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March 11, 2021

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

**RE: SB 9 (Atkins) – OPPOSE**

Dear Pro Tem Atkins,

On behalf of the City of Cupertino, I am writing to express our opposition to SB 9, 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. This bill harms the public through foreseeable negative impacts to infrastructure and the environment due to the elimination of local input and consideration of legitimate concerns.

Specifically, SB 9 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 9 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 9 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 9 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 9, 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 safer, higher quality development and should not be eliminated.

SB 9 does not take into account the impact that additional units can have on the supporting infrastructure. In order to support residents of a community, adequate water, wastewater, and other utility infrastructure is put into place; however, these systems can only support so many households before the system needs to be expanded. SB 9 does not take into account the capacity for the infrastructure to serve the new units that would be generated. Similarly, SB 9 does not take into account the impact that these additional housing units would have on the local school districts and their needs to support additional students. It is imperative that any new housing units can be supported by the local community, or that they financially offset the costs associated with the supporting infrastructure, as is currently done with new housing developments.

It is for these reasons that the City of Cupertino has taken an oppose position on SB 9.

Sincerely,



Darcy Paul  
Mayor  
City of Cupertino

cc: Senator Dave Cortese  
Assemblymember Evan Low  
Assemblymember Marc Berman