



Staff Report

TO: City Council
FROM: Councilmember Julio Martinez
DATE: November 2, 2021
SUBJECT: Discussion and Position Direction on Assembly Constitutional Amendment 7 (ACA 7) and Initiative 21-0016

Background and Analysis:

Assembly Constitutional Amendment 7 (ACA 7) was introduced by Assembly Member Muratsuchi and co-authored by Senator Glazer. ACA 7 seeks to amend the Constitution of the State of California with regards to local government police power, land use, zoning and municipal affairs. For a constitutional amendment to be placed on a ballot, it must first be passed by a 2/3 vote in both the State Assembly and State Senate. A constitutional amendment must then be approved by majority of voters in California.

ACA 7 speaks to the two types of cities: Charter and General Law. The City of Beaumont is a General Law city. General Law cities have the power to adopt ordinances to protect the public health, safety and welfare. This is known as "Police Power." Typically, an ordinance adopted under police power cannot be enforced if it conflicts with State law. An ordinance adopted under the municipal affairs power cannot be enforced if it affects a "matter of statewide concern." In these cases, State law or matters identified as being of statewide concern eclipse local ordinances or regulations.

If approved by voters, ACA 7 would affect a broad stretch of State law including general laws relating to zoning and land use and more specifically, government code sections regulating or mandating, General Plan elements, accessory dwelling units (ADUs), Regional Housing Needs Allocation (RHNA), and density bonuses, to name a few. ACA 7 could also have an indirect impact on California Environmental Quality Act (CEQA) as it pertains to land use. Although the CEQA code sections are not specifically included in ACA 7, CEQA is a major part of regulating land use.

The foundation of ACA 7 is the return of local control. The amendment provides for local ordinances to prevail over State law if a conflict exists with regards to zoning or land use within a city (or County) boundary. If enacted, the amendment would not allow cities to

simply ignore State law but would provide the opportunity for cities to adopt ordinances or regulations pertaining to the land use and zoning issues within their boundaries, even if they are in conflict with State law.

On August 26, 2021, a citizens initiative was submitted to the California Attorney General. This is now known as Initiative 21-0016. It parallels ACA 7 and is drafted to return local discretion on land use matters, including zoning regulations and general plan policies. This initiative would also protect voter-approved local measures that regulate zoning, development or land use. It provides that these voter-approved measures could not be nullified or overturned by any legislative body.

Fiscal Impact:

The cost to prepare this staff report is approximately \$250.

Recommended Action:

Hold discussion and provide direction on taking a position on ACA 7.

Attachments:

- A. League of California Cities Working Group Packet – ACA 7
- B. Initiative 21-0016