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July 16, 2020

The Honorable Toni Atkins
State President Pro Tempore
State Capitol, Room 205
Sacramento, CA 95814

RE: SB 1120 (Atkins) – OPPOSE

Dear Pro Tem Atkins,

On behalf of the City of Cupertino, I am writing to express our opposition to SB 1120, your measure that would require cities and counties to permit ministerially either a housing development of up to two units, or the subdivision of a parcel into two equal parcels, as long as they meet specified conditions.

Specifically, SB 1120 requires a housing development containing two units to be considered ministerially, in single family zones, if the development is located on an eligible parcel. The project also cannot require demolition or alteration that would require the evacuation or eviction of an existing rental housing that has been occupied in the past three years.

SB 1120 also requires a city or county to ministerially approve or deny a parcel map for an urban lot split that meets specified requirements. In addition to the requirements for eligible parcels that apply to both duplexes and urban lot splits, urban lot split must meet the following requirements:

- The parcel map subdivides an existing parcel to create two new parcels of equal size.
- Both newly created parcels are no smaller than 1,200 square feet, unless the local agency adopts a smaller minimum lot size.
- The parcel being subdivided is zoned for residential use.
- The parcel does not contain rent-restricted housing, housing where an owner has exercised their rights under the Ellis Act within the past 15 years, or housing that has been occupied by tenants in the past three years.
- The parcel being subdivided was not previously created through an urban lot split, and none of the adjoining parcels were created by an urban lot split and owned by the same owner.

While SB 1120 does allow a local government to adopt an ordinance to implement its duplex and lot split provisions, and does not require a local government to ministerially approve accessory dwelling units on parcels or duplexes approved under this measure, the bill otherwise eliminates public review and input on these projects. SB 1120 would override local land use plans and regulations and ignore the careful planning that has been undertaken at the local level. Local planning efforts encourage public engagement and provide a collaborative process by which a local agency can determine what housing solutions are most appropriate for communities and how to appropriately plan for future growth.

SB 1120, and similar legislation to streamline permit review processes, reduce public engagement and eliminate the opportunity for input on pending developments. Public comments by local residents often bring to light a potential adverse impact of a proposed development, or elements that the community would like to see incorporated into the project. Consideration of such public input during the permit review process leads to higher quality development and should not be eliminated.

It is for these reasons that the City of Cupertino has taken an oppose position on SB 1120.

Sincerely,



Steven Scharf
Mayor
City of Cupertino

cc: Senator Jim Beall
Assemblymember Evan Low
Assemblymember Marc Berman