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TRANSMITTED VIA EMAIL

December 18, 2017

Honorable Mayor Paul and Members of the City Council
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

Dear Mayor Paul, Vice Mayor Sinks, and Councilmembers Chang, Scharf, and Vaidhyanathan:

**Re: December 19, 2017 City Council Agenda Item 17 —
Consider an ordinance to amend regulations in Title 19, Zoning of the
Municipal Code with regard to Accessory Dwelling Units**

On behalf of our members, we thank you for considering amendments to the City of Cupertino's Accessory Dwelling Unit (ADU) Ordinance in order to comply with State legislation adopted in 2016 and 2017. We support the staff recommendations, but we also urge the Council to consider further revisions to allow and encourage more Cupertino homeowners to consider building ADUs.

The amendments adopted by the Council in November 2016 were an important first step. However, in order to fully leverage ADUs as a policy solution, Cupertino must take additional steps to encourage homeowners to build them. SV@Home encourages the City of Cupertino to consider the following policy changes that would allow the City to unlock the potential of ADUs:

- **Reduce the minimum lot size requirement for ADUs.** Cupertino has one of the highest minimum lot size requirements in Santa Clara County – 10,000 square feet for a detached ADU. This is an enormous barrier that automatically bars many, if not most, of the City's single family lots from eligibility. By comparison, Palo Alto recently reduced its minimum lot size to 5,000 square feet, and Mountain View eliminated its minimum lot size requirement entirely. A separate minimum lot size requirement, in addition to the existing zoning requirements, creates an additional constraint that could exclude a significant number of homeowners from the opportunity to build an ADU. We strongly recommend that the City of Cupertino reduce or eliminate its extremely high minimum lot size requirement.
- **Broadly legalize existing ADUs that can meet basic building, health, and safety standards even if they are non-compliant with current planning codes.** A legalization program for such units would encourage owners to come forward and

- bring their units into compliance with building and safety codes, while keeping current tenants from being permanently displaced. ADUs that are safe for occupants and neighbors should be allowed to come into compliance with building and safety codes and be legally occupied, without facing any penalties.
- **Reduce fees associated with ADU construction.** Fees can add tens of thousands of dollars to the cost of creating ADUs, especially those that treat an ADU like a new use rather than an accessory to a single family home. Reducing financial burden for homeowners through reduced fees or a fee-waiver program can make ADUs more affordable. As an example, the City of Mountain View significantly reduced its Park Land Dedication In-Lieu Fee for ADUs, recognizing that an ADU will likely have fewer occupants than the average single family home.
- Finally, we recommend that the City of Cupertino dedicate resources toward the creation of a **robust Accessory Dwelling Unit program** that provides resources and guidance to homeowners who are interested in creating secondary dwelling units on their property. The City of Santa Cruz’s Accessory Dwelling Unit (ADU) Program, combined with its flexible ADU ordinance, demonstrates the positive impact of this combined approach; between 2003 and 2015, the City has built nearly 350 secondary dwelling units.

ADUs can provide a rapid means of providing missing-middle housing within the existing fabric of Cupertino’s single family neighborhoods. Among the City’s homeowners are retirees looking for a way to age in place, working families who could benefit from an additional source of income to help pay for their mortgage, and parents with older children who have moved back home and otherwise would not be able to afford a home in Silicon Valley. For these individuals and the many moderate-income renters who struggle to find housing in this area, ADUs can provide a broader range of affordable housing options that allow them to live near their family and/or place of work.

We thank you for considering these recommendations. As interest in ADUs grows among residents and other jurisdictions across the County, we hope to serve as resource to the City for information regarding ADU policy best practices. Please let us know how we can support your efforts to address Cupertino’s housing affordability challenges.

Sincerely,



Pilar Lorenzana
Deputy Director

Cc

Aarti Shrivastava, Assistant City Manager & Director of Community Development

Piu Ghosh, Principal Planner

Andrae Wara-Macapinlac, Senior District Representative, Office of Senator Bob Wieckowski

Senator Bob Wieckowski, California Senate District 10