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June 25, 2019

The Honorable Bob Wieckowski
California State Senate
State Capitol, Room 4085
Sacramento, CA 95814

RE: Oppose SB 13 – Accessory Dwelling Units

Dear Senator Wieckowski,

On behalf of the City of Cupertino, I am writing to express opposition to SB 13, which would amend the statewide standards that apply to locally adopted ordinances regarding accessory dwelling units (ADUs).

Specifically, SB 13 would modify the zoning areas where housing is a permissible use, expand the areas in which ADUs can be built, provide that replacement parking is not required for the construction of certain ADUs, removes the authority for local ordinances to require owner occupancy, provides minimum size and height requirements, provides for a tiered schedule of impact fees, and increases the State oversight of local ordinances.

The State law governing ADUs has been modified a number of times, including during the 2016 legislative session. Local agencies have worked in good faith to craft ordinances that implement those laws and would now be required to reopen those ordinances to reflect any new changes. Local agencies are currently able to amend their ordinances above and beyond the State requirements, if that is what is supported in their communities, and this measure would circumvent the local process in favor of a one-size fits all approach to ADUs.

Additionally, SB 13 would prohibit a local jurisdiction from requiring a property owner live in the main house or one of the accessory structures until January 1, 2025. This would incentivize operating the property as a commercial enterprise and could have the unintended effect of large-scale investors purchasing many single-family homes and adding ADUs, thus operating more like a property management company, not a homeowner seeking some additional income. Additionally, owner occupancy

requirements could provide greater oversight and an opportunity to provide more affordable rents as a homeowner is less likely to be profit driven.

SB 13 prohibits impact fees on ADUs smaller than 750 square feet and significantly limits the impact fees that may be charged to larger ADUs. Impact fees are an important tool for cities and special districts to provide services, infrastructure, and quality of life for local communities. The impact fee caps in SB 13 will reduce local government funding for public safety and quality of life investments and will put additional pressure on local governments to find alternative sources of funding to finance the infrastructure, services, and other amenities needed for growing communities.

Lastly, SB 13 would, among other things, remove the requirement for replacement parking when a garage, carport, or other structure is modified or demolished for the construction of an ADU. This will add to the existing difficulties of parking, by removing existing parking and creating additional demands for on-street parking. This provision will put additional cars on to city streets and into neighborhoods, thereby negatively impacting nearby residents, including bicyclists and pedestrians, and businesses as it will be more difficult for visitors to the City to find adequate parking.

It is for these reasons that the City of Cupertino opposes SB 13.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Scharf', with a long horizontal flourish extending to the right.

Steven Scharf
Mayor, City of Cupertino

cc: Assembly Local Government Committee Members