

March 9, 2021

The Honorable Scott Wiener
California State Senate
State Capitol Building, Room 5100
Sacramento, CA 95814

**RE: Senate Bill 10 (Wiener) Planning & Zoning: Housing Density
Oppose from the City of Palo Alto**

Dear Senator Wiener,

The City of Palo Alto writes to express opposition to Senate Bill 10 (SB 10).

SB 10 would allow a city council to override the People of California's 108-year-old constitutional right to the Voter initiative. This flies against the State of California Constitution, Article I and Article IV. It is an anti-democratic power that no Legislative branch of government should have, and which we --- a City Council, and therefore such a branch --- do not want. Such legislation echoes more of Russia than of California.

This is no minor item: attached is a list of over two dozen voter-approved land-protection measures which SB 10 would allow to be overturned, potentially disenfranchising hundreds of thousands of California voters.


SB 10 also encourages local governments to up/spot-zone parcels in vaguely defined "jobs-rich" and "transit-rich" areas, independent of their General Plan, and with no affordability requirements or measures to provide for the necessary infrastructure, parks, schools, open space and other associated community needs. Such actions in high-demand areas, like ours, do nothing for housing affordability but simply increase land prices; and any housing that does emerge ends up housing only the highest wage-earners, not those who need it most. In any case, SB 10's upzoning provisions are powers that we as local government already have; so, SB 10 provides no value.

Our pressing housing need is for Affordable Housing for our low- and moderate-income workers (defined as 60-80 percent Area Median Income (AMI) for low-income and 100-120% AMI for moderate-income). We have already locally passed commercial-growth measures which have fully balanced our local job and housing growth; what we still need is to shift the housing-affordability mix. The obstacle is not zoning but funding. Instead of all these "fight-with-cities-over-zoning" bills, which purport to enhance affordability but in fact do not, please instead help us with what really does work: financing. Affordable

Housing requires funding -- there is no way around this. If you can help us with such funding, we will see that it is put to work!

For these reasons, the City of Palo Alto opposes SB 10 (Wiener).

Sincerely,

DocuSigned by:

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Tom Dubois, Mayor
City of Palo Alto

Cc:

Josh Becker, Senator, California's 13th Senate District
Marc Berman, Assemblymember, California's 24th Assembly District
Gavin Newsom, Governor, State of California
Kate Gordon, Director, Governor's Office of Planning and Research
Seth Miller, Regional Public Affairs Manager, Peninsula Division, League of California Cities
Emily Beach, Division President, League of California Cities
Cities Association of Santa Clara County
Palo Alto City Council

APPENDIX:

Below are 27-voter-protected land acts as a partial list of acts that SB 10 would allow to be overturned, potentially disenfranchising hundreds of thousands of California voters.

1) **Albany** residents in 1990 approved Measure C by 75%, a shoreline protection initiative sponsored by Citizens for the Albany Shoreline and backed by environmental coalition CESP.

2) **Emeryville** shoreline protection measure passed in 1987.

3) **Fremont** voters approved the Hill Area Initiative of 2002 to protect open space. Measure T was put on the ballot by 13,000 Fremont residents.

4) **Martinez** voters passed in June 2018 a citizen initiative to establish an open space and parks overlay in the city's General Plan and require voter approval on changes to such lands (Martinez_Measure I, Open Space and Parks Overlay – Citizen Initiative June 2018).

5) **Alameda County's** open space protection measure passed in early 1990s.

6) **Napa County** farmland protection initiative Measure J was approved by voters in 1990. It was challenged in court, and ultimately the California Supreme Court sided with voters, ruling that voters can alter a city's General Plan via initiative (California Supreme Court/Devita v. County of Napa 1995).

7) **Napa County** General Plan Initiative, Measure P, a citizen-initiated measure approved by voters on Nov. 4, 2008, extending to the year 2058 the provisions of Measure J from 1990.

8) **Merced** Citizens' Right to Vote on Expansion of Residential Areas Initiative, Measure D (November 2010)

9) **Merced** Citizens' Right to Vote on Expansion of Residential Areas Initiative, Measure C (November 2010)

10) **Gilroy** citizen-initiated ballot measure prevents development outside boundaries, approved by voters November 8,

2016 <https://www.bizjournals.com/sanjose/news/2016/02/19/gilroy-group-taking-growth-boundary-to-the-ballot.html>

11) **Pacific Grove** measure to limit short-term rentals approved by voters November 6, 2018. Put on the ballot via initiative petition led by Pacific Grove Neighbors United.

12) **Ventura** community leaders in 1995 created the region's SOAR movement or Save Open Space and Agricultural Resources. Seven other cities in Ventura County have followed suit. In the City of Ventura, the SOAR initiative approved by voters in 1995 requires voter approval before the rezoning of unincorporated open space, agricultural land or rural land for development.

13) **Camarillo's** SOAR initiative requires voter approval for urban development beyond a City Urban Restriction Boundary (CURB) and was renewed by voters in 2016.

14) **Fillmore's** SOAR initiative requires voter approval for urban development beyond a City Urban Restriction Boundary (CURB) and was renewed by voters in 2016.

15) **Oxnard's** SOAR initiative requires voter approval for urban development beyond a City Urban Restriction Boundary (CURB) and was renewed by voters in 2016.

16) **Santa Paula's** SOAR initiative requires voter approval for urban development beyond a City Urban Restriction Boundary (CURB) and was renewed by voters in 2016.

17) **Simi Valley** voters approved Measure Z, a City Urban Restriction Boundary extension, on November 8, 2016. It protects lands through 2050, via the initiative petition campaign in Ventura County known as SOAR.

18) **Thousand Oaks** voters approved City Urban Restriction Boundary extension on November 8, 2016. Protects boundary through 2050. Initiative petition campaign involved SOAR.

19) **Moorpark** voters approved their SOAR urban boundaries plan on November 8, 2016.

20) **Los Angeles** residents in 1986 approved the citizen initiative Prop. U, which reduced by 50% the size of high-rises on commercial corridors near homes. It was heavily backed by South L.A. and Eastside voters as well as Westside and Valley

voters. Prop. U was partially overturned by voter-approved JJJ in 2016 to allow market-rate housing towers if a very small percent of affordable units is included. Commercial heights remain restricted under Prop. U.

21) **Redondo Beach** citizen initiative Measure C won handily, restricting development in the King Harbor-Pier area. Approved by voters March 7, 2017.

22) **Redondo Beach** Measure DD, a citizen initiative in 2008, got 58.5% of the vote. It requires voter approval of major land-use decisions and changes that would convert public land to private use, change business zoning to residential or mixed-use zoning with certain density limits, or significantly increase traffic, density or intensity of use in a neighborhood.

23) **Dana Point**, California, Town Center Plan and Parking Citizen Initiative, Measure H (June 2016) initiative approved by voters.

24) **Dana Point**, California, Town Center and Public Parking City Council Referral, Measure I (June 2016) initiative approved by voters.

25) **Solana Beach** in 2000 passed by 62% the citizen initiative Proposition T. It requires voter approval to alter or increase General Plan Land Use categories with the exception of residential land that is being reduced in density. Prop. T allows the city to comply with state and federal law and the local coastal program, without seeking voter approval.

26) **Encinitas** approved in 2013 its "Right to Vote" initiative, Prop. A, which requires voter approval to increase zoning density or the city height limit of 30 feet. The initiative is the focus of a complex legal battle.

27) **Santee** voters in November 2020 approved Measure N, which requires voter approval of zoning changes or developments that intensify or increase density on residential land. initiative in Santee on November 3, 2020.