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September 9, 2020

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

**RE: AB 725 (Wicks) – Request for Veto**

Dear Governor Newsom:

On behalf of the City of Cupertino, I am writing to respectfully express our opposition to AB 725, and request that you return this measure to the Legislature, without your signature.

AB 725 would, beginning January 1, 2022, create a density requirement for moderate- and above moderate-income housing for suburban and metropolitan cities. In their housing element's inventory of land, cities would need to allocate at least 25% of their regional housing need for above moderate-income housing to sites with zoning that allows at least four, but not more than 100, units of housing per acre.

The provisions of the bill do not apply to an unincorporated area, regardless of whether it is located within a suburban or metropolitan jurisdiction, thereby only applying to cities that meet the definition of "suburban" or "metropolitan" in housing element law. The allocation of moderate- and above moderate-income housing required by this bill is prohibited from being the basis for the jurisdiction to deny a project that does not comply with the allocation, or impose a price minimum, price maximum, price control, or any other exaction or condition of approval in-lieu thereof.

We appreciate that the bill allows a project proponent to propose, and a city to approve, a single-family detached home on a site identified pursuant to the bill's provisions that is zoned for at least four units, giving the city flexibility to approve single-family housing on these sites. However, these provisions do not provide cities with adequate flexibility to maintain oversight on how development is proposed within our city limits.

It is important for the City to have input on the location of new development so that we can ensure the safety of our current, and future, residents in the event of emergencies, such as a wildfire. AB 725 would require the City to zone for multi-family housing in areas that may not be suitable for this type of development and does not have the public infrastructure to support the additional residents that would reside in these developments. While there may be some sites within the City that can support the density envisioned in AB 725, we believe that requiring that a specific minimum percentage of housing for denser development, regardless of local conditions, is not a policy that the State should pursue.

Additionally, AB 725 does not contain any provisions to address the most serious issue in Cupertino, the lack of affordable housing being produced. This measure will provide developers with additional incentive to create multi-family developments that are not affordable to many who work, or wish to live, in the City. Given the limited amount of space in built-out cities, like Cupertino, this measure will result in the development of multi-family housing projects for moderate- and above moderate-income units, and making it even more difficult, and expensive, to find land for projects with a significant number of affordable units.

Finally, AB 725 was written long before the current coronavirus pandemic. As we have already started to see, the pandemic will have permanent, long-term effects on housing, workplaces, and transportation. Cupertino has already seen many residents leave their apartments in search of single-family homes elsewhere in the State. In response to the COVID-19 pandemic, many Californians are now looking for housing options that include dedicated workspaces and larger backyards for recreation. While it is uncertain as to the long-term impacts on housing from the coronavirus pandemic, it seems short-sighted to make broad statewide policy as to the type of housing that needs to be built at a time when there is significant change in how people live and work.

It is for these reasons that we must respectfully request that you veto AB 725.

Sincerely,



Steven Scharf  
Mayor  
City of Cupertino