

# COLAB

San Luis Obispo County



The Coalition of Labor Agriculture and Business

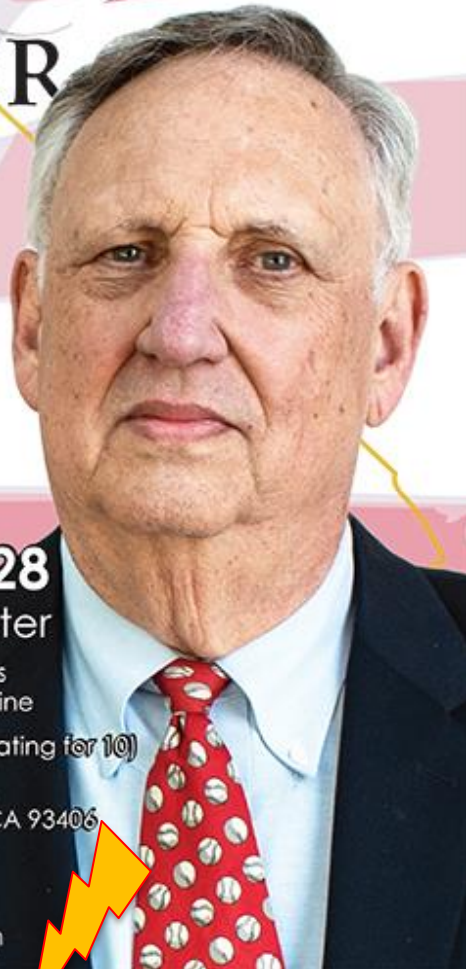
**WEEKLY UPDATE FEBRUARY 24 - Mar. 2, 2019**

**10th ANNIVERSARY**

# COLAB

San Luis Obispo County

## DINNER & FUNDRAISER



**Dan Walters**

Get the scoop from the man whose finger has been on the pulse of our Capitol for decades. You pay through the nose to live in California: learn what you can do about it.

**Thursday, March 28**  
**Alex Madonna Expo Center**

5:15 pm Social Hour, No Host Cocktails  
6:15 pm Filet Mignon Dinner including Wine

\$120 per person | \$1,200 per Table (Reserved Seating for 10)

For tickets, mail your check to:  
COLAB SLO: PO Box 13601, San Luis Obispo, CA 93406

*Cocktail Attire Optional*

For more information  
(805) 548-0340 | colabslo@gmail.com

**FLASH: COCKTAIL HOUR BAR IS NOW HOSTED**

**THIS WEEK**

**ALERT**

**HILL AND GIBSON PUSHING VOTE  
HARVESTING SCAM  
TUESDAY 1:30 PM BOS MEETING ROOM**

**FY 2019-20 BUDGET FORECAST**

**CAPITAL IMPROVEMENT PLAN**

**MARIJUANA PERMIT APPEAL  
PEOPLE ARE NOW PAYING ATTENTION**

**PLANNING COMMISSION TO REVIEW  
RESOURCE BASED GROWTH CONTROLS**

**LAST WEEK**

**BOS MEETING CANCELLED  
BUT PLENTY OF STATE AND FEDERAL ISSUES [WHICH] STILL  
IMPACT THE COUNTY**

**LAFCO AMENDS EL POMAR WATER DISTRICT  
CONDITION IN DISPUTED DECISION**

**ENVIRO-SOCIALISTS OUT OF THE CLOSET**

**WHEN WILL THE BOARD OF SUPERVISORS AND CITY COUNCILS  
REPUDIATE THE GREEN NEW DEAL AND ITS UNDERLYING  
DOCTRINE?**

**SLO COLAB IN DEPTH  
SEE PAGE 12**

## **CALIFORNIA FEUDALISM**

**BY JOEL KOTKIN AND MARSHALL TOPLANSKY**

## **DEFINING APPROPRIATE HOUSING DEVELOPMENT IN CALIFORNIA**

**BY EDWARD RING**

## **STATE SEN. SCOTT WIENER REVISITS TRANSIT HOUSING BILL**

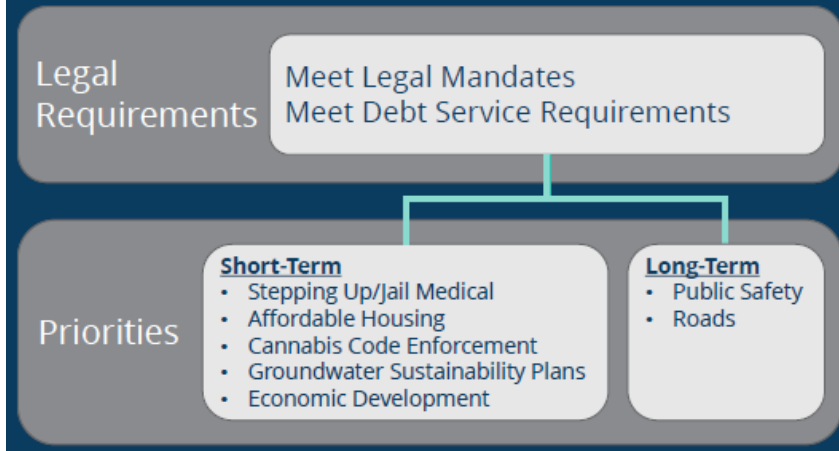
**By ADAM BRINKLOW**

## **THIS WEEK'S HIGHLIGHTS**

**Board of Supervisors Meeting of Tuesday, February 26, 2019 (Scheduled)**

**Item 23 - Fiscal Year 2019-20 County and State Budget update.** The staff is prudently checking in with the Board to make sure that it is with formulating next year's budget in line with the Board's short and long range priorities.

## FY 2019-20 Budget Focus



At this point staff is forecasting a \$2.5million to \$4million revenue expenditure shortfall of expenses at the current level of service plus the new programs in the box to the left above. The general fund comprises several hundred million dollars.

Concerns about Diablo are marginally noted but it is not clear how failure of PG&E to pay the \$85 million to be derived from the Diablo closure mitigation payments would impact the situation next year. Everyone we ask is pretty sanguine about it, saying “The Legislature required the payment in AB1090.” Of course a bankruptcy court judge or even the CPUC might see it differently.

The write-up also states that there is no money for raises and benefit cost increases which could result from labor negotiations that are currently underway or planned in the future. They could display what each 1% increase in each of these pending contracts would cost over 2 or 3 years or how the gap would expand.

Separately from the Labor issues and the Diablo issue, we expect that they will propose a budget in June which is balanced and does not cut back services.

Staff did raise the specter of reducing the County’s general fund commitment to road maintenance and supplanting with SB-1 gas tax money to loosen things up.

## MATTERS AFTER 1:30 PM

### VOTE HARVESTING SCHEME

**Item 28 - An update on the participation in SB 450, the Voter’s Choice Act, for elections beginning in 2020.** Over the past decades the percentage of citizens registering to vote and the



percentage of those registered who actually vote have declined nationally. State and local governments have attempted to remedy this situation. One of the main ways in which they have sought to stem the trend is to provide for vote by mail ballots, which are sent to voters residences. It is thought that the convenience will increase participation. No one seems concerned whether unengaged citizens' vote for the sake of voting is actually beneficial. In a democratic republic, voting is one of the most important duties of citizenship, yet there are no minimum standards other than residency and age. Even basic literacy in any language is not a requirement.



**It was never perfect:** The famous 19<sup>th</sup> century American painting to the left illustrates a scene where whiskey is being doled out in front of the polling place to attract voters. At least the people had to have enough gumption to show up.

Perhaps the County will soon pass out marijuana gummy bears to attract voters.

Pre vote rye whiskey

You did have to be registered and show up.

In the northeastern, middle Atlantic, and upper Midwest cities (and LA) street money is used to insure block voting for Democratic candidates. In the 1980s it was \$25 dollars per vote in the large Federally subsidized low income housing projects. Block captains would mobilize thousands of low income people and “help” them get to the polls.<sup>1</sup>

In many eastern jurisdictions there is a phenomenon known as “governors club” or “mayors club” whereby all the higher ranking employees of the state or city must give a minimum \$1000 dollars to the campaign of the reigning governor or mayor.

<sup>1</sup> The money given out to [ward](#) leaders and party foot soldiers can range from \$10, \$20 or \$50<sup>[1]</sup> to as high as \$400.<sup>[3]</sup> Ward bosses in the city's poorer neighborhoods often use the money to offset the costs of gasoline and food for their volunteers.<sup>[1][3]</sup> Although most well known in [Philadelphia, Pennsylvania](#), street money is also common in [Chicago](#), [Baltimore](#), [Newark](#) and [Los Angeles](#).<sup>[1]</sup> In Baltimore, the term "walk around money" means street money.<sup>[4]</sup> Wikipedia, February 23, 2019

Now comes SB 450, the “Voters Choice Act,” which allows county election officials to expand the absentee vote system. In fact a county may have a totally absentee ballot system with an elaborate system of drop off points. The most controversial feature is that up until SB 450 was enacted, absentee ballots could be mailed or hand delivered by the voter to polling places or an election office. If the voter was incapacitated, ballot delivering was limited to family members who had been authorized by the voter’s signature.

Now under the provisions of SB 450, anyone can deliver the ballots. This opens the door for ward leaders, block captains, and other political operatives to sweep through neighborhoods and visit their likely voters on the days leading up to the election and have them fill out their ballots and deliver them. Of course in many cases the “volunteers” will know how the voter voted and can determine whether or not to deliver the ballot.

This phenomenon is now called “vote harvesting.” It had a major impact in turning out Republican Congress Representatives in Orange County last November. In fact it was so potent that many of the Republicans who were turned out had substantial leads at the close of the polls on election day. Later and as the thousands of absentee ballots delivered on election day were counted over the following days, the numbers changed significantly.

This technique appears to have been a factor in 4<sup>th</sup> District Supervisor Lynn Compton’s close election last November.

### ***What is SB450?***

*SB450 requires counties to send every registered voter a VBM ballot, install VBM ballot drop-off boxes throughout the county for voters to deposit their voted ballots (approximately 12 in our county), and instead of having polling places on Election Day (77 locations for 138 precincts in our county), a significantly reduced number of vote centers would be open as early as 10 days before Election Day, including weekends and holidays (approximately 20 in our county).*

In 2016, Gov. Jerry Brown signed into law a [change to Section 3017 of the Election Code](#) that allows any person to collect a mail-in ballot from voters and turn in the mail ballot to a polling place or the registrar’s office. Prior law restricted the practice to relatives of or to those living in the same household as the voter.

While critics decry it as the practice of a “banana republic,” proponents of the change say it allows larger numbers of eligible citizens to participate in elections across California. Here’s how the legislation spells out the practice:

*(a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do any of the following: (1) return the ballot by mail or in person to the elections official from whom it came, (2) return the ballot in person to a member of a precinct board at a polling place within the jurisdiction, or (3) return the ballot to the elections official from whom it came at a vote by mail ballot drop-off location, if provided pursuant to Section 3025. However, a vote by*

mail voter who is unable to return the ballot **may designate any person** to return the ballot to the elections official from whom it came or to the precinct board at a polling place within the jurisdiction. The ballot must, however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

**Democrats Are Now Pressuring County Election Official Tommy Gong to Implement the Full Provisions of SB 450. On Tuesday, the Board will receive a presentation from Gong on the feasibility:** Of course Gong is not going to be talking about vote harvesting and the political implications. He is concerned with the logistics, costs, need for more staffing, and security aspects of the issue. Meanwhile and as we reported several weeks ago, Supervisors Hill and Gibson and their sometimes consultant Tom Fulks are pressuring Gong to move forward.

**Background:** During the Public Comment Period for Matters Not on the Agenda at the February 5, 2019 BOS meeting, Clerk Recorder Assessor (and County Election Official) Tommy Gong spoke to refute various allegations made by *SLO Tribune* columnist Tom Fulks. Fulk's article had accused Gong of being dilatory in implementing certain discretionary election procedures pertaining to mail-in ballots. The matter was not on the agenda for Board consideration. Nevertheless, Supervisor Hill commenced to interrogate Gong along the same lines as Fulk's article.

A February 8 *The Cal Coast Times* news article provides a nice recap:

### ***SLO County Supervisor Adam Hill's mic turned off during outburst***

February 8, 2019  
By KAREN VELIE

*San Luis Obispo County Supervisor Adam Hill lashed out at Tuesday's board meeting when he was told to end a discussion because it violated the Brown Act. Hill continued his rampage prompting Supervisor Debbie Arnold to cut off his microphone. [[Cal Coast Times](#)]*

*In response to a [Tribune commentary](#) that claimed the county elections office is making it harder for people to vote, penned by a political columnist who has worked for Hill, County Clerk Recorder Tommy Gong addressed allegations his office attempted to suppress voters.*

*In his column, Tom Fulks claims that Gong failed to implement state law, SB 450. The law requires elections officials forward ballots for other counties within eight days of the election, a change that Gong immediately implemented. SB 450 also provides county's the option of requiring all mail-in ballot elections with vote centers.*

*Along with 14 other counties, Gong requested the option of implementing vote centers in 2018. However, after researching the requirements which included increased costs associated with infrastructure and manning polling stations for 10 days, Gong and nine of the 14 other county election officials opted not to implement the all mail-in ballot option in 2018.*

*“We are already at a 75 percent rate of vote by mail voters,” Gong said. “Voters can by all means request to be a permanent vote by mail voter. We have 138 polling places that we staff on election day, if you whittle that down to 20 then you have a much smaller percentage of those voters who show up on election day.”*

*Hill then accused Gong of having already made up his mind about the mail-in only ballot option.*

*In response, Gong asked the board to have the issue put on a future agenda to allow him time to examine the issue and create a report.*

*Hill continued to rebut, and County Counsel Rita Neal signaled to Arnold to stop the discussion. Neal then informed Hill that extending the conversation could result in a Brown Act violation.*

*Even so, Hill continued to argue his points while Arnold asked him to take a pause.*

*“You are being very disrespectful,” Arnold said.*

*“No, you are being reactionary,” Hill said.*

*“You are not being respectful of the process,” Arnold responded.*

*“This is not a Tea Party meeting, I am a colleague of yours. He started to speak, and I wanted...,” Hill said before Arnold turned off his microphone.*

*Later in the meeting, the board voted unanimously to ask Gong to bring a discussion of the mail-in only ballot proposal back to the board of supervisors.*

Click on the link to see the video. [https://youtu.be/KLuM1GifA\\_s](https://youtu.be/KLuM1GifA_s)

Why are Hill, Gibson, and Fulks pushing this so hard?



**(Left)** They have to show up and bleed to defend your right to vote. Should slackers who can't get off their asses to fill out their ballot and mail it in now be pawns in the leftist vote harvesting scam?

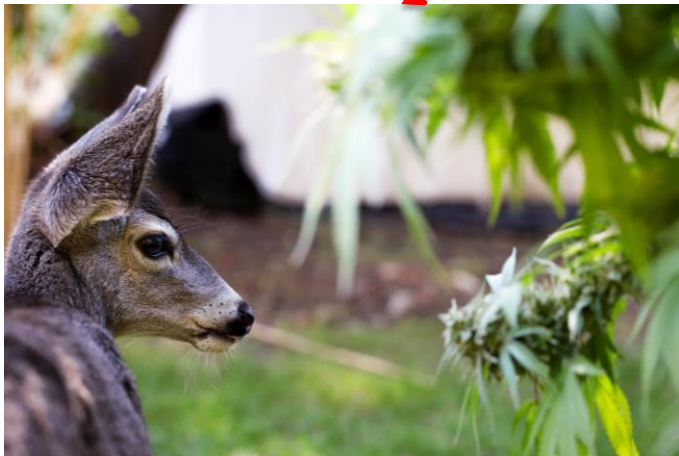


**Item 30: Hearing to consider an appeal (APPL2018-00004) by Ian McPhee of a request by Jim McAllister and Laura Gardner for a Minor Use Permit (DRC2018-00053) to establish both outdoor and indoor cannabis cultivation on a portion of a 77-acre project site. A modification from the parking standards set forth in Section 22.18.050.C.1 of the County's Land Use Ordinance is requested to reduce the required number of spaces from 72 to 12. The project site is located at 6480 York Mountain Road in Templeton, approximately 0.7 miles north of California State Highway 46 and 7.0 miles west of downtown Templeton in the Adelaida Sub Area of the North County Planning Area. This is an appeal of the County approval of a marijuana farm by neighbors. When the County determined to allow the development of a legal cannabis industry over the past 2 years, the public was not paying any attention. It now appears that as specific projects come forward, there will be many appeals by area neighbors. The reasons for denial of a permit are summarized as follows:**

*The project negatively impacts the health, safety and welfare of persons, **wildlife** and land. Taken together, these issues necessitate the preparation of an Environmental Impact Report (EIR) to address the cumulative environmental impacts.*

*The project is incompatible with character of the neighborhood.*

*Additional questions and concerns relating to the permit review process and compliance with relevant code requirements; potential flood hazard, water quality and water supply impacts.*



**Marijuana Eating Deer**

**Planning Commission Meeting of Thursday, February 28, 2019 (Scheduled)**

**Item 10 - Consider a request by the County for a Study Session on the 2016-2018 Biennial Summary Report of the Resource Management System (RMS) that summarizes the condition of the following resources throughout the County: water supply and systems, wastewater treatment, roads and U.S. Highway 101 interchanges, air quality, parks, and schools and to consider a request by the County for a request for Board authorization to process County initiated amendments to Chapter 3 Resource Management System of the Inland and Coastal Framework for Planning documents.**

**Huh? The item title - Classic Bureaucratic Obfuscation:** It really means that the County spends considerable time and money every 2 years cataloging the current amount of water, sewer, and class room space available or (unavailable) that would restrict future development in various parts of the unincorporated county. The measures for air, parks, and highway interchanges are more subjective and are based on County generated rating systems. A few of the ratings change, but for the most part everything remains the same.

This cycle's write-up is vague as it pertains to water availability and may be obsolete given the planning and ultimate implementation of the State Groundwater Management Act (SGMA).

Separately, Los Osos is removed from the restricted list because the sewer treatment plant is complete. But what about water? The County has denied some Los Osos permit applications because the staff says there is not enough water.

The Board of Supervisors has the ultimate authority to set the restrictions. Since the matter impacts land use, it is being passed through the Planning Commission, even though they have no official action. The Commission could, of course, comment.

#### **Non Agenda Matter: Planning Permitting - Less Service**

The notice below appeared on the County Planning Department's website. Is there a staffing shortage, or is there so little business that they don't have much to do, or what?

**The San Luis Obispo Permit Center (downtown) will be closing 3:00 pm each day until further notice. The North County Service Center in Atascadero (NCSC) will be closed to the public for permit issuance, permit intake or fee payment until further notice.**

## **LAST WEEK'S HIGHLIGHTS**

## **Board Meeting of Tuesday, February 19, 2019 (Cancelled)**

### **Strategic Planning**

Last week's meeting was to have been what the Board has characterized as a Strategic Planning meeting in the past. The agendas for these meetings usually contain: 1) An update on the ensuing fiscal year budget gap, 2) a draft proposed work program for the ensuing fiscal year's Planning and Building Department internal projects such as updating a zoning ordinance and updating a Plan element, 3) a review of the status of various capital projects which are underway, and 4) reports on some of the hot issues of the day that require County work.

As reported above in COLAB Update current week section, there is a report on the State Budget and a presentation of the Capital Improvement Plan.

Back in the early 2000's, the then progressive Board majorities blew a major set of land use policies past the general public, the agriculture community, and the business community under the rubric of "Smart Growth," which basically set up the County's current restrictions and directed most future development into the cities and unincorporated village centers of Nipomo, Templeton, San Miguel, and Oceano.

## **Local Agency Formation Commission (LAFCO) Meeting of Thursday, February 21, 2019 (Completed)**

**Item A-2: Replacement Language for Condition #11 and Additional Information - ESTRELLA - EL POMAR - CRESTON WATER DISTRICT (Completed).** The Commission approved rewording Condition 11 of its original creation of the District last fall. The vote was split 4/3 with Supervisors Arnold and Compton and Atascadero Councilwoman Roberta Fonzi voting no and Tom Murry, Ed Waage, Robert Enns and Marshall Ochylski voting yes. The two Supervisors and Mrs. Fonzi have been concerned about this district from the outset due to its fragmented checkerboard foot print and the ability to vote water policy over a large portion of the basin on the basis of acres owned. Moreover the County Board Majority (Arnold, Compton, and Peschong) does not wish to relinquish the County's water management policy control over the basin. See the background information below on alternate voting patterns which would emerge if the District were to become a full-fledged Groundwater Sustainability Agency supplanting the County.

**Background:** Condition 11 had, in part, originally required that unless the County relinquished its water management authority over the portion of the Paso Basin covered by the District, it could not become a Ground Water Sustainability Agency (GSA) under the State Ground Water Management Act. (SGMA). The County refused, and thus the future of the district was subject to confusion. The clarified language removes the requirement that the District become a GSA unless the County does at some point relinquish its authority. The District will still be subject to SGMA requirements but will not have a vote on the Paso Basin Coordinating Committee, which is an interagency committee of cities, water districts, and the County, developing the basin Groundwater Sustainability Plan (GSA).

The key issue is the member voting weight on the Committee, which is currently:

City Member	15%
SMCSD Member	3%
HRCSD Member	1%
SSJWD Member	20%
County Member	61%

If the County were to relinquish its authority and the El Pomar District were to become a GSA, the voting weight would be as follows:

City Member	15%
SMCSD Member	3%
HRCSD Member	1%
SSJWD Member	20%
County Member	32%
EPCWD Member	29%

## **COLAB IN DEPTH**

**IN FIGHTING THE TROUBLESOME, LOCAL DAY-TO-DAY ASSAULTS ON OUR FREEDOM AND PROPERTY, IT IS ALSO IMPORTANT TO KEEP IN MIND THE LARGER UNDERLYING IDEOLOGICAL, POLITICAL, AND ECONOMIC CAUSES AND FORCES**

# **CALIFORNIA FEUDALISM**

**BY JOEL KOTKIN AND MARSHALL TOPLANSKY**



**“CALIFORNIA HAS NOW TAKEN ON AN INCREASINGLY FEUDAL CAST, WITH A SMALL BUT GROWING GROUP OF THE ULTRA-RICH, A DIMINISHING MIDDLE CLASS, AND A LARGE, RISING SEGMENT OF THE POPULATION THAT IS IN OR NEAR POVERTY”**

## **EXECUTIVE SUMMARY**

California was built by people with aspirations, many of them lacking cultural polish or elite educations, but dedicated to hard work, innovation, family and community. A large number came from other countries or poor backgrounds: sharecroppers from the South, campesinos from Mexico, people fleeing communism and poverty in Asia, escapees from Hitler’s Europe or Okies and others fleeing the dust bowl. This proud legacy is threatened. California has now taken on an increasingly feudal cast, with a small but growing group of the ultra-rich, a diminishing middle class, and a large, rising segment of the population that is in or near poverty. Indeed, amidst some of the greatest accumulations of wealth in history, California has emerged as a leader in poverty, particularly among its minority and immigrant populations and throughout its interior.

Something is clearly wrong with this picture. Yet our state leaders, and too many of our business and civic leaders, are convinced that California, far from being something of a cautionary tale, offers a great “role model” for the rest of the country.<sup>1</sup> The state’s drift towards an ever more unequal, feudalized society, characterized by concentrated property ownership, persistent overtly levels, and demographic stagnation does not seem to concern our Sacramento leadership.

What needs to change? If we want to again be a place of opportunity for all, we need to dial down California’s increasingly expensive, messianic land use and climate change policies, which have dramatically increased housing and energy costs, forcing individuals and companies elsewhere. This will allow us to develop more housing and middle-class jobs, especially in more affordable areas such as the Central Valley and the Inland Empire. A dramatic reform of our education system, which underserves our next generation, particularly in poor and minority communities, needs to be enacted.

Other steps, like investing in basic infrastructure—roads, dams, electric transmission—could boost the flagging blue collar economy of the state. “California has now taken on an increasingly feudal cast, with a small but growing group of the ultra-rich, a diminishing middle class, and a large, rising segment of the population that is in or near poverty”

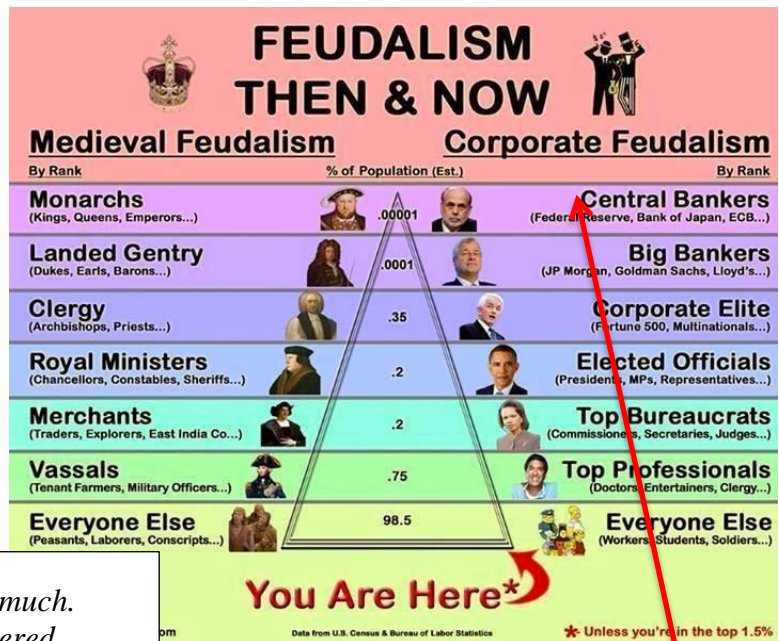
From the Beginning, California promised much. While yet barely a name on the map, it entered American awareness as a symbol of renewal. It was a final frontier: of geography and of expectation.”

Read the full report at the email below. It is too large to include in the Weekly Update It is well worth a read and has many useful graphs and charts.

*Joel Kotkin (co-author) the RC Hobbs Presidential Fellow in urban futures at Chapman University and director of the Chapman Center for Demographics and Policy and executive director of the Center for Opportunity Urbanism in Houston, Texas. He is author of eight books and co-editor of the recently released Infinite Suburbia. He also serves executive editor of the widely read website www.newgeography.com and a regular contributor to the Orange County Register, Forbes.com, Real Clear Politics, the Daily Beast and the City Journal.*

*Marshall Toplansky is Clinical Assistant Professor of Management Science at Chapman University's Argyros School of Business and Economics, and Research Fellow at the university's C. Larry Hoag Center for Real Estate. He is also Senior Advisor of The Cicero Group, based in Salt Lake City, Utah. A pioneer in the use of big data and sentiment analysis, Marshall is formerly Managing Director at KPMG, and co-founder of the firm's Lighthouse Center of Excellence for Data & Analytics.*

<https://www.chapman.edu/wilkinson/files/Feudalism.pdf>



*From the Beginning, California promised much. While yet barely a name on the map, it entered American awareness as a symbol of renewal. It was a final frontier: of geography and of expectation."*

Keven Star, Americans and the California Dream: 1850 – 1915 (1973)

Kevin Starr, Americans and the California Dream: 1850-1915 (1973)."

SUBSTITUTE SILICON VALLEY BILLIONAIRES & THEIR FOUNDATIONS HERE

# DEFINING APPROPRIATE HOUSING DEVELOPMENT IN CALIFORNIA

BY EDWARD RING

One of the most frustrating contradictions inherent in the policies being enacted by California's one-party state goes something like this: We are inviting the welfare cases of America and the expatriates of the world to move here, while simultaneously enacting environmental policies that make it extremely time consuming and expensive to build anything.

No wonder there's a "housing crisis." Until demand decreases, or supply increases, housing in California will remain unaffordable for most of its residents. But don't expect demand to slacken any time soon. The political consensus in favor of increasing California's population has a strong moral justification – why shouldn't the wealthy, innovative, compassionate people of California be willing to share their wealth with millions more people who are less fortunate? But there are other less high-minded upsides to population growth and obstacles to new housing.

Currently, real estate prices and rents are on the rise, favoring investors and landlords. Banks enjoy higher lending volumes, while borrowers enjoy greater liquidity, however precarious, as the property bubble offers them more collateral as security. The government agencies profit from higher property tax assessments and higher capital gains collections on sales of real estate. Large land developers that have the political clout and financial heft to build housing despite the many obstacles, enjoy unusually high margins that they could never achieve in a normal competitive market. Finally, as an expanding population increases demand for housing, at the same time public school districts can increase attendance-based revenue – which will make it somewhat less urgent that they reform their union work rules and spending priorities.

Efforts by California's policymakers to increase the supply of housing have to be viewed in this context. They want to increase the supply of housing. Yet they also want to keep happy the special interests that pay for their political campaigns. Therefore, strict – and very self-serving – parameters are likely to limit what new laws are enacted to stimulate new housing. For example:

## **Negative Consequences of Special Interest Defined Development in California**

(1) Additional open land outside of urban boundaries will remain off limits to development, in order to ensure that existing municipal jurisdictions are able to retain access to the new property revenues that

will accrue to new stocks of residential and commercial real estate. This will be justified as necessary to protect the environment.

(2) Most obstacles to housing construction will remain in place – in particular, excessive fees to government agencies and onerous CEQA requirements. This will ensure that only the most powerful corporate and financial entities will be able to take advantage of new opportunities to build housing, while cutting out the small landowners and developers.

(3) Major land developers will be given financial incentives by state and local government entities to build “affordable housing” and eliminate “blight,” but these incentives will be out of reach for smaller landowners and developers.

(4) In order to keep the real estate asset bubble fully inflated, housing prices will only fall marginally as development occurs, *which pretty much helps nobody*, but massive programs of taxpayer funded rent control and rent subsidies will be enacted to make up the difference for qualifying low income families.

(5) “Densification” will be imposed on residential neighborhoods, with the primary victims being any neighborhoods that are situated close to bus stops or light rail stations. Developers will be permitted to build multi-story, multi-unit buildings on small residential lots and will not be required to offer parking; all of this will greatly increase their profits.

(6) Building code requirements will relentlessly increase in the name of energy efficiency and safety, with the practical effect being to lock out small landowners and developers from being able to afford to upgrade their properties or develop new properties; these same more stringent regulations will not seriously impact large development corporations and financial investors.

It is wrong to be entirely cynical about the laws that are coming. Slamming the door completely shut on newcomers to California would be cold hearted, unpopular and probably cause more economic harm than good. Zealously enforcing residential zoning densities that were put in place several decades ago would be overly sentimental, ignoring the disruptive adaptations and radical transformations that have defined and enriched urban life since settlement began. Completely embracing a new wave of suburban sprawl would needlessly eat up more open land than a more balanced policy approach might cost. While the new building code mandates are now excessive (if not ridiculous), nobody wants to go back to toilets with seven gallon tanks, or insulation with an R value of 2.0.



Unfortunately, balance is not what we're finding in the new laws. Last year, the State Senate considered a bill – SB 827 – that would have removed local zoning control and allowed multifamily housing to be built in well-established single family neighborhoods. This would have allowed those multifamily housing projects to be as tall as 55 feet. Against heavy opposition, SB 827 never made it out of committee, but this year it's back. The new legislation, again sponsored by Democrat Scott Wiener, is SB 50.

Reading through the text of SB 50 grants insight into just how entrenched the collusion is between public officials and developers seeking subsidies and waivers. Consider this introductory language:

*“Existing law, known as the Density Bonus Law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.”*

In plain English, the “Density Bonus Law” forces taxpayers to subsidize not only developers who are already making more money by being allowed to pack more units on less land, but also low and “moderate” income households who will occupy a percentage of housing units. Bring 'em in! Paying artificially high prices for housing while also paying for someone else's inflated rent will never wear thin with taxpayers.

The Coalition to Preserve LA, “a citywide movement of concerned residents who believe in open government, people-oriented planning, equitable housing and environmental stewardship of Los Angeles,” produced this summary of SB 50.

Densification a la SB 50:

- Forces cities to allow luxury towers in single-family areas.
- Upzones thousands of beautiful streets to 6- and 8-story apartments if an area is “jobs-rich with good schools.”
- Upzones thousands of single-family areas within a 1/4 mile of a frequent bus stop or 1/2 mile of a rail station.

- Lets developers sue any city that tries to stop them.
- Cuts parking to zero, claiming rich residents “use transit.”
- Falsely claims to protect renters & sensitive communities.
- Strips protections of many HPOZs and historic buildings.
- Lets developers wipe out setbacks, backyards, green belts.

For millions of Californians who live in bucolic suburbs, with tree lined streets and spacious private yards, SB 50 unchecked is going to be a holocaust. It will utterly destroy their way of life. Many victims will not have the ability to move. The greatest insult of all: Their taxes will be paying for it. And as a “solution,” it is completely unnecessary. There are better ways, that leave established neighborhoods intact and cost taxpayers nothing.

### **Reforming the California Environmental Quality Act (CEQA)**

There are two ways to mitigate the impact of CEQA, the law that requires “environmental impact reports” on any land development in California, including “climate change” impact along with a host of metastasizing additional requirements. The first, being practiced increasingly, is to grant CEQA waivers to politically connected developers that are proposing projects deemed politically correct. The second, far preferable solution, is to fundamentally rewrite CEQA.

An excellent summary of how to reform CEQA appeared in the Los Angeles Times in Sept. 2017, written by Byron De Arakal, vice chairman of the Costa Mesa Planning Commission. It mirrors other summaries offered by other informed advocates for reform and can be summarized as follows:

- *End duplicative lawsuits*: Put an end to the interminable, costly legal process by disallowing serial, duplicative lawsuits challenging projects that have completed the CEQA process, have been previously litigated and have fulfilled any mitigation orders.
- *Full disclosure of identity of litigants*: Require all entities that file CEQA lawsuits to fully disclose their identities and their environmental or, increasingly, non-environmental interest.

- *Outlaw legal delaying tactics:* California law already sets goals of wrapping up CEQA lawsuits — including appeals — in nine months, but other court rules still leave room for procedural gamesmanship that push CEQA proceedings past a year and beyond. Without harming the ability of all sides to prepare their cases, those delaying tactics could be outlawed.
- *Prohibit rulings that stop entire project on single issue:* Judges can currently toss out an entire project based on a few deficiencies in environmental impact report. Restraints can be added to the law to make “fix-it ticket” remedies the norm, not the exception.
- *Loser pays legal fees:* Currently, the losing party in most California civil actions pays the tab for court costs and attorney’s fees, but that’s not always the case with CEQA lawsuits. Those who bring CEQA actions shouldn’t be allowed to skip out of court if they lose without having to pick up the tab of the prevailing party.

Unfortunately, California’s new governor, Gavin Newsom, while acknowledging problems with CEQA, has put responsibility for recommending changes to CEQA in the hands of a task force consisting of labor union officials and land developers. It will be a surprise if a group dominated by these two special interests will be capable of coming up with the solutions recommended by De Arakal and others.

### **Principles of Appropriate Development in California**

There is a moral imperative to increase the supply of housing in California. As noted, California’s policymakers have awakened to the fact that construction of new housing is not nearly meeting demand for new housing. But the way they’re going about stimulating housing construction is flawed. It will not appreciably lower the cost of housing and it will needlessly enrich special interests. Here are some ways housing could be more appropriately developed in California:

(1) Eliminate all forms of government subsidies, incentives or waivers to any developers. All players in the housing industry should be unsubsidized, and playing by the same set of rules.

(2) Stop requiring diverse types of housing within the same development or neighborhood. Mixing high-density, subsidized housing into residential neighborhoods devalues the existing housing, and this social engineering is unfair to existing residents who have paid a high price to live there.

(3) Roll back the more extreme building codes. Requiring 100 percent of homes to be “energy neutral” or include rooftop photovoltaic arrays, for example, greatly increase the cost of homes.

(4) Lower the fees on building permits for new housing and housing remodels. Doing this might require pension reform, since that's where all extra revenue goes, but until permitting costs are lowered, only billionaire developers can afford to build.

(5) Speed up the permitting process. It can take years to get permits approved in California. Again, the practical effect of this failure is that only major developers can afford to build.

(6) Reform the California Environmental Quality Act as noted. Better yet, scrap it altogether. Federal laws already provide adequate environmental safeguards.

(7) Make it easier to extract building materials in-state. California, spectacularly rich in natural resources, has to import lumber and aggregate from as far away as Canada. This not only greatly increases construction costs, it's hypocritical.

(8) Increase the supply of land for private development of housing. Currently only five percent of California is urbanized. There are thousands of square miles of non-farm, non critical habitat that could be opened up for massive land development.

(9) Engage in practical, appropriate zoning for infill and densification in urban cores, but only after also increasing the supply of open land for housing, and only while continuing to respect the integrity of established residential neighborhoods.

California has unaffordable housing because extreme environmentalists have imposed an agenda onto state policymakers that, unfortunately, dovetails perfectly with the agenda of special interests – in particular, public sector unions and bureaucrats, and large corporate land developers and construction contractors. This coalition is also responsible for the related problem of neglected infrastructure in California. Until California's voters wake up and break this immoral, self-serving coalition, there is little hope that housing prices in particular, or the cost-of-living in general, will come down in California.

*Edward Ring is a co-founder of the California Policy Center and served as its first president.*

*This article was first posted by the California Policy Center on Febur1, 2019*



## HOUSING SUMMIT

The SLO Chamber of Commerce and other groups are presenting a Housing Summit again this year. This should be interesting as State Senator Scott Wiener is the keynote. He is the author of the pending and controversial legislation, SB 50. See the details in the article below:

### SLO County Housing Summit

2019 SLO County Housing Summit Friday, March 22, 12-2 p.m. **1350**  
**Osos St, San Luis Obispo, CA 93401**

**Senator Scott Wiener** is one of California's key strategists on policies that affect affordable housing. You won't want to miss hearing him at the [SLO County Housing Summit](#).



**Senator Scott Wiener | Keynote Speaker**

Representing San Francisco and northern San Mateo County, Senator Wiener's leadership on the Senate Housing Committee includes introduction of SB 50, the More Housing, Opportunity, Mobility, Equity, and Stability (More HOMES) Act. Endorsed by numerous mayors, the bill is designed to spur more affordable housing near transit and job centers.

[Read about Senator Wiener's More HOMES Act here.](#)

### STATE SEN. SCOTT WIENER REVISITS TRANSIT HOUSING BILL

**New proposal of old effort to allow density around transportation stops is back**

**By Adam Brinklow**

After a single committee hearing earlier this year, the California State Senate smothered San Francisco-based Sen. Scott Wiener's SB 827, which would have radically changed how cities zone for housing height and density by barring certain height limits near major transit routes.

Wiener promised to revive the proposal shortly after its defeat. And on Tuesday, Wiener did just that, introducing a similar, albeit new, measure dubbed SB 50—the More Housing, Opportunity, Mobility, Equity, and Stability (More HOMES) Act.

According to Wiener's office, "SB 50 is modeled on SB 827" and "eliminates hyper-low-density zoning near transit and job centers, thus legalizing apartment buildings in these locations so that more people can live near transit and near where they work."

The preliminary version of the bill reads in part:

It applies these standards to sites within one-half mile of fixed rail and one-quarter mile of high-frequency bus stops and in job-rich areas. Within these geographies, a city may not limit density (e.g., banning apartment buildings).

Within one-half mile of fixed rail, a city may not impose maximum height limits lower than either 55 feet or 45 feet. (Bus stops and job-rich areas will not trigger height increases; rather local height limits will apply.)

SB 50 defers to local design standards, inclusionary housing requirements, setback rules, demolition standards (unless they are too weak), and height limits (except near fixed rail stops).

The bill would also "reduce or [eliminate] minimum parking requirements for new developments," something San Francisco is poised to do anyway.

The California lawmaker again framed his legislation as a one-two approach that creates new housing while also diminishing environmental harm.

"For too long we have created sprawl by artificially limiting the number of homes that are built near transit and job centers," said Wiener via email. "As a result of this restrictive zoning in urbanized areas, people are forced into crushing commutes, which undermines our climate goals,

San Francisco Mayor London Breed already endorsed the bill (along with the mayors of Oakland, Emeryville, Sacramento, and Los Angeles), saying, "I have seen too many people I grew up with pushed out of San Francisco because we have not built enough housing, especially affordable housing, throughout our entire city."

Affordable housing was the Achilles Heel that tripped up Wiener's last bill; several senators who professed to like its merits said they couldn't vote for it unless it did more to provide affordability.

The April hearing that halted that bill also echoed anxiety about diminishing local control over development, something that's sure to come up again as SB 50 moves forward.

While the gritty details of the new bill are not yet known, its previous incarnation was particularly notable for San Franciscans, as nearly the entire city is considered transit-adjacent under the most commonly employed standards.

*Adam Brinklow is an Associate Editor at Curbed California. The article first appeared in the December 4, 2018 version. Obsessing about where you live is an overwhelming concern and endless pastime. Our mission at Curbed is to advocate for the places where people live, by celebrating, chronicling, and explaining everything you need to know about homes, neighborhoods, and cities. Since 2004, Curbed has been an integral part of the local news landscape online, and we are uniquely primed to surface relevant local issues to a broad, national audience.*

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**COME TO OUR 10<sup>TH</sup> ANNIVERSARY MARCH 28, 2019  
DINNER AND BID ON DISTINCTIVE AUCTION ITEMS**

**HEARST RANCH UTV TOUR** – Half-day tour of the 83,000-acre Hearst Ranch in San Simeon, California in late-model Kawasaki and Honda UTVs for up to **FOUR (4)** guests. Experience eighteen miles of California coastline, see exotic species, drive past Hearst Castle, and navigate 128 square miles of pristine wilderness at your own pace and with an experienced member of the Hearst team as your guide. Lunch, beverages, equipment and instruction all provided. Bring your sense of off-road adventure for this exclusive and never-before-offered opportunity! Expires March 2020.





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See the presentation at the link: <https://youtu.be/eEdP4cvf-zA>



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(Revised 2/2017)