

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES TO SUPPORT A BALLOT MEASURE TO STRENGTHEN LOCAL PLANNING AUTHORITY

In Furtherance of the League of California Cities' Mission: "To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians"

WHEREAS, Article XI of 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 public health, safety and welfare of their residents and govern their municipal affairs; and

WHEREAS, since 2017 the state legislature has enacted dozens of laws that supplant local control and erode local authority over land use and zoning decisions purportedly to address housing affordability, however only a scant few of these new state laws include any funding or enforceable requirements to help create more affordable housing; and

WHEREAS, at a time when millions of working class and lower income Californians struggle to find decent housing, these new state laws fail to address our affordable housing crisis – instead, they incentivize the creation of more market rate & luxury housing and underfund low and moderate income housing, they expand profit margins for institutional investors and special interests, and they increase displacement and gentrification in working class neighborhoods and communities of color; and

WHEREAS, these new state laws force working families to pay more in taxes to fund development impacts because these new laws make it much more difficult for cities to negotiate fair mitigation fees to fund public safety, transit, parks and other local services and amenities; and

WHEREAS, the League of California Cities' Mission Statement reads: "Our mission is to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians;" and

WHEREAS, the League of California Cities Vision aims “To be recognized and respected as the leading advocate for the common interests of California's cities;” and

WHEREAS, the League of California Cities’ General Assembly unanimously passed a resolution in 2018 (the “**2018 Resolution**”) to “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;” and

WHEREAS, consistent with its Mission Statement, its Vision, and the 2018 Resolution, and to address the Legislature’s continued overreach into local land use planning and zoning policy and its failure to effectively address California’s affordable housing crisis, the League of California Cities should consider and take all reasonable actions required to preserve cities’ ability to regulate local land use planning and zoning, including actively supporting a ballot measure to amend the state constitution.

RESOLVED, that the League of California Cities shall partner with the Brand-Mendoza-Candell Tripartisan Land Use Initiative (a/k/a the “Our Neighborhood Voices” Initiative) to restore local land use planning and zoning authority to local governments throughout California.

RESOLVED, that the League shall allocate sufficient resources to help advance and qualify the Brand-Mendoza-Candell Initiative for the California general election in November 2024.

BACKGROUND INFORMATION ON RESOLUTION NO. 1

Beginning in 1879, Article XI of the California Constitution established an affirmative grant of the municipal police power to all cities to make and enforce all local, police, sanitary and other regulations not in conflict with state law. Article XI also expressly allows charter cities to make and enforce all ordinances and regulations with respect to municipal affairs, which includes authority over local land use planning and zoning. The mission of the League of California Cities (“CalCities”) is to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians. One of CalCities core beliefs is that local self-governance is the cornerstone of democracy. However, CalCities has yet to implement the recommendations in its 2018 Resolution, and CalCities did not protect its member cities from the recent onslaught of state legislation that has eroded nearly all local authority over local land use planning and zoning.

The following list of recently enacted state legislation indicates how cities’ constitutionally guaranteed right to self-governance with respect to local land use planning and zoning laws has essentially been eliminated:

- SB 35 (2017) - Exempts new development projects from CEQA and local planning laws in cities that do not meet state-mandated RHNA requirements.
- SB 828 (2018) - Requires HCD to double-count RHNA targets and forces cities to increase housing production goals to more than double the actual verified anticipated demand for new housing units.
- SB 330 (2019) - Prevents cities from changing land use designations or imposing design standards and gives developers the right to sue if cities deny a project (there are no affordability requirements in this bill).
- SB 9 (2021) - Eliminates most R-1 zoning statewide and authorizes ministerial approval of six new housing units on R-1 zoned lots without any CEQA review, parking or affordability requirements.

- SB 10 (2021) - Authorizes ministerial approval of 10-unit apartment buildings on R-1 zoned lots near transit without any CEQA review or public hearing, and without any affordability requirements.
- AB 2011 (2022; enrolled but not enacted) - Authorizes ministerial approval of new housing projects along commercial corridors with no CEQA review, public hearings or parking requirements; requires new state-mandated planning & design standards for development.

Despite its mission statement, core beliefs and the adoption of the 2018 Resolution calling for CalCities to explore a ballot measure that would enable voters to decide if local authority should be strengthened, recent events would cause an objective observer to conclude that the State Legislature continues to run roughshod over CalCities and its members' constitutionally endowed right to self-governance. The Legislature claims that cities' constitutional rights are being sacrificed to create more affordable housing, but the reality is that these new state laws will create little (if any) new affordable housing, and they are designed to benefit various special interest groups pushing the false narrative that more housing everywhere is good and local government and community input are bad.

This is a critical moment for the future of local democracy in California, and supporting the Our Neighborhood Voices Initiative as a means of restoring local land use planning and zoning authority to cities and the voice of local communities should be a priority for CalCities and its members. If anyone wonders whether Sacramento will relax its "one-size-fits-all" approach to land use and zoning policy and respect the diversity embodied in California's 482 cities and 40 million residents, the recent barrage of state laws that usurp local control removes any doubt. As stated in the 2018 Resolution, "Local government, when done right, is the best form of democracy precisely because it is closest to home." Supporting the Our Neighborhood Voices Initiative will provide California voters an opportunity to further strengthen local authority and maintain the role of cities to best preserve their quality of life and ensure that local self-governance remains as the cornerstone of our democracy. The time has come for CalCities to help California residents decide if they prefer top-down governance from Sacramento, or local community-focused leadership and solutions from their own locally elected officials.