



City of Palo Alto

COLLEAGUES MEMO

DATE: February 1, 2021

TO: City Council Members

FROM: Council Member Stone, Council Member Kou

SUBJECT: COLLEAGUES MEMO: PROPOSING ADOPTION OF A RESOLUTION "EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY, AND CONTROL AS RELATED TO LOCAL ZONING AND HOUSING ISSUES"

GOALS

Each city has its unique characteristics and community, and its land use and zoning are best assessed by their local elected officials and government.

The purpose of land use planning and zoning is to be able to regulate and to monitor land and property markets to ensure complementary uses and to address cumulative infrastructure and environmental impacts. Growth must be paced, evaluated, measured, and planned for what is unique to the city and community and its best interests.

BACKGROUND AND DISCUSSION

Year after year, the legislature of the State of California has proposed an overwhelming number of bills and a majority of these bills usurp the authority of local jurisdictions to determine its own land use policies and best practices that best suit their cities and residents and instead impose mandates that exacerbates the impacts to the city's budget, infrastructure, environmental sustainability, traffic congestion, parking and parklands.

Cities have had to respond to state legislation that undermines the principle of local control over important issues such as land use, housing, finance, infrastructure, elections, labor relations and other issues directly affecting cities.

Legislation introduced 2017-2020 by the state legislature has continually threatened local control in flagrant opposition to the principle of subsidiarity. This has included, but not been limited to:

- Senate Bill 649 (Hueso) Wireless Telecommunications Facilities ("SB 649") in 2017;
- Assembly Bill 252 (Ridley-Thomas) Local government: taxation: prohibition: video streaming services ("AB 252") in 2017;
- Senate Bill 827 (Wiener) Planning and Zoning: Transit -Rich Housing Bonus ("SB 827") in 2018;

- Senate Bill 50 (Wiener) Planning and Zoning: housing development: incentives (“SB 50”) in 2019; and
- Senate Bill 1120 (Atkins) Subdivision: tentative maps (“SB 1120”) in 2020.

SB 649 would have allowed the use of small cell wireless antennas and related equipment without a local discretionary permit in all zoning districts as a use by-right, subject only to an administrative permit. SB 649 passed out of the State Assembly and the State Senate despite over 300 cities and 47 counties in California providing letters of opposition. Ultimately, Governor Brown vetoed the bill.

AB 252 would have prohibited any tax on the sale or use of video streaming services, including sales and use taxes and utility user taxes. Prior to its first Committee hearing in 2017, AB 252 received opposition letters from 37 cities, the League of California Cities, South Bay Council of Governments, California Contract Cities Association, and nine other organizations. This bill failed in the Assembly Revenue and Taxation Committee 8-0-2, which the author of the Committee chaired.

In 2018, SB 827 was introduced and would have overridden local control on housing development that was within ½ mile of a major transit stop or ¼ mile from a high-quality bus corridor as defined by the legislation with some limitations. On April 17, 2018, SB 827 failed in the Senate Transportation and failed to move forward during the legislative cycle.

In 2018, the City of Beverly Hills sponsored a resolution adopted by the League of California Cities (“League”). The resolution called for the League to assess the increasing vulnerabilities to local authority, control, and revenue. It also called for the League to explore the preparation of a ballot measure and/or constitutional amendment (Attachment 2).

In 2019, Senator Wiener reintroduced many of the provisions contained in SB 827 in SB 50. The League of California Cities, working in concert with numerous jurisdictions and state elected officials, were able to secure a narrow defeat of this bill in the state Senate in January 2020.

In 2020, Senate Pro Tem Toni Atkins introduced SB 1120, which would have, among other things, required a proposed housing development containing two residential units to be considered ministerially in zones where allowable uses are limited to single-family residential development. Little to no assistance came from the League on many of the impactful bills to local communities. This bill passed out of the State Senate in 2020. It was then amended in the State Assembly and passed out of the State Assembly extremely late on August 31, 2020. Due to the midnight deadline to pass bills on August 31, 2020, the State Senate was unable to vote on this bill to send it to the Governor’s desk for signature.

SB 1120 is returning in 2021 as SB 7 by Senate Pro Tem Atkins.

State legislators have indicated they will continue to introduce legislation that will override local zoning ordinances for the development and production of affordable housing in conjunction with mixed use and/or luxury condominium and apartment housing.

RECOMMENDATION

On August 27, 2020, each City Council Member in Palo Alto received an email from Council Member Michael Griffiths from the City of Torrance requesting participation in resolution adopted by each city expressing its opposition to various proposed housing legislation and to express support for actions to further strengthening local democracy, authority, and control.

RESOURCE IMPACT

Adoption of the proposed resolution alone would have no significant resource impact. Following adoption, the resources involved could range from minor to significant depending upon further steps directed by the City Council for legislative and other forms of advocacy. This action may also affect the City's strategy on other legislative matters.

Attachments:

- Attachment A: Proposed Local Control Resolution
- Attachment B: LOCC 2018-Annual-Conference-Resolutions-Final-Report

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY, AND CONTROL AS RELATED TO LOCAL ZONING AND HOUSING ISSUES

WHEREAS, the legislature of the State of California each year proposes, passes, and has signed into law a number of bills addressing a range of housing issues; and

WHEREAS, the legislature of the State of California does not allow sufficient time between each legislative cycle to determine if the legislation is successful in bringing about the change for the State of California's housing issues; and

WHEREAS, the majority of these bills usurp the authority of local jurisdictions to determine for themselves the land use policies and practices that best suit each city and its residents and instead impose mandates that do not take into account the needs and differences of jurisdictions throughout the State of California; and

WHEREAS, the ability of local jurisdictions to determine for themselves which projects require review beyond a ministerial approval; what parking requirements are appropriate for various neighborhoods within their jurisdiction; what plans and programs are suitable and practical for each community rather than having these decisions imposed upon cities without regards to the circumstances of each individual city; and what zoning should be allowed for residential properties is a matter of great import to the City of Palo Alto among other items related to local zoning and housing issues; and

WHEREAS, the City Council of the City of Palo Alto feels strongly that our local government is best able to assess the needs of our community and objects to the proliferation of State legislation that deprives us of that ability;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALO ALTO, CALIFORNIA, DOES HEREBY RESOLVES AS FOLLOWS:

SECTION 1. That the City of Palo Alto is strongly opposed to the current practice of the legislature of the State of California of continually proposing and passing multitudes of bills that directly impact and interfere with the ability of cities to control their own destiny through use of the zoning authority that has been granted to them; and

SECTION 2. That the City of Palo Alto will explore various ways to protect the ability of cities to retain local control over zoning as each individual city within the State of California is best suited to determine how the zoning in their city should be allocated to meet the housing needs of the community; and

SECTION 3. That the City of Palo Alto states its support of the California Citizens for Local Control volunteer organization and its efforts for protecting local control for cities.

SECTION 4. This resolution shall take effect as of the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED this XX day of January 2021.

ATTEST:

State of California
County of Santa Clara
City of Palo Alto

I, _____, City Clerk of the City of Palo Alto, California, do hereby certify that the City Council of the City of Palo Alto duly approved and adopted the foregoing Resolution No. _____ at a regular meeting of said City Council held on the XX day of January 2021 by the following roll call vote:

Name	Vot ing		Present, Not Voting	Absent
	Aye	No		

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

City Attorney

City Manager



***FINAL REPORT
RESOLUTIONS APPROVED***

2018 Annual Conference



Long Beach, California

September 14, 2018

FINAL REPORT ON RESOLUTIONS

September 2018

The 2018 League of California Cities Annual Conference was held September 12-14, 2018, in Long Beach. On Wednesday, September 12, the Environmental Quality; Governance, Transparency and Labor Relations; Housing, Community and Economic Development; Revenue and Taxation; and Transportation, Communication and Public Works Policy Committee met and considered the resolutions assigned to them.

The General Resolutions Committee met on Thursday, September 13 to consider these resolutions. The chart on page 2 of this packet includes a summary of the actions taken on the resolutions by the Policy Committees and the General Resolutions Committee.

The General Assembly met on September 14 and approved the resolutions contained in this packet.

The League thanks the city officials who served on Policy Committees, the General Resolutions Committee and those city officials who participated in the General Assembly. This report is available on the League's website at: www.cacities.org/resolutions

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee 2 - General Resolutions Committee 3 - General Assembly		

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
2	Repeal Preemption of Regulating Rodenticides	Aa	Aaa	Aaa

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue	A	A	A

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue	A	A	A

REVENUE & TAXATION POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue	A	A	A

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue	A	A	A

The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (*Continued*)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#)

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE LEAGUE TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE AND EXPLORE THE PREPARATION OF A BALLOT MEASURE AND/OR CONSTITUTIONAL AMENDMENT THAT WOULD FURTHER STRENGTHEN LOCAL DEMOCRACY AND AUTHORITY

Source: City of Beverly Hills

Concurrence of five or more cities/city officials

Cities: Duarte; Oceanside

City Officials: Sho Tay, Mayor, Arcadia; Emily Gabel-Luddy, Mayor, Burbank; Steven Scharf, Council Member, Cupertino; Alan Wapner, Mayor pro Tem, Ontario; Lydia Kou, Council Member, Palo Alto; Bill Brand, Mayor, Redondo Beach; David Terrazas, Mayor, Santa Cruz; Michael Goldman, Council Member, Sunnyvale; Patrick Furey, Mayor, Torrance; Lauren Meister, Council Member, West Hollywood

Referred to: Governance, Transparency & Labor Relations; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works Policy Committees

WHEREAS, the State of California is comprised of diverse communities that are home to persons of differing backgrounds, needs, and aspirations; yet united by the vision that the most accessible, responsive, effective, and transparent form of democratic government is found at the local level and in their own communities; and

WHEREAS, subsidiarity is the principle that democratic decisions are best made at the most local level best suited to address the needs of the People, and suggests that local governments should be allowed to find solutions at the local level before the California Legislature imposes uniform and overreaching measures throughout the State; and

WHEREAS, the California Constitution recognizes that local self-government is the cornerstone of democracy by empowering cities to enact local laws and policies designed to protect the local public health, safety and welfare of their residents and govern the municipal affairs of charter cities; and

WHEREAS, over recent years there have been an increasing number of measures introduced within the Legislature or proposed for the state ballot, often sponsored by powerful interest groups and corporations, aimed at undermining the authority, control and revenue options for local governments and their residents; and

WHEREAS, powerful interest groups and corporations are willing to spend millions in political contributions to legislators to advance legislation, or to hire paid signature gatherers to qualify deceptive ballot proposals attempting to overrule or silence the voices of local residents and their democratically-elected local governments affected by their proposed policies; and

WHEREAS, powerful interest groups and corporations propose and advance such measures because they view local democracy as an obstacle that disrupts the efficiency of implementing corporate plans and increasing profits and therefore object when local residents—either through their elected city councils, boards of supervisors, special district boards, or by action of local voters—enact local ordinances and policies tailored to fit the needs of their individual communities; and

WHEREAS, public polling repeatedly demonstrates that local residents and voters have the highest levels of confidence in levels of government that are closest to the people, and thus would be likely to strongly support a ballot measure that would further strengthen the ability of communities to govern themselves without micromanagement from the state or having their authority undermined by deep-pocketed and powerful interests and corporations.

RESOLVED that the League of California Cities should assess the increasing vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and/or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy to best preserve their local quality of life.

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING RODENTICIDES

Source: City of Malibu

Concurrence of five or more cities/city officials

Cities: Agoura Hills; Calabasas; Moorpark

City Officials: Brett Lee, Mayor pro Tem, Davis; Catherine Carlton, Council Member, Menlo Park; Suza Francina, Council Member, Ojai; Carmen Ramirez, Mayor pro Tem, Oxnard; Tom Butt, Mayor, Richmond; Lindsay Horvath, Council Member, West Hollywood

Referred to: Environmental Quality

WHEREAS, anticoagulant rodenticides are poisonous bait products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals, including pets, that accidentally ingest the products. Approximately 10,000 children under the age of six are accidentally poisoned by anticoagulant rodenticides each year nationwide; and

WHEREAS, in response to these harms, the California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides; and

WHEREAS, the state of California currently only recognizes the harm posed by second-generation anticoagulant rodenticides, which are prohibited in state wildlife habitat areas but are still available for agricultural purposes and by certified applicators throughout the state of California; and

WHEREAS, first-generation anticoagulant rodenticides are still available to the public and used throughout California without limitation; and

WHEREAS, nonpoisonous rodent control methods, such as controlling trash, sealing buildings, setting traps, erecting raptor poles and owl boxes, and removing rodent nesting areas are also effective rodent control methods; and

WHEREAS, the state of California preempts cities from regulating pesticides; and

WHEREAS, many cities across California have passed resolutions restricting pesticide use on city property and have expressed the desire to ban the use of pesticides within their jurisdictions.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Long Beach, California on September 14, 2018, to do as follows:

1. Encourage the state of California to fund and sponsor further research into the impacts of anticoagulant rodenticides.
2. Direct the League of California Cities staff to consider creating a task force with other organizations and jointly commission a report on the impact of anticoagulant rodenticides;
3. Encourage cities throughout California to eliminate use of anticoagulant rodenticides as part of their maintenance program in city-owned parks, lands, and facilities and to report on the effectiveness of other rodent control methods used in their maintenance program;
4. Encourage property owners throughout California to eliminate use of anticoagulant rodenticides on their properties;
5. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of anticoagulant rodenticides;
6. Endorse a repeal of California Food and Agriculture Code § 11501.1 to end local preemption of regulating anticoagulant rodenticides; and
7. Call for the Governor and the Legislature to work with the League of California Cities and other stakeholders to consider and implement this reform.