



March 11, 2021

Hon. Scott Wiener, Chair  
Senate Housing Committee  
State Capitol  
Sacramento, CA 95814

**Subject: OPPOSE SB 10 (Wiener) as amended 2/24/21**

Dear Chairman Wiener,

On behalf of Livable California, a nonprofit organization with more than 10,000 followers that advocates for the empowerment of local governments to foster equitable, livable communities and truly affordable housing, we strongly oppose SB 10.

SB 10 is not a state mandate but a permissive piece of legislation that flies in the face of our democracy, by letting cities override the people's 108-year-old constitutional right to the voter initiative. Equally misguided, SB 10 encourages cities to ignore their affordable housing crises and up-zone several million lots to *build the wrong housing*: unaffordable high-priced projects.

Our appendix shows the growing list of 28 voter-approved land-protection ballot measures which SB 10 would let a simple majority on a City Council undo, disenfranchising millions of voters.

Livable California strongly opposes SB 10 for these reasons:

- SB 10 allows in Section 65913.5. (a) (1), that local governments can override any "restrictions enacted by a local voter initiative" that protect land, to make way for market-rate projects of 10 to 14 units. That today's Progressives would essentially nullify the right of initiative granted by the original Progressives of the early 1900s would be more than ironic.
- At least 28 voter-approved land protections across California could be overturned by local politicians including urban growth boundaries, hillside and shoreline protections, historic preservation and more. See Appendix (page 2).
- SB 10 encourages 482 cities and 58 counties to force upon thousands of neighborhoods 14-unit market-rate projects with NO affordable units — and no

hearing. Subsection (b) (1) allows “no more than two accessory dwelling units and no more than two junior accessory dwelling units per parcel” added to 10-unit projects. That’s 14 units.

- Allows 14-unit luxury projects on any residential or mixed-use land, including single-family and duplex streets within a one-mile-swath the author calls a “high-quality bus corridor” — an arbitrary, greatly expanded concept of “transit-rich” that includes land nowhere near a bus stop.
- Allows 14-unit luxury projects in “jobs-rich” areas, a definition the state would radically expand under SB 9, to include any area in which building a luxury project could, at least theoretically on paper, “enable shorter commute times” in the region.
- Equally, millions of Californians living in arbitrarily defined “jobs-rich areas,” or next to “urban infill sites” currently occupied by homes or shops, would see 14-unit projects on streets fighting such gentrification, and next to single-family homes, and nowhere near transit stops.
- We agree with cities who want the state to refocus its failed trickle-down housing theory of the past four years, and shift to the correct path: that of creating housing for low- and very-low-income families. The obstacle isn’t zoning. It’s funding. Instead of endless fights over zoning, in bills that pledge to create affordability but don’t, provide cities with what really has worked and does work: the financing.

We urge you and the Senate Housing Committee to **VOTE NO** on this legislation.

Sincerely,

The Board of Directors of Livable California



Rick Hall, President  
T Keith Gurnee, Member  
Carey White, Member  
Isaiah Madison, Member

(Appendix below)

## **APPENDIX:**

***Below are 28 voter-protected lands, a partial list of successful ballot measures that SB 10 would allow to be overturned by city or county elected bodies, potentially disenfranchising several million California voters.***

- 1) **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).
- 2) **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.
- 3) **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](#)).
- 4) **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.
- 5) **Emeryville** shoreline protection measure passed in 1987.
- 6) **Alameda** voters in 1973 passed Measure A, restricting multi-family housing to preserve Victorian Era homes, now Article 26 of the City Charter. In 1991 it was amended to add density limits for projects. Recent state laws somewhat weakened Alameda's protections. In 2020, four Alameda city council members, backed by legislators Rob Bonta and Nancy Skinner, urged voters to kill the protections. Their [Measure Z overwhelmingly failed: 59% of voters opposed](#).
- 7) **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.
- 8) **Belmont** voters in 2005 approved [Measure F by a huge 73%, to protect hillsides](#) from increased density and development. The ballot measure asked: "Shall an ordinance be adopted to protect and preserve hillside areas of Belmont by requiring voter approval of any future amendments to the zoning?"
- 9) [Merced Citizens' Right to Vote on Expansion of Residential Areas Initiative, Measure D \(November 2010\)](#)
- 10) [Merced Citizens' Right to Vote on Expansion of Residential Areas Initiative, Measure C \(November 2010\)](#)
- 11) **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](https://www.bizjournals.com/sanjose/news/2016/02/19/gilroy-group-taking-growth-boundary-to-the-ballot.html)

12) **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.

13) **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.

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

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

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

17) **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.

18) **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.

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

20) **Moorpark** voters approved their SOAR urban boundaries plan on [November 8, 2016](#).

21) **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 are included. Commercial heights remain restricted under Prop. U.

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

23) **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.

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

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

26) **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.

27) **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 over how much power the State of California has in ordering cities to increase their density and population.

28) **Santee** [voters in November 2020 approved Measure N, a hotly contested initiative](#) that requires voter approval of any zoning changes or developments that intensify or increase density on residential land. [initiative](#) in [Santee](#) on [November 3, 2020.](#)