

CEQA and the People's Voice: Developer Ballot Measures

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I. Introduction

In *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, the California Supreme Court held that CEQA does not apply to “citizen-sponsored” initiatives, even where the initiative is adopted by local officials rather than the voters. Since that decision, California cities and counties have seen a sharp increase in development projects being proposed by the ballot. These “developer-sponsored initiatives” typically seek a full suite of land use approvals for a particular project or development plan. If adopted, such initiatives significantly limit the scope of future CEQA review. In addition, because voter initiatives can only be revised by another vote of the people, successful developer-sponsored initiatives can place the regulations that govern a project beyond the City Council’s reach. This paper provides tips for processing developer-sponsored measures, and summarizes substantive legal issues relevant to such measures.

The authors have also canvassed election results for commercial and residential developer-sponsored measures and present those results in the last section of this paper. Based on these results, it is our conclusion that developer-sponsored measures are difficult to pass and thus do not appear to be a “silver bullet” for short-circuiting the CEQA and administrative permitting process.

The scope of this paper is limited to the procedural and substantive issues specific to developer-sponsored initiatives. For additional guidance on the initiative and referendum process, you may wish to consult the following publications and white papers:

- League of California Cities, *Municipal Law Handbook* (CEB 2016 Ed.) §§ 3.80-3.150
- Craig A. Steele, *Initiatives/Referendums* (League Spring Conference May 7, 2015)
- Peter N. Brown, City Attorney, Carpinteria, *The New Universe of Land Use Initiatives: Project Permitting Through the Ballot Box* (League Spring Conference May 6, 2011)
- Solano Press, *Ballot Box Navigator* (2003)
- *Local Land Use Initiatives and Referendums*, California Environmental Law and Land Use Practice (Matthew Bender)
- Institute for Local Self Government, *Ballot Box Planning: Understanding Land Use Initiatives in California* (2001)

II. Initiative Power

A. Reserved power of the people

In 1911, the people of California amended the State Constitution to reserve unto themselves the power of initiative. The initiative power is made applicable to local agencies through article II, section 11.

- “The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.” Cal. Const. art. II, § 8(a).
- The referendum is the power of the electors to approve or reject statutes or parts of statutes except [stating several exceptions].” Cal. Const. art. II, § 9(a).

The procedures governing the initiative power were enacted by the Legislature.

- Elections Code sections 9200-9295 govern initiatives in cities.
- Elections Code sections 9100-9190 govern initiatives in counties.

The city and county provisions generally parallel one another. However, some differences exist. For example, to qualify a citywide initiative for the next regular municipal election, the petition must be signed by “not less than 10 percent of the voters in the city.” Elec. Code § 9215. On the other hand, to qualify a countywide initiative for the next regular election, the petition must be signed by “not less in number than 10 percent of the entire vote cast in the county for all candidates for Governor at the last gubernatorial election[.]” Elec. Code § 9118.

B. Courts have interpreted the initiative power broadly.

California courts have consistently acknowledged their “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. The California Supreme Court reiterated this in *Tuolumne Jobs*, when it confirmed that voter-initiatives adopted outright by a governing body are not subject to CEQA. *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, 1035. Courts have continued to adhere to this principle in upholding developer-sponsored initiatives, in whole or in part. *See, e.g., Hernandez v. Town of Apple Valley* (2017) 7 Cal.App.5th 194, 210 (review of initiative “strictly circumscribed by the long-established rule of according extraordinarily broad deference to the electorate’s power to enact laws by initiative”) (quoting *Pala Band of Mission Indians v. Bd. of Supervisors* (1997) 54 Cal.App.4th 565, 573-74).

III. Components of a Developer-Sponsored Initiative

While traditional land use initiatives tend to target a particular policy (e.g. adopt an “urban growth boundary” to prevent urban sprawl), developer-sponsored initiatives frequently include a full suite of approvals for a particular project. Such approvals may be highly specific;

variations on previously contemplated conditions of approval and mitigation measures often appear in developer-sponsored initiatives.

For example, developer-sponsored initiatives may include the following suite of proposed land use approvals:

- General Plan Amendments
- New or Amended Specific Plans
- Zoning Ordinance and Zoning Map Amendments
- Conditions of Approval
- Development Agreements (see discussion below)

Developer-sponsored initiatives may also dramatically change the relationship between developers and local government. Such initiatives often bypass negotiations with the legislative body, which can result in one-sided approvals that limit public benefits. Developers may also leverage the initiative process to influence negotiations with local government.

Case Study: Lake Elsinore

In June 2016, the City of Lake Elsinore approved the Aberhill Villages Specific Plan that included aspects opposed by the developer, including limitations on building near mining operations and financing a public sports park. The developer subsequently qualified an alternate specific plan initiative for a special election. However, after the City placed the initiative on the ballot, the developer and the City reached an agreement on compromise specific plan amendments. Because the initiative had already been placed on the ballot (scheduled for May 2, 2017), both the city and the developer are now campaigning against it.

IV. Steps to Place an Initiative on the Ballot

A. Action by the City Council

Once the elections official has certified the sufficiency of the signatures on the initiative petition, the City Council's options depend on whether the initiative qualifies for consideration at a special election or a regular municipal election.

In order for an initiative measure to qualify for consideration at a special election, the initiative petition must request that the initiative be submitted immediately to a vote of the people at a special election and be signed by at least 15 percent of the city's registered voters. Elec. Code § 9214. On the other hand, if the initiative petition is signed by 10 percent of the city's registered voters, it would qualify for consideration at a regular election. Elec. Code § 9215.

In response to such an initiative petition, the City Council must:

(a) adopt the measure, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days thereafter (Elec. Code §§ 9214(a), 9215(a)); or

(b) place it on the ballot by either:

- ordering a special election pursuant to Elections Code section 1405(a)¹, (Elec. Code § 9214(b)); or
- ordering that the measure be placed on the ballot for the next regular municipal election occurring at least 88 days after the date on which the measure is ordered on the ballot (Elec. Code § 9215(b)); or

(c) order a report on the initiative's effects and, upon receipt of the report, take either of the two actions specified above (Elec. Code §§ 9214(c), 9215(c)). The report must be submitted within 30 days of the certification of the sufficiency of the petition to the legislative body. Elec. Code § 9212 (b).

Tip: Proponents of developer-sponsored initiatives are more likely than proponents of “traditional” land use initiatives to have sufficient resources to qualify an initiative for a special election. Because special elections are far more expensive for cities to administer, developer proponents may offer to pay for the cost of a special election to avoid the negative publicity associated with “forcing” the city to cover the added election costs.

See, e.g., Hernandez v. Town of Apple Valley (2017) 7 Cal.App.5th 194 (invalidating election results after finding that the Town violated the Brown Act when it failed to provide notice of the developer's proposed MOU offering to pay the costs of a special election).

B. The “9212 Report” on the Initiative's Effects

At any time after the initiative proponents begin circulating the initiative petitions for signature, the City Council may order a report from City agencies on:

1. the initiative's fiscal impact;
2. the initiative's effects on internal consistency of the general plan, any specific plans and its zoning ordinance, and limitations on city actions with respect to housing approvals, affordable housing, and housing discrimination under Government Code section 65000 et seq.;

¹ A special election must be called not less than 88 days nor more than 103 days after the date of the order of election. Elec. Code § 1405(a). However, when such special election falls within 180 days of a regular or special election wholly or partially within the same territory, the election on the initiative measure may be held on the same day and consolidated with the other election. Elec. Code § 1405(a)(1). No more than one special election for an initiative measure may be held in the same jurisdiction during any 180-day period. Elec. Code § 1405(a)(4).

3. its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs;
4. its impact on funding for all types of infrastructure;
5. its impact of the community's ability to attract and retain business and employment;
6. its impact on the use of vacant land;
7. its impact on agricultural lands, open space, traffic, business districts, and areas designated for revitalization; and
8. any other matters requested by the City Council to be in the report. Elec Code § 9212(a).

This report must be submitted no later than 30 days after the elections official certifies the sufficiency of the number of signatures on the initiative petition. Elec. Code § 9212(b).

Tip: 30 days is often insufficient to analyze the full impacts of a development project. Indeed, for projects subject to CEQA, it often takes several months to produce a Draft Environmental Impact Report and several more months to obtain and respond to public comment.

As noted above, a city can order preparation of a 9212 report any time after the proponents commence circulating the initiative for signatures. Thus, if it appears likely that a developer-sponsored initiative will qualify, consider seeking direction from the City Council on whether to commence preparation of the 9212 report in advance of the measure qualifying for the ballot.

C. Case Study: Carlsbad Measure A

In the City of Carlsbad, a developer circulated an initiative known as the Agua Hedionda South Shore Specific Plan. The initiative proposed a Specific Plan governing future land uses and development in a specific area. It also amended the General Plan, the Agua Hedionda Land Use Plan, and the Zoning Code to facilitate the development of various visitor-serving commercial uses, increase open space, allow public access to open space and continued agricultural uses.

The original initiative was signed by at least 15% of Carlsbad registered voters. After a contentious public meeting, the City Council voted unanimously to adopt the measure outright instead of placing the item on the ballot. The City Council relied heavily on the Elections Code 9212 report in determining that the Specific Plan proposal met Carlsbad's strict growth management and development standards. The 9212 report also analyzed the developer's "Environmental Assessment", approximately 6,000 pages of analysis submitted with the signed initiative petitions.

Subsequently, citizens circulated a referendum petition signed by at least 10% of the voters which required the Carlsbad City Council to reconsider its ordinance adopting the

initiative. Referendum proponents argued that the initiative was used to avoid CEQA, that signature gatherers had lied about the scope and impacts of the proposal, and that the City Council had deprived the citizens of a vote. The initiative proponents argued that Council-adopted initiatives are ministerial (not legislative) acts that are not subject to referendum.²

Ultimately, the Council decided to call a special election to allow voters to decide what became known as Measure A. Ultimately, the Measure A referendum vote defeated the proposed initiative 52% to 48% with 20,542 voting No and 18,903 voting Yes, a difference of 1,639 votes.

V. California Environmental Quality Act

A. Basics

Unlike the initiative power, CEQA is solely a creature of statute, and is not based on constitutionally reserved power. CEQA is codified in the Public Resources Code section 21000 et seq., and implemented through the CEQA Guidelines, 14 C.C.R section 15000 et seq.

CEQA applies to discretionary projects, not ministerial ones. Pub. Res. Code § 21080(a), (b)(1). “‘Ministerial’ describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project.” CEQA Guidelines § 15369. CEQA does not apply to ministerial projects because the reviewing agency completing CEQA review must have authority to deny or modify the proposed project to “meaningfully address any environmental concerns that might be identified.” *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 933 (citing *Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal.App.3d 259, 266-67).

CEQA also contains a host of other statutory and categorical exemptions. CEQA Guidelines §§ 15260 et seq. (statutory exemptions); 15300 et seq. (categorical exemptions). For example, adoption of coastal plans and programs (CEQA Guidelines § 15265) and approvals for emergency projects (CEQA Guidelines § 15269) are statutorily exempt. CEQA also exempts certain categories of projects based on the determination that, barring unusual circumstances, those projects will never have a significant effect on the environment and therefore will never require environmental review or mitigation. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1107. Categories of exempt projects include certain changes to existing facilities (CEQA Guidelines § 15301) and construction of small structures (CEQA Guidelines § 15303).

B. Citizen-sponsored initiatives are not subject to CEQA.

It has long been established that CEQA compliance is not required before a legislative body submits a voter-sponsored initiative to the voters under Elections Code section 9214(b).

² However, as discussed below, the Supreme Court stated in *Tuolumne Jobs* that Council-adopted initiatives are subject to referendum. *See Tuolumne Jobs*, 59 Cal.4th at 1043.

See, e.g., DeVita v. County of Napa (1995) 9 Cal.4th 763, 793-95. The CEQA Guidelines have codified this exemption to CEQA compliance. *See* Guidelines § 15378(b)(3).

In *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, the Supreme Court held that voter-sponsored initiatives that are adopted outright by the local decision-making body are not subject to CEQA either. *Id.* at 1036. The Legislature has established procedures for promptly processing voter-sponsored initiatives, and these procedures “would essentially [be] nullif[ied]” if time-consuming CEQA review were required before direct adoption of a voter-sponsored initiative. *Id.* at 1036-37. In addition, cities would not be able to act on the results of CEQA review because they do not have the authority to reject or modify projects proposed by initiative. *Id.* at 1040. Further, voters may fall back on the referendum power to stop a direct-adopted initiative from going into effect. *Id.* at 1043. In sum, “[b]ecause CEQA review is contrary to [the statutes governing voter-sponsored initiatives], and because policy considerations do not compel a different result, such review is not required before adoption of a voter initiative.” *Id.* at 1036-37; *see* Elec. Code §§ 9212, 9214.

The Court acknowledged that this rule could allow developers to evade CEQA, but noted that any such concerns should be directed to the Legislature. *Tuolumne Jobs*, 59 Cal.4th at 1043. This means that a 9212 report is “the exclusive means for assessing the potential environmental impact of such initiatives.” *Id.* at 1036.

C. Council-sponsored initiatives remain subject to CEQA.

However, *Tuolumne Jobs* did not alter the rule that Council-sponsored initiatives are subject to CEQA. *See Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 191. In *Friends of Sierra Madre*, a city council’s decision to place its own measure on the ballot was held to be a discretionary act, not ministerial, and therefore not exempt from CEQA. *Id.*

D. Legislative fix?

On February 16, 2017, Assembly Member Jose Medina introduced AB 890 as a legislative fix to address *Tuolumne Jobs*. The bill proposes to require CEQA review for proposed land use initiatives before they are circulated for signature. AB 890 is not limited to developer-sponsored measures but appears to apply to all land use initiatives. Depending on the results of the environmental review, certain initiatives would not be allowed to go to the ballot at all.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB890

VI. Other Substantive Legal Issues Arising From Developer-Sponsored Initiatives

A. Initiatives May Only Address Legislative Acts

The power of initiative extends only to legislative acts, not to executive, administrative, and adjudicatory acts. *Yost v. Thomas* (1984) 36 Cal.3d 561, 569-70. In general, a legislative act declares a public purpose and provides for “ways and means of its accomplishment,” while a non-legislative act “merely pursues a plan already adopted by the legislative body itself, or some

power superior to it.” *Valentine v. Town of Ross* (1974) 39 Cal.App.3d 954, 957-58 (quotations omitted).

Courts apply this rule categorically. *Citizens for Planning Responsibly v. County of San Luis Obispo* (2009) 176 Cal.App.4th 357, 367. General plans, specific plans, and zoning, typically enacted by ordinance or resolution, are legislative and may be adopted by voter initiative. *Id.* at 367-68. In contrast, decisions that “involve the application of general standards to specific parcels of real property” – such as approval of a zoning variance, use permit, subdivision map, and similar proceedings – are administrative and may not be adopted by initiative. *Horn v. County of Ventura* (1979) 24 Cal.3d 605, 614.

As discussed in more detail below, the relationship between the initiative power and development agreements is an open question. Government Code section 65867.5(a) states, “A development agreement is a legislative act that shall be approved by ordinance and is subject to referendum.” The reference to a development agreement as “a legislative act” could imply that a development agreement could be adopted by initiative. However, the explicit reference to only “referendum,” and not initiative, may imply a limit on the initiative power.

B. Initiative May Not Name or Identify a Private Corporation

Article II, section 12 of the California Constitution states: “. . . no statute proposed to the electors . . . by initiative[] that . . . names or identifies any private corporation to perform any function or to have any power or duty, may be submitted to the electors or have any effect.” Cal. Const., art. II, § 12. This naming rule prevents initiative proponents from using the initiative process for “self-aggrandizement” or to confer “special privilege or advantage on specific persons or organizations.” *Calfarm Ins. Co. v. Deukmejian* (1989) 48 Cal.3d 805, 832-33.

Very few cases apply this rule, and the law is currently evolving in response to developer-sponsored initiatives. Key cases include:

- *Calfarm Ins. Co. v. Deukmejian* (1989) 48 Cal.3d 805: The California Supreme Court invalidated a provision of an initiative creating a non-profit corporation because the initiative would have conferred “some special privilege [on the new corporation] not afforded other organizations.” *Id.* at 813, 833-34. However, the Court found the provision that created the corporation severable because it was “mechanically and functionally independent” from the rest of the initiative. *Id.* at 836.
- *Citizens for Responsible Government v. City of Albany* (1997) 56 Cal.App.4th 1199: The City Council placed a development agreement between the city and a specific developer on the ballot for ratification for the voters, as required under local law. *Id.* at 1205-06. In dicta, the court noted tension with article II, section 12 because “it would be difficult, if not impossible, to draft a meaningful ballot measure involving a development agreement without some reference to the parties to that agreement.” *Id.* at 1230.

- *Pala Band of Mission Indians v. Bd. of Supervisors* (1997) 54 Cal.App.4th 565: An initiative that proposed amendments to a general plan and zoning to accommodate a landfill assigned certain tasks to an “Applicant,” and defined “Applicant” as a particular private corporation. *Id.* at 570, 584-85. The court held that that the definition of “Applicant” violated article II, section 12, but salvaged most of the initiative by finding the definition severable. *Id.* at 587, fn. 22.
- *Hernandez v. Town of Apple Valley* (2017) 7 Cal.App.5th 194: Distinguishing *Pala Band*, a court recently found that a specific plan initiative that clearly benefitted Walmart, but “did not name Walmart in the four corners of the Initiative,” did not violate article II, section 12. *Id.* at 209-13.

A case currently in the court of appeal challenges a development agreement initiative that repealed a previously adopted development agreement and replaced it with a new development agreement. *Center for Community Action and Environmental Justice v. City of Moreno Valley* (E067200, app. pending) [*World Logistics Center*]. The initiative drafters attempted to fall within *Pala Band* by replacing the developer’s name with “The Property Owners as of the Effective Date of This Agreement.” The plaintiffs argue that the development agreement initiative violated article II, section 12 anyway because it “identifies” the parties to the agreement. A decision in this case is expected later this year.

C. Exclusive Delegation

The Legislature may bar local initiatives by delegating legislative authority exclusively to a local governing body. *DeVita v. Cnty. of Napa* (1995) 9 Cal.4th 763, 776; *Committee of Seven Thousand v. Superior Court* (1988) 45 Cal.3d 491, 511 [*COST*]. To determine whether the Legislature intended to exclusively delegate authority, courts look to several factors, including “the language, subject matter, and history of the statute, and other pertinent matters suggested by the parties.” *COST*, 45 Cal.3d at 50; *DeVita*, 9 Cal.4th at 776. Key factors identified in *COST* include:

- (1) **Statutory Language:** References to “legislative body” or “governing body” support a weak inference that the Legislature intended to restrict the initiative and referendum power. *DeVita*, 9 Cal.4th at 776; *COST*, 45 Cal.3d at 501. References to “city council” and/or “board of supervisors” support a stronger inference. *Id.*
- (2) **Statewide Concern:** It is more likely that the Legislature intended to bar initiatives and referenda when a statute addresses a matter of “statewide concern,” rather than a “municipal affair.” *Id.*
- (3) **Other Indicia of Legislative Intent:** Courts will also consider other indications of legislative intent, including principles of statutory construction. *DeVita*, 9 Cal.4th at 776; *COST*, 45 Cal.3d at 507.

The Development Agreement Statutes, Government Code sections 65864-65869.5, may exclusively delegate the authority to enter into development agreements to local governing

bodies, thereby prohibiting adoption of development agreements by initiative. As mentioned above, section 65867.5 states, “A development agreement is a legislative act that shall be approved by ordinance and is subject to referendum.” The explicit reference to referendum and the absence of a reference to initiative could imply that the Legislature intended to exclude the initiative power. In addition, as a practical matter, a development agreement is a negotiated contract between two parties, while a developer-sponsored initiative is proposed unilaterally and cannot be changed by the city; the incompatibility between contractual negotiations the initiative process may be additional evidence of exclusive delegation. This question is currently being litigated in the *World Logistics Center* case.

VII. Election Results: Developer-Sponsored Initiatives 2013-2016

| November 2016 | | | |
|-----------------------|----------------|--|--|
| City/County | Measure | Name | Result |
| San Diego County | Measure B | Lilac Hills Residential and Commercial Development | DEFEATED Yes 36.46% No 63.54% |
| City of Beverly Hills | Measure HH | Hilton Condominium Tower | DEFEATED Yes 45.85% No 55.15% |
| City of Cupertino | Measure D | Vallco Shopping Center | DEFEATED Yes 45% No 55% |
| City of Cypress | Measure GG | Town Center and Commons Plan – Initiative to authorize development of a town center, housing, and a public park. | DEFEATED Yes 48.9% No 51.1% |
| City of Pacifica | Measure W | Rockaway Quarry Residential Development | DEFEATED Yes 31.14% No 68.86% |
| City of Poway | Measure W | Maderas Golf Course Hotel | DEFEATED Yes 48.54% No 51.46% |
| Other 2016 | | | |
| City of Carlsbad | Measure A | Agua Hedionda South Shore Specific Plan *Referendum of a Council-adopted, developer-sponsored initiative | DEFEATED Yes 48.8% No 51.2% |
| City of Richmond | Measure N | Riveria Residential Development | DEFEATED Yes 33.76% No 66.24% |
| City of Davis | Measure A | Nishi Property Land Use Designation | DEFEATED |

| | | | |
|-----------------------|-----------|--|--|
| | | and Development Project | Yes 48.47% No 51.53% |
| City of San Ramon | N/A | Faria Housing Project *Council-adopted, developer-sponsored initiative | N/A |
| November 2015 | | | |
| City of Malibu | Measure W | Shopping Center at Cross Creek and Civic Center Way | DEFEATED Yes 42.87% No 57.13% |
| City of Moreno Valley | N/A | World Logistics Center *Council-adopted, developer-sponsored initiative | N/A |

| | | | |
|-----------------------|---------------------------|---|---|
| Other 2015 | | | |
| City of Redondo Beach | Measure B (March 2015) | AES Power Plant Removal & Harbor Village Development Plan Initiative | DEFEATED Yes 47.6% No 52.4% |
| City of Hermosa Beach | Measure O (March 2015) | E&B Oil Drilling and Production Project | DEFEATED Yes 20.49% No 79.5% |
| City of Chino | Measure V (March 2015) | General Plan Amendment to Rezone Land from Commercial to Residential (12.7 acres, to allow maximum of 113 single-family dwelling units) *owner of the land reimbursed the City for the full cost to conduct the election & no opposition arguments submitted to ballot | PASSED* Yes: 55.71% No: 44.29% |
| City of Carson | N/A | Zoning initiative for a professional football stadium for the Oakland Raiders and the San Diego Chargers *Council-adopted, developer-sponsored initiative **Later passed over by NFL for Hollywood Park stadium below | N/A |
| City of Inglewood | N/A | City of Champions Revitalization Initiative for a Hollywood Park professional football stadium, backed | N/A |

| | | | |
|-------------------------|---------------|--|--|
| | | by Rams owner *Council-adopted, developer-sponsored initiative | |
| November 2014 | | | |
| Union City | Measure KK | Flatlands Development Initiative Initiative to amend the City's General Plan and Hillside Area Plan to allow for the development of 63 acres of Flatlands privately owned by the Masons of California. | DEFEATED Yes 34.15% No 65.85% |
| City of Riverside | Measure L | La Sierra Hills Preservation and La Sierra Lands Development Initiative Development portion of proposal would have allowed for 1,950 additional residential units to be constructed in the La Sierra Lands. | DEFEATED Yes 42.80% No 57.20% |
| City of Newport Beach | Measure Y | General Plan Land Use Element Amendment Proposed amendment for reduction of non-residential development square footage by 375,782 square feet, while concurrently increasing the number of residential dwelling units by 138 units. | DEFEATED Yes 30.70% No 69.30% |
| City of Escondido Lakes | Proposition H | Specific Plan Initiative (For residential and recreational development) | DEFEATED Yes 39.37% No 60.63% |

| | | | |
|-------------------------------|-----------|---|---|
| Other 2014 | | | |
| Town of Los Gatos (June 2014) | Measure A | Netflix Construction Project Rezoning "Albright Way" Initiative *Note that opponents and proponents of the measure settled the essential disputes over the development, thereby making the initiative superfluous however at that point it was too late to withdraw from the ballot. | PASSED* Yes: 71.69% No: 28.31% |
| 2013 | | | |

| | | | |
|--|---------------|---|---|
| San Francisco | Proposition B | 8 Washington Street Development Initiative Development project for new housing, retail and recreational facilities, and open space | DEFEATED Yes 37.21% No 62.79% |
| Town of Apple Valley | Measure D | Walmart Initiative | PASSED (nullified by subsequent litigation) |
| PASS RATE between 2013 to 2016: 7/24 (29%)* Assumes that Council-adopted initiatives not overturned by referendum "passed." | | | |