



CUPERTINO CITY COUNCIL

CITY HALL

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March 13, 2018

The Honorable Jim Beall
Chair, Senate Committee on Transportation and
Housing
State Capitol, Room 2209
Sacramento, CA 95814

RE: SB 827 Transit-Rich Housing Bonus Notice of Opposition

Dear Honorable Chair Beall:

The City of Cupertino City Council unanimously opposes SB 827 (Wiener), which would pre-empt local discretionary land use approvals of housing developments within a half-mile of a major transit stop or within one-quarter-mile of a "high quality transit corridor." Specifically, SB 827 would undermine locally adopted General Plans, Housing Elements (which are certified by the Department of Housing and Community Development), and Sustainable Community Strategies (SCS). The proposal would exempt for-profit developers from locally developed and adopted building height limitations, densities, parking requirements, and design review standards with no opportunities for public input.

Eliminating opportunities for public review of these major development projects goes against the principles of local democracy and public engagement. A public hearing allows community stakeholders to inform decision-makers of their concerns and guarantees property rights will not be impacted without due process. Public review allows for design improvements to ensure new development matches a community's character. While it may be frustrating for some developers to address neighborhood concerns about traffic, parking and other development impacts, those directly affected have a right to be heard. Eliminating these public engagement opportunities will increase public distrust in government.

The City acknowledges that California is facing a housing affordability crisis; however, this bill is not the solution. Cupertino is focused on improving the affordability of workforce housing. For this reason, Cupertino supported the Building Homes and Jobs Act (SB 2, Atkins) and the Affordable Housing Bond Act of 2018 (SB 3, Beall), which will generate short-term and ongoing funding for affordable housing in California. Funding is critically needed to increase, preserve, and improve the affordable housing stock for our workforce.

The City is committed to ensuring that we meet affordable housing needs. In 2015, Cupertino was one of the first cities in Santa Clara County to adopt housing mitigation fees for all types of development, which have helped the City negotiate with developers to provide below-market-rate housing within market-rate housing projects to pay down the fees. With the passage of AB 1505 (Palmer fix), the City now requires that 15% of rental units be below-market-rate for any proposed rental project with seven or more units.

Lastly, research shows that transit near job centers is much more effective than transit near housing. Cupertino is working closely with our regional transportation authority to explore viable public transportation routes that reach job centers in Silicon Valley to ease traffic congestion. We encourage the State to also look into opportunities to invest and provide incentives to connect mass transit to job centers.

For these reasons, the City respectfully states our opposition to this measure.

Sincerely,



Darcy Paul
Mayor, City of Cupertino

Cc: Assembly Member Evan Low