



Item No. 3 Town of Atherton

CITY COUNCIL STAFF REPORT – STUDY SESSION

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: NOVEMBER 4, 2020

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

RECOMMENDATION

It is recommended that the City Council consider adoption of a resolution expressing support for actions to further strengthen local democracy, authority, and control as related to local zoning and housing issues (Attachment 1).

BACKGROUND

The legislature of the State of California from 2017 through 2020 has proposed, passed, and the Governor has signed into law several bills addressing a range of housing issues. Many of these items supersedes a local jurisdiction's authority over local zoning and housing issues.

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). This resolution was reviewed by the City Council Ad Hoc Subcommittee on Housing/SB 50 (Widmer/Lewis)

In 2019, Senator Wiener reintroduced many of the provisions contained in Senate Bill (SB) 827 (would have overridden local control on housing in proximity to transit) 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 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. 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 very 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.

ANALYSIS

Jurisdictions throughout the State have had to respond to 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 in 2017-2020 by the State Legislature has continually threatened local control in flagrant opposition to the principle of subsidiarity. This has included, legislation for such items pertaining to Wireless Telecommunications Facilities, Planning and Zoning matters regarding transit-rich housing bonuses and other housing development incentives. As example, most recently, the Town was forced to adopt amendments to its Accessory Dwelling Unit (ADU) Ordinance per State law.

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

The Ad Hoc Subcommittee on Housing/SB50 (Widmer/Lewis) have recommended that the City Council consider adoption of a similar resolution to what was adopted by Beverly Hills. Staff has crafted the attached resolution for Council consideration.

POLICY FOCUS

The Town's General Plan is the long-term, comprehensive land use planning document that covers many aspects of the Town including development, preservation and safety, and is intended to guide the growth of the Town for the future. It establishes goals and policies that are intended to guide development and Town action in a particular manner working to achieve the Town's long-term vision. In 2019 the City Council adopted a comprehensive update to the Town's General Plan (less the Housing Element), after a three-year public process which evaluated every element of the General Plan and consideration of subsequent amendments related to objectives, goals and policies. At no time during this process did any member of the community, Planning Commission, nor City Council express any desired direction to change the existing, predominantly low-density single-family land uses throughout the Town. Adoption of the draft Resolution (Attachment 1) is found to be internally consistent and compatible with, and supportive of, the Town's adopted General Plan, including the following specific land use planning philosophies, objectives, goals and policies.

- *The Town has committed to maintaining its semi-rural environment.*
- *Preservation of trees, particularly heritage oak trees, is a high priority.*
- *The Town is essentially fully developed and desires to retain its current character.*
- *Commercial businesses are not permitted in Town, however, home occupations that do not exhibit any exterior signs of activity are allowed.*
- *Goal LU-1: To preserve the Town's character as a scenic, semi-rural, thickly-wooded residential area with abundant open space.*
- *Objective LU-1.2: To limit the nature of land uses to those which are compatible with the overall land use planning goal LU-1.*
- *Objective LU-1.3: To retain the quality of life, character and existing in the Town's residential neighborhoods.*
- *Policy LU-1.1: Future plans for residential development or redevelopment are severely*

limited due to the fact that the Town is almost entirely developed.

- *Policy LU-1.2: The development of high density and/or high-rise residential structures or commercial uses of any kind would destroy the scenic, semi-rural and open space character of the Town, and is, therefore, prohibited.*

FISCAL IMPACT

There is no immediate, direct fiscal impact to the Town by passing this resolution. The longer term impact of state legislation which weakens local control as related to zoning and housing issues would need to be evaluated on a case by case basis.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item X has or has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month) – September 19, 2019
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)
- Tree Committee (meets each month)

ATTACHMENTS

1. Draft Resolution
2. League of California Cities Resolution

RESOLUTION NO. 20 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
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 consider the needs and differences of jurisdictions throughout the State of California; and

WHEREAS, the ability of local jurisdictions to determine for themselves appropriate land uses which uphold the Town's desire to maintain the existing character and fabric of the community as predominantly low-density, single family residential, which projects require review beyond a ministerial approval; what plans and programs are suitable and practical for this community rather than having these decisions imposed upon cities without regard to the circumstances of each individual city; and what zoning should be allowed for single family residential properties is a matter of great import to the Town of Atherton among other items related to local zoning and housing issues; and

WHEREAS, the City Council of the Town of Atherton 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 BE IT RESOLVED, the City Council of the Town of Atherton resolves as follows:

- **Section 1.** The Town of Atherton is 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.
- **Section 2.** The Town of Atherton 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 in order to meet the housing needs of the community.

- **Section 3.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a Study Session thereof held on this 4th day of November, 2020, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Rick DeGolia, MAYOR
TOWN OF ATHERTON

ATTEST:

Anthony Suber, City Clerk

APPROVED AS TO FORM:

Mona G. Ebrahimi, City Attorney

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

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.