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June 29, 2021

The Honorable Cecilia Aguiar-Curry
California State Assembly, 4th District
State Capitol, Room 5144
Sacramento, CA 95814

RE: SB 290 (Skinner) - OPPOSE

Dear Assemblymember Aguiar-Curry,

On behalf of the City of Cupertino, I write to oppose SB 290 (Skinner), which would make various changes to density bonus law (DBL) to expand the types of low and moderate-income housing developments that can receive a density bonus and which would allow developments to reduce parking availability by 0.5 spaces per bedroom.

Under current law, cities and counties have the ability to refuse a density bonus, concession, or incentive application if the proposed development would have specific, adverse impact on public health and safety or the physical environment. As written, SB 290 prevents municipalities from denying a density bonus to projects that harm the physical environment and restricts project denials to projects that pose a threat to the health and safety of the public. The City of Cupertino is concerned that the removal of this important provision will lead to the development of projects that may lead to negative outcomes such as an increase in noise and air pollution.

Moreover, the bill outlines a process for developers to significantly increase density while providing only a modest number of additional affordable housing units. Specifically, SB 290 expands incentives for developers to build additional moderate-income units, thus motivating developers to prioritize the creation of moderate-income housing over low-income housing in both quantity and unit-size. Incentives include reducing parking minimums for developers that meet specific requirements for the construction of a meager percentage of moderate-income units.

The City fears that this measure could under-deliver more affordable units in favor of less affordable units at a time where many struggle to make ends meet to afford basic living expenses. The COVID-19 pandemic has decimated many Californians' income levels and

housing security. As written, this bill seeks to expand incentives for the development of affordable housing units for moderate-income earners by stripping municipalities of local discretion pertaining to parking requirements and environmental quality.

We wish to see the construction of affordable housing units for income earners across the board. However, we fear SB 290 will incentivize developers to utilize the scarce resource of available land to construct large, mostly market-rate units that will increase land values and stifle the production of much needed lower-income developments and units. Developer incentives should match pace with the construction of affordable housing units to ensure the delivery of projects that optimize affordability.

For these reasons, the City of Cupertino opposes SB 290.

Sincerely,



Darcy Paul
Mayor
City of Cupertino

cc: Senator Dave Cortese
Assemblymember Evan Low
Assemblymember Marc Berman
Assembly Local Government Committee
Assemblymember Cecilia Aguiar-Curry (Chair)
Assemblymember Tom Lackey (Vice Chair)
Assemblymember Richard Bloom
Assemblymember Tasha Boerner Horvath
Assemblymember James Ramos
Assemblymember Luz Rivas
Assemblymember Robert Rivas
Assemblymember Randy Voepel