



**MAYOR STEVEN SCHARF**  
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July 16, 2020

The Honorable Scott Wiener  
State Senator, 11<sup>th</sup> District  
State Capitol, Room 5100  
Sacramento, CA 95814

**SB 902 (Wiener) – OPPOSE UNLESS AMENDED**

Dear Senator Wiener,

On behalf of the City of Cupertino, I am writing to express our oppose unless amended position to SB 902, your measure that would permit a local government to pass an ordinance to rezone any parcel up to 10 units of residential density per parcel, at a height specified by the local government.

The City appreciates that SB 902 is structured in such a manner that provides cities discretion as to whether an ordinance would be appropriate for part, or all, of their community. We believe that these provisions ensure that local governments are able to decide if this tool is appropriate for their community and may be a strategy that would result in additional housing opportunities.

Unfortunately, we must oppose SB 902 due to the provisions that would allow a local government to pass an ordinance to rezone a parcel, even if a local voter initiative has been passed that would directly prohibit such an ordinance. The ability for voters to approve local measures is fundamental to our political process and should not be allowed to be ignored by a city council. If a local government wishes to pass an ordinance, such as would be allowable under SB 902, that goes against a locally approved voter initiative, then that ordinance should be submitted to the voters.

The City of Cupertino does not believe that local governments should be able to ignore the will of their local voters, even for a worthy purpose, such as the creation of new housing. This provision creates a slippery slope, which could spur future legislation that may allow government to ignore the will of the voters for less worthy causes. We believe that the right of the voters to approve local measures, and for government to respect those measures, is foundational to our democracy and must be protected. We would request that you consider

removing this provision from SB 902, in which case the City would be glad to remove our opposition.

If you have any questions, or need more information, about the City's position or our suggested amendment, please contact our City Manager, Deborah Feng, at (408) 777-3212.

Sincerely,

A handwritten signature in blue ink that reads "Steven M. Scharf". The signature is written in a cursive style with a clear, legible font.

Steven Scharf  
Mayor  
City of Cupertino

cc: Senator Jim Beall  
Assemblymember Evan Low  
Assemblymember Marc Berman