



SB-281 Cow Palace Joint Powers Authority. (2019-2020)

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CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

SENATE BILL

No. 281

Introduced by Senator Wiener
(Principal coauthors: Assembly Members Chiu and Ting)
(Coauthor: Senator Hill)
(Coauthors: Assembly Members Berman and Mullin)

February 13, 2019

An act to add Sections 4132 and 4133 to the Food and Agricultural Code, and to add Section 6539.7 to the Government Code, relating to joint powers.

LEGISLATIVE COUNSEL'S DIGEST

SB 281, as introduced, Wiener. Cow Palace Joint Powers Authority.

(1) Existing law authorizes 2 or more public agencies, by agreement, to form a joint powers authority to exercise any power common to the contracting parties, as specified. Existing law authorizes the agreement to set forth the manner by which the joint powers authority will be governed.

Existing law divides the state into district agricultural associations for the purposes of, among other things, holding fairs and expositions exhibiting all of the industries and industrial enterprises, resources, and products of every kind or nature of the state with a view toward improving, exploiting, encouraging, and stimulating those industries. Existing law provides that the 1-A District Agricultural Association governs the agricultural district that encompasses the County of San Mateo and the City and County of San Francisco.

This bill would require, on or before January 1, 2020, the City and County of San Francisco, the City of Daly City, and the County of San Mateo to enter into a joint powers agreement to form the Cow Palace Joint Powers Authority for the purposes of managing, developing, or disposing of the real property known as the Cow Palace. This bill would transfer the real property known as the Cow Palace from the 1-A District Agricultural Association to the Cow Palace Joint Powers Authority, and would provide that the Cow Palace Joint Powers Authority is the successor in interest to any contract entered into by the 1-A District Agricultural Association on or before December 31, 2019. This bill would make findings and declarations that this transfer constitutes a public purpose. This bill would authorize the Cow Palace Joint Powers Authority to, among other things, enter into contracts or agreements for the development of the property for affordable and market-rate mixed-use housing and establish minimum local zoning standards, including but not limited to, standards for height, density,

parking, and floor area ratio, that apply to a project on the property that are different from those adopted by any other affected local jurisdiction. By increasing the duties of local officials, this bill would establish a state-mandated local program.

(2) Existing law generally regulates the transfer of firearms. A violation of the statutes governing agricultural districts is generally a misdemeanor.

Existing law provides that it is an offense to bring or possess, among other things, a firearm within any state or local public building. Among other exceptions, existing law provides an exception for guns brought to a gun show conducted pursuant to specified provisions of law, including the Gun Show Enforcement and Security Act of 2000. A violation of this provision is a felony.

Existing law, the Gun Show Enforcement and Security Act of 2000, generally regulates gun shows and requires all firearms transfers at a gun show or event to be in accordance with applicable state and federal laws. A violation of the act is a misdemeanor or infraction, as specified.

This bill would prohibit the sale of firearms and ammunition on any property owned, occupied, operated, or controlled by the 1-A District Agricultural Association, or by another state agency, for district or association purposes, and, on and after January 1, 2020, on the real property known as the Cow Palace, as specified. The bill would exclude from its provisions a gun buy-back event held by a law enforcement agency. A violation of this prohibition could be a felony, misdemeanor, or infraction pursuant to the provisions described above.

(3) This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco, the City of Daly City, and the County of San Mateo.

By creating a new crime, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4132 is added to the Food and Agricultural Code, to read:

4132. (a) (1) The real property known as the Cow Palace is hereby transferred to the Cow Palace Joint Powers Authority formed pursuant to Section 6539.7 of the Government Code.

(2) For purposes of this section, and Section 6539.7 of the Government Code, "the real property known as the Cow Palace" means all of the following parcels:

Parcel 1. Beginning at the point of intersection of the southeasterly line of Carter Street and the southwesterly line of Walbridge Street, now Geneva Boulevard; thence southeasterly, along the southwesterly line of Walbridge Street, 260 feet; thence at a right angle southwesterly 660 feet; thence at a right angle northwesterly 260 feet; thence at a right angle northeasterly 660 feet to the point of beginning.

Parcel 2. Beginning at a point on the southerly line of Geneva Boulevard, formerly Walbridge Street, distant thereon 310 feet easterly from the easterly line of Carter Street; running thence easterly, along said line of Geneva Boulevard, 150 feet; thence at right angles southerly and parallel with said easterly line of Carter Street, 150 feet; thence at a right angle westerly and parallel with said southerly line of Geneva Boulevard, 100 feet; thence at a right angle northerly, 50 feet; thence at a right angle westerly, 50 feet; thence at a right angle northerly 100 feet to the point of beginning. Also, excepting therefrom the following described parcel: beginning at a point on the southwesterly line of Geneva Boulevard, formerly Walbridge Street, distant thereon 260 feet southeasterly from the southeasterly line of Carter Street; running thence southeasterly along said line of Geneva Boulevard, 50 feet; thence at a right angle southwesterly parallel with the southeasterly line of Carter

Street, 100 feet; thence at a right angle northwesterly, parallel with the southwesterly line of Geneva Boulevard, 50 feet; thence at a right angle northeasterly, parallel with the said line of Carter Street, 100 feet to the point of beginning.

Parcel 3. Beginning at a point on the southerly line of Geneva Boulevard, formerly Walbridge Street, distant thereon 310 feet easterly from the easterly line of Carter Street; running thence easterly, along said line of Geneva Boulevard, 150 feet; thence at right angles southerly and parallel with said easterly line of Carter Street, 150 feet; thence at a right angle westerly and parallel with said southerly line of Geneva Boulevard, 100 feet; thence at a right angle northerly 50 feet; thence at a right angle westerly 50 feet; thence at a right angle northerly 100 feet to the point of beginning.

Parcel 4. Beginning at a point on the southwesterly line of Geneva Boulevard, formerly Walbridge Street, distant thereon 260 feet southeasterly from the southeasterly line of Carter Street; running thence southeasterly along said line of Geneva Boulevard, 50 feet; thence at a right angle southwesterly, parallel with the southeasterly line of Carter Street, 100 feet; thence at a right angle northwesterly, parallel with the southwesterly line of Geneva Boulevard, 50 feet; thence at a right angle northeasterly, parallel with the said line of Carter Street, 100 feet to the point of beginning.

Parcel 5. Beginning at a point on the southerly line of Walbridge Street, now Geneva Boulevard, distant thereon easterly 520 feet from the intersection of the easterly line of Carter Street with the southerly line of Walbridge Street; thence easterly and along the southerly line of Walbridge Street, 200 feet; thence at a right angle southerly 600 feet; thence at a right angle westerly 200 feet; thence at a right angle northerly 600 feet to the southerly line of Walbridge Street and the point of beginning.

Parcel 6. Beginning at a point on the southerly line of Walbridge Street, now Geneva Boulevard, distant thereon 720 feet easterly from the point of intersection of said southerly line of Walbridge Street with the easterly line of Carter Street; thence running easterly and along said southerly line of Walbridge Street, 30 feet; thence at a right angle southerly 600 feet; thence at a right angle westerly 30 feet; thence at a right angle northerly 600 feet to the southerly line of Walbridge Street and the point of beginning.

Parcel 7. Beginning at a point in the centerline of what was formerly known as Cabrillo Street, sometimes called Wieland Street, said point being distant the following courses and distances from the intersection of the southerly line of Walbridge Street, now Geneva Boulevard, with the easterly line of Carter Street; south $70^{\circ} 25'$ east 750 feet, on and along said southerly line of Walbridge Street; and thence south $19^{\circ} 35'$ west 384 feet to said point of beginning; thence south $19^{\circ} 35'$ west 216 feet; thence south $70^{\circ} 25'$ east 88 feet; thence north $8^{\circ} 50'$ east 219.8 feet; thence north $70^{\circ} 25'$ west 47 feet to said point of beginning.

Parcel 8. Beginning at a point on the southerly line of Walbridge Street, now Geneva Boulevard, distant thereon 750 feet easterly from the intersection of the easterly line of Carter Street with the southerly line of Walbridge Street; thence easterly, along the southerly line of Walbridge Street, 230 feet; thence at right angles southerly 600 feet; thence at right angles westerly 142 feet; thence north $8^{\circ} 50'$ east 219.8 feet; thence north $70^{\circ} 25'$ west 47 feet to the centerline of Wieland Street, sometimes called Cabrillo Street; and thence north $19^{\circ} 35'$ east 384 feet to the southerly line of Walbridge Street and the point of beginning.

Parcel 9. Beginning at a point on the southerly line of Walbridge Street, distant thereon 100 feet westerly from the intersection of the westerly line of Rio Verde Street and the southerly line of Walbridge Street, said point of beginning being the northwesterly corner of block 21 of "Subdivision No. 1 of Schwerin Addition, Visitacion Valley," as per map filed October 5, 1908, in Book 6 of Maps at page 42 in the office of the County Recorder of San Mateo County, California; running thence westerly along the said southerly line of Walbridge Street, 1191.6 feet, more or less, to a point distant 1040 feet southeasterly from the easterly line of Carter Street (measured along said line of Walbridge Street); thence at a right angle southerly 1935 feet, more or less, to the northerly line of Martin Street, extended northwesterly from said "Subdivision No. 1 of Schwerin Addition;" thence at a right angle easterly 1191.6 feet, more or less, to a point perpendicularly distant 100 feet westerly from the westerly line of Rio Verde Street, as shown on said map of "Subdivision No. 1;" thence northerly, along a line parallel to said line Rio Verde Street and distance therefrom 100 feet, measured perpendicularly, a distance of 1585 feet, more or less, to a point distant thereon 350 feet from the southerly line of Walbridge Street; thence at a right angle westerly a distance of 100 feet; thence at a right angle northerly a distance of 50 feet; thence at a right angle easterly a distance of 100 feet and thence northerly a distance of 300 feet to the point of beginning. Excepting therefrom so much thereof as was conveyed to Foxhall Investments Ltd. by that certain deed recorded on November 14, 1988, as Document No. 88154781, Official Records of San Mateo County, California.

Parcel 10. Commencing at a point on the southerly line of Walbridge Street, distant therefrom 100 feet westerly from the intersection of the westerly line of Rio Verde Street and the southerly line of Walbridge Street, said point of commencement being the northwesterly corner of Block 21 of "Subdivision No. 1 of Schwerin Addition, Visitacion Valley," as per map filed October 5, 1908, in Book 6 of Maps at page 42 in the office of the County Recorder of San Mateo County, California; running thence westerly along the said southerly line of Walbridge Street, 1191.6 feet, more or less, to a point distant 1040 feet southeasterly from the easterly line of Carter Street (measured along said line of Walbridge Street); thence at a right angle southerly 1935 feet, more or less, to the northerly line of Martin Street, extended northwesterly from said "Subdivision No. 1 of Schwerin Addition" for a point of beginning, thence southerly along the easterly line of Santos Street 100 feet; thence at right angles easterly 1161 feet, thence at right angles northerly 100 feet, and thence at right angles westerly 1161 feet to said point of beginning. Excepting therefrom so much thereof as was conveyed to Foxhall Investments Ltd. by that certain deed recorded on November 14, 1988, as Document No. 88154781, Official Records of San Mateo County, California. Further excepting therefrom so much thereof as was conveyed to the City of Daly City, a California municipal corporation, by that certain deed recorded on October 3, 1985, as Document No. 85102739, Official Records of San Mateo County, California.

Parcel 11. Commencing at a point on the southerly line of Walbridge Street, distant thereon 100 feet westerly from the intersection of the westerly line of Rio Verde Street and the southerly line of Walbridge Street, said point of commencement being the northwesterly corner of Block 21 of "Subdivision No. 1 of Schwerin Addition, Visitacion Valley," as per map filed October 5, 1908, in Book 6 of Maps at page 42 in the office of the County Recorder of San Mateo County, California; running thence westerly along the said southerly line of Walbridge Street, 1191.6 feet, more or less, to a point distant 1040 feet southeasterly from the easterly line of Carter Street (measured along said line of Walbridge Street); thence at a right angle southerly 1935 feet, more or less, along the easterly line of Santos Street, to the northerly line of Martin Street, extended northwesterly from said "Subdivision No. 1 of Schwerin Addition," thence continuing southerly along the easterly line of Santos Street 100 feet to the true point of beginning, thence westerly 60 feet to the westerly line of Santos Street; thence northerly along said westerly line Santos Street 2035 feet to the southerly line of Walbridge Street; thence easterly along the southerly line of Walbridge Street 60 feet to the easterly line of Santos Street; thence southerly along said easterly line of Santos Street, 2035 feet to said true point of beginning. Excepting therefrom so much thereof as was conveyed to Foxhall Investments Ltd. by that certain deed recorded on November 14, 1988, as Document No. 88154781, Official Records of San Mateo County, California.

Parcel 12. Beginning at the northwest corner of lot 17 in block 21 "Subdivision No. 1 of Schwerin Addition, Visitacion Valley," San Mateo County, California, as recorded in the office of the County Recorder of said County October 5, 1908, in Book 6 of Maps at page 42. Thence running west 100 feet parallel with the northerly line of lot 17, thence running southerly 50 feet and parallel with the westerly rear line of lots 17 and 18. Thence 100 feet easterly and parallel with the southerly line of lot 18, thence northerly 50 feet along the westerly and rear lines of lots 18 and 17 to the point of beginning.

Parcel 13. Beginning at a point on the southerly line of Walbridge Street, distant thereon easterly 460 feet from the point of intersection of the easterly line of Carter Street with the said southerly line of Walbridge Street, now known as Geneva Boulevard; running thence easterly and along said southerly line of Walbridge Street, a distance of 60 feet; thence at right angles southerly, a distance of 600 feet; thence at right angles westerly, a distance of 60 feet and thence at right angles northerly, a distance of 600 feet to the southerly line of Walbridge Street and the point of commencement.

(b) The Cow Palace Joint Powers Authority shall be the successor in interest to any contracts relating to the real property described in subdivision (a) pursuant to subparagraph (B) of paragraph (3) of subdivision (c) of Section 6539.7 of the Government Code.

SEC. 2. Section 4133 is added to the Food and Agricultural Code, to read:

4133. (a) For purposes of this section, the following terms shall have the following meanings:

(1) "Ammunition" includes assembled ammunition for use in a firearm and components of ammunition, including smokeless and black powder, and any projectile capable of being fired from a firearm with deadly consequence.

(2) "Firearm" has the same meaning as defined in Section 12001 of the Penal Code.

(b) Notwithstanding any other law, no officer, agent, or employee of the 1-A District Agricultural Association or other state agency that owns, occupies, operates, or controls association property or other property in District 1a, as defined in Section 3853, used for district or association purposes, and no lessee or sublessee of, or

licensee for use of, that property, may conduct, contract for, authorize, or allow the sale of any firearm or ammunition on any property owned, occupied, operated, controlled, leased, subleased, or licensed as described in this subdivision.

(c) This section does not apply to a gun buy-back event held by a law enforcement agency.

SEC. 3. Section 6539.7 is added to the Government Code, to read:

6539.7. (a) On or before January 1, 2020, the City and County of San Francisco, the City of Daly City, and the County of San Mateo shall enter into a joint powers agreement to form the Cow Palace Joint Powers Authority for the purposes of managing, developing, or disposing of the real property known as the Cow Palace.

(b) The CPJPA shall be governed by a board of eight appointed members as follows:

(1) Three members appointed by the board of supervisors of the City and County of San Francisco.

(2) Three members appointed by city council of the City of Daly City.

(3) One member appointed by the board of supervisors of the County of San Mateo.

(4) One member representing the state who shall be appointed by the Governor.

(c) The CPJPA shall receive the property and may take any of the following actions:

(1) Enter into contracts or agreements for the demolition of existing structures on the property.

(2) (A) Enter into contracts or agreements for the development of the property for affordable and market-rate mixed-use housing.

(B) (i) The CPJPA may establish minimum local zoning standards, including but not limited to, standards for height, density, parking, and floor area ratio, that apply to a project on the property that are different from those adopted by any other affected local jurisdiction. In adopting those standards, the CPJPA shall follow standards set forth by the Legislature to promote robust transit-oriented, mixed-use development on the property. These standards shall include, but are not limited to, wages and labor protections for construction workers, affordability of onsite housing units, minimum density for the site, and minimum residential threshold.

(ii) The CPJPA shall be serve as the lead agency for any California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) review of standards adopted pursuant to this paragraph.

(iii) Zoning in effect as a result of this section shall be considered the same as locally approved zoning for all purposes, including the density bonus law (Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7) and the Housing Accountability Act (Section 65589.5).

(3) (A) Continue to operate the property as it was being operated on January 1, 2020.

(B) This section shall not be interpreted to interfere with any contract entered into by 1-A District Agricultural Association on or before December 31, 2019. The CPJPA shall be the successor in interest to any contract related to the property that was entered into by the 1-A District Agricultural Association on or before December 31, 2019.

(C) (i) Notwithstanding any other law, on and after January 1, 2020, except as provided in any contact entered into on or before December 31, 2019 by the 1-A District Agricultural Association, the CPJPA shall not conduct, contract for, authorize, or allow the sale of any firearm or ammunition on the property or in the buildings that comprise the property, or on any successor or additional property owned, occupied, operated, controlled, leased, subleased, or licensed by the CPJPA.

(ii) This subparagraph does not apply to a gun buy-back event held by a law enforcement agency.

(d) The CPJPA shall be the successor to all powers, functions, and duties formerly held by the 1-A District Agricultural Association with regard to the property.

(e) The Legislature finds and declares that there currently is a housing crisis in California and it is essential to utilize available spaces for the development of affordable housing. Therefore, the Legislature finds and declares that the transfer of property pursuant to this section and Section 4132 of the Food and Agriculture Code for

purposes of developing affordable and market-rate mixed-use housing constitutes a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

(f) For purposes of this section, the following terms have the following meanings:

(1) "Ammunition" includes assembled ammunition for use in a firearm and components of ammunition, including smokeless and black powder, and any projectile capable of being fired from a firearm with deadly consequence.

(2) "CPJPA" means the Cow Palace Joint Powers Authority formed pursuant to this section.

(3) "Firearm" has the same meaning as defined in Section 12001 of the Penal Code.

(4) "Local jurisdiction" means a city, including a charter city, a county, or a city and county.

(5) "Property" means the property known as the Cow Palace transferred to the CPJPA pursuant to Section 4132 of the Food and Agriculture Code.

SEC. 4. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique needs facing the City and County of San Francisco, the City of Daly City, and the County of San Mateo in providing affordable housing within their jurisdictions.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.