



# City of South San Francisco

P.O. Box 711 (City Hall,  
400 Grand Avenue)  
South San Francisco, CA

## City Council

Resolution: RES 123-2022

File Number: 22-612

Enactment Number: RES 123-2022

RESOLUTION ESTABLISHING NOVEMBER 8, 2022 AS THE DATE FOR A MUNICIPAL ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER AUTHORIZATION FOR THE CITY OF SOUTH SAN FRANCISCO ("CITY") TO DEVELOP, CONSTRUCT, OR ACQUIRE AFFORDABLE, LOW-RENT HOUSING UNITS PURSUANT TO ARTICLE XXXIV OF THE CALIFORNIA CONSTITUTION; APPROVING A PROPOSED ORDINANCE AUTHORIZING THE CITY TO DEVELOP, CONSTRUCT, OR ACQUIRE AFFORDABLE, LOW-RENT HOUSING UNITS PURSUANT TO ARTICLE XXXIV; ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE PRIMARY ELECTION PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; AND PROVIDING FOR SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS AND AUTHORIZING THE FILING OF AN IMPARTIAL ANALYSIS.

**FILED** IN THE OFFICE OF THE  
CHIEF ELECTIONS OFFICER  
OF SAN MATEO COUNTY

AUG 04 2022

MARK CHURCH, Chief Elections Officer  
By: [REDACTED]  
DEPUTY CLERK

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 City's 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; and

WHEREAS, the City Council has determined that the public interest would be well served by asking the voters of South San Francisco to authorize the City to develop, construct, and/or acquire affordable, decent, and safe rental housing for low-income persons, including seniors, people with disabilities, and veterans, in an amount up to 1% of the total number of existing housing units existing 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; and

WHEREAS, voter approval of the ballot measure 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, voter approval of the ballot measure 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 approval of the ballot measure 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), voter approval of the ballot measure does not constitute a project under CEQA and therefore review under CEQA is not required; and

WHEREAS, a proposed ordinance attached hereto and incorporated herein by reference as Exhibit A would implement this authorization.

NOW, THEREFORE, BE IT RESOLVED that the City Council of South San Francisco hereby RESOLVES as follows:

SECTION 1. Findings. The City Council finds and determines that each of the findings set forth above are true and correct.

SECTION 2. Call for Election. Pursuant to California Elections Code Section 9222, the City Council hereby calls an election at which it shall submit to the qualified voters of the City of South San Francisco a measure that, if approved by a majority vote, would authorize the City of South San Francisco to develop, construct, and/or acquire affordable, decent, and safe rental housing for low-income persons, including seniors, people with disabilities, and veterans, in an amount up to 1% of the total number of existing housing units existing 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 and the City authorized to develop, construct, and/or acquire any unused units at the end of the eight-year period. This measure shall be designated by letter by the San Mateo County Registrar of Voters. Pursuant to California Elections Code Section 10400 et seq., the election for this measure shall be consolidated with the established statewide election to be conducted on November 8, 2022.

**SECTION 3. Ballot Language.** The ballot language for the proposed measure shall be as follows:

Without increasing local taxes, shall the City of South San Francisco be 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?	YES
	NO

The measure will be approved if at least a simple majority of votes cast on the question are in the affirmative.

**SECTION 4. Proposed Ordinance.** The ordinance authorizing the measure to be approved by the voters pursuant to Section 3 is as set forth in Exhibit A attached hereto. The City Council hereby approves the proposed ordinance, the form thereof, and its submission to the voters of the City at the November 8, 2022 election.

**SECTION 5. Publication of Measure.** The City Clerk is hereby directed to cause notice of the measure to be published once in an official newspaper, in accordance with Section 12111 of the California Elections Code and Section 6061 of the California Government Code.

**SECTION 6. Request to Consolidate and Conduct Election and Canvas Returns.**

(a) The City Council hereby requests that the San Mateo County Board of Supervisors consolidate the election called by this Resolution with the statewide election to be conducted on November 8, 2022 and order the election to be conducted by the Registrar of Voters. The City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors of San Mateo County and the Registrar of Voters of San Mateo County on or before August 12, 2022. The City of South San Francisco acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418. The City recognizes that the County will incur additional costs because of this consolidation and agrees to reimburse the County for those costs.

(b) The election on the measure set forth in Section 3 shall be held and conducted, the voters canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars, the election shall be held in accordance with the Elections Code of the State of California

(c) The election on the measure set forth in Section 3 shall be held in San Mateo County in the City of South San Francisco on November 8, 2022, as required by law, and the Board of Supervisors of San Mateo County is authorized to canvass the returns of the election with respect to the votes cast in the City of South San Francisco and certify the results to the City Council of the City of South San Francisco.

(d) At the next regular meeting of the City Council of the City of South San Francisco occurring after the returns of the election for the measure set forth in Section 3 have been canvassed and the results have been certified to the City Council, or at a special meeting called for such purpose if required by law, the City Council shall cause to be entered in its minutes a statement of the results of the election.

**SECTION 7. Submission of Ballot Arguments and Impartial Analysis.**

(a) The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m. on Friday, August 19, 2022.

(b) The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on Monday, August 29, 2022.

(c) Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons.

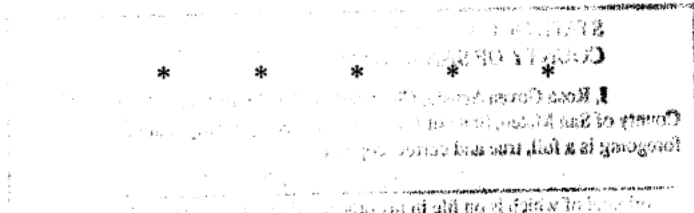
(d) Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five (5) persons; those persons may be different persons than the persons who signed the direct arguments.

(e) The City Attorney shall prepare, by Monday, August 29, 2022, an impartial analysis of the measure showing the effect of the measure.

(f) Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against it, and copies of the argument against it to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

**SECTION 8. Appropriation of Necessary Funds.** The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City's cost of placing the measure on the election ballot.

**SECTION 9. Services of City Clerk.** The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and to cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request.



At a meeting of the Special City Council on 7/27/2022, a motion was made by Councilmember Coleman, seconded by Councilmember Addiego, that this Resolution be approved. The motion passed.

**Yes: 5** Mayor Nagales, Vice Mayor Nicolás, Councilmember Coleman, Councilmember Flores and Councilmember Addiego

Attest by

Rosa Govea Acosta, City Clerk

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EXHIBIT A  
ORDINANCE \_\_\_\_\_

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.

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