



## Legislation Text

File #: 2023-0289, Version: 1

### Report to Mayor and City Council

Tuesday, April 18, 2023

Consent

#### **SUBJECT:**

**CONSIDER TAKING A POSITION OF OPPOSITION AND SENDING A CORRESPONDING LETTER REGARDING SENATE BILL 423, WHICH WOULD FORCE CITIES TO APPROVE CERTAIN HOUSING PROJECTS WITHOUT OPPORTUNITIES FOR ENVIRONMENTAL REVIEW OR PUBLIC INPUT (CITY COUNCIL)**

#### **I. SUMMARY**

This item transmits a request from the League of California Cities for the City Council to formally oppose Senate Bill 423 (Wiener). This bill would modify and expand SB 35 (2017) provisions that allow certain multifamily housing developments to take advantage of a streamlined, ministerial approval process.

Specifically, this bill: (1) removes the 2026 sunset and makes the statutes permanent; (2) applies SB 35 provisions to the Coastal Zone; (3) allows the State to approve housing developments on property they own or lease; and (4) prohibits a city from enforcing its inclusionary housing ordinance if the income limits are higher than those in SB 35.

#### **II. RECOMMENDATION**

OPPOSE Senate Bill 423 and DIRECT staff to transmit a corresponding letter.

#### **III. ALTERNATIVES**

TAKE another action the City Council deems appropriate and that is consistent with applicable laws.

#### **IV. BACKGROUND**

Senate Bill 432:

- Eliminates the sunset on SB 35.
- Authorizes SB 35 to apply in the coastal zone.
- Subjects local governments to SB 35 streamlining if they fail to adopt a compliant housing element as determined by HCD, as specified.
- Provides that if a local government requires units restricted to higher incomes than those required for SB 35 streamlining, that those units meet the affordable housing requirements.
- Authorizes development on a wetland or protected habitat if authorized by any other state or federal law.
- Requires a local government planning director or other equivalent local government staff to make determinations about compliance with the objective planning standards.
- Prohibits a local government from requiring specified consultant studies for purposes of evaluating consistency with objective planning standards. Removes public oversight from the design review process.
- Provides that the “objective planning standards” required for SB 35 streamlining do not include subsequent permits such as local building codes, fire codes, noise ordinances, or other codes that are evaluated with subsequent permitting processes.
- Authorizes the Department of General Services, at its discretion, to act in the place of a locality or local government, for development on property owned by or leased to the state.

An additional detailed summary and analysis is included as Exhibit 2.

## **V. FISCAL IMPACT**

There will be no fiscal impact. This item seeks approval of the letter only.

## **VI. EXHIBITS**

1. Proposed Letter of Opposition to Senate Bill 423 (pgs. 3 - 4)
2. Bill Analysis (pgs. 5 - 22)

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