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June 12, 2020

Honorable Scott Wiener
Chairman, Senate Housing Committee
State of California, District 11
State Capitol, Room 4066
Sacramento, CA 95814-4900

RE: SB 902 - OPPOSITION

Dear Senator Wiener:

I am writing to advise you that the City of Redondo Beach opposes Senate Bill 902.

Redondo Beach is a charter city and the residents voted in 2008 to adopt an initiative which governs land use and development in the City. SB902 disregards the voter-approved methodology the residents of Redondo Beach adopted to control land use.

Additionally, SB902 would circumvent the legislative intent of CEQA, both in the protection of the environment and in providing a public process that considers the impacts on the environment.

SB902 also seems to remove the standard that zoning and land use regulations should be consistent with the General Plan, bypasses CEQA, and ignores the local requirements for adopting land use regulations. This bill could have lasting significant negative impacts on communities, while offering minimal public input on the decision.

Most importantly, SB 902 would allow any future city council to violate the terms of the locally adopted initiative by a simple majority vote of the city council. Three elected officials could act contrary to the wishes and the dictates of more than 50% of the voters in the city!

Moreover, SB 902 is certainly unconstitutional. The California State Constitution clearly states that "the people reserve to themselves the powers of initiative and referendum." (California Constitution, Article IV, Section 1.) The California Supreme Court has recognized:

Accordingly, the initiative power must be liberally construed to promote the democratic process. Indeed, it is our solemn duty to jealously guard the precious initiative power, and to resolve any reasonable doubts in

favor of its exercise. *Legislature v. Eu* (1991) 54 Cal.3d 492, 501
(internal citations omitted).

Simply put, the California Constitution does not allow the State Legislature to authorize a local government to pass an ordinance in contravention of restrictions enacted by a local voter initiative.

SB 902 will result in considerable litigation, costing the State and local jurisdictions scarce resources which could otherwise be used to address other needs.

Following review by the Redondo Beach City Council at its regularly scheduled meeting of June 9, 2020, the City Council received public testimony and voted unanimously to oppose the passage of SB 902 for the reasons outlined in this letter. Thank you for your consideration of our comments.

Sincerely,



Bill Brand

cc. Members of the Senate Committee on Housing
State Senator, Ben Allen, District 26
Assembly Member, Al Muratsuchi, District 66
Michael J. Arnold, Michael J. Arnold & Associates
City Council Members, City of Redondo Beach
Joe Hoefgen, City Manager, City of Redondo Beach
Michael Webb, City Attorney, City of Redondo Beach