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June 3, 2021

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

RE: SB 478 (Wiener) – OPPOSE

Dear Senator Wiener,

On behalf of the City of Cupertino, I would like to express our opposition to SB 478, your measure which would prohibit a local government from imposing a floor-to-area ratio (FAR) below a certain point on certain housing developments.

Specifically, SB 478 would prohibit a local government from adopting a FAR that is less than 1.0 for a housing development consisting of three to seven units, and from adopting a FAR less than 1.25 for a housing development consisting of eight to ten units. Additionally, SB 478 would prohibit a local government from denying a housing development project located on an existing parcel solely on the basis that the lot area of the proposed lot does not meet the local requirements for minimum lot size.

We believe that SB 478 extends well beyond the reach of land use issues for the state. California is made up of hundreds of communities, each with their own characteristics, history, and future needs that go in to determining how best to approach land-use decisions. What is appropriate for one community may not be appropriate for all communities, which is why land-use decisions, such as minimum lot sizes and FARs are best decided at the local level. In some communities, the FARs suggested by this bill may be appropriate; however, they will not be appropriate in all communities. Locally elected officials, with input from their residents and local stakeholders, are in the best position to determine what is best for their community.

By prohibiting local agencies from considering and being able to require minimum parcel sizes for parcels that are zoned for two to ten units, this bill creates an incentive for developers to

create microunits on parcels that are not otherwise sufficient to support housing. While it is important to create new housing opportunities, for individuals of all income levels, local governments are in the best position to determine what lot minimums should apply based on the local characteristics of their community. For instance, elements such as threats from fire, setbacks required for public safety access, and the condition of supporting infrastructure need to be taken into account by the locality when determining the appropriate minimum lot size for development. This bill ignores such factors.

It is for these reasons that the City opposes SB 478.

Sincerely,



Darcy Paul
Mayor
City of Cupertino

cc: Senator Dave Cortese
Assemblymember Evan Low
Assemblymember Marc Berman