

June 4, 2021

RE: **OPPOSE SB 10**

Dear Honorable Assemblymembers:

Westwood Hills Property Owners Association represents a single-family neighborhood of more than 600 families in Los Angeles. We are writing to urge you to **OPPOSE SB 10**, for the following reasons, among others:

1. Overturms voter initiatives; unconstitutional. SB 10 displays a shocking contempt for California voters and an arrogant disregard of the California Constitution and initiative-related laws. This legislation opens: “Notwithstanding any local restrictions on adopting zoning ordinances enacted by the jurisdiction, *including restrictions enacted by a local voter initiative*, that limit the legislative body’s ability to adopt zoning ordinances....” (emphasis added).

SB 10 attempts to permit politicians to unilaterally overturn voter-approved initiatives, such as the many local initiatives passed by voters to protect our shorelines, canyons, open space, agricultural land, neighborhoods and quality of life.

On its face, SB 10 violates Article II, Sections 1, 10(c) and 11(a) of the California Constitution; and among other relevant laws, Election Code Sections 9125 (county initiatives), 9217 (municipal initiatives), 9232 (district initiatives), as well as numerous city charters (see, e.g., Los Angeles City Charter, Article IV, Section 464; San Francisco City Charter, Section 14.101). These all provide that laws passed by voter initiatives may be amended or repealed *only if such actions are approved by the voters* (with limited exceptions if the initiative language itself otherwise provides).

2. 10 units on every parcel. SB 10 allows a local jurisdiction to approve 10 market-rate units *on any parcel of land* that the politicians deem to be “urban infill” or “transit rich”—regardless of the existing zoning or general plan. These definitions are vague, dependent on future decisions by state and federal agencies, and subject to change from time to time. Thus, among other consequences, single-family communities may be destroyed at the whim of politicians and bureaucrats.

3. No affordability. Although SB 10 pays lip service to affordability, *it does not actually require that any units be affordable*, nor does it provide funding to subsidize affordable housing or otherwise ensure affordability.

4. No environmental protection. SB 10 exempts these projects from any environmental review process, thereby further undermining CEQA.

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5. Inadequate infrastructure. SB 10 does not require any infrastructure improvements to accommodate densification—which in many cases will be 10 times the current density—nor does it provide funding for such infrastructure improvements. Existing power, water, sewer, gas and transportation infrastructures cannot handle the new demands that will result if SB 10 is enacted. Electrical failures, water shortages and out-of-control wildfires already plague California, and will only be exacerbated by this legislation.

6. Life, safety and environmental issues. SB 10's densification—which would permit 10 units on a currently zoned single-family lot in any configuration, from 10 small bungalows, to a few multifamily buildings to one large building, in formats varying from rentals to various forms of ownership, plus what appears to be an additional 2 Accessory Dwelling Units (ADUs) plus 2 junior ADUs, for a total of 14 units on each parcel—will have significant negative impacts on environment, life and safety issues. Worsening air quality, decreased open spaces and permeable surfaces affecting aquifers and urban canopy, lessened access to light, air and privacy, and more difficult access by fire, paramedics and police.

7. Tone-deaf to pandemic impacts. The COVID-19 pandemic has upended work and living assumptions in ways that will have lasting impact. Millions of people are fleeing out of dense multifamily housing and into healthier, more spacious single-family homes. Millions more are working remotely—untethered from physical workplaces, they are moving out of urban centers into suburbs and small towns where they can buy single-family homes. *It is no longer necessary for people to live near jobs or public transit.* Indeed, in recent years California has suffered significant out-migration of both residents and employers, a trend which has only accelerated during the pandemic—resulting in the loss of one U.S. Congressman for the first time in the state's history.

One obvious solution is to repurpose underutilized urban commercial space for future residential uses, without the need to destroy single-family communities.

8. Zoning is a local issue. There is no “one size fits all” solution to housing, especially not in a state as large and diverse as California. Each region, town and neighborhood has its own issues and challenges, which are best addressed at the local level—in addition to which, the state already exercises significant oversight of local planning via existing requirements imposed by the Department of Housing and Community Development.

In sum, there is neither justification nor any need for this bill. It will only harm Californians, while enriching developers.

We urge you most strongly to vote “NO” on SB 10.

Respectfully,

Stephen Rohde

President, Westwood Hills Property Owners Association