

File No. 170845

Committee Item No. _____

Board Item No. 66

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: July 25, 2017

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Assembly Bill 943</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Lisa Lew

Date: July 20, 2017

Prepared by: _____

Date: _____

1 [Opposing California State Assembly Bill 943 (Santiago) - Land Use Regulations: Local
2 Initiatives: Voter Approval]

3 **Resolution opposing California State Assembly Bill 943, authored by Assembly**
4 **Member Miguel Santiago, which would impose a supermajority voting requirement of**
5 **55% on all ballot measures in cities and counties with populations of 750,000 or more**
6 **that are qualified for the ballot by citizen petition and are designated by the county**
7 **counsel or city attorney in those cities and counties to inhibit unchecked development.**

8
9 WHEREAS, Article II, Section 1 of the California Constitution recognizes that "all
10 political power is inherent in the people. Government is instituted for their protection, security,
11 and benefit, and they have the right to alter or reform it when the public good may require";
12 and

13 WHEREAS, The people of the City and County of San Francisco voted in 1898 to
14 amend the City Charter to make San Francisco the first city in the nation to recognize the right
15 of citizens in municipal jurisdictions to be able to qualify an initiative ordinance measure for
16 the ballot by gathering sufficient petition signatures from fellow citizens; and

17 WHEREAS, Initiative ordinances qualified for the ballot by citizen petition gathering
18 have long been an important part of the local democratic process in San Francisco; and

19 WHEREAS, Assembly Member Santiago has authored Assembly Bill 943 which would
20 impose a supermajority voting requirement of 55% on all ballot measures in cities and
21 counties with populations of 750,000 or more that are qualified for the ballot by citizen petition
22 signature gathering and are designated by the county counsel or city attorney in those cities
23 and counties to "reduce density or stop development or construction of any parcels located
24 less than one mile from a major train stop"; and

1 WHEREAS, Had the 55% supermajority requirement been in effect in San Francisco in
2 previous years, critical ballot measures that closed loopholes in rent control and strengthened
3 tenant protections, established reasonable limits on downtown office development and
4 required the creation of a Waterfront Land Use Plan, would all have failed to become law,
5 counter to the will of the voters; now, therefore, be it

6 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
7 oppose Assembly Bill 943; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
9 Francisco urges the members of the State Legislative Delegation to oppose Assembly Bill
10 943; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
12 Francisco directs the Clerk of the Board to transmit copies of this resolution to the City
13 Lobbyist and the respective offices of the State Legislative Delegation upon its passage.
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AMENDED IN SENATE JUNE 28, 2017
AMENDED IN ASSEMBLY MAY 25, 2017
AMENDED IN ASSEMBLY MAY 11, 2017
AMENDED IN ASSEMBLY MAY 4, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 943

Introduced by Assembly Member Santiago
(Coauthors: Assembly Members Burke, Daly, Gloria, McCarty,
and Steinorth)
(Coauthor: Senator Wilk)

February 16, 2017

An act to add Section 65863.15 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 943, as amended, Santiago. Land use regulations: local initiatives: voter approval.

The Planning and Zoning Law, among other things, authorizes the legislative body of any county or city to adopt ordinances to regulate land use. Existing law also establishes procedures by which city or county ordinances may be enacted or amended by initiative, including requiring that an ordinance proposed by the voters of the city or county be approved by a majority of the votes cast on the ordinance.

This bill, in the case of an ordinance or an amendment of an ordinance that would reduce density or stop development or construction of any parcels located less than one mile from a major transit stop, as defined, within a city, county, or city and county that is proposed by the voters

of the city, county, or city and county in accordance with specified law, would require that the proposed ordinance or amendment of an ordinance receive 55% of the votes cast on the ordinance in order to become effective. *The bill would exclude from this requirement the proposal and submission to the voters of an ordinance or amendment of an ordinance by the legislative body of the city, county, or city and county and the adoption or amendment of a city, county, or city and county charter, and would limit application of this requirement to a county or city and county that had a population of 750,000 or more, or a city located within such a county, as of January 1, 2017.* The bill would require the county counsel for the county or city and county in which the proposed ordinance or amendment of an ordinance would apply, or the city attorney of the city in which the proposed ordinance or amendment of an ordinance would apply, to determine whether the proposed ordinance or amendment of an ordinance would reduce density or stop development or construction of any parcels located less than one mile from a major transit stop within the city, county, or city and county. The bill would declare that it addresses a matter of statewide concern and would therefore apply to charter cities and charter counties.

By requiring local officials to determine whether a proposed ordinance or amendment of an ordinance would reduce density or stop development or construction of any parcels located less than one mile from a major transit stop within a city, county, or city and county, this bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs 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.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65863.15 is added to the Government
- 2 Code, to read:
- 3 65863.15. (a) (1) Notwithstanding any other law, including
- 4 Sections 9122 and 9217 of the Elections Code, and except as

1 otherwise provided in paragraph (2), if an ordinance or amendment
2 of an ordinance proposed by the voters of a city, county, or city
3 and county pursuant to Article 1 (commencing with Section 9100)
4 of Chapter 2 of Division 9 of the Elections Code, Article 1
5 (commencing with Section 9200) of Chapter 3 of Division 9 of
6 the Elections Code, or procedures adopted by a city, county, or
7 city and county organized under a charter pursuant to Article XI
8 of the California Constitution, that are consistent with any
9 applicable statutes governing local initiatives, would reduce density
10 or stop development or construction of any parcels located less
11 than one mile from a major transit stop, as defined by Section
12 21064.3 of the Public Resources Code, within a city, county, or
13 city and county, the proposed ordinance or amendment of an
14 ordinance shall be enacted only if it is approved by at least 55
15 percent of the votes cast on it at the election.

16 (2) (A) This section shall not apply in either of the following
17 circumstances:

18 ~~(A)~~

19 (i) The proposal and submission to the voters of an ordinance
20 or amendment of an ordinance by the legislative body of the city,
21 county, or city and county.

22 ~~(B)~~

23 (ii) The adoption or amendment of a city, county, or city and
24 county charter.

25 (B) *This section shall only apply to a county or city and county*
26 *that had a population of 750,000 or more, or a city located within*
27 *a county that had a population of 750,000 or more, as of January*
28 *1, 2017.*

29 (b) The county counsel for the county or city and county in
30 which the proposed ordinance or amendment of an ordinance would
31 apply, or the city attorney of the city in which the proposed
32 ordinance or amendment of an ordinance would apply, shall
33 determine whether the proposed ordinance or amendment of an
34 ordinance would reduce density or stop development or
35 construction of any parcels located less than one mile from a major
36 transit stop, as defined by Section 21064.3 of the Public Resources
37 Code, within the city, county, or city and county.

38 (c) Notwithstanding any other law, including Section 9247 of
39 the Elections Code, the Legislature finds and declares that this
40 section addresses a matter of statewide concern and shall therefore

1 apply equally to all cities and counties, including charter cities and
2 charter counties.
3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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July 10, 2017

Senator Henry Stern
Chair, Senate Standing Committee on Elections and Constitutional Amendments
State Capitol, Room 2203
Sacramento, CA 95814

Re: AB 943 (Santiago) – Restricting Citizen Ballot Initiatives: OPPOSE

Dear Chair Stern and Members:

I write to join with the League of California Cities, Tenants Together, and others to express my opposition to AB 943, a bill that would restrict the power of citizens to use the initiative process in San Francisco and other California cities and counties.

AB 943 would impose a new 55% supermajority vote requirement on citizen-sponsored ballot initiatives related to land use in California cities and counties with populations exceeding 750,000. From my experience serving in the Legislature, I always found it to be poor policy to impose a supermajority mandate that shifts the power from the majority to the minority of voters. As we have seen with Prop. 13, eliminating the majority-rules standard can have severe unintended consequences.

By applying the new supermajority standard to all cities and counties with a population over 750,000, AB 943 would impose a form of one-size-fits-all planning limitations on local zoning controls. For example, San Francisco is the second most dense city in the nation with incredibly different housing requirements and land use needs than Ventura County and San Bernardino County. Yet AB 943 would impose the same blunt planning and zoning controls on them both. That would be poor policy.

Lastly, as the renters' rights organization Tenants Together wrote in its letter opposing AB 943, the bill's arbitrary and vague standard could be used to block measures that prevent unfair evictions and increase affordable housing. I spent much of my time in Sacramento working on these issues and do not doubt the good intent of the bill's author to find new solutions to our state's affordable housing crisis. However, AB 943 is the wrong approach, one that could easily make the housing crisis even worse.

I respectfully request that you vote No on AB 943.

Sincerely,

Mark Leno
Former State Senator

cc: All Members, Senate Standing Committee on Elections and Constitutional
Amendments
Senator Scott Wiener
Assemblymember Miguel Santiago

Print Form

RECEIVED
7/19/2017 @ 10:40am
S

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

lease check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Peskin

Subject:

[Opposing California State Assembly Bill 943 (Santiago) – Land Use Regulations: Local Initiatives: Voter Approval]

The text is listed:

Resolution opposing California State Assembly Bill 943, authored by Assemblymember Miguel Santiago, which would impose a supermajority voting requirement of 55% on all ballot measures in cities and counties with populations of 750,000 or more that are qualified for the ballot by citizen petition and are designated by the county counsel or city attorney in those cities and counties to inhibit unchecked development.

Signature of Sponsoring Supervisor:

[Handwritten Signature]

For Clerk's Use Only

