



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	4/27/2021
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Resolution No. 10620 – A Resolution of the Folsom City Council Expressing Support for Actions to Strengthen Local Authority and Control Related to Local Zoning and Housing Issues
<b>FROM:</b>	City Manager's Office

## **RECOMMENDATION / CITY COUNCIL ACTION**

Staff recommends the City Council approve Resolution No. 10620 – A Resolution of the Folsom City Council Expressing Support for Actions to Strengthen Local Authority and Control Related to Local Zoning and Housing Issues

## **BACKGROUND / ISSUE**

Each year, the State of California proposes, passes, and has signed into law many bills addressing a range of housing issues. Often, the State does not allow sufficient time between each legislative cycle to determine if the previous year's legislation successfully brings about the change for the State of California's housing issues. Unfortunately, many 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. Instead, the State imposes mandates that do not consider the needs and differences of individual jurisdictions.

## **POLICY / RULE**

All powers of the City are vested in the City Council pursuant to Section 2.02 of the City Charter.

## **ANALYSIS**

The League of California Cities believes local zoning is a primary function of cities and is an essential home rule component. The League's policy suggests that the State should leave local use

decisions to the city and not interfere with local prerogative beyond providing a constitutionally valid procedure for adopting local regulations.

The newly proposed AB 9 (Atkins) is one example of the State's continuing trespass over local control. AB 9, which is currently pending before the Senate Governance and Finance Committee, would require a local government to ministerially approve a housing development containing two residential units in single-family residential zones and would also require local governments to ministerially approve urban lot splits. As another example, in 2019, the State enacted several new laws affecting accessory dwelling units (ADUs), more commonly referred to as second dwelling units, or "granny flats." These new laws severely limited local jurisdictions' ability to regulate these units. Since the State had changed many of the ADU requirements, the City's ADU standards were rendered null and void, and the City was forced to update its ADU standards to comply with the new State law.

These types of State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements certified by the California Department of Housing and Community Development. The League of California Cities, along with grassroots organizations such as the "California Cities for Local Control," advocate against this loss of local control. According to California Cities for Local Control, over 60 cities have passed resolutions supporting local control over zoning and land use decisions and expressing the shared belief that local governments should remain the ultimate decision-makers for how their communities are built.

#### **FINANCIAL IMPACT**

This action has no impact to the City's General Fund.

#### **ENVIRONMENTAL REVIEW**

This action is not considered a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

#### **ATTACHMENT**

Resolution No. 10620 – A Resolution of the Folsom City Council Expressing Support for Actions to Strengthen Local Authority and Control Related to Local Zoning and Housing Issues

Submitted,

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Elaine Andersen, City Manager

**RESOLUTION NO. 10620**

**A RESOLUTION OF THE FOLSOM CITY COUNCIL  
EXPRESSING SUPPORT FOR ACTIONS TO STRENGTHEN  
LOCAL AUTHORITY AND CONTROL RELATED TO  
LOCAL ZONING AND HOUSING ISSUES**

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

**WHEREAS**, many 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, and what zoning should be allowed for residential properties is greatly important to the City of Folsom; and

**WHEREAS**, the City Council of the City of Folsom strongly believes that local government is best able to assess the needs of their community, and objects to the proliferation of State legislation that deprives cities of that ability.

**NOW, THEREFORE BE IT RESOLVED** that:

The City of Folsom is opposed to the current practice of the California legislature of passing legislation that directly impacts and interferes with the ability of cities to control their own destiny through use of the land use and zoning authority; and

The City of Folsom will support efforts to protect the ability of cities to retain local control over housing and zoning, as each individual city within the State of California is best suited to determine how housing and zoning in their city should be allocated in order to meet the housing needs of their community.

**PASSED AND ADOPTED** on this 27<sup>th</sup> day of April 2021, by the following roll-call vote:

AYES: Councilmember(s):  
NOES: Councilmember(s):  
ABSENT: Councilmember(s):  
ABSTAIN: Councilmember(s):

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Michael D. Kozlowski, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK

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