



CITY COUNCIL AGENDA REPORT

Meeting Date: March 18, 2021

From: Thomas R. McMorrow

Subject: Resolution to Express Support for Protecting Local Decision Making on Planning and Land Use Issue

BACKGROUND

In recent years, the state legislature has proposed a number of bills that would infringe on or outright usurp the authority of local jurisdictions to determine their own planning and zoning policies.

Many of these bills would impose mandates that exacerbates the impacts to the city's budget, infrastructure, environmental sustainability, traffic congestion, parking and parklands.

In response to the state legislature's repeated consideration of legislation that would undermine the principle of local control over local land use decisions, on August 27, 2020, Council Member Michael Griffiths from the City of Torrance called on cities across the state to adopt a resolution expressing support for the position that local land use decision-making should remain within the purview of local governments and not be dictated by the state.

At the request of individual members of the City Council, attached is a proposed resolution that, upon adoption, would establish that it is the City Council's view that the state legislature should not involve itself in local land use decisions.

PROPOSED RESOLUTION

A primary 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. For these and other good reasons, planning and zoning should remain within the jurisdiction of locally elected governments.

The proposed resolution, upon adoption, would respond to Council Member Griffith's call by confirming that it is the City Council's view that local land use decisions should be made by locally elected officials.

Staff recommends adoption of the proposed resolution. The resolution simply recognizes that our nation has thrived under a federal system of government that divides powers between our federal government and state and local governments. It further recognizes that our state has thrived – becoming the fifth largest economy in the world – by following the federal model and


having decisions of statewide importance decided by the state and decisions of local importance decided by the local elected officials closest to the people, namely city councils. Land use decisions are a quintessentially local issue and authority over them should reside with cities.

Attachment:

- Attachment A: Proposed Local Control Resolution



Thomas McMorrow, Interim City Attorney



Clay Holstine, City Manager

ATTACHMENT A

RESOLUTION NO. 2021-24

RESOLUTION OF THE COUNCIL OF THE CITY OF BRISBANE EXPRESSING SUPPORT THE POSITION THAT LOCAL LAND USE DECISIONS SHOULD REMAIN WITHIN THE PURVIEW OF LOCAL GOVERNMENT ALONE

WHEREAS, since 2016 the legislature of the State of California has proposed and passed a number of bills that would infringe on the power of local governments to make land use decisions, many of which have been signed into law by the governor; and

WHEREAS, the legislature of the State of California does not sufficiently consult with local governments as to the need for and unintended consequences of such legislation; and

WHEREAS, many of the bills infringing on the power of local governments to make land use decisions impose mandates that have the effect of outright usurping local decision-making authority;

WHEREAS, the ability of local jurisdictions to determine for themselves their own land use policies and practices based on the circumstances and needs of the local jurisdiction;

WHEREAS, the City Council of the City of Brisbane feels strongly that the state must respect the long-established and successful role of local government in our federal system and not interfere with the City's authority to assess and respond to local circumstances and needs in the community;

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

SECTION 1. That the City of Brisbane is strongly opposed to the current practice of the legislature of the State of California of continually proposing and passing bills that would directly impact and interfere with local decision-making over land use policies and practices; and

SECTION 2. That the Brisbane states its general support of the California Citizens for Local Control volunteer organization and its efforts to protect cities' control over land use decision-making within their jurisdictions, including through locally-determined zoning and planning policies.

PASSED, APPROVED AND ADOPTED this 18th day of March 2021.
