



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

March 12, 2021

The Honorable Scott Wiener
State Senator, 11th District
State Capitol, Room 5100
Sacramento, CA 95814

SB 10 (Wiener) – OPPOSE

Dear Senator Wiener,

On behalf of the City of Cupertino, I am writing to specify our opposition to SB 10, your measure that would permit a local government to pass an ordinance to rezone any parcel up to 10 units of residential density per parcel, at a height specified by the local government.

The City appreciates that SB 10 is structured in such a manner that provides cities discretion as to whether an ordinance would be appropriate for part, or all, of their community. We believe that these provisions ensure that local governments are able to decide if this tool is appropriate for their community, and may be a strategy that would result in additional housing opportunities.

However, we must oppose SB 10 due to the provisions that would allow a local government to pass an ordinance to rezone a parcel, even if a local voter initiative has been passed that would directly prohibit such an ordinance. The ability for voters to approve local measures is fundamental to our political process and should not be allowed to be ignored by a city council. If a local government wishes to pass an ordinance, such as would be allowable under SB 10, that goes against a locally approved voter initiative, then that ordinance should be submitted to the voters.

The City of Cupertino does not believe that local governments should be able to ignore the will of their local voters, even for a worthy purpose, such as the creation of new housing. This provision creates a slippery slope, which could spur future legislation that may allow government to ignore the will of the voters for less worthy causes. We believe that the right of the voters to approve local measures, and for government to respect those measures, is foundational to our democracy and must be protected.

Additionally, we believe that there are already processes in place for local governments to consider zoning for these projects. The process of approving a housing element as part of a general plan, provides opportunity for local stakeholders to weigh-in on the appropriate size and location for all kinds of housing, including projects that would be impacted by SB 10.

It is for these reasons that the City of Cupertino has taken an oppose position on SB 10.

Sincerely,



Darcy Paul
Mayor
City of Cupertino

cc: Senator Dave Cortese
Assemblymember Evan Low
Assemblymember Marc Berman