



**MAYOR STEVEN SCHARF**  
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September 17, 2019

The Honorable Gavin Newsom  
Governor, State of California  
State Capitol, 1<sup>st</sup> Floor  
Sacramento, CA 95814

**RE: SB 330 (Skinner) – Request for Veto**

Dear Governor Newsom,

On behalf of the City of Cupertino, I am writing to respectfully request that you veto SB 330, which would, among other things, declare a statewide housing crisis and freeze nearly all development related fees for a five-year period once a developer submits a “preliminary” application, including essential project specific fees.

The City opposes numerous provisions contained within SB 330, including the following:

- **Creates A New Type of Housing Project Application** – SB 330 creates a “preliminary” housing project application, which upon submittal, limits the number of public hearings, freezes nearly all project related fees, and starts the approval timeline before an application is deemed complete.
- **Freezes Impact Fees for Up To 2 1/2 Years** – SB 330 would lock in place nearly all fees imposed on a housing project once a developer submits a “preliminary” application. Developers would have up to 2 1/2 years to begin construction and not be subject to any new fee, even an affordable housing fee.

- **Essentially Bans Project Specific Fees** – SB 330 would prohibit a city from imposing any fee, except CEQA related fees, after the submittal of a “preliminary” application. This would essentially ban project specific fees because these fees cannot be determined until a city fully analyzes the project. It is important to note that all project impact fees are extensively regulated by state law and the California Constitution, which state that cities can only charge a fee to cover the cost of providing the service for which the fee is applied. State law also makes it illegal for cities to charge project fees and use the funds for other purposes.

The City of Cupertino strongly questions the effectiveness of restricting essential housing related fees, particularly when SB 330 does not require any of the cost savings associated with these limitations to be passed on to the renter or purchaser of the housing unit.

It is for these reasons that the City of Cupertino opposes SB 330 and must respectfully request that you veto this measure.

Sincerely,

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

Steven Scharf  
Mayor, City of Cupertino