



## Legislation Text

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**File #:** 21-0177, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Carrie Tai, AICP, Community Development Director

**SUBJECT:**

Discussion and Consideration of a Resolution to Express Support for Local Control and Authority as it Relates to Land Use, Zoning, and Housing Issues (ACA 7) (Community Development Director Tai).

**CONSIDER ADOPTION OF RESOLUTION NO. 21-0046**

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**RECOMMENDATION:**

Staff recommends that the City Council consider adoption of Resolution No. 21-0046 to express support for local control and authority as it relates to land use, zoning, and housing issues.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

At the May 18, 2021, City Council meeting, Councilmember Montgomery and Mayor Hadley requested a future agenda item to support a proposed Assembly Constitutional Amendment 7, concerning local control of land use issues.

**DISCUSSION:**

State law requires each local government to have a General Plan, which includes required Land Use and Housing Elements (chapters) to guide policies for land use and housing for a particular jurisdiction. Several of the housing bills proposed in the Senate and Assembly over the past few years preempt local regulations for land use and housing. State legislators are currently considering Senate Bills 9 and 10, which would allow additional housing units on existing single-family residential properties, without the need for any local land use approvals.

If State laws were to dictate local land-use planning policies and zoning designations, the City would lose the ability to involve public participation and the democratic process in changing its land use policies. What could result are significant adverse impacts on the established community's infrastructure, vehicular traffic and parking resources, and availability of utility and public safety services. To address the detrimental impacts of these proposed housing bills, staff has prepared the attached resolution expressing the City's intention to support efforts to protect the ability of cities to retain local control over land use, zoning, and housing policies. An example of this is California Constitutional Amendment 7, introduced by Assembly Member Muratsuchi, to specify that local land

use regulations would prevail in the event of a conflict with State regulations, allowing local governments to retain their land-use authority.

**PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required for this issue.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENT:**

1. Resolution No. 21-0046