



**CITY of CALABASAS**

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**CITY COUNCIL AGENDA REPORT**

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**DATE: MAY 16, 2023**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: KINDON MEIK, CITY MANAGER**

**SUBJECT: CONSIDER A LETTER OPPOSING SB 423, A MODIFICATION AND EXPANSION OF SB 35 PROVISIONS THAT ALLOW CERTAIN MULTIFAMILY HOUSING DEVELOPMENT TO TAKE ADVANTAGE OF A STREAMLINED, MINISTERIAL APPROVAL PROCESS.**

**MEETING**

**DATE: MAY 24, 2023**

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**SUMMARY RECOMMENDATION:**

Consider a letter opposing Senate Bill 423 (Wiener), a modification and expansion of SB 35 provisions that allow certain multifamily housing development to take advantage of a streamlined, ministerial approval process.

**BACKGROUND:**

In 2017, the Legislature passed, and the Governor signed SB 35. This law makes the approval of multifamily developments performed via ministerial action. As a result, the approval of these developments pre-empts local discretionary land use authority, bypasses the California Environmental Quality Act (CEQA), and does not require public input.

SB 423 would expand SB 35 to nearly all cities, including those in the coastal zone. It would also allow the state to approve housing developments on property it owns or leases and prohibit a city from enforcing its inclusionary housing ordinance if the

income limits are higher than those in SB 35. Finally, SB 423 would eliminate the 2017 law's sunset date, which would further disincentivize lawmakers from revisiting its impacts.

On March 15, 2023, the League of California Cities formally issued their opposition to SB 423. Per the request to League member cities, staff has prepared the attached letter of opposition to the proposed bill.

**REQUESTED ACTION:**

Consider a letter opposing Senate Bill 423 (Wiener), a modification and expansion of SB 35 provisions that allow certain multifamily housing development to take advantage of a streamlined, ministerial approval process.

**FISCAL IMPACT/SOURCE OF FUNDING:**

A letter of opposition does not have any fiscal impact to the City. However, the City has not analyzed the potential costs and liabilities that SB 423 would have on the City.

**ATTACHMENTS:**

Attachment A: City of Calabasas letter of opposition – SB 423