408) 299-5770 to confirm.

Santa Clara County Planning and Sheriff Office will be in attendance. Lehigh and Stevens Creek Quarry have been asked to attend, as has County Supervisor Joe Simitian.

Questions or comments to the City are directed to Roger Lee – Assistant Director of Public Works at [rogerl@cupertino.org](mailto:rogerl@cupertino.org) or (408) 777-3354.

**Breakfast with Santa 2018**





## Breakfast with Santa 2018



**Breakfast with Santa 2018**





**Breakfast with Santa 2018**





# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission JULY 12TH, 2018

*Topic:* California State Senate Bill 828 and State Assembly Bill 1771  
*Staff Contacts:* Joshua Switzky, Land Use & Housing Program Manager,  
Citywide Division  
James Pappas, Policy Planner, Citywide Division

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This memo is in response to the Commission's request for an analysis of the proposed State Senate Bill ("SB") 828 by State Senator Scott Weiner and related State Assembly Bill ("AB") 1771 by Assemblymember Richard Bloom. As of the writing of this memo, both bills have been passed by their respective houses and sent to the other house and differences between the bills would need to be resolved in the legislative process. This memo's analysis is based on the most recent version of the bills, however, SB 828 in particular has undergone significant changes and both bills will likely see further adjustment.

Both SB 828 and AB 1771 propose changes to the Regional Housing Needs Assessment/ Allocation (RHNA) process. RHNA refers both to the assessment of projected regional housing need as well as the allocation of that housing need to the jurisdictions in a region. RHNA is developed as part of the regional plan process (Plan Bay Area in the case of the Bay Region), providing minimum housing production targets by income group for the eight year planning cycle. Jurisdictions must show in their housing elements that they have sufficient land zoned for housing development to accommodate these targets. RHNA's minimum housing targets are also used to track housing permitting and production performance. For example, SB 35 may trigger streamlined planning approvals for jurisdictions that miss their targets for low and/or above-moderate income housing over particular periods.

The RHNA household and housing unit projections are developed in consultation between the regional Council of Governments (COG), the state Department of Finance (DOF), and the state Department of Housing and Community Development (HCD). The regional COG - the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) in the case of the Bay Area- must also consult with HCD on the methodology and the plan for allocating RHNA to jurisdictions.

## **SB 828 Summary**

SB 828 will make changes to the housing element and RHNA process, specifically affecting the determination of housing need for jurisdictions. This bill would make the following changes:

- Adds to the current data assumptions and methodology used to determine RHNA.<sup>1</sup>  
Additional factors or clarified definitions include:
  - Housing cost burden is defined as the share of households by income group paying more than 30% of income for housing.
  - The “rate of cost burdened for a healthy housing market” is defined relative to the average for comparable regions throughout the nation.
  - The “overcrowded rate for a healthy housing market” is defined as the average for comparable regions throughout the nation (overcrowding continues to be defined as more than one person per room).
  - The vacancy rate for a healthy housing market is defined as between 5% and 8% for both rental and ownership housing.
  - Projected household income growth is also added as a factor.
- Requires HCD to include in its RHNA methodology<sup>2</sup> allowances for adjusting RHNA based on certain factors including the percentage of overcrowded renters, vacancy rates, and the percentage of households that are cost burdened. These factors would consider the needs of both existing and future projected households.
- Requires that the final regional allocation plan for RHNA demonstrate efforts to reverse racial and wealth disparities by assigning additional weight for the distribution of RHNA for all income levels, but in particular for low- and very low-income households, to local governments that meet both of the following criteria:
  - A. have median employed household incomes above the 50<sup>th</sup> percentile for the region
  - B. contain a regional job center, as determined by the regional COG, or that contain high quality public transportation that connects to a regional job center.

## **Planning Department Analysis of SB 828**

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<sup>1</sup> Population projections for the region are developed in consultation between DOF, the regional COG, and HCD. Projections for household growth for RHNA are based on these population projections. Current RHNA methodology may also consider additional data assumptions including: household size data and trends in household size, the percentage of households that are overcrowded, the rate of household formation or headship rates by various demographic factors, vacancy rate, addition characteristics of the projected population, and the relationship between jobs and housing including any imbalances.

<sup>2</sup>HCD may accept or reject the information provided by the COG in development of its RHNA. HCD shall make determinations in writing of its own assumptions and methodology based on the factors defined in the state code that would be further defined and expanded by this bill.

## **Likely to increase RHNA for San Francisco and the Bay Area**

While the specific effects would be subject to analysis conducted by HCD and ABAG/MTC under the revised methodology, it is likely that the effect of SB 828 would be to increase the total RHNA for all income levels in San Francisco and the Bay Area generally. However, these increased RHNA amounts would not come into effect for several years until the next RHNA allocation process in the Bay Area, which coincides with the next Plan Bay Area and the adoption of an updated housing element in San Francisco in 2022. RHNA for San Francisco and the Bay Area would increase for a variety of reasons including:

- Consideration of cost burdens would likely lead to an upward adjustment in RHNA for low and moderate income households. Consideration of renter overcrowding could have a similar impact.
- Consideration of projected household income growth could increase RHNA due to growth trends among higher income households in the city and region.
- San Francisco would likely fall into the group of cities that have both median employed household incomes above the 50<sup>th</sup> percentile and a regional job center or high quality public transportation. However, San Francisco already received an increased share of the 2014 RHNA due to the concentration of Priority Development Areas (PDAs) located in the city, so the impact of this changed methodology on the RHNA for other higher income cities in the region with job centers and high quality public transportation might be larger than the effect for San Francisco.

## **Unlikely to Require Significant Up-zoning in Next Housing Element**

One of RHNA's main impacts on cities is that each jurisdiction's housing element must list sufficient sites zoned to accommodate their share of the RHNA and to initiate rezoning if a city cannot demonstrate existing capacity. Analysis of current capacity shows that San Francisco can accommodate approximately 140,000 units based on current zoning and plans underway.<sup>3</sup> The City's current RHNA allocation for 2015-2022 is 28,869 units (the minimum production targets by income level are 6,234 at Very Low Income, 4,639 at Low Income, 5,460 at Moderate Income, and 12,538 at Above Moderate Income).

Though RHNA for the 2022 housing element would be likely to increase under SB 828 it would be extremely unlikely to come close to the existing zoned capacity. As a result, the need for additional zoned capacity for housing, even with an increased RHNA allocation, would not likely be felt until housing elements farther in the future.

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<sup>3</sup> Rather than a limited list of sites, San Francisco typically provides a list of all "soft-sites" - meaning sites that are developed at less than 30% of developable capacity under the city's zoning and could reasonably be developed as housing in the future.

## **Interaction with SB 35**

Because SB 828 is likely to increase RHNA, it may mean that fewer cities, including San Francisco, meet their RHNA targets for housing affordable for low income households and possibly also above-moderate income households. More cities, including San Francisco, could be subject to streamlining under SB 35 if these targets are not met. However, because SB 35 streamlining depends on housing production over the first and second halves of the housing element cycle, San Francisco or other Bay Area cities, would not experience any effects from new, higher RHNA targets until the middle of the next housing element cycle -- i.e. after 2026.

## **Effects on Housing Costs and Regional Equity**

The effect of additional zoned capacity for housing due to SB 828's increased RHNA requirements could help facilitate additional housing development, including affordable housing development, that could help to moderate or reduce housing prices over time. However, these effects would not be seen until well into the next housing element cycle after 2022. In addition, more of the RHNA is likely to be distributed to higher income communities with job centers and/ or high quality public transportation, potentially increasing access to housing opportunity for lower income households to a broader range of cities in the Bay Area.

## **Major Revisions**

Earlier versions of SB 828 had included provisions that likely would have changed the RHNA process more significantly and likely increased the total allocation more than currently proposed. These now-deleted provisions included the following:

- Un-met production targets by income group would have been carried over into the next RHNA cycle. Given that much of the low and moderate income housing targets go unmet due to lack of funding, this could have added significantly to future RHNA.
- HCD would have been required to complete an assessment of un-met housing needs for each region in the state by 2020. This un-met need would have been added to the RHNA for the next regional plan and housing element update. Depending on the methodology used to assess this need, the one-time increase to RHNA could have been quite large.
- The relationship of median income to median home prices and rents was an additional factor originally included in SB 828's revisions to RHNA methodology. Depending on the methodology used to estimate the amount of housing production needed to lower housing prices and rents to be affordable at median income, RHNA could have increased significantly due to this provision.
- Jurisdictions would have been required to identify sites that can accommodate 125% of their RHNA for all income levels over the planning period, rather than 100% under current rules.



## AB 1771 Summary

AB 1771 makes changes to the objectives that guide the RHNA process as well how COGs develop their RHNA methodology, allocate RHNA to jurisdictions throughout the region, submit the RHNA methodology for review, and ultimately approve and inform jurisdictions and the public about the adopted RHNA plan. Notable proposed changes in the bill include the following:

- The RHNA allocation plan must show that it furthers specific objectives established in the statute, rather than simply being consistent with them. The first two objectives would be largely retained as is:
  1. Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, so that each jurisdiction receives an allocation of units for low- and very low income households.
  2. Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns.

Objectives 3 and 4 would be updated, with added requirements to consider availability of housing units affordable to low wage workers and to adjust RHNA allocations to jurisdictions based on their share of households by income relative to the county. Objective 5 would be newly added to address access to opportunity and fair housing:

3. Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.
  4. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, and allocating a higher proportion of housing need to an income category when a jurisdiction already has a disproportionately low share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial census.
  5. Increasing access to areas of high opportunity for lower-income residents, avoiding displacement and affirmatively furthering fair housing.
- Requires that COGs develop their RHNA allocation methodology in consultation with HCD rather than seeking HCD's advice later in the process.
  - Adds transparency requirements to the RHNA process including online posting and distribution of data used to develop the methodology, explanation of how the methodology furthers the RHNA objectives, and how the methodology incorporates various factors specified by state law.

- Factors to be used in the methodology that would be added or updated through the bill include:
  - Low wage jobs within a jurisdiction and the housing units affordable to workers at those wage levels as well as how many jobs were added at each wage level in the last planning period.
  - Percentage of households by income level cost burdened at 30% or more of household income and at 50% or more of household income.
  - The rate of overcrowding.
  - COGs are able to include additional factors as long as they either advance the RHNA objectives or, if they do not specifically advance those objectives, must not undermine them and must be found to be necessary for health and safety.
- The bill proposes to remove “market demand for housing” as a factor to consider in the RHNA methodology.
- The bill specifies the process for public release along with review of the draft RHNA allocation methodology by HCD as well as the process for final adoption by the COG. HCD will have 60 days following the submission of the draft to determine if it furthers the RHNA objectives. If HCD finds that the methodology does not further the objectives, the COG has two options:
  1. Revise the methodology in accordance with HCD’s findings and adopt a final regional allocation methodology.
  2. Adopt a final regional allocation methodology without revisions and include within its resolution of adoption written findings as to why the COG believes that the methodology is consistent with the objectives despite HCD’s findings.

Upon either action the COG shall provide notice of adoption of the methodology and shall publish the methodology on its Web site. The resolution approving the final RHNA plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan and furthers the RHNA objectives.

- The bill would alter the process for appeals of the RHNA by jurisdictions, including shortening or specifying timelines, requiring supporting documentation and consistency with the RHNA objectives, as well as transparency including public notification and release of supporting documents for the final appeal decision.
- The bill removes the ability of two or more governments within a region to make an agreement on an alternate distribution of RHNA between themselves.

## **Planning Department Analysis of SB 1771**

### **Increased Transparency and Equity in the RHNA Process**

AB 1771 would make the RHNA process clearer in terms of how the methodology will be created and how the RHNA allocation plan will be set. ABAG and MTC have tried to offer much of this information already, however, other regions of the state may not have been as transparent and AB 1771 will help change that.

AB 1771 will also provide more structure for the allocation process, helping to ensure that all cities in the region play some role in accommodating RHNA. In particular, the focus on low-wage jobs and housing affordable at those income levels could increase the RHNA allocation for high income communities with many service jobs but relatively few affordable units for these workers. While San Francisco has many lower wage workers, the presence of relatively more affordable units due to investment in income-targeted affordable housing and rent-controlled units means that San Francisco may perform relatively well on these metrics compared to higher income suburban jurisdictions with little affordable housing.

### **Likely Effects Similar to SB 828 on Increased RHNA, Up-zoning, and SB 35**

Like SB 828, AB 1771 incorporates additional factors in the RHNA methodology such as current cost burden and concentrations of lower-wage jobs relative to affordable units. AB 1771 overlaps significantly with SB 828 in these sections and, like SB 828, would likely increase RHNA for San Francisco as well as other cities around the region. Like SB 828, changes to RHNA as a result of AB 1771 are not likely to be large enough to require additional up-zoning in the next housing element cycle in 2022. Because both AB 1771 and SB 828 are likely to increase RHNA for low income households, SB 35 streamlining could continue to be in effect in San Francisco if the city is not able to meet its low income housing production targets.

### **Removal of “Market Demand for Housing” from Statute**

AB 1771 would remove an existing statutory provision that the RHNA methodology consider “market demand for housing”. The intent of AB 1771 appears to be to replace this analysis of market demand with the factors that it adds to the methodology including housing cost burdens and the number of units affordable to lower wage workers relative to the number of lower wage jobs. While the inclusion of these additional provisions is important to address housing need among lower income workers and households and provide additional zoned capacity for multifamily housing in higher income communities, the removal of “market demand” from consideration may undermine housing outcomes for low and moderate income

households given that demand from higher income households in part has driven the large increases in housing prices and rents in regions around the state.

In recent decades, the Bay Area and San Francisco have seen growth in income overall and in particular growth in higher income households that evidence suggests has outstripped housing construction and lead to increased housing prices and rents.<sup>4</sup> Removal of market demand from the methodology might limit RHNA's ability to address the impact that higher income households are having on housing markets statewide and make it more difficult to achieve the improved outcomes for lower income households that appear to be the bill's focus. In addition, this provision of AB 1771 is not included in SB 828 so its status will need to be resolved between the two bills if they both move forward in the legislature.

### **Inconsistencies Between the Bills**

While SB 828 and AB 1771 overlap on a variety of content, there are differences that will likely need to be resolved through the legislative process.

- AB 1771 makes changes to the RHNA objectives not present in SB 828 including the addition of a 5<sup>th</sup> objective regarding access to areas of high opportunity for lower-income residents, avoiding displacement, and affirmatively furthering fair housing. AB 1771 also adds to objectives 3 and 4 with language not present in SB 8282 that addresses availability of housing units affordable to low wage workers and RHNA allocations based on jurisdictions' share of households by income relative to the county.
- While both SB 828 and AB 1771 add language on housing cost burdens and overcrowding, SB 828 adds language on measurement of these factors in relation to comparable regions not present in AB 1771.
- As discussed in the section above, AB 1771 removes "market demand" from the RHNA methodology while SB 828 does not.
- The two bills also have differences in how to address racial and economic disparities through the RHNA process though both include language meant to address these issues.

### **Conclusion**

Both SB 828 and AB 1771 could make significant changes to the RHNA process. While they overlap extensively, the two bills do have some significant differences that will have to be resolved. Planning will continue to track the evolving bills and would be pleased to present updates at the Commission's request.

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<sup>4</sup> See the Executive Summary of Housing Needs and Trends Report published July 5<sup>th</sup> 2018 and the full report published July 12<sup>th</sup>, 2018 for more information on household income and wage trends.  
[http://default.sfplanning.org/publications\\_reports/Housing-Needs-and-Trends-Report-2018-ExecutiveSummary.pdf](http://default.sfplanning.org/publications_reports/Housing-Needs-and-Trends-Report-2018-ExecutiveSummary.pdf)  
[http://default.sfplanning.org/publications\\_reports/Housing-Needs-and-Trends-Report-2018.pdf](http://default.sfplanning.org/publications_reports/Housing-Needs-and-Trends-Report-2018.pdf)



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December 12, 2018

City of San Jose  
Department of Planning, Building and Code Enforcement  
*Attn: Rosalynn Hughey, Director*  
200 E. Santa Clara St, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113-1905

**Re: Draft General Plan Amendments and Downtown Strategy 2040**

Dear Ms. Hughey:

The City of Cupertino would like to offer the following comments regarding the proposed Downtown Strategy 2040 and related General Plan policy amendments. It is encouraging to see that the City of San Jose is proposing to continue to maintain a healthy jobs to housing ratio in the City with the proposed General Plan amendments. However, there are two main concerns that the City of Cupertino has with regard to the proposed amendments as follows:

1. *Proposed Employment Priority Area (EPA) Overlay Designation.* The proposed EPA Overlay in Downtown has a very high threshold for allowing housing development. The Planning Commission Staff Memorandum dated November 28, 2018, indicates that a development must include a minimum Floor Area Ratio of 4.0 for commercial (job-generating) uses, prior to allowing residential uses near the planned Downtown BART station on East Santa Clara Street. Doing so would be contrary to existing General Plan policy LU-10 which discusses meeting "...the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within half mile of transit with good access to employment areas, neighborhood services and public facilities."

By encouraging limiting the area within ten city blocks of a transit station to employment uses alone, the City will perpetuate underutilization of the transit system. People would be discouraged from using the BART station during early or late hours in the day since the area might be deserted and appear unsafe. The



memo acknowledges that San Jose is a net exporter of workers regionally; allowing residents easy access to public transit as an alternative will help achieve regional GHG goals. By placing a higher burden on housing development close to the regionally funded BART station, the City of San Jose is discouraging its optimal use.

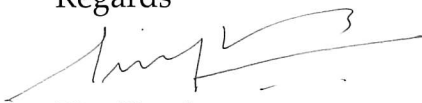
2. *Housing Reduction in Planned Growth Areas and Transit Access.* The General Plan amendments propose to reduce planned housing in several Planned Growth Areas, including Urban Villages with easy access to existing fixed route public transit. For e.g. 700 housing units are being reduced from VR23 (E. Capitol Expy/Silver Creek Rd) and C34 (Tully Rd/S. King Rd), which are in close proximity to the Alum Rock Light Rail station. Over 100 units are being reduced from C37 (Santa Teresa Bl/Bernal Rd) which is in close proximity to the Santa Teresa Light Rail station.

While there is an approximately 247 unit housing reduction in C43 (S. De Anza Boulevard), it should be noted that existing available public transit is of much lower quality (bus lines) than that available in VR23, C34 or C37 (fixed route light rail). Additionally, the future of Bus Rapid Transit (BRT) along Stevens Creek is tenuous and unknown; however, there has been no reduction in the number of housing units allocated to CR32 (Stevens Creek Boulevard.) The City of San Jose should consider the quality of available public transit and reevaluate the proposed housing transfers.

Finally, it appears that the “*Planned Job Capacity and Housing Growth Areas by Horizon*” table has been updated to move development in many Growth Areas to Horizon 1. While it is conceivable that this is done to reflect existing adopted Urban Village and other area plans, there does not appear to have been a discussion related to this in the staff memorandum.

Thank you for considering Cupertino’s comments on this project and we hope that the City of San Jose will consider making changes to the Downtown Strategy 2040 and the proposed General Plan amendments based on these comments.

Regards



Piu Ghosh  
Principal Planner

CC: Aarti Shrivastava, Assistant City Manager  
Benjamin Fu, Assistant Director of Community Development



**CITY MANAGER'S OFFICE**

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December 11, 2018

Via Electronic and Regular Mail

Jeannie Bruins  
City of Los Altos  
1 North San Antonio Road  
Los Altos, CA 94022

**SUBJECT: CASA Compact**

Dear Ms. Bruins:

Following adoption of the Bay Area's Sustainable Communities Strategy (SCS), Plan Bay Area, in 2013 (updated in 2017), CASA – the Committee to House the Bay Area (CASA), was convened by the Metropolitan Transportation Commission (MTC), the Bay Area's Regional Transportation Agency to identify innovative methods to meet the housing targets in the Plan. CASA's key principles include (1) increasing housing production at all levels of affordability, (2) preserving existing affordable housing, and (3) protecting vulnerable populations from housing instability and displacement.

From Summer 2017 through Fall 2018 CASA developed a suite of legislative, financial, policy and regulatory recommendations that together form a Regional Housing Implementation Strategy for presentation at state and regional levels. This has been presented to the Bay Area Regional Collaborative (BARC) on November 8, 2018 and the ABAG Executive Board on November 15, 2018 to solicit support on the proposed strategies together called the CASA Compact. It is expected that the Draft Term Sheets will be presented to the MTC Executive Board on December 17, 2018.

Based on comments from the Executive Director of the MTC at the ABAG Executive Board meeting, it is anticipated that the CASA Compact will be forwarded to state legislators for their consideration for implementation without the scope of many (or any) edits by the ABAG or MTC Executive Boards and regardless of the outcome of their voting. Mr. Heminger explained that CASA was not established with the intent of requiring Board Approval on its work product. He also indicated that state legislators

have been closely monitoring CASA's progress and regardless of support or opposition from ABAG and MTC will likely forward many of the recommendations for consideration at the state level. The CASA Compact essentially provides support to existing and future legislative work and intent.

Several members of the ABAG Executive Board expressed concerns about several terms in the Compact at its November 15, 2018 meeting, particularly the proposed changes to regulations that preempt local control over land use matters, including the upzoning along transportation corridors and a "one-size-fits-all" strategy for development. Several concerns were raised about the lack of outreach with smaller jurisdictions and broader participation in the preparation of the Draft Term Sheets. MTC staff indicated that given the schedule, there is no time for the outreach suggested by the Board. However, the ABAG Executive Board recommended a workshop to allow local jurisdictions to provide their input, possibly at a future board meeting. No vote was taken on the Compact at the November meeting.

A preliminary evaluation of the CASA Compact Draft Term Sheets raises the following concerns:

1. *Minimal outreach to local governments* – Local government representation in CASA is limited to the three largest cities in the region and three local jurisdictions (out of over 100 local agencies). Consensus on the CASA Compact has been built around builders, non-profit agencies, labor unions etc. However, most of the affected agencies have not been consulted on the Compact or its elements. It should be noted that many of the action items would impact all local agencies in California including those that may not have finances or staffing to implement the mandates;
2. *Preemption of local control over zoning regulations, inclusionary requirements and design review* – Aggressive density, height, open space and setback standards, suspension of inclusionary requirements if adequate housing not constructed, requiring jurisdictions to grant waivers/reductions to inclusionary requirements. Additionally, local jurisdictions ability to conduct design review would be severely limited to objective standards including disallowing any reductions in established height allowances for architectural articulation;
3. *Freezing fees, community benefits etc. at time of application for 100% affordable projects and at time of completeness for other projects* – While fees in Cupertino are generally frozen to time of completeness, like many other cities, community benefits are generally negotiated through project review and finalized at application approval by the City Council. This would limit cities ability to negotiate community

benefits. All community benefits would have to be established prior to any proposed development;

4. *Overreach in land use regulations by the Regional Transportation Commission* – In addition to a statutory housing overlay near transit, MTC is proposing to establish a new index to evaluate areas based on 5-factors identified by MTC which would allow implementation of state mandated zoning regulations for density, open space, height and parking well beyond the transit focus areas;
5. *Added fiscal pressures on local government due to statutory streamlining requirements and tax relief measures* – Statutory streamlining deadlines (similar to existing SB 35 timelines) by project size could require local agencies to incur expenses to hire additional staff to ensure timely project review. However, a potential 15-year tax relief could impact the General Fund further burdening local agencies. In addition, local agencies would be restricted from charging existing fees if erroneously not identified during the entitlement phase of project;
6. *Suspension of inclusionary requirements* – the legislative agenda proposes a suspension of inclusionary requirements in the event that a finding that inclusionary requirements are not thwarting housing development cannot be made within the first 30 calendar days of the day. Construction of housing cannot be guaranteed by cities upon project approval. For e.g., in Cupertino, 788 residential units were permitted in 2016, however, no building permits have been submitted and construction has not commenced on these projects.
7. *Establishment of a Regional Housing Entity (RHE) that determines disbursement of funds* – this is a concern particularly if a smaller jurisdiction generates much of the revenue. E.g. a gross receipts tax in Cupertino could generate substantial revenue, but only a small portion of that can be expected to be allocated to the City;
8. *Appropriation of local finances* – Cupertino, like several other cities in the region, already has a commercial linkage fee. With establishment of the RHE, it appears that this would be appropriated;
9. *Governmental structure of the RHE* – the proposed structure of the RHE is expected to be similar to the MTC structure. If this is heavily weighted toward the interests of bigger cities in the region, very little of the funds generated by smaller cities can be expected to be allocated back to the cities of origin;
10. *Concerns about use of local agency funds* – Concern raised by one of the ABAG Board members. Require cities to fund legal representation in the event of all kinds of evictions – including just evictions such as not having paid rent.

Cupertino looks forward to a dialogue with ABAG and MTC on formulating strategies to produce, preserve and protect affordable housing. However, the current CASA Compact has several items of concern that need to be restructured or stricken, regardless of whether these are proposed by other state legislators or not. As Cupertino's MTC representative, we hope that you will present our concerns to the MTC Executive Board and encourage broader outreach with local agencies by CASA and MTC staff.

Sincerely,



Amy Chan

Interim City Manager

Enclosures: Attachment A – Draft CASA Term Sheets



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## Memorandum

**To:** Amy Chan, City Manager

**From:** Aarti Shrivastava, Assistant City Manager and Piu Ghosh, Principal Planner

**Subject:** CASA Compact

**Date:** November 27, 2018

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### Background

State law (SB 375) requires the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), to adopt a Sustainable Communities Strategy (SCS) that is intended to help the region meet targets related to GHG adopted by the California Air Resources Board (CARB). To this end, the two agencies adopted Plan Bay Area 2040 in 2013 (updated in 2017) for the nine counties and 101 cities in the region. Plan Bay Area is the region's long-range transportation and land use plan and projects that the region will see 2.4 million more people (approximately 820,000 new households) and 1.3 million new jobs by the year 2040.

Following adoption of the plan, **CASA – the Committee to House the Bay Area (CASA)**, was convened by the Metropolitan Transportation Commission (MTC), the Bay Area's Regional Transportation Agency<sup>1</sup> to identify innovative methods to meet the housing targets in the Plan. CASA's key principles include (1) increasing housing production at all levels of affordability, (2) preserving existing affordable housing, and (3) protecting vulnerable populations from housing instability and displacement.

CASA is led by three Co-Chairs and the Executive Director of MTC (Steve Heminger). It is structured around a Steering Committee and Technical Committee composed of elected officials from the three largest cities (Oakland, San Francisco and San Jose) in the Bay Area,

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<sup>1</sup> Since convening CASA, the MTC and Association of Bay Area Governments (ABAG) staff have merged under one umbrella (collectively referred to as Bay Area Metro) but retains two separate Executive Boards – MTC for the transportation related decisions and ABAG for land use related decisions.

four counties (Alameda, San Francisco, Santa Clara and Sonoma), the cities of Mountain View, Rohnert Park and Santa Rosa, and thought leaders and policy experts from private companies, labor unions and regional agencies across the region. Local government representation from smaller cities is limited. The CASA effort is supported and staffed by the Metropolitan Transportation Commission (MTC) and a team of consultants.

From Summer 2017 through Fall 2018 the Co-Chairs and Committees developed a suite of legislative, financial, policy and regulatory recommendations that together form a Regional Housing Implementation Strategy for presentation at state and regional levels. This has been presented to the Bay Area Regional Collaborative (BARC) on November 8, 2018 and the ABAG Executive Board on November 15, 2018 to solicit support on the proposed strategies together called the CASA Compact. It is expected that the Draft Term Sheets will be presented to the MTC Executive Board on December 17, 2018.

## Discussion

### Analysis:

In summary, the Elements are meant to address three different aspects of affordable housing – Production, Preservation and Protection. They feature a three-prong approach to support these, which include legislative reform, generation of new revenue and creation of a Regional Housing Enterprise (RHE) to disburse the new revenue. The areas of concern are underlined in italics. Attachment 1 includes the draft Term Sheets with more details on each of the ten elements.

The CASA Compact is comprised of ten elements:

1. Just Cause Eviction Standards – intended to protect tenants from arbitrary evictions; pursue state legislation to apply to most rental multi-family units with certain exceptions. Require noticing prior to eviction and relocation benefits.
2. Emergency Rent Cap – intended to establish reasonable annual increases in rent in the event of a state of emergency. Options include:
  - 5% plus CPI or a tiered structure based on age of the units.
  - Allow banking of rent increases by landlords but to cap the maximum rent increases to ensure rent increases do not become exorbitant.
3. Right to Legal Counsel in Eviction Proceedings – intended to allow access and right to legal counsel in the event of eviction proceedings. The element includes discussion of a source of funding for this right. Options include:
  - A regional transient occupancy tax, a tax on short term rentals and vacant units, and a regional mega measure.
  - Implementation of such a program including disbursement and management of the funds and/or services by the MTC.



4. Streamlining for ADUs and Tiny Homes – intended to allow more lax standards for Accessory Dwelling Units and Junior ADUs, allowing multiple ADUs in multi-family homes and the creation of a small homes building code. Options include:
  - Minimum ADU size to be 800 square feet in any residential zone,
  - A maximum of 16 feet in height with four feet side or rear yard setbacks (conflicts with Cupertino’s existing accessory structure requirements);
  - Restricts ADUs receiving ministerial permits to not be short term rentals;
  - Application of strict Housing Accountability Act (HAA) standards for successful legal challenge and determination of project consistency;
  - Limiting impact fees to net new living area over 500 square feet per ADU.
5. Minimum Zoning for Housing Near Transit – intended to increase the number of market rate and affordable units near transit and MTC 5-Factor Areas (based on a new index established by MTC to support increased density – affordability, Vehicle Miles Traveled (VMT) reduction, resilience, access to opportunity, and displacement) in areas with low density residential, commercial and public sites with limited parking and expands, at a minimum, missing middle housing in areas targeted by Plan Bay Area and Sustainable Communities. The intent is to adopt a modified version of the failed SB 827. These include:
  - A statutory housing overlay within ½ mile to potentially 1 mile of transit with increased density (i.e. no numerical density restrictions);
  - Mandatory minimum standards for missing middle housing in proximity to transit (statutory minimum standards established for building heights, setbacks and maximum unit sizes);
  - For areas closer to major transit corridors mandate no standards may be applied for density, open space, parking, minimum lot sizes or building envelope except the maximum allowed height may not be less than 50 feet (up to 75 feet with state density bonus) and minimum setbacks may not be less than statutory standards;
  - Expansion of upzoning beyond the narrow transit focus consistent with MTC’s analysis based on the 5-Factors;
  - Application of the strict HAA standards for successful legal challenge and determination of project consistency.
6. Effective and Fair State Housing Streamlining Laws – intended to further streamline review of housing projects, allow 15-year tax abatement and other offsets to pay for labor and affordable requirements, limit construction liability to make homes more insurable. These include:
  - Automatic SB 35 streamlining for projects with 20 units or less without required affordability, wage, apprentice or labor standards;
  - Application of the strict HAA standards for successful legal challenge and determination of project consistency;

- Allow waivers or modification of inclusionary requirements if requested by developers by either reduced inclusionary rates, higher area median income rates, payment of an in-lieu fee or provision of units/land off-site. Agencies need to adopt findings that disproves rationale for waiver subject to HAA challenges;
  - Allow 15-year tax relief;
  - Make SB 35 projects eligible for automatic 35% Density Bonus; (allows exemptions from objective standards as incentives/concessions or waivers).
  - Reduce construction liability to three years for condominium projects;
  - Local agencies to make findings, with statutorily mandated evidence that local inclusionary rates are not suppressing housing production, within first 30 days of year. Transcript to be submitted to HCD and regional agency. If not completed, inclusionary requirements may not be required of projects;
  - Statutorily set an affordable housing fee. Details are unclear.
7. Public Land for Housing Production – intended to promote increased utilization of public land for affordable housing by enhancing legislation and regulatory tools. These include:
- Generate inventory of publicly owned site within boundaries;
  - Allow residential uses on developable land regardless of zoning if it meets certain criteria (e.g. is not parkland). If housing prohibited, require submittal of rationale of its exemption based on strict state-sanctioned standards;
  - Modify Low Income Housing Tax Credit (LIHTC) and other programs to incentivize housing on public lands. Require trained apprentice and prevailing wages;
  - Review State’s spatial guidelines for public facilities (i.e. schools) to evaluate potential for changes that allow housing without compromising quality of on-site public services (e.g. allow vertical integration of housing with schools);
  - Define temporary housing;
8. Streamlining of Local Housing Approval Process – intended to disallow projects from getting stuck in the approval pipeline and reduce impact fees. Including:
- Disallow height and density reductions, limits moratoria in residential zones;
  - No more than 3 de novo public hearings allowed (including appeals);
  - Report to MTC and HCD the length of time for application to approval, including number of hearings and appeals for each application;
  - Streamlined permits expire in 24 months;
  - All rules, fees, codes and standards must be made available in written form with clear mechanisms for determining rules, fees, inclusionary standards, community benefits and historic status determinations, else cannot be required nor agreed to by developer;
  - Lock in fees, rules and Community Benefits at application completeness for market rate projects and at date of application for 100% affordable projects;
  - Define “completeness”;

- Limit mitigation impact fees from a per unit basis to a per square foot basis (might need update to Parkland Dedication In Lieu and Traffic Impact Fees);
  - Impact fees only allowed on net new living area over 500 square feet;
  - Develop regional methodology for impact fees that can be charged by local agencies. Require an evaluation of total fees and locally imposed requirement in excess of state code (not labor costs). Provide to regional agency and HCD;
  - Written estimate of ALL fees to be provided during entitlement or cannot be collected at building permit stage;
  - Allow payment of up to 50% of impact fees at project completion if accompanied by reasonable financial security at permit issuance;
  - Amend Permit Streamlining Act to require approval of all residential projects less than 20 units or 20,000 square feet in size within 6 months and over 20 units in 12 months. Requires parallel CEQA amendments;
  - Amend Density Bonus Law to add clarity and require HCD to develop clear implementation guidelines including implementation forms, agreement etc.
  - HCD to monitor Density Bonus and Inclusionary Units;
  - Clarify mitigation fees not applicable to Density Bonus or inclusionary units.
9. Regional Housing Enterprise – Intended to establish a regional housing enterprise (RHE) (not intended to play a regulatory/enforcement role) to implement the CASA Compact, *by raising and disbursing funds*, tracking and reporting progress, providing incentives and technical assistance and to be governed by representation from the key stakeholder groups that helped develop the Compact. Includes:
- Formation of the RHE by legislation with authority to collect and disburse revenue, purchase, lease and hold land and provide direct assistance;
  - May levy fees and seek voter approval to impose taxes for housing, issue debt based on need and allocate funding;
  - May propose future changes to CASA Compact to improve outcomes (authorizes a regional lobbying agency for setting legislative agenda);
  - To be supported by Bay Area Metro staff with additional staff added in specialized areas e.g. debt issuance, land leasing and disposition, financing.
10. New Revenue to Implement the Compact – intended to raise the required financing to support implementation of the CASA Compact estimated to be \$1.5 billion annually. These include:
- Raising financing: options include 2% Vacant Homes Tax for owners, Regional Commercial Linkage fee, Gross Receipts Tax on employers based on sector and size, bringing back Redevelopment Agencies and setting a 25 percent set aside requirement on revenues for subsidized units and a ½ cent sales tax.
  - Revenue Allocation: Up to 10% for local jurisdiction incentives; up to 10% for tenant protection services; up to 20% for preservation and a minimum of 60% for subsidized housing production
  - Distribution: 75% to county of origin; and 25% to a regional program.

## Issues

A preliminary evaluation of the CASA Compact Draft Term Sheets raises the following concerns:

1. *Minimal outreach to local governments* – Local government representation in CASA is limited to the three largest cities in the region and three local jurisdictions (out of over 100 local agencies). Consensus on the Compact has been built around builders, non-profit agencies, labor unions etc. However, most of the affected agencies have not been consulted on the Compact or its elements. It should be noted that many of the action items would impact all local agencies in California including those that may not have finances or staffing to implement the mandates;
2. *Preemption of local control over zoning regulations and design review* – Aggressive density, height, open space and setback standards, suspension of inclusionary requirements if adequate housing not constructed, requiring jurisdictions to grant waivers/reductions to inclusionary requirements. Additionally, local jurisdictions ability to conduct design review would be severely limited to objective standards including disallowing any reductions in established height allowances for architectural articulation;
3. *Freezing fees, community benefits etc. at time of application for 100% affordable projects and at time of completeness for other projects* – While fees in Cupertino are generally frozen to time of completeness; community benefits are generally negotiated through project review and finalized at application approval with the City Council. This limits the City's ability to negotiate community benefits similar to Vallco, Hamptons or Marina Foods Development Agreements. All community benefits would have to be established prior to any proposed development;
4. *Overreach in land use regulations by the Regional Transportation Commission* – In addition to a statutory housing overlay near transit, the MTC is proposing to establish a new index to evaluate areas based on MTC 5-factor areas which would allow implementation of state mandated zoning regulations for density, open space, height and parking;
5. *Added fiscal pressures on local government due to statutory streamlining requirements and tax relief measures* – Statutory streamlining deadlines (similar to existing SB 35 timelines) by project size could require local agencies to incur expenses to hire additional staff to ensure timely project review. However, a potential 15-year tax relief could impact the General Fund further burdening local agencies. In addition, local agencies would be restricted from charging existing fees if erroneously not identified during the entitlement phase of project;
6. *Suspension of inclusionary requirements* – the legislative agenda proposes a suspension of inclusionary requirements in the event that a finding that inclusionary requirements are not thwarting housing development cannot be made within the first 30 calendar days of the day;

7. *Establishment of a regional entity that determines disbursement of funds* – this is a concern particularly if a smaller jurisdiction generates much of the revenue. E.g. a gross receipts tax in Cupertino could generate substantial revenue, but only a small portion of that can be expected to be allocated to the City;
8. *Appropriation of local finances* – Cupertino already has a commercial linkage fee. With establishment of the RHE, it appears that this would be appropriated;
9. *Governmental structure of the RHE* – the proposed structure of the RHE is expected to be similar to the MTC structure. If this is heavily weighted toward the interests of bigger cities in the region, very little of the funds generated by smaller cities expected to be allocated back to the cities;
10. *Concerns about use of local agency funds* – Concern raised by one of the ABAG Board members. Require cities to fund legal representation in the event of all kinds of evictions – including just evictions such as not having paid rent.

Based on comments from the Executive Director of the MTC at the ABAG Executive Board meeting, it is anticipated that the CASA Compact will be forwarded to state legislators for their consideration for implementation without the scope of many (or any) edits by the ABAG or MTC Executive Boards and regardless of the outcome of their voting. Mr. Heminger explained that CASA was not established with the intent of requiring Board Approval on its work product. He also indicated that state legislators have been closely monitoring CASA's progress and regardless of support or opposition from ABAG and MTC will likely forward many of the recommendations for consideration at the state level. The CASA Compact essentially provides support to existing and future legislative work and intent.

Several members of the ABAG Executive Board expressed concerns about several terms in the Compact at its November 15, 2018 meeting, particularly the proposed changes to regulations that preempt local control over land use matters, including the upzoning along transportation corridors and a "one-size-fits-all" strategy for development. Several concerns were raised about the lack of outreach with smaller jurisdictions and broader participation in the preparation of the Draft Term Sheets. MTC staff indicated that given the schedule, there is no time for the outreach suggested by the Board. However, the ABAG Executive Board recommended a workshop to allow local jurisdictions to provide their input, possibly at a future board meeting. No vote was taken on the Compact at the November meeting.

### Next Steps

Given the broad concerns identified in this report, it is recommended that formal communication be sent to the ABAG and MTC Executive Board Representatives to highlight the concerns prior to their next meeting. The MTC Executive Board is expected to meet on December 17, 2018 and the ABAG Executive Board in January 2019. Communication should also be sent to state representatives and this should be brought to the attention of the Cities Association of Santa Clara County for its consideration.

Attachments:

1. CASA Compact Draft Term Sheets
2. ABAG Executive Board meeting agenda dated November 15, 2018 available online at:  
<https://abag.ca.gov/abag/events/agendas/e111518a-Agenda%20Packet.pdf>

Elements of the CASA Compact  
Draft Term Sheets  
Wednesday, November 7, 2018

1. Just Cause Eviction Standards
2. Emergency Rent Cap
3. Right to Legal Counsel in Eviction Proceedings
4. Streamlining for ADUs and Tiny Homes
5. Minimum Zoning for Housing Near Transit
6. Effective and Fair State Housing Streamlining Laws
7. Public Land for Housing Production
8. Streamlining of Local Housing Approval Process
9. Regional Housing Enterprise
10. New Revenue to Implement the Compact



## Compact Element #1: Just Cause Eviction Standards

**Desired Effect:** Just cause would protect tenants from arbitrary evictions. Studies show that eviction can cause health issues, emotional trauma, school disruptions for children, longer and more costly commutes and reduced wage earnings for adults. By preventing no-cause evictions, just cause eviction protections promote tenant stability—particularly in low vacancy and expensive housing markets—and limit eviction-related monetary, health, school and other costs. Eviction-related costs can pose a particular burden for tenants who are low and fixed income, have physical disabilities, or are elderly.

**Scale:** State legislation applied to 9 Bay Area counties

**Models:**  
New Jersey statewide Just Cause Law; Large cities in CA (SF, Oakland, San Jose, LA)

**References:**  
Action Plan 2.1

**Negotiation Points:**  
Definition of permissible causes for eviction, define property types excluded, discuss relocation assistance; means of enforcement

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Permissible causes for eviction	<p>Fault:</p> <ul style="list-style-type: none"> <li>• Failure to pay rent</li> <li>• Substantial breach of a material term of the rental agreement</li> <li>• Nuisance</li> <li>• Waste</li> <li>• Illegal conduct</li> </ul> <p>No fault:</p> <ul style="list-style-type: none"> <li>• Owner-Move-In (OMI) or Relative-Move-In (RMI)</li> <li>• Withdrawal of unit from rent or lease market (e.g., Ellis Act/condominium conversion)</li> </ul>	<p>Definition of:</p> <ul style="list-style-type: none"> <li>• Nuisance</li> <li>• Illegal conduct</li> </ul>	

	<ul style="list-style-type: none"> <li>• Unit Unsafe for Habitation: Recovery of unit for health and safety reasons</li> <li>• Demolition or substantial rehabilitation</li> </ul>		
Coverage	<p>Applies to all rental units except the following:</p> <ul style="list-style-type: none"> <li>• Government owned and government subsidized housing units (e.g., Section 8)</li> <li>• Transient and tourist hotel occupancy as defined in Civil Code Section 1940(b)</li> <li>• Housing accommodations in a nonprofit hospital, convent, monastery, church, religious facility, or extended care facility</li> <li>• Dormitories owned and operated by an institution of higher education or a high school or elementary school</li> <li>• Unit where tenant shares a bathroom or kitchen facility with the owner who maintains their principal residence there</li> <li>• Single owner-occupied residences including when the owner-occupant rents or leases 2 units (including ADU and JADU) or bedrooms</li> </ul> <p>In the event that a local ordinance conflicts with a state or federal ordinance, the others should prevail. All restricted housing is exempt from any fees that might be levied by the localities to implement this program or cap to some nominal amount.</p>	<ul style="list-style-type: none"> <li>• Resident-owned nonprofit housing</li> </ul>	
Notice Requirements	<p><u>Tenant Rights</u>: The owner must provide notice to tenants at the beginning of each tenancy as to tenant rights with copy of lease. This notice should be in the form of a lease addendum that is signed by the tenant at the time the lease is signed.</p> <p><u>Evictions</u>: The grounds for eviction must be set forth in the notice to terminate tenancy.</p> <ul style="list-style-type: none"> <li>• If the reason for the termination is for cause, the owner must provide an initial notice with an opportunity to cure before the notice of termination. This should only be for insufficient funds, nuisance or other types of curable lease violations. If the lease violation is related to</li> </ul>	<p><input checked="" type="checkbox"/> If the reason for termination triggers relocation benefits, then the notice must include that the tenant is entitled to a relocation fee of the amount then in effect</p>	

	<p>specific illegal activity of presents the potential for harm to other tenants, there should not be a right to cure. Separate provisions should be made for domestic violence situations.</p>		
Relocation Assistance	<p><u>Eligibility</u>: Applies to all no-fault causes.</p> <p><u>Timing</u>: Provided directly to the tenant at the time of service of the notice to quit.</p> <p><u>Notice</u>: The landlord shall notify the tenants of their rights under this section at the time of service of the notice to quit.</p>	<ul style="list-style-type: none"> <li>If the reason for termination triggers relocation benefits, then the notice must include that the tenant is entitled to a relocation fee of the amount then in effect</li> </ul> <p><u>Amount</u>:</p> <p><i>Option 1</i> (set amount per tenant household): A set amount per tenant household, e.g. \$15,000. (<i>See, e.g., Berkeley \$20k</i>). Berkeley is too expensive, San Jose has a tiered relocation option based on bedroom size that is much more reasonable.</p> <p><i>Option 2</i> (multiple of month's rent): Could tier by landlord size (e.g. if landlord owns 4+ units or under 4 units). (<i>See e.g., Glendale, Mountain View</i>)</p> <p><i>Option 3</i> (set amount by unit size): (<i>See, e.g., Beverly Hills, Oakland, San Jose, Santa Monica, West Hollywood, for models</i>)</p> <p><i>Option 4</i> (set amount by bedroom): San Jose</p> <p>Annual increases</p>	
Enforcement		Enforcement-How to provide information to landlords	

Preemption of Local Ordinances	This law does not preempt more restrictive local ordinances.		
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## Compact Element #2: Emergency Rent Cap

**Brief Summary:** Establishes reasonable annual increases in rent.

**Desired Effect:** High impact. An emergency rent cap would prevent extreme rent increases in rent on a year-to-year basis, thereby decreasing the number of households who are at risk of displacement and homelessness, decreasing the number of households who are rent burdened, and promoting tenant and community stability. Extreme rent increases can pose a particular burden for tenants who are low and fixed income. Can be extended

**Scale:** State legislation applied to 9 Bay Area Counties

**Models:** Existing State Anti-Gouging Law in States of Emergency (cite)

**References:** Action Plans Referenced: 1.1, 1.2, 1.3

**Negotiation Points:** Annual rent increase limits, vacancy decontrol, define property types excluded; limits on # of years increases can be banked and % of increases banked; enforcement mechanisms; duration: permanent program or tied to emergency declaration w/ sunset provisions

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Annual Rent Increase Limits	No landlord shall increase rent by more than the allowable increase, as defined below, in any year of tenancy (yearly increase).	<p><u>Percentage Increases:</u>                      Option 1: all units have rent increase caps, e.g. 5%+CPI</p> <p>Option 2: a different cap depending on age of unit, e.g. units 15+ years have CPI cap and newer units have 5%+CPI</p> <p><u>Term</u>                      Is there a sunset period?</p>	This applies whether or not Prop 10 passes. Costa Hawkins is irrelevant to state legislation and does not limit coverage in this instance
Vacancy Provision		Vacancy de/control Cap applies to renter not unit -	

Coverage		<i>In addition to exemption of nonprofit/government owned housing, dormitories, ADUs, are there other exceptions?</i>	Costa Hawkins is irrelevant to state legislation and does not limit coverage in this instance
Banking and Capital Improvements		Banking cap, cap on annual increases Formula for pass thrus and returns  LL can bank 5 years of unused maximum Only increase rents 2x annual maximum eg. CPI+5x2	Some protections need to be in place so that landlords cannot "bank" an unreasonable amount of rent increases and then issue an exorbitant aggregated rent increase all at once.
Preemption of Local Ordinances	This law does not preempt more restrictive local ordinances.		
State of Emergency		What conditions need to exist for this to apply? Who declares the state of emergency? Determine if state of emergency garner any other tools to expedite housing (permitting, etc)	



### Compact Element #3: Right to Legal Counsel for Eviction Proceedings

**Brief Summary:** All tenants facing eviction would have the right to legal counsel, leveling the playing field and protecting tenants from illegal evictions.

**Desired Effect:** Access to a lawyer can be the difference between losing a home and keeping it. Ensuring that all tenants facing eviction have the right to legal counsel would create a fairer justice system; prevent evictions and homelessness; improve health, stability and opportunity for thousands of residents, including children; and preserve existing affordable housing. With proper implementation, research suggests that the right to legal assistance for eviction proceedings can reduce evictions by 77% to upwards of 94% (according to a pilot program in California) and lead to a net savings for local jurisdictions. (e.g. in New York City cost savings are estimated at \$2 for every \$1 spent on legal assistance)

**Scale:** State legislation supported by regional funding

**Models:** SF Prop F passed in June, New York City

References: Action Plan 3.1

**Negotiation Points:** Funding source, identifying providers/administration; fees: means testing or sliding scale

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Coverage	All tenants who are faced with legal proceedings to evict them from their residence have the right to legal counsel except when eviction proceedings are brought by a landlord or master tenant who resides in the same dwelling unit or property with tenant. The region or city shall have no obligation to provide	What is forum for resolution?. Create separate renters court, regional or local?  Means tested? At what range?	The term "legal representation" shall mean full scope representation provided to an individual by a designated organization or attorney which includes, but is not limited to, filing responsive pleadings, appearing on behalf of the tenant in court proceedings, and providing legal advice.

	<p>legal services where a state or federal program already provides full scope legal representation to a tenant facing eviction proceedings. Landlord obligation limited to providing an addendum notice of this rights in lease and eviction notice. Landlord has no payment or any other obligations. Tenant failure to exercise right to counsel will not impede eviction proceedings for landlord.</p>		
<p>*Funding (alternative pathway to achieve right)</p>	<p>Generate approximately \$50 million per year to fund regional right to legal counsel.</p>	<p>What happens in eviction where there is no \$ for attorney?</p> <p>Possible sources include a regional transient occupancy tax, a tax on short-term rentals and vacant units, and a regional mega-measure, among others.</p>	<p>Tenants Together’s recent report, <i>California Evictions Are Fast and Frequent</i> found the following 3-year averages for unlawful detainer filings by county: (1) Alameda - 5,467; (2) Contra Costa - 3,928; (3) Marin - 432; (4) Napa - 277; (5) San Francisco - 3,275; (6) San Mateo - 1,516; (7) Santa Clara - 3,515; (8) Solano - 2,321; and (9) Sonoma - 1,195, for a total of 21,926 unlawful detainer filings per year. It should be noted that this number does not include the number of eviction notices prior to the filing of unlawful detainer eviction lawsuits. Therefore, if the region were to provide a right to legal counsel, the number of cases could be much higher; however, as a counterpoint, a right to legal counsel would likely deter landlords from serving tenants with illegal eviction notices.</p>
<p>Providers</p>		<p>Option 1: Each city shall establish, run, and fully fund a program to provide legal representation for all tenants within the city who are faced with legal proceedings to evict them from their residence.</p>	<p><u>NYC’s</u> has a coordinator who designates existing organizations that have “the capacity to provide legal services”</p>

		<p>Option 2: Each jurisdiction identifies local service providers to provide legal representation. Bay Area Metro distributes funds to local service providers from a regional pool. Bay Area Metro and local jurisdictions fund and conduct education efforts to notify residents of this right.</p> <p>Option 3: Bay Area Metro identifies and funds local service providers to provide legal representation. Bay Area Metro funds and conducts education efforts to notify residents of this right.</p>	<p>Annual or bi-annual review of the program</p>
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## Compact Element #4: Remove Regulatory Barriers to ADUs and Tiny Homes

**Brief Summary:** Amend existing state ADU law to remove regulatory barriers to building including ministerial approval for ADUs and Junior ADUs in residential zones, allowance for multiple ADUs in multi-family homes, and creation of a small homes building code (AB 2890 Ting).

**Desired Effect:** Extremely High Impact; Short Term. Assuming 20% of 1.5 Million single family homes in Bay Area = 300,000 new homes distributed into existing neighborhoods. In PDAs alone would be 50,000 new homes. Distribute green, more affordable homes quickly and uniformly in region. State must reduce zoning barriers to: (1) Create significant, rapid increase in less costly homes including stabilizing vulnerable households including seniors, disabled, and lower income homeowners in all existing neighborhoods (Missing middle housing, Preservation); (2) Reduce GHG by improving utilization of buildings/land build more small, infill, low GHG/sustainable homes (3) ease codes for ADUs and Tiny Homes . Help expand and stabilize labor force and construction.

**Scale:** State legislation applied to 9 Bay Area Counties

**Models:** Arlington VA, Portland OR, Seattle WA, Vancouver BC, State of Oregon Tiny Homes Code, (Leslye's work)

**References:** Action Plans 10.3, 10.4  
UCB Chapple 2015; UCB Turner Center 2017; Legislative history SB 1069, AB 2890

**Negotiation Points:**

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Ministerial Approval	Allow ministerial approval regardless of zoning standards for: <ul style="list-style-type: none"> <li>Both an ADU and a Junior ADU (JADU), not required to be smaller than 800 sqft in any zone that allows residential uses; in existing or proposed structures including in rear yard cottage not to exceed 800 sqft , 16' tall , with 4' in side or rear yard setbacks</li> </ul>		

	<ul style="list-style-type: none"> <li>Existing unused spaces in multi-family structures or yards may be converted to multiple ADUs.</li> <li>ADUs receiving ministerial permits cannot be rented for less than 30 days; subject to local non-zoning housing standards not addressed in this law</li> <li>Encourage non-safety code forgiveness</li> <li>Provide that remedies for successful project applicant legal challenge include same as in HAA.</li> <li>Apply HAA's provisions for determining project consistency (if there is substantial evidence to support a consistency determination it is deemed consistent)</li> </ul> <p>Allow division of existing homes by 50% where ADU may be 800 sqft</p>		
Owner Occupancy	If Owner Occupancy locally required, reasonable annual monitoring based on published documents		
Impact Fees	Limit impact fees to (1) being charged on a per square foot basis and (2) only on net new living area over 500 sqft per accessory unit		
Small and Tiny Homes Building Code	<p>Create small homes building code to reduce non-safety code requirements that disproportionately make small homes and tiny homes infeasible including energy standards, appliance and room sizes, and similar.</p> <p>Life-safety standards must be upheld</p> <p>Use of unlicensed contractors under "owner builder" permits shall be discouraged by requiring a statement of owner liability be provided at time of building permit issuance under any small homes building code and any other building permits issued for ADUs.</p> <p>Sprinklers shall be required for ADUs if required under the building code for comparable home construction</p>		



## Compact Element #5: Minimum Zoning for Housing

**Brief Summary:** Increase number of market rate and affordable homes near transit and MTC 5-Factor Areas on low density residential, commercial, and public sites with limited parking in a manner that fits in with existing neighborhoods and expands at a minimum missing middle housing (housing built to height of 36', 75% lot coverage, no parking, no density restrictions), to significantly increase overall housing production in areas targeted by Plan Bay Area and Sustainable Communities and consistency with new MTC 5-factor index.

**Desired Effect:** High Impact, Medium to Long term but essential to achieve compliance with PBA and SCS. Required precursor to increasing housing production of market rate, affordable, homeless, and all forms of housing.

**Scale:** State legislation applied to 9 Bay Area Counties

**Models:** Portland OR, Seattle WA pre-zoning infill neighborhoods

**References:** Action Plans Referenced: 8.2, 10.3, 10.5, 10.6  
SB 827

**Negotiation Points:** Temporary delay provisions for communities of concern for 3-5 years; height for added density above missing middle to 75/80', define qualifying transit (bus, rail, ferry, major transit stop?); Refer to last draft of last printed version of sb 827 for all items except those not specified here.

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
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<p>Density Requirements</p>	<p>Modify concepts from last printed version SB 827 only as specified below</p> <ul style="list-style-type: none"> <li>• increase housing densities and create allow housing overlay (1 mile?) ½ miles “on Transit” (confirm definition) to permit housing uses on commercial and institutional land below a low allowed FAR (1.5) to a minimum missing middle or “Minimum Housing Density” . See definition of minimum housing density below.</li> <li>• increase densities and create housing overlay on Transit to at least densities above.</li> <li>• In areas closer to major transit corridors (rail corridors, ferry stations, major transit corridors) increase densities to minimum 50’ (up to 75’ with density bonus excepting that “Sensitive Communities” can delay this increased Transit Density for projects providing less than 50% affordable housing for up to 4 years at 120% of AMI or less but only if no plan adopted last 5 years ie no downzoning</li> <li>• Sites occupied by a Mobile Home Park, Public Housing, or Single Room Occupancy built prior to Effective Date shall not be eligible for Minimum Density overlay</li> <li>• Subject to Additional Terms from SB 827 (e.g. no net loss, etc.).</li> <li>• No local action required under CEQA for this to take effect</li> </ul>	<p>Height for added density above missing middle</p> <p>Define qualifying transit (bus, rail, ferry, major transit stop?);</p> <p>Determine definition of “transit corridors”</p> <p>Determine reduced affordability levels outside “sensitive communities”</p> <p>Determine period of “deferred compliance” and expected planning densities on transit for completed plans.</p> <p>Map of sensitive communities</p>	<p>To broaden missing middle zoning, widen zoning overlay, add provision that housing overlay applies to disturbed commercial/institutional sites larger than 5 acres, with permitted FAR below 1.5, in urbanized areas (targets large non-performing low density retail, light industrial) outside of transit areas, with 0 parking minimum</p>
<p>Definition Missing Middle Zoning</p>	<p>* Missing middle standards: Local jurisdictions shall not adopt local zoning standards to limit density, require a minimum lot size, amount of parking or open space, or control the building location or envelope on a lot, except the following may be regulated:</p> <ol style="list-style-type: none"> <li>1. Building height – Maximum allowed building height shall not be less than 36’ except in the rear 20’ of the lot where the maximum allowed building height may be reduced to 15’.</li> <li>2. Yard setbacks – Minimum required yard setbacks shall be no more than 10’ in the front, 5’ in the side, and 10’ in the rear [or no more than 3’ in the rear if the building height is 15’ or less].</li> <li>3. Unit size – Maximum allowed unit size shall not be larger than 2,000 square feet.</li> </ol> <p>Local agency may create demolition controls to preserve existing architectural character which shall allow remodeling, raising, relocating existing structures.</p>		

	<p>** High-density standards: Local jurisdictions shall not adopt local zoning standards to limit density, require a minimum lot size, amount of parking or open space, or control the building location or envelope on a lot, except the following may be regulated:</p> <ol style="list-style-type: none"> <li>1. Building height – Maximum allowed building height shall not be less than 55’ which may be increased to 75’ with the addition of the State Density bonus program.</li> <li>2. Yard setbacks – Minimum required yard setbacks shall be no more than 10’ in the front, 4’ in the side, and 10’ in the rear.</li> </ol>	(see geography proposal)	
	<p>Expand upzoning beyond narrow focus on transit areas consistent with MTC analysis showing most appropriate locations for housing based on 5 objective factors: affordability; VMT reduction; resilience; access to opportunity; displacement</p> <p>Apply HAA’s provisions for determining project consistency (if there is substantial evidence to support a consistency determination it is deemed consistent). Provide that remedies for successful project applicant legal challenge include same as in HAA.</p>		

### **Compact Element #6: Improve Effectiveness and Fairness of State Housing Streamlining (SB 35)**

**Brief Summary:** SB 35 was intended to streamline housing for projects with fully skilled and trained labor and on-site affordable amendments are needed to improve effectiveness so more projects to make use of this section to increase housing production. Amendments proposed:

- Allow reasonable local review including design review
- Allow smaller projects to access expedited review without added labor or affordability standards
- For larger projects add tax 15-year abatement (modeled on New York) and other offsets to pay for labor and affordable requirements
- Adjust liability standards to make more homes insurable. Home ownership cannot be achieved in infill buildings without modifying existing liability laws that prevent reasonable attached home ownership products because they are uninsurable. See AB 2353 (Frazier)

<p><b>Desired Effect:</b> Projects that have labor standards should get the benefit of additional tools (benefits/offsets) to pay for living wage jobs. Pre-cursor to achieving expanded housing production with labor standards and on-site affordable throughout the region. Essential to easing construction labor shortage increasing number and predictability of high quality desirable construction jobs.</p> <p>In regions such as Cascadia which has more reasonable liability laws for ownership, up to 50% of attached housing new construction is in ownership forms. If the Bay Area could increase production by being able to offer homes for sale in addition to for rent, could increase overall housing production significantly. Also may be only way to create new home ownership opportunities in existing developed communities including in small missing middle type projects that could create more ownership opportunities at a range of incomes.</p>			
<p><b>Scale:</b> State legislation applied to 9 Bay Area Counties</p>			
<p><b>Models:</b> New York</p>			
<p><b>References:</b> SB 35; Action Plans Referenced: 12.2, 12.3, 17.1, 17.2</p>			
<p><b>Negotiation Points:</b> Deferrals for provisions for communities of concern regarding affordability levels, economic offsets and tools; confirm 15 year time period for real estate tax abatement; define: small project, affordability levels, limits/requirements on use of real estate abatement</p>			
Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
<p>Clarifications to Existing Law</p>	<ul style="list-style-type: none"> <li>Housing developments of less than 20 units or 20,000 square feet, are eligible for SB 35 expedited approvals without added affordability, wage, apprentice, or labor standards to reduce local planning workload on small but often controversial projects.</li> <li>SB 35 projects are exempt from CEQA</li> <li>Local jurisdictions retain authority to regulate demolition of historic structures excepting that historic status if any must have been identified prior to project application completeness.</li> </ul>	<ul style="list-style-type: none"> <li>Precluded from considering impacts to views, privacy or solar access, except in the case of existing solar panels.</li> <li>Maximum number of required public hearings: 1 for projects with 5 units or less; 2 for projects with six to 20 units; 3 for projects with 20 units or more.</li> </ul>	

	<ul style="list-style-type: none"> <li>• SB 35 projects subject to limited local discretionary review as follows:</li> <li>• 6 months and 1 de novo hearing for projects of 20 units or less</li> <li>• 12 months and 3 de novo hearings for projects larger than 20 units</li> <li>• Subject to HAA protections.</li> <li>• May not reduce the number of residential units otherwise permitted by the maximum allowed building envelope.</li> <li>• Precluded from considering impacts to views, privacy or solar access, except in the case of existing solar panels.</li> <li>• Provide that remedies for successful project applicant legal challenge include same as in HAA.</li> <li>• Apply HAA's provisions for determining project consistency (if there is substantial evidence to support a consistency determination it is deemed consistent)</li> <li>• Deferral option in Sensitive Communities: Local agency may elect in sensitive community designated areas to retain affordability levels for SB 35 projects remain at current law levels until community planning complete at which point affordability levels may change.</li> </ul>		
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<p>Developer Incentives</p>	<ul style="list-style-type: none"> <li>• Cap impact fees on SB 35 projects to \$30 per square feet for over 500 square feet of net new living area</li> <li>• Add 15-year tax relief modeled on NY program to SB 35 projects “reverse redevelopment”</li> <li>• Make SB 35 projects eligible for an automatic 35% Density Bonus</li> <li>• For projects that use a skilled and trained workforce: 3-year statute of repose and liability requires showing of negligence in construction, i.e., no strict liability</li> <li>• Require licensed inspectors for plaintiffs and builders in construction defect cases to reduce the likelihood and size of class action like suits which prove to be timely and expensive</li> <li>• By minimizing costs related to construction defect suits, this will encourage increased production of homes, especially condominiums.</li> </ul>	<ul style="list-style-type: none"> <li>• Local agencies shall provide a waiver process for individual developments to waive or modify inclusionary requirements including:             <ol style="list-style-type: none"> <li>1. offering a lower rate of required on-site affordability</li> <li>2. higher rates of area median income</li> <li>3. “fee out” option to pay fees instead of building units on site</li> <li>4. the ability to provide land or units off-site</li> <li>5. waive all or some of the above if none of the above are feasible.</li> </ol> </li> <li>• Waiver request and rationale shall be included in a project’s initial application material. If all or partial waiver denied, local agency must make findings supported by substantial evidence in the record that disproves project sponsor’s rationale for the waiver and can be subject to challenge under the Housing Accountability Act.</li> </ul>	<p>Terms and requirements of waiver</p>
<p>Changes to Existing Law</p>	<ul style="list-style-type: none"> <li>• Grandfathering Existing Programs</li> </ul>	<p>All local agencies, including grandfathered, must make findings and document that any local inclusionary zoning rates are not suppressing housing production based on annual public hearing in first 30 day of every calendar year before governing body with public testimony and evidence that shall include last 5 years of development applications, building permit issuance, and occupancy permit issuance in the local agency, and testimony from local for profit</p>	<p>Monitoring and enforcement to ensure not suppressing production,</p>



		and non-profit developers. Hearing transcript must be transmitted to HCD and regional agency. Otherwise zoning compliant projects protected by the Housing Accountability Act at a zoned density cannot be made infeasible by the rates or application of any local inclusionary zoning program.	
Affordable Housing Fee		An affordable housing fee shall be charged to "high price units" defined as (TBD)	Formula for fee at least 10% Higher than median sales or rental price for new construction in the jurisdiction  Legal issues in structuring fee

## Compact Element #7: Strengthen Utilization of Public Land for Housing Production

**Brief Summary:** Promote increased utilization of public land for affordable housing through enhancements to a variety of legislation, regulatory tools and regional coordination and planning actions including strengthening the surplus land act, amending housing element law or amending the regulatory certification process, and embedding coordinating, technical support and monitoring functions in a regional housing entity. Goals are to achieve:

- Barrier reduction to developing on public land by ensuring that land is adequately zoned
- Create mechanism for coordination/monitoring of regional public land supply
- Provide technical support and draft legislation that encourages public land to be re-used for housing.

**Desired Effect:** Encourage the reuse of public land for the creation of mixed-income or affordable housing development.

**Scale:** State legislation applied to 9 Bay Area Counties; may impacts housing element law; to be addressed in coordination with other CASA policies.

**Models:** Puget Sound region of WA including Seattle; <https://www.psrc.org/public-land-affordable-housing>; <https://seattle.curbed.com/2017/9/29/16387686/surplus-public-land-affordable-housing>  
Enterprise report: <https://www.enterprisecommunity.org/download?fid=3257&nid=3739>

**References:** Action Plans 16.1; 16.2

**Negotiation Points: Intent: is it to “encourage” or to “create stricter requirements for affordability”**  
**Incentive structure options, revenue source to cover localities cost to implement; levels of affordability; pricing and conveyance of land ranging from donated in full to conveying at below-market value**

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Details	See (Current bill) Also support changing State Housing Element Law to: A) Require and resource jurisdictions to prepare a full inventory of publicly-owned sites within their boundaries, including current uses, and report this to their Councils of Governments (COGs). B) Allow residential uses on developable public land, regardless of zoning, by establishing a presumption in Housing Element Law that homes may be built on public land meeting certain criteria (eg not parkland). If a jurisdiction prohibits housing on a site, require them to submit a rationale for its exemption, based on strict State-sanctioned standards.		

	<p>Regulatory changes:</p> <p>A) Make public land more competitive for affordable housing funds to incentivize rezoning: Modifications to LIHTC, AHSC, other program requirements. Build in incentives to programs that encourage housing development on public lands.</p> <p>B) Review State’s spatial guidelines for public facilities (ie schools) to evaluate potential for changes that could open up land for housing without compromising the quality of on-site public services (e.g. New York allows for vertical mixed use with ground floor public uses)</p>		
Definitions	<p>Temporary housing shall be defined as follows:</p> <ul style="list-style-type: none"> <li>• Designed and constructed to be relocatable and transportable over public streets.</li> <li>• Floor area of 500 square feet or less when measured at the most exterior walls.</li> <li>• Sited upon a temporary foundation in a manner that is designed to permit easy removal.</li> <li>• Designed to be removed within three (3) years of installation</li> </ul>		
Labor Standards	<p>Public lands released for housing shall include policies that help expand the trained labor pool available for housing construction including requirements for trained apprentices and prevailing wages. Exceptions to these labor standards requirements on public lands shall be made for temporary housing built to address an emergency, and housing built with volunteer labor (see Labor Code §1720.4. <a href="http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&amp;sectionNum=1720.4">http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&amp;sectionNum=1720.4</a>.</p>		

## Compact Element #8: Streamline Housing Approvals Through Fair, Predictable, Faster Process

**Brief Summary:** Amend State Housing and Permitting Laws (Permit Streamlining Act, Housing Accountability Act) to disallow backsliding to avoid compliance with State law, and to restore transparency, certainty, fairness, deadlines, predictability to housing approval process Case-by-case public disputes and opposition to many if not most housing projects, even when these are consistent with local plans and rules,. Good government must be transparent, fair, predictable, and even-handed across the region, with clear rules that apply to everyone equally.

**Turner Center found in 2018 report that** development fees are extremely difficult to estimate; are usually set without oversight or coordination between city departments, the type and size of impact fees levied vary widely from city to city; Individual fees add up and substantially increase the cost of building housing; and projects are often subject to additional exactions not codified in any fee schedule. Effect of legislation will be to create certainty and transparency in how impact fees are set and what they are, and overall reduce impact fees  
UCB Turner Center 2017 <https://turnercenter.berkeley.edu/blog/it-all-adds-up-the-cost-of-housing-development-fees-in-seven-california-cities>,

**Desired Effect:** High Impact; Short Term for proposed housing or housing stuck in approval pipeline that that otherwise prevented from advancing or made infeasible due to lack of transparent or fair process including varying or changing standards for processing, impact fees, community benefits. Not possible to document the number of units “not proposed” or “slowed down until became infeasible”. Required precursor to increasing housing production of market rate, affordable, homeless, and all forms of housing.

**Scale:** State legislation applied to 9 Bay Area Counties

**Models:** Forthcoming if available/applicable.

**References:**

Action Plans Referenced: 12.1

[https://www.law.berkeley.edu/wp-content/uploads/2018/02/Getting\\_It\\_Right.pdf](https://www.law.berkeley.edu/wp-content/uploads/2018/02/Getting_It_Right.pdf)

**Negotiation Points:** Terms and requirements for a local waiver; monitoring and enforcement to ensure not suppressing production; exploration of “deemed approved” language.

Bucket /	Summary	Areas for Further Negotiation	Additional Commentary
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Category of Detail			
<p>Local Jurisdictional Requirements</p> <p>Local Jurisdictional Requirements</p>	<ul style="list-style-type: none"> <li>Disallow height and density reductions, limits, and moratoria in already residentially zoned areas to avoid compliance with State housing law especially the HAA.</li> <li>Local agency and special district rules, fees, codes, and standards must be made available in writing to an applicant on a written form available at the local agency with clear mechanisms for determining rules, fees, inclusionary standards, community benefits and historic status determinations or they cannot be requested by the local agency nor agreed to by the developer.</li> <li>Historic status must be determined prior to project application completeness based on published reports.</li> <li>Allow no more than 3 de novo public hearings on a housing project (with possibility of appeals).</li> <li>Report to Bay Area Metro and HCD the length of time from new or renovated housing project application to project approval for all housing projects and remodels, as well as the number of de novo hearings and appeals on each.</li> <li>Use it or lose it provision such that streamlined permits expire if not used in a timely way (eg 24 months)</li> <li>May not reduce the number of residential units otherwise permitted by the maximum allowed building envelope.</li> <li>Precluded from considering impacts to views, privacy or solar access, except in the case of existing solar panels.</li> </ul>	<p><input checked="" type="checkbox"/> Should this apply only to projects of 20 units or less (e.g. "small" projects)?</p> <p><input checked="" type="checkbox"/> No net loss provisions on streamlined projects</p> <p><input checked="" type="checkbox"/> Additional community engagement and delayed implementation in sensitive communities</p>	<p>Consistency with general plan when zoning non-compliant accomplished in AB 3194 (Gloria) signed in 2018-delete here</p> <p>Note that AB 2753 (Friedman) requires density bonus standards to be issued at Application Completeness, creating precedent for this approach</p>
Fees/Rules	<ul style="list-style-type: none"> <li>For projects consistent with the general plan, any relevant specific plans, and consistent with residential use zoning, LOCK FEES AND RULES AND COMMUNITY BENEFITS AT APPLICATION COMPLETENESS (excepting rule changes for life safety conditions). Lock fees and rules for 100% affordable projects as of the date of application.</li> <li>These local rules/fees cannot be modified after Application Completeness. Completeness shall be defined as making all the required plan changes in the first zoning completeness letter.</li> </ul>		

	<ul style="list-style-type: none"> <li>• To remove small homes penalty, limit mitigation impact fees from all local agencies and special districts to being levied on a per square foot not per unit basis</li> <li>• Allow impact fees only on net new living area over 500 square feet (modeled on existing school impact fee law).</li> <li>• Implement fee impact recommendations of Turner Center:</li> <li>• Develop clear, consistent methodology for region for all impact fees that can be charged by local agencies. Work with Turner Center and HCD to develop this. Require evaluation of total fees, exactions, impositions, locally imposed requirements in excess of state building code (not labor costs) and provide documentation to regional agency and HCD.</li> <li>• Provide written estimate of all development impact fees that will be charged by the local agency through the entitlement and construction process at the time of application submittal or these cannot be levied as a condition of development approval</li> <li>• Lock all development impact fees and formulas/rates for charging these at application completeness</li> <li>• Require that local agencies allow payment of up to 50 percent of development impact fees at project completion or up to 100 percent of the fees at project completion if accompanied by reasonable financial security at permit issuance;</li> </ul>		
Parallel Amendments	<ul style="list-style-type: none"> <li>• Amend Permit Streamlining Act to require approval of all residential projects less than 20 units or 20,000 square feet in size in 6 months, over 20 units in 12 months. Requires parallel CEQA amendments to be effective—see SB 35 Compact Item <u>Apply HAA's provisions for determining project consistency (if there is substantial evidence to support a consistency determination it is deemed consistent)</u>. Provide that remedies for successful project applicant legal challenge include same as in HAA.</li> </ul>		



Density Bonus Clarifications & Administration	<ul style="list-style-type: none"> <li>• Re-write density bonus law to add clarity, clear implementation guidelines to be developed by HCD including implementing forms, agreements, etc.</li> <li>• Confirm and codify Density Bonus ruling in <i>Latinos Unidos del Valle de Napa y Solano v. County of Napa</i> ("LUNA") as applied to DB units, inclusionary units, and mitigation, SB 35 ie \$ for \$ credit (each is credited all requirements, no double or triple payments)</li> <li>• HCD monitor DB and IZ units</li> </ul>		
Density Bonus Requirements	<ul style="list-style-type: none"> <li>• Relate Density Bonus Affordability to Palmer Fix (Inclusionary) and disallow separate housing impact fees except as an alternative compliance mechanism:</li> </ul>		Clarify that mitigation fees for housing may not be charged to Density Bonus or deed restricted units

## Compact Element #9: Regional Housing Enterprise

**Brief Summary:** Establish a regional leadership entity to implement the CASA Compact, track and report progress, and provide incentives and technical assistance. The entity must be governed by an independent board with representation for key stakeholder groups that helped develop the Compact. The housing entity would not play a regulatory/enforcement role.

**Desired Effect:** Existing regional agencies either do not have the mandate (for e.g., the Metropolitan Transportation Commission) or the resources/tools (for e.g., the Association of Bay Area Governments) to directly tackle the region’s pressing displacement and affordable housing crisis. The CASA Compact will set a bold region-wide agenda for addressing protection of existing tenants, preservation of existing affordable units and production of both market-rate and subsidized units. To implement this agenda, a broad coalition of stakeholders, who have helped shape the CASA Compact, must stay engaged with state legislative advocacy, building support for raising new revenue and financing programs, tracking and monitoring progress, keeping the public engaged, and taking a regional approach to challenges such as homelessness. A regional approach can balance inequities and imbalances across multiple jurisdiction that have to contend with varying market strengths, fiscal challenges and staff expertise.

**Scale:** State legislation applied to 9 Bay Area Counties

**Models:** New York City Housing Development Corporation (housing finance); Twin Cities (revenue-sharing)

**References:** The entire CASA Compact

**Negotiation Points:** board structure and governance, authority, roles and responsibilities, staffing and coordination with existing regional agencies

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Board Structure and Governance	CASA may recommend establishing a Regional Housing Enterprise (RHE) to coordinate and lead implementation of the CASA Compact. State law may establish an independent board, with broad representation to MTC, ABAG and key stakeholder groups that helped develop the CASA Compact.		

Authority	The state may form the RHE through an act of legislation, and give it authority to collect new revenue (through fees or taxes); disburse the revenue to programs and projects in the expenditure plans (consistent with the CASA Compact); purchase, lease and hold land; and provide direct assistance. The RHE will not have regulatory authority but will collect and monitor progress on implementing the CASA Compact.		
Roles and Responsibilities	<p><i>Revenue administration and debt issuance</i> – using the authority to levy fees and seek voter approval to impose taxes for housing, the RHE may collect and disburse new funding, issue debt based as needed, and allocate funding to protection, preservation and production programs, as laid out in the CASA Compact.</p> <p><i>Land leasing and disposition</i> – the RHE may act on behalf of the related public agency to lease or purchase land for housing development and assemble parcels, when appropriate. The RHE may hold and bank land, based on market conditions.</p> <p><i>Monitoring and Reporting</i> – the RHE may coordinate with MTC/ABAG to collect relevant data (including on local housing performance), conduct research and analysis, and disseminate information as part of its monitoring and reporting role. The RHE may also conduct evaluation of its program to improve state CASA outcomes.</p> <p><i>Enhanced Technical Assistance</i> – the RHE may coordinate with MTC/ABAG to provide extensive support and technical assistance to local jurisdictions (especially smaller jurisdictions with limited staff capacity), education and awareness for stakeholders (such as tenants and landlords), and communication materials for the broader public.</p>		
Staffing	The RHE may be supported by the consolidated staff of MTC/ABAG, with additional staff added in specialized areas such as debt issuance, land leasing and disposition, financing projects, etc.		

## Compact Element #10: Funding and Financing the CASA Compact

**Brief Summary:** Raise \$1.5 billion in new revenue annually from a broad range of sources, including property owners, developers, employers, local governments and the taxpayers, to fund implementation of the CASA Compact. Allocate up to 10 percent of the new revenue for local jurisdiction incentives, another 10 percent for protection strategies, 20 percent for preservation, and 60 percent for the production of subsidized units for lower-income households. Distribute 75 percent of the new revenue back to the county of origin (return to source) and use the remaining 25 percent for regional program (revenue-sharing), while maintaining the allocation shares listed above. Disbursement of regional as well as county-level revenue would be subject to performance and outcomes, to be developed by the Regional Housing Enterprise (RHE). Any unused revenue would revert to the regional pot, after a specified time period.

**Desired Effect:** The Compact identifies a range of strategies to protect tenants, preserve affordability and produce new units. Many of the strategies, such as “Right to Legal Counsel,” building 14,000 new subsidized housing units annually, and preserving 26,000 market-rate units as permanently subsidized units for lower-income households, are unfunded mandates for the RHE without an infusion of new revenue.

**Scale:** State legislation applied to 9 Bay Area Counties

**Models:** TBD

**References:** The entire CASA Compact

**Negotiation Points:** Total amount to raise, potential sources, allocation and distribution formulas and level of flexibility.

Bucket / Category of Detail	Summary	Areas for Further Negotiation	Additional Commentary
Funding gap	CASA estimates that the funding gap to implement the Compact is \$1.5 billion per year over the next 15 to 20 years.		
Potential sources	New revenue could be raised through fees or taxes. In principle, new revenue would be raised from a range of sources to spread the responsibility (or pain). These sources may include property		

	<p>owners, developers, employers, local governments and taxpayers. Promising examples include:</p> <ul style="list-style-type: none"> <li>A. 2 percent Vacant Homes Tax levied on property owners;</li> <li>B. Commercial Linkage Fee charged to developers, which ranges from \$5 to \$20 per square foot depending on whether the new development is located within or outside a Transit-Priority Area (TPA), or is in a jurisdiction that has a balanced or unbalanced jobs-housing ratio;</li> <li>C. Gross receipts tax on employers modeled on San Francisco, which varies by sector and size of the firm;</li> <li>D. Bringing back Redevelopment Agencies for housing and setting a 25 percent set aside requirement on revenues for subsidized units; and</li> <li>E. ½-cent Sales Tax.</li> </ul>		
Allocation formula	<p>New revenues would be allocated by the following shares:</p> <ul style="list-style-type: none"> <li>• Up to 10 percent for local jurisdiction incentives;</li> <li>• Up to 10 percent for tenant protection services;</li> <li>• Up to 20 percent for preservation; and</li> <li>• A minimum of 60 percent for subsidized housing production.</li> </ul>		
Distribution formula	<p>New revenues would be distributed by the following shares:</p> <ul style="list-style-type: none"> <li>• 75 percent to county of origin (return to source); and</li> <li>• 25 percent to a regional program (revenue-sharing).</li> </ul> <p>Total expenditures would still meet the allocation formula (see above), and be subject to objective performance standards and outcomes.</p>		



# City of Cupertino Construction Update Report







# South De Anza Boulevard Medians–Phase 1

## Work Scope

The project will reconstruct the two median islands on De Anza Blvd between Bollinger and Rodrigues. Improvements include new, updated arbor structures, a new irrigation system, programmable lighting, and drought resistant plantings including 19 new trees. The most significant existing trees on each median have been preserved.



## Project Schedule

- Construction Start – May 2018
- Construction Completion – December 2018

## Prior Month Activities

- Electrical/Lighting System Installation
- Arbor Column Completion
- Final Planting



# McClellan Road Sidewalk Improvements–Phase 2

## Work Scope

Construction of sidewalk, curb, and gutter where gaps currently exist as well as drainage improvements and planting strips where possible. The McClellan Road improvements are located between Byrne Avenue and San Leandro Avenue.

## Project Schedule

- Construction Start – September 10, 2018
- Construction Completion – Early December 2018

## Prior Month Activities

- Concrete Flatwork
- Landscape Restorations
- Retaining Wall Installation
- Paving Preparation





# 2018/19 Concrete Improvements Project

## Streets Included

City-wide project to resolve drainage issues, uneven sidewalks, and to prepare streets for future asphalt improvements.

## Project Schedule

- Construction Start – October 2018
- Construction Completion – April 2019

## Prior Month Activities

- Repair sidewalk, curbs, and gutters in residential neighborhoods.





# COMPLETED PROJECTS

- 2018 Pavement Maintenance–Phase 1
- 2018 Pavement Maintenance–Phase 2

STREET NAME	FROM	TO
LAVINA CT	FLORA VISTA	END
ANNETTE WY	STANFORD	ROLLINGDELL
ERIN WY	STELLING	KIM
KIRWIN LN	DE ANZA	LONNA
KIRWIN LN	LONNA	ERIN
ROLLINGDELL CT	ROLLINGDELL	END
ROLLINGDELL DR	200' W/O S DE ANZA	ANNETTE
ROLLINGDELL DR	ANNETTE	KENTWOOD
CHERYL DR	PARADISE	WESTACRES
SHELLY DR	BONNY	TERRY
CLAY ST	WHITNEY	END
E ESTATES DR	JOHN	LA MAR
ALVES DR	STELLING	SAICH
MARIANI AVE	BANDLEY	DE ANZA
PHIL CT	PHIL	END
PHIL LN	FINCH	TANTAU
PHIL LN	MILLER	FINCH
JOHNSON AVE	WUNDERLICH	BARNHART
STERN AVE	TILSON	LOREE
WUNDERLICH DR	BOLLINGER	GASCOIGNE
MERRITT DR	BLANEY	EAST END
PLUM TREE LN	MERRITT	FOREST
VISTA CT	N PORTAL	END
ADRIANA AVE	MANN	END
FLORENCE DR	PHAR LAP	END
PHAR LAP DR	MADERA	STEVENS CREEK
CRESCENT RD	CRESCENT CT	CUPERTINO
CASS PL	JANICE	END
RAMONA CT	JANICE	END
MC KLINTOCK LN	VOSS	WOODRIDGE
DERBYSHIRE DR	ORION	ROBINDELL
FESTIVAL DR	OROGRANDE	NOVEMBER DR.
LUNAR CT	DERBYSHIRE	END
MILKY WY	ORION	DERBYSHIRE
OBSIDIAN CT	OROGRANDE	END
ORION LN	STELLING	MILKY WAY

STREET NAME	FROM	TO
ORION PL	ORION	END
OROGRANDE PL	STELLING	END
ROBINDELL WY	STELLING	END
SQUIREHILL CT	STELLING	END
BANDLEY AVE	VALLEY GREEN	ALVES
BUBB RD	MCCLELAN RD	
S TANTAU AVE	STEVENS CREEK BLVD	BOLLINGER RD
CLIFFORD CT	CLIFFORD	END
CLIFFORD DR	E ESTATES	BLANEY
SCOFIELD DR	WESTERN	DE ANZA
PUMPKIN CT	PUMPKIN	END
PUMPKIN DR	CRANBERRY	BUBB
LEEDS AVE	PRIMROSE	DONEGAL
CRAFT DR	FINCH	SORENSEN
PENNINGTON LN	WOOD LARK	PUMPKIN
CASTINE AVE	RUMFORD	GARDENA
GALWAY DR	BARNHART	PROSPECT
PENDERGAST AVE	JOHANSEN	E END
METEOR DR	CASTINE	MARY
BARNHART PL	GALWAY	JAMESTOWN
CARVER DR	NEWSOM	TUGGLE
TUGGLE AVE	TUGGLE PL	WUNDERLICH
DONEGAL DR	LEEDS	PRIMROSE
JOHANSEN DR	MEIGGS	PENDERGAST
SHANNON CT	BUBB	END
AMULET DR	CASTINE	ATHANSON
CRANBERRY DR	HOLLY OAK	WOOD LARK
ELM CT	BUBB	END
HOLLY OAK DR	BUBB	CRANBERRY
LINDA VISTA DR	MCCLELLAN	HYANNISPORT
JAMESTOWN DR	PROSPECT	PLUM BLOSSOM
WOODLARK WY	CRANBERRY	PENNINGTON
MEIGGS AVE	TANTAU	MORENGO
PENDERGAST AVE	CULBERTSON	WUNDERLICH
CRANBERRY CIR	CRANBERRY	END
SORENSEN AVE	CRAFT DR	FINCH AVE





CUPERTINO

# CITY OF CUPERTINO

## Upcoming Agenda Items

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### City Council

**Wednesday, January 2, 2019**

#### **Consent Calendar**

18-4698 Subject: January 2 City Council meeting may be cancelled

**Tuesday, January 15, 2019**

#### **Ceremonial Matters & Presentations**

18-4734 Subject: Presentation from the Toyokawa Sister City Committee regarding recent delegation

18-4650 Subject: Teen Commission 2018-2019 Term Work Plan Presentation

#### **Consent Calendar**

18-4520 Subject: Approve the December 18 City Council minutes

18-4619 Subject: Receive responses to the request for additional information regarding the potential formation of a Santa Clara County Regional Housing Needs Allocation (RHNA) subregion

#### **Public Hearings**

18-4693 Subject: General Plan Amendment Authorization application to authorize review of formal applications for demolition of an existing 8,323 sq.ft. commercial building (Goodyear Tires) to develop a six-story, 155-room hotel with underground parking, lounge, and conference facilities which would require a General Plan Amendment to the City's hotel allocation, setbacks, and height. Application No(s): GPAAAuth-2018-01; Applicant(s): John Vidovich (De Anza Properties); Location: 10931 N De Anza Blvd APN# 326-10-061

#### **Ordinances and Action Items**

18-4566 Subject: Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 18-\_\_\_

18-3566 Subject: Introduction of an ordinance to amend regulations in Title 2, Administration and Personnel of the Municipal Code Chapter 2.80, to allow up to five (5) members for the Fine Arts Commission.

18-3705 Subject: Storm Drain Fee Study Polling Results & Presentation and Adoption of Storm Drain Master Plan

18-4411 Subject: Council Committee appointments

**Monday, January 28, 2019**

#### **Commissions Interviews**

**18-4503** Subject: Interview applicants for commissions with terms expiring on the Fine Arts Commission, Bicycle Pedestrian Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, and TICC

**Tuesday, January 29, 2019**

**Commissions Interviews**

**18-4504** Subject: Interview applicants for commissions with terms expiring on the Fine Arts Commission, Bicycle Pedestrian Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, and TICC

**Saturday, February 2, 2019**

**Council Workshop**

**18-4738** Subject: Discussion regarding adding City Commissions

**Tuesday, February 5, 2019**

**Ceremonial Matters & Presentations**

**18-4651**

**18-4653** Subject: Recognition of Fine Arts Commission Emerging Artists and Young Artists.

**Consent Calendar**

**18-4521** Subject: Approve the January 15 City Council minutes

**Second Reading of Ordinances**

**18-3567** Subject: Conduct the second reading and enact Ordinance No. 18-\_\_\_\_ amending section 2.80.010 modifying the composition of the Fine Arts Commission

**Ordinances and Action Items**

**18-4460** Subject: Junipero Serra Trail Feasibility Study

**18-4737** Subject: Sister City Travel Reimbursement Policy

**Public Meeting**

**18-4601** Subject: A boutique hotel on a 1.72-acre site in the Cupertino Village Shopping Center. The project would also involve demolition of two existing commercial buildings on the sites. The development would be a new 5-story, 185-room boutique hotel including event meeting rooms, a restaurant, and rooftop lounge and bar. A Mitigated Negative Declaration is proposed. Application No(s): GPA-2017-05, DP-2018-04, DA-2017-01, ASA-2017-09, TR-2017-46 (EA-2017-06); Applicant(s): Michael Strahs (Kimco Realty); Locatiopn: 10801 N Wolfe Road APN#316-45-017

**Tuesday, February 19, 2019**



**Study Session**

18-4701 Subject: Study Session on Council Work Program

**Consent Calendar**

18-4522 Subject: Approve the February 5 City Council minutes

**Public Hearings**

18-4690 Subject: Municipal Code Amendments to Title 13: Parks and Title 19: Zoning, of the Cupertino Municipal Code to further facilitate the development of Accessory Dwelling Units. Application No(s): MCA-2018-04; Applicant(s): City of Cupertino; Location: citywide

**Tuesday, March 5, 2019**

**Consent Calendar**

18-4523 Subject: Approve the February 19 City Council minutes

18-4703 Subject: Approve the Council Work Program for FY 19/20

**Ordinances and Action Items**

18-4691 Subject: Municipal Code Amendments to Title 13: Parks and Title 19: Zoning, of the Cupertino Municipal Code to further facilitate the development of Accessory Dwelling Units. Application No(s): MCA-2018-04; Applicant(s): City of Cupertino; Location: citywide

18-4305 Subject: Accept Mid-Year Budget Reports

**Tuesday, March 19, 2019**

**Consent Calendar**

18-4524 Subject: Approve the March 5 City Council minutes



CUPERTINO

# CITY OF CUPERTINO

## Upcoming Agenda Items

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### City Council

#### Date to be Determined

#### Study Session

- 17-3360 Subject: Annual Placeholder for 2nd meeting in May - Budget Study Session
- 17-3361 Subject: Annual Placeholder for 2nd meeting in February - Study Session on Council Work Program for fiscal year
- 18-4186 Subject: report on an Inclusionary Housing Analysis with potential impacts to the City's BMR fees

#### Closed Session

- 18-4221 Subject: Water System and Rates

#### Ceremonial Matters & Presentations

- 18-3671 Subject: Alert SCC Presentation
- 18-4349 Subject: Parks and Recreation Commission 2018-2019 Work Plan Presentation
- 18-4445 Subject: Annual Placeholder for first or second meeting in October - Proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week.

#### Consent Calendar

- 18-4364 Subject: Accept donation from Apple for Wolfe/280 interchange
- 18-3928 Subject: Waive the advisory body attendance requirement provision and reinstate Rose Grymes to the Library Commission.
- 18-4053 Subject: Vehicle Emissions Reduction Based at School (VERBS) Grant Application for the City of Sunnyvale
- 18-4130 Subject: Nexus BMR Study
- 18-4245 Subject: City decision on firm to outsource Treasurer function
- 18-4248 Subject: Third Amendment to the Funding Agreement with VTA for the Wolfe/280 Interchange Improvement Project
- 17-3362 Subject: Annual Placeholder for first meeting in March - Approve the City Work Program for fiscal year \_\_\_\_\_
- 17-3363 Subject: Annual Placeholder for first meeting in June in even-numbered years - Call an election for Councilmembers
- 16-2081 Subject: Rotary Stocklmeier lease

#### Second Reading of Ordinances

- 18-4162 Subject: 2nd Reading of Amended Watershed Ordinance

**18-4732** Subject: Conduct the second reading and enact Ordinance No. 18-2182: “An Ordinance of the Cupertino City Council Repealing Ordinance No. 006 and Amending Chapter 2.08 of the Cupertino Municipal Code Regarding Adoption of Robert’s Rules of Order.” The first reading was conducted on November 20. On December 4, Council directed staff to bring the item back with a corrected attachment.

**Public Hearings**

**18-4447** Subject: Municipal Code Amendments to Title 1: General Provisions and Title 19: Zoning, of the Cupertino Municipal Code to allow Short-Term Rental uses in single-family residential zoning districts. Application No(s): MCA-2018-02; Applicant(s): City of Cupertino; Location: Citywide and resolution updating the fee schedule

**18-4448** Subject: Second Reading - Municipal Code Amendment regarding Short Term Rentals AirBnB

**17-2380** Subject: Consideration pursuant to a Lease with San Jose Water Company, of the reasonableness of an increase in water rates to customers served by the Cupertino Municipal Water System leased to San Jose Water Company. The increase in rates is substantially identical to that authorized for increased costs of operation and maintenance by the California Public Utilities Commission, for systems owned and operated by San Jose Water Company in other areas within the City. (continued from February 21)

**15-0973** Subject: HOC setback requirements

**16-1751** Subject: Gun Control ordinance

**Ordinances and Action Items**

**18-4337** Subject: Dog Off Leash Area at Jollyman Park

**18-4161** Subject: 1st Reading of the Amended Watershed Ordinance

**18-4578** Subject: Linda Vista Trail Conceptual Design Study (Mosley)

**18-4699** Subject: Annual Placeholder for 1st or 2nd meeting in January - Council Committee appointments

**14-0357** Subject: Approve Cupertino Emergency Operation Plan resolution



Santa Clara County Office of the Sheriff  
Weekly Activity Summary  
11/26/2018 – 12/2/2018  
CUPERTINO



**PATROL ACTIVITY SUMMARY**

DATE	BEAT	ACTIVITY	COMMENTS
11/26	C5	Grand Theft	Between 7:30 PM and 7:40 PM on 10/31, unknown suspect(s) took an unsecured gym bag containing an electronic smart watch from a locker room at the Bay Club at Vallco Mall on N. Wolfe Road for a total loss of about \$1,350.
11/26	C3	Shoplifting	At 8:00 PM on 11/24, three suspects took about \$760 of store merchandise without paying from Steinmart on Homestead Road. The suspects fled the scene in a waiting vehicle, are unknown and at large.
11/26	C7	Residential Burglary	Between 11:00 AM and 11:30 AM, unknown suspect(s) entered a residence in the 11000 block of Santa Teresa Drive by forcing exterior and interior garage doors open. The suspect(s) took jewelry for a total loss of about \$4,825
11/26	C3	Vehicle Burglary	Between 1:35 PM and 2:32 PM, unknown suspect(s) broke through a window of a vehicle parked near the Mandarin Gourmet restaurant in the Marina Foods shopping center on N. De Anza Boulevard and took a briefcase for a total loss of about \$420.
11/26	C3	Vehicle Burglary	Between 3:00 PM and 3:30 PM, unknown suspect(s) broke through a window of a vehicle parked near Safeway in the Homestead Square shopping center on Homestead Road and took a purse for a total loss of about \$55.
11/26	C8	Commercial Burglary	Between 5:40 PM and 5:47 PM, four suspects entered TJ Maxx at the Cupertino Crossroads shopping center on Stevens Creek Boulevard and took about \$1,280 of store merchandise without paying. The suspects are unknown and at large.
11/26	C7	Possession of a Controlled Substance and Open Container of Marijuana ARREST	At 8:34 PM, deputies stopped a motorist at S. De Anza Boulevard and Rainbow Drive for a traffic violation. An investigation revealed the suspect driver was in possession of Heroin and an open container of Marijuana. The suspect was cited and released.
11/27	C3	Vandalism	Between 10:30 AM on 11/25 and 12:00 AM on 11/27, unknown suspect(s) broke a glass door at the Village Green Apartment Homes on Homestead Road. The total amount of damage was about \$500.
11/27	C5	Possession of a Stolen Vehicle, Stolen Property, Misappropriated Lost Property and Burglary Tools, False ID to Peace Officer ARREST	At 4:15 PM, deputies observed a suspect enter a vehicle, previously stolen from Milpitas, near Target at Main Street Cupertino on Stevens Creek Boulevard. Deputies detained the suspect, who provided deputies with false identifying information. Further investigation revealed the suspect was in possession of stolen property, misappropriated lost property and burglary tools, all offenses in violation of the suspect's probation terms. The suspect was arrested and booked into Main Jail.
11/28	C3	Vehicle Burglary	Between 1:10 PM and 3:00 PM, unknown suspect(s) broke through a window of a vehicle parked in the Marina Foods shopping center on Bandle Drive and took a wallet containing cash and debit cards for a total loss of about \$340.

**PATROL ACTIVITY SUMMARY**

<b>DATE</b>	<b>BEAT</b>	<b>ACTIVITY</b>	<b>COMMENTS</b>
11/28	C8	Injury Collision	Occurred at 2:14 PM at Stevens Creek and N. De Anza Boulevards.
11/28	C3	Vehicle Burglary	Between 7:30 PM and 8:58 PM, unknown suspect(s) broke through a window of a vehicle parked near the Pho Minh restaurant in the Marina Foods shopping center on Bandlely Drive and took a laptop and a passport for a total loss of about \$1,500.
11/28	C9	Vehicle Burglary	Between 7:30 PM and 10:00 PM, unknown suspect(s) broke through a window of a vehicle parked at the Loree Center on Stevens Creek Boulevard and took a backpack containing two electronic tablets for a total loss of about \$930.
11/28	C9	Vehicle Burglary	Between 8:00 PM and 9:25 PM, unknown suspect(s) broke through a window of a vehicle parked near the Curry Pizza House on Stevens Creek Boulevard and took a purse containing cash for a total loss of about \$10,100.
11/28	C3	Vehicle Burglary	Between 8:00 PM and 9:30 PM, unknown suspect(s) broke through a window of a vehicle parked in the 10000 block of Bandlely Drive and took a laptop for a total loss of about \$1,500.
11/28	C5	Non-Injury Collision	Occurred at 8:30 PM at Homestead and S. Wolfe Roads.
11/29	C5	Vehicle Burglary	Between 6:00 PM on 11/28 and 5:30 PM on 11/29, unknown suspect(s) broke through a window of a vehicle parked at the Courtyard Marriott hotel on N. Wolfe Road. The vehicle was searched, but nothing was taken.
11/29	C9	Petty Theft	At 7:19 AM, unknown suspect(s) took a mail package from the mailbox of a residence in the 6600 block of Clifford Drive for a total loss of about \$26.
11/29	C1	Non-Injury Collision	Occurred at 9:13 AM at N. Foothill and Vista Knoll Boulevards.
11/29	C5	Injury Collision	Occurred at 9:17 AM at N. Wolfe Road and Interstate 280.
11/29	C4	Vandalism	Between 4:00 PM and 10:30 PM, unknown suspect(s) broke a window of a vehicle parked in the 20000 block of Stevens Creek Boulevard. The total amount of damage was about \$450.
11/29	C5	Vehicle Burglary	Between 5:00 PM and 7:25 PM, unknown suspect(s) broke through a window of a vehicle parked near Bowlmor Cupertino at Vallco Mall on N. Wolfe Road and took a backpack containing a laptop for a total loss of about \$2,560.
11/29	C3	Vehicle Burglary	Between 6:00 PM and 7:30 PM, unknown suspect(s) broke through a window of a vehicle parked at the Outback Steakhouse restaurant on Valley Green Drive and took a backpack containing a battery, jacket and passport for a total loss of about \$400.
11/29	C8	Vehicle Burglary	Between 9:00 PM and 9:45 PM, unknown suspect(s) broke through a window of a vehicle parked at the XLB Kitchen restaurant on S. De Anza Boulevard and took a bag containing assorted electronics and fountain pens for a total loss of about \$17,100.
11/30	C1	Injury Collision	Occurred at 7:59 AM at Dempster Avenue and Benetti Court.
11/30	C8	Robbery	At 11:20 AM, four suspects entered CVS in the McClellan Square shopping center on S. De Anza Boulevard, jumped over the pharmacy counter and took assorted medicines for a total loss of about \$816. The suspects fled the scene, are unknown and at large.
11/30	C9	Non-Injury Hit and Run Collision	Occurred at 5:22 PM at Rosewood Road and Olivewood Street.

**PATROL ACTIVITY SUMMARY**

<b>DATE</b>	<b>BEAT</b>	<b>ACTIVITY</b>	<b>COMMENTS</b>
11/30	C9	Vandalism	Between 6:15 PM and 10:51 PM, unknown suspect(s) broke two windows of a vehicle parked in the 10000 block of S. De Anza Boulevard. The total amount of damage was about \$800.
12/1	C9	Residential Burglary	Between 9:00 AM and 2:21 PM, unknown suspect(s) entered a residence in the 10000 block of Calvert Drive by forcing an exterior garage door open, then entering through an unlocked door leading from the garage into the residence. The suspect(s) took designer handbags and jewelry for a total loss of about \$17,900.
12/1	C8	Non-Injury Collision	Occurred at 10:46 AM at N. De Anza and Stevens Creek Boulevards.
12/1	C8	Under the Influence/ Possession of a Controlled Substance and Drug Paraphernalia ARREST	At 2:20 PM, deputies responded to a disturbance call near the Technology Credit Union in the Cupertino Crossroads shopping center on S. De Anza Boulevard and made contact with multiple subjects. An investigation revealed one suspect was under the influence of a controlled substance and in possession of Methamphetamine. That suspect was arrested and booked into Main Jail. Further investigation revealed another suspect was in possession of drug paraphernalia. That suspect was cited and released.
12/2	C7	Residential Burglary	Between 3:00 PM and 7:10 PM, unknown suspect(s) entered a residence in the 21000 block of Lindy Lane by breaking a rear sliding glass door. The victim came home and interrupted the burglary, and the suspect(s) fled the scene without taking anything from the residence.
12/2	C5	Non-Injury Hit and Run Collision	Occurred at 3:21 PM at N. Wolfe Road and Pruneridge Avenue.





**Santa Clara County Office of the Sheriff**  
**Weekly Activity Summary**  
**12/3/2018 – 12/9/2018**  
**CUPERTINO**



**PATROL ACTIVITY SUMMARY**

DATE	BEAT	ACTIVITY	COMMENTS
12/3	C9	Identity Theft	Between 10/20 and 11/30, unknown suspect(s) used the victim's personal information to open a credit card account and place a hold on the victim's mail for an unknown total loss. The victim lives in Cupertino.
12/3	C3	Identity Theft	Between 10/29 and 11/30, unknown suspect(s) used the victim's personal information to access the victim's bank account and transferred about \$4,000 out of the account. The victim lives in Cupertino.
12/3	C5	Defrauding an Innkeeper	Between 11/15 and 11/19, the suspect used a stolen debit card to rent a room at the Residence Inn Marriott at Main Street Cupertino on Stevens Creek Boulevard for a total loss of about \$2,373. The suspect is known and at large.
12/3	C1	Identity Theft	On 11/28, the victims received information indicating unknown suspect(s) used their personal information to access a shared credit account and utilized a line of credit, transferring about \$50,000 into an unknown account. The victims live in Cupertino.
12/3	C3	Petty Theft	Between 9:17 PM on 11/30 and 11:34 AM on 12/3, unknown suspect(s) took a mail package near the front door of an apartment in the 20000 block of Valley Green Drive for a total loss of about \$250.
12/3	C3	Commercial Burglary, Vandalism ARREST	Between 3:15 AM and 3:35 AM on 12/1, three suspects entered a building on the campus of Homestead High School on Homestead Road through an unlocked door and then accessed the roof. The suspect(s) spray painted graffiti on the roof. The total amount of damage is unknown. The suspects were cited and released.
12/3	C9	Reckless Evading, Injury Collision Resist Arrest, Felon in Possession of Firearm, Ammunition, Controlled Substance for Sales, Drug Paraphernalia, Misappropriated Lost Property, Identity Theft ARREST	At 4:04 AM, deputies attempted to stop a motorist at Bollinger Road and Wunderlich Drive but the suspect driver recklessly evaded and fled at high rates of speed until crashing. The suspect fled the collision scene on foot and was located nearby in possession of a loaded firearm, Methamphetamine for sales, glass smoking pipes, burglary tools, stolen mail and many ID, social security and credit cards. Further investigation revealed numerous victims of identity theft in relation to the evidence collected. The suspect was arrested and booked into Main Jail.
12/3	C7	Non-Injury Hit and Run Collision	Occurred at 11:22 AM at Bubb Road and Holly Oak Drive.
12/3	C8	Non-Injury Collision	Occurred at 6:33 PM at N. Stelling Road and Stevens Creek Boulevard.
12/4	C3	Under the Influence of a Controlled Substance ARREST	At 10:30 AM, deputies responded to a call from school officials at Homestead High School on Homestead Road who had a student detained for being under the influence of Ecstasy. The suspect was cited and released.
12/4	C3	Non-Injury Collision	Occurred at 4:50 PM at Sunnyvale Saratoga and Homestead Roads.

**PATROL ACTIVITY SUMMARY**

DATE	BEAT	ACTIVITY	COMMENTS
12/4	C9	Possession of Drug Paraphernalia ARREST	At 10:30 PM, deputies made contact with a bicyclist in the area of Bollinger Road and Hyde Avenue. An investigation revealed the suspect bicyclist was in possession of drug paraphernalia and had an outstanding warrant. The suspect was cited and released.
12/5	C7	Theft by False Pretenses	Between 9:30 AM and 11:00 AM, unknown suspect(s) telephoned the victim posing as a friend of the victim. The suspect(s) requested monetary assistance and the victim provided funds via gift cards for a total loss of about \$950. The victim lives in Cupertino.
12/5	C5	Non-Injury Collision	Occurred at 6:05 PM at Stevens Creek Boulevard and Main Street.
12/6	C9	Petty Theft ARREST	Between 11:35 AM on 12/4 and 1:05 PM on 12/6, the suspect student took money from unattended backpacks in the boys' locker room at Cupertino High School on Finch Avenue. The total loss is unknown. The suspect was cited and released.
12/6	C4	Identity Theft	On 12/6, unknown suspect(s) used the victim's personal information to access the victim's credit card account and attempted to withdraw and wire transfer money out of the account for an unknown total loss. The victim lives in Cupertino.
12/6	C9	Vehicle Burglary	Between 9:45 AM and 12:07 PM, unknown suspect(s) entered a vehicle parked at the Podium Apartments on Torre Avenue using unknown means and took a bag containing key fobs, foreign currency, ID cards and passports for a total loss of about \$5,250.
12/6	C5	Non-Injury Hit and Run Collision, DUI ARREST	At 8:47 PM, deputies responded to a non-injury hit and run collision in the 19000 block of Stevens Creek Boulevard. An investigation resulted in the arrest of the suspect driver for driving under the influence of alcohol. The suspect was booked into Main Jail.
12/7	C1	Petty Theft	Between 5:00 PM on 12/6 and 6:45 AM on 12/7, unknown suspect(s) entered an unlocked vehicle parked in the 10000 block of Mossy Oak Court and took credit cards, a driver's license, an in-car camera and a pair of sunglasses for a total loss of about \$195.
12/7	C5	Commercial Burglary	Between 5:07 AM and 6:11 AM, unknown suspect(s) entered the Dynasty Chinese Seafood Restaurant at Vallco Mall on N. Wolfe Road by prying a rear door open. The suspect(s) then pried a safe open and took cash for a total loss of about \$3,820.
12/7	C3	Battery on School Grounds ARREST	At 11:50 AM, deputies responded to a call from school officials at Homestead High School on Homestead Road who had two students detained for fighting. One suspect was cited and released, while the other was booked into Juvenile Hall.
12/7	C9	Vehicle Burglary	Between 8:00 PM and 8:58 PM, unknown suspect(s) broke through the windows of two vehicles parked at the Pacific Rim shopping center on Bollinger Road and took a bag containing sports equipment for a total loss of about \$250.
12/8	C4	Vehicle Burglary	Between 1:58 AM and 2:02 AM, unknown suspect(s) broke through a window of a vehicle parked at the Donut Wheel on N. De Anza Boulevard and took a bag containing a laptop, personal checks and a wallet for a total loss of about \$2,325.
12/8	C7	Non-Injury Collision	Occurred at 7:07 PM at Peach Blossom Drive and Rose Garden Lane.
12/8	C9	Non-Injury Collision	Occurred at 12:32 PM at Miller Avenue and Creekside Park.

**PATROL ACTIVITY SUMMARY**

<b>DATE</b>	<b>BEAT</b>	<b>ACTIVITY</b>	<b>COMMENTS</b>
12/8	C7	Possession of Drug Paraphernalia ARREST	At 11:55 PM, deputies stopped a motorist in the area of S. De Anza Boulevard and Rainbow Drive for a traffic violation. An investigation revealed the suspect passenger was in possession of drug paraphernalia. The suspect was cited and released.
12/9	C5	Non-Injury Collision	Occurred at 12:09 PM at Stevens Creek Boulevard and Finch Avenue.
12/9	C3	Vehicle Burglary	Between 3:50 PM and 7:51 PM, unknown suspect(s) broke through a window of a vehicle parked at Whole Foods on Stevens Creek Boulevard and took a backpack containing boots, clothing and a passport for a total loss of about \$550.
12/9	C1	Attempted Theft of Emergency Vehicle, Felon in Possession of Firearm, Resist Arrest ARREST	At 4:30 PM, the suspect, a convicted felon, entered and attempted to steal an emergency vehicle containing a loaded firearm at the Post Office on Stevens Creek Boulevard. The suspect resisted arrest, but was ultimately detained, arrested and booked into Main Jail.