

# TOWN OF ATHERTON

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January 22, 2020

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

## **SB 50 (Wiener) Planning and Zoning. Housing Development Incentives – LETTER OF OPPOSITION**

Dear Senator Wiener:

The Town of Atherton continues to oppose SB 50 unless the measure is further amended to address the following critical issues which not only affect our Town, but numerous other suburban and rural jurisdictions throughout California.

Although as amended, SB 50 creates opportunity for jurisdictions to develop a “local flexibility plan”; we cannot consider this option as a possibility as SB 50 does not define any required elements for such a plan. Because the legislation is not clear on what a compliant local flexibility plan is; the crafting of compliance, guidelines and regulatory controls for such plans are left to the Office of Planning and Research (OPR) and Housing and Community Development (HCD). This is to be done with little to no public input, engagement, or oversight. This is insufficient direction for such an important piece of legislation.

As amended, SB 50 appears to provide local governments with the opportunity to develop their own plans to meet their housing goals and objectives. Although the goal of increased density around transit is clear; the goal of the bill regarding a jobs-rich housing project is not; and, in fact seems to actually target affluent communities rather than job-generating communities. While Atherton is shown in the jobs rich mapping put out with your list of amendments, it is a 100% residential community. The adjacent non-affluent communities of North Fair Oaks and Redwood City are not included in the jobs rich mapping. Atherton is not a “jobs-rich” environment because there are no commercial, industrial or retail businesses in Atherton. Atherton has developed in this way for nearly 100-years in the midst of adjacent cities with more land, larger populations, and commercial and industrial development. As these neighboring jurisdictions have developed large commercial projects, they have neglected to make commensurate plans for housing and transportation to serve these developments. This has resulted in increased commute traffic congestion and a deterioration of the roads through our region, with increased noise and threats to our local emergency response capabilities due to gridlock. While Atherton has been cautious in its development; our neighbors have not. SB 50 then attempts to usurp our local control and force Atherton to change its character to accommodate the impacts caused by adjacent, short-sighted development decisions. The “community plan” process for sensitive communities as laid out in the amended SB 50 provides a much clearer alternative that should be considered as a process for *all* jurisdictions.

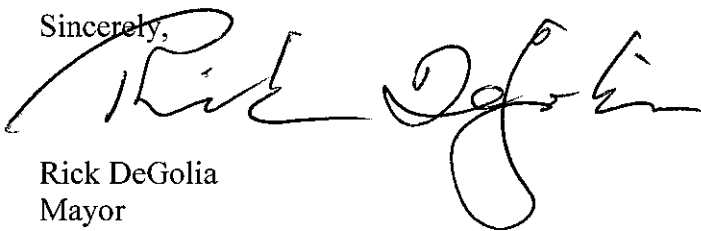
Additionally, by forcing multi-unit housing, with limited to no parking solutions onto a community with limited to no transit solutions or opportunities for such solutions appears to be in direct conflict with the State's climate goals of reducing greenhouse gas (GHG) emissions. Placing multi-unit housing with no parking in an area without immediate access to transit is in direct contradiction to development incentives for electric vehicle charging solutions to reduce greenhouse gas (GHG) emissions. In Atherton, where there is no commercial development, residents need to travel miles to obtain food and other items. Multi-unit housing in Atherton and many other suburban communities would force the use of ride-share services, such as Uber or Lyft, supplanting opportunities for EV charging solutions and GHG reductions. These solutions may work in communities that have walkable transit solutions, but the one-size fits all application does not work and is, in fact, in opposition to encouraging residents of that multi-unit housing to convert to EVs.

Furthermore, as a community hosting a local college, Atherton is sensitive to the issues around housing for the students struggling to pay for education and housing. Often times students resort to living in cars or even RV's parked along the streets. This bill and the associated housing requirements and measurements today ignore the issue of institutional housing which today is the trend for student housing as well as solutions to the homelessness crisis. Adding institutional housing to the resource pool as qualifying affordable housing for local jurisdictional credit is important to encouraging the development of such resources.

In closing, the biggest problem with SB 50, as amended, is that it continues to be a "one size fits all" approach and seriously takes away the local control of individual jurisdictions. It is a windfall to residential developers who would be allowed to override locally developed (and HCD-approved) housing elements which identify adequate sites with sufficient density to accommodate a jurisdiction's share of the regional housing need. Doing so gives developers, who are unaccountable to local voters, the power to determine housing densities and override zoning guidelines in jurisdictions based on profitability of their development.

We appreciate the opportunity to provide you with this input, however, for these reasons stated above and others, the Town of Atherton remains opposed SB 50.

Sincerely,



Rick DeGolia  
Mayor  
Town of Atherton

cc. Senator Jerry Hill  
Assemblymember Mark Berman  
Seth Miller, Peninsula Division Manager  
League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)