



Legislation Text

File #: 22-671, **Version:** 1

An ordinance authorizing the City of South San Francisco to develop, construct, or acquire affordable, low-rent housing units pursuant to Article XXXIV of the California Constitution.

WHEREAS, Article XXXIV of the California Constitution (“Article 34”) was approved in 1950 and requires local voter approval before a “state public body” may develop, construct, or acquire a “low rent housing project,” and

WHEREAS, a city is considered a “state public body” under Article 34; and

WHEREAS, under Article 34, a “low rent housing project” means any urban or rural dwellings, apartments or other living accommodations for low income residents, financed in whole or in part by a federal, state, or local government, including supplying labor, guaranteeing payment of liens, or other forms of financing; and

WHEREAS, the State mandated Regional Housing Needs Allocation includes affordable housing goals as described in the City’s certified Housing Element; and

WHEREAS, the acquisition, development, and construction of low-income housing is consistent with the City’s General Plan, including its Housing Element;

WHEREAS, this ordinance does not increase taxes, has no fiscal impact, and does not grant approval for any specific project, as each project would go through the public review process; and

WHEREAS, the authority granted by this ordinance is not a commitment to undertake any specific project; and

WHEREAS, CEQA review will be performed on any specific project undertaken pursuant to the authorization granted by this ordinance at the appropriate time; and

WHEREAS, based on all of the information presented at the January 12, February 16, May 11, July 13, and July 27, 2022 City Council meetings, both written and oral, including without limitation the staff reports, minutes, and other relevant materials (hereafter the “Record”), the City Council finds that under CEQA Guidelines 15060(c)(2), the authorization granted by this ordinance does not constitute a project under CEQA and therefore review under CEQA is not required; and

WHEREAS, the authority granted by this ordinance will only become effective if approved by a majority of the City’s voters at the November 8, 2022 municipal election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH SAN FRANCISCO, SUBJECT TO

VOTER APPROVAL, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals.

The City Council of South San Francisco, subject to voter approval, finds that all Recitals are true and correct and are incorporated herein by reference.

SECTION 2. Title.

This voter approved ballot measure shall be known as the City of South San Francisco Article 34 Authorization Ordinance.

SECTION 3. Definitions

Whenever the following terms are used in this chapter, they shall have the meaning established by this section.

- (a) "Article 34" shall mean Article XXXIV of the California Constitution.
- (b) "City of South San Francisco" or "City" shall mean the City of South San Francisco of the State of California and shall include the City and any other City agency for which the City Council serves as the governing body.
- (c) "Housing Unit" shall mean a residential dwelling designed for human occupation, and shall include but is not limited to apartments, condominiums, townhouses, single family homes, duplexes, and mobile homes.
- (d) "Existing Housing Units" shall mean the total number of existing housing units in the City per year as determined by data released annually from the State of California Department of Finance.
- (e) "Low-Income Persons" shall have the meaning of "persons of low income" as defined by Article 34.
- (f) The terms "develop," "construct," and "acquire" shall be interpreted in accordance with Article 34, Health Safety Code Section 36000 et seq. and 37000 et seq., and any successor legislation thereto.

SECTION 4. Article 34 Authorization.

Consistent with Article 34 of the California Constitution, the City of South San Francisco is authorized to develop, construct, and/or acquire affordable, decent, and safe rental housing for low-income persons, including families, seniors, people with disabilities, and veterans, in an amount up to 1% of the total number of existing housing units in the City of South San Francisco annually for an eight (8) year period, with any year's unused units being carried over each year. At the end of the eight-year period, if all housing units authorized by this ordinance have not been developed, constructed, and/or acquired, then the City shall retain the authority to develop, construct, and/or acquire any housing units authorized by this ordinance that have not been developed, constructed, or acquired.

SECTION 5. Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 6. Effective Date.

If this ordinance is approved by a majority of the voters voting on the issue at the November 8, 2022 election,

pursuant to Elections Code Section 9217, this ordinance shall be considered adopted on that date and shall become effective 10 days after the City Council certifies the results of the election.

SECTION 7. Voter Approval Required.

This ordinance shall only become operative if the Article 34 authorization is approved by a simple majority of voters voting on the question at the November 8, 2022 election.

SECTION 8. Publication.

This ordinance shall be published once, with the names of those City Councilmembers voting for or against it, in a newspaper of general circulation in the City of South San Francisco, in accordance with Government Code Section 36933.

SECTION 9. Compliance with the California Environmental Quality Act

The approval of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. (“CEQA”) and 14 Cal. Code Reg. §§ 15000 et seq. (“CEQA Guidelines”). This ordinance provides the City with authorization to develop, construct, and/or acquire affordable housing units; it does not grant approval for any specific project and is not a commitment to any particular action. As such, under CEQA Guidelines section 15060(c)(2), the ordinance is not a project within the meaning of CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment. CEQA review will be performed on any specific project undertaken pursuant to the authorization granted by this ordinance at the appropriate time. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.