



MAYOR DARCY PAUL
dpaul@cupertino.org

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3195 • FAX: (408) 777-3366
CUPERTINO.ORG

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The Honorable Josh Becker
California State Senate, 13th District
State Capitol, Room 3076
Sacramento, CA 95814

RE: SB 778 (Becker) – OPPOSE

Dear Senator Becker,

On behalf of the City of Cupertino, I would like to express our opposition to SB 778, your measure which would require ministerial approval of accessory dwelling units (ADUs) in certain vacant spaces of mixed-use buildings.

Specifically, SB 778 would require the ministerial approval of a permit to build, in a residential or mixed-use zone, multiple ADUs within existing mixed-use structures, including commercial space, industrial space, retail space, or other vacant space, provided each unit complies with state building standards for dwellings. Additionally, the measure provides that any portion of a multifamily structure or mixed-use structure that is vacant space, must have been vacant for at least six months prior to applying for a permit to convert it to an ADU.

Over the past several years, the Legislature has approved legislation that has encouraged the development of ADUs, including legislation for ministerial review for ADUs and JADUs. These bills specifically put forth the non-livable spaces that could be ministerially approved for an ADU. At the time that these bills were introduced, the City was opposed to the idea that there should be ministerial review for the conversion of spaces that were not originally intended as livable spaces. It is for these same reasons that we oppose SB 778.

While it may be appropriate for some vacant commercial, industrial, retail, or other vacant space to be converted into an ADU, we believe that the circumstances should be subject to an increased level of review to ensure that the spaces are indeed suitable for habitation. Additionally, given the types of spaces in question, additional review may be necessary to ensure that the proposed ADU maintains the public health and safety of the future residents of such a space.

The City of Cupertino believes that it is important to not only create housing opportunities within our city, but to make sure that it is done in a manner that takes into account all aspects of a proposed development. It is for these reasons that the City must respectfully oppose SB 778.

Sincerely,



Darcy Paul
Mayor
City of Cupertino

cc: Senator Dave Cortese
Assemblymember Evan Low
Assemblymember Marc Berman