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July 16, 2020

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

RE: SB 995 (Atkins) – SUPPORT IF AMENDED

Dear Pro Tem Atkins,

On behalf of the City of Cupertino, I am writing to express our support if amended position on SB 995, your measure that would extend the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (the Act) for four years, until 2025. Additionally, the measure makes housing projects that meet certain requirements, including affordable housing requirements, eligible for certification under the Act.

In order to be eligible for expedited judicial review of CEQA challenges afforded under the Act, SB 995 would require that a housing project must be located on an infill site; be consistent with the general use designation, density, building intensity, and applicable policies specified in either a sustainable communities strategy or an alternative planning strategy; result in a minimum investment of \$15 million upon completion; and contain at least 15% affordable housing.

SB 995 adds a new category of projects that could qualify for AB 900 certification - affordable housing projects. To qualify, the project must, among other things, be located on an infill site, be consistent with a sustainable communities strategy or alternative planning strategy, have at least 15% of the project be dedicated to affordable housing, and must result in a minimum investment of \$15 million in California. In comparison, under current law residential projects currently are subject to LEED Gold, do not have a minimum affordable housing requirement, and are required to result in \$100 million investment in California.

The City's concern with SB 995, is that lowering the minimum investment level to \$15 million may not be the appropriate amount, particularly in areas of the state that have high land values. In Cupertino, a \$15 million investment could result in a development with as few as 15 units. Additionally, in cities that have minimum affordability requirements, like Cupertino, this bill does not require a housing development to contain any affordable housing beyond what would otherwise be required under local ordinances.

We would request that you consider strengthening SB 995 by requiring a housing development to create additional affordable housing, beyond what is required locally, to be eligible for expedited judicial review of CEQA. Similarly, we would request that you consider amending the bill to provide a sliding investment scale based on regional economic conditions. The City believes that both amendments would ensure that to take advantage of the streamlined judicial review of CEQA, a project must include a meaningful amount of affordable housing.

It is for these reasons that the City of Cupertino has taken a Support if Amended position on SB 995. If you have any questions or need more information about the City's position or our suggested amendments, please contact our City Manager, Deborah Feng, at (408) 777-3212.

Sincerely,



Steven Scharf
Mayor
City of Cupertino

cc: Senator Jim Beall
Assemblymember Evan Low
Assemblymember Marc Berman