

ACTION ON SB 423

What you can do now – before August 14 –
when legislators return to Sacramento

Amy Kalish / Citizen Marin
For Catalyst Call 8/7/23

REFRESHER: what is SB 35?

- ▶ SB 35 is a 2017 law authored by Senator Wiener that gives tremendous power to developers
- ▶ It is a tool to force cities to accept massive developments if they missed their past RHNA mandates
- ▶ Cities must ministerially approve multi-unit projects that add 20% affordability – no notice, no hearings – based on objective design standards.
- ▶ CEQA and other impact studies are waived
- ▶ Density can greatly exceed local zoning standards
- ▶ No height, setbacks, parking, or shade requirements
- ▶ Citizens are cut out of the process completely



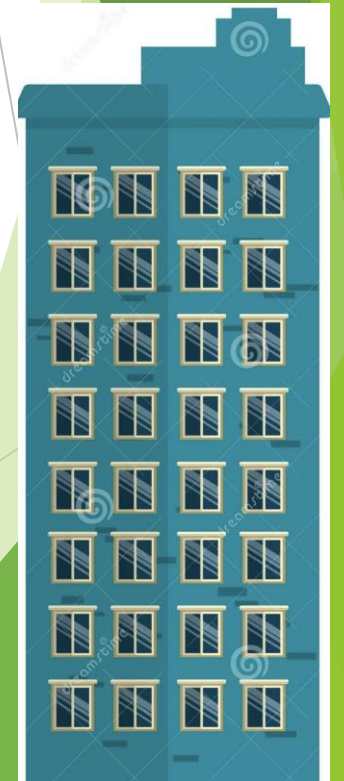
SB 35 is a PUNISHMENT



- ▶ Cities lose control of responsible planning
- ▶ Cities are required to provide infrastructure without compensation
- ▶ Neighborhoods must accept out of scale projects, no appeals
- ▶ No impact studies considered regardless of obvious impacts
- ▶ Developer's interests take the place of responsible city planning
- ▶ Disregard for water/drought, fire, evacuation routes, sea level rise, flooding, traffic, the environment, neighborhoods, views, aesthetics...

SB 423 MAKES SB 35 WORSE

- ▶ The law would extend SB 35 through 2036, with changes
- ▶ The percentage of affordable units required drops to 10%
- ▶ It extends SB 35 to the coast and overrules the 51-year-old voter approved Coastal Commission
- ▶ No occupancy requirements – 90% of units could be market-rate coastal vacation homes – without adding to local housing stock
- ▶ Will apply to cities without a compliant housing element



Current Status:

- ▶ SB 423 sailed through senate and assembly committees
- ▶ August 14 – Legislators return to Sacramento
- ▶ SB 423 will go quickly through Appropriations, it's final committee
- ▶ It will then move to an Assembly floor vote
- ▶ If it passes, it is sent to Governor Newsom
- ▶ He has until October 14 to sign or veto

IMPACT of PASSAGE

- ▶ Since the 6th Cycle RHNA is impossibly large, cities have been set up to fail – especially with high interest and no insurance
- ▶ SB 35 – with the new SB 423 provisions – will soon apply to ALL cities, and the coast
- ▶ SB 35 becomes streamlined de facto method of development, cutting out planning, citizen input, and CEQA



SB 423 ACTION CALENDAR

- ▶ Use this link to find your Assembly and Senate contacts:
- ▶ <https://findyourrep.legislature.ca.gov/>
- ▶ Contact your Assembly Person and Cc your Senator
- ▶ Cc or Bcc your City Council or Board of Supervisors
- ▶ Bcc info@catalystsca.org or 1citizenmarin@gmail.com
- ▶ This helps us track the impact we're making

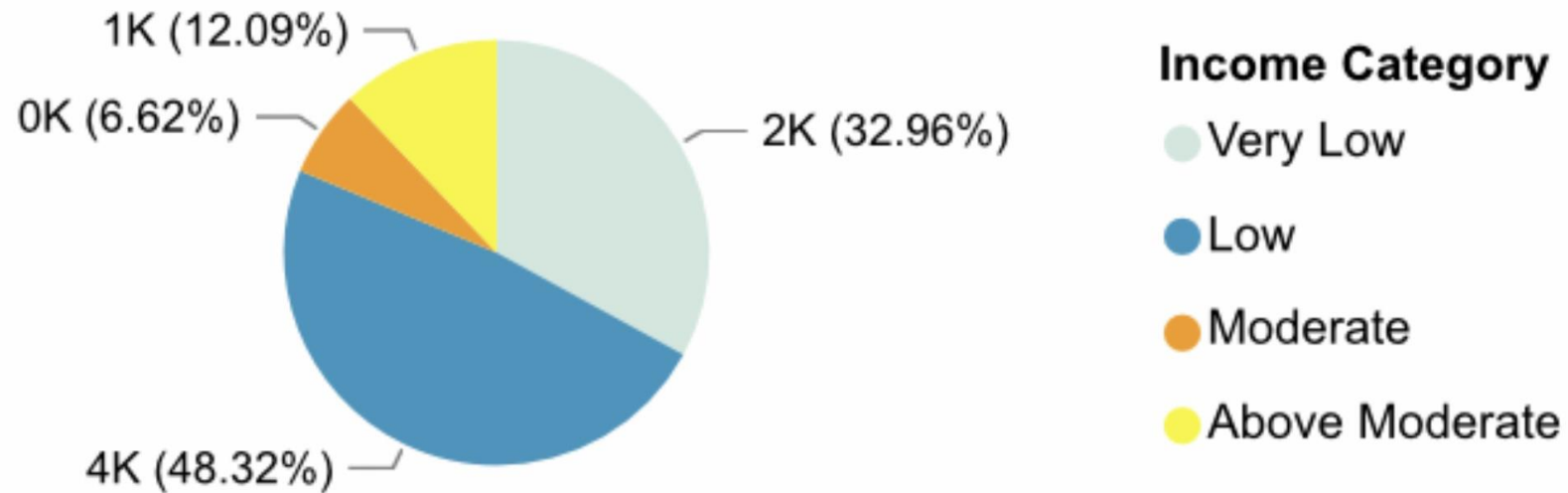
LINK TO SAMPLE LETTER

- ▶ Sample letter (can be used as phone script) here:
- ▶ citizenmarin.org/home/f/letter-oppose-sb-423-extension-of-sb-35
- ▶ Related docs at citizenmarin.org on the DOCUMENTS page

This is the disclaimer on the HCD site

There is no “built” category, only approved

Approved SB35 Projects by Affordability Level



Note: Many projects identified as SB35 projects are likely reported in error. HCD encourages jurisdictions to confirm SB35 projects and revise their APR accordingly if corrections should be made.

SB 35 info on HCD site

Housing Element APR Data [↗](#)

Housing Element Implementation and APR Dashboard

The dashboard below summarizes and displays data submitted on the APRs.

