

June 15, 2023

The Honorable Scott Wiener  
California State Senate  
1021 O Street, Suite 8620  
Sacramento, CA 95814

**RE: SB 423 (Wiener) Land Use: Streamlined Housing Approvals: Multifamily Housing Developments.  
City of Palo Alto – Notice of Opposition**

Dear Senator Wiener,

On behalf of the City of Palo Alto, I write in opposition to your SB 423 which eliminates the sunset associated with SB 35 (Statutes of 2017) and would pre-empt local discretionary land use authority by making approvals of multifamily developments ministerial actions. This measure would rely on often outdated community plans and would compromise critical project-level environmental review, public input, and community integrity. While we appreciate recent amendments like the addition of a 2036 sunset date and additional local input opportunities for projects meeting specific criteria, we must respectfully oppose this measure due to its usurpation of local land use authority.

This measure would double-down on the recent trend of the state overriding its own mandated local housing plans by forcing cities to approve certain housing projects without regard to the needs of the community, opportunities for environmental review, or public input. While it may be frustrating for some developers to address neighborhood concerns about traffic, parking, and other development impacts, those directly affected by such projects have a right to be heard. Public engagement also often leads to better projects which enhance the local community. Not having such outlets will increase public distrust in the government and could result in additional ballot measures limiting housing development.

Moreover, we have concerns with the bill's proposed long extension of the SB 35 sunset. Legislation that provides for untethered development potential without community input should not be enacted without a proper course for future legislative evaluation and review. As evidenced by notes and studies on environmentally sensitive zones throughout the State, California's landscape is *physically* changing year by year. Pushing the sunset out to 2036 on SB 35's provisions creates barriers to timely policy reconsideration in a state that is constantly changing and also concerned about the preservation of environmentally sensitive areas.

Further, since its enactment, SB 35 has been cross-referenced into several pieces of legislation, including bills that streamline residential developments in commercial and retail designated zones. For instance, last year the Governor signed SB 6 (Caballero) and AB 2011 (Wicks) into law, which allow for the streamlined development of residential housing units in commercial and residential designated areas with little local input. Both of these measures cross-reference SB 35 streamlining provisions to allow those policies to be utilized in these zones. These trends point to a growth in the usage of SB 35 streamlining, and the need for reassessment after periods of time. Instituting a long sunset on this measure will allow its scope to grow beyond what was originally intended, without programmatically revisiting the policy to assess impacts and make adjustments.

SB 423 ignores sensitive environmental review standards, lacks robust affordability requirements, and shuts down the prospect of future legislative review by imposing a 10+ year sunset date. The state needs additional affordable housing units and we wholeheartedly support that; however, the state and local governments should work together to identify safe development areas, planning standards, and additional funds to support the growing need.

During its May 15, 2023 Council Meeting, the City opposed SB 423 on a 4-3 vote, with the Council Members voting as follows:

AYES

Mayor Kou  
Vice Mayor Stone  
Council Member Burt  
Council Member Launing

NOES

Council Member Lythcott-Hains  
Council Member Tanaka  
Council Member Veenker

Sincerely,



Lydia Kou  
Mayor  
City of Palo Alto