



Agenda Item

City Council

Item #: 3.29.

11/9/2021

File #: 21-0622

TO: Honorable Mayor and Members of the City Council

THRU: Thomas R. Hatch, Interim City Manager

FROM: Gary A. Sheatz, City Attorney

1. SUBJECT

Support for the Brand-Huang-Mendoza Tripartisan Land Use Initiative to repeal SB 9 and SB 10, and restore local control over zoning and land use decisions. Resolution No. 11363.

2. SUMMARY

In recent years, the State of California has enacted several laws including Senate Bills 9 and 10 that erode local control over the City's zoning and land use authority. The proposed Brand-Huang-Mendoza Tripartisan Land Use Initiative would restore local control over zoning and land-use decisions by preventing the State from usurping those powers from local governments.

3. RECOMMENDED ACTION

Adopt Resolution No. 11363. A Resolution of the City Council of the City of Orange Expressing Support for the Brand-Huang-Mendoza Tripartisan Land Use Initiative to Amend Article XI of the Constitution of the State of California to Make Zoning and Land Use Community Affairs, and Not of State Interest.

4. FISCAL IMPACT

None.

5. STRATEGIC PLAN GOALS

Goal 3: Enhance and promote quality of life in the community

c: Support and enhance attractive, diverse living environments.

6. DISCUSSION AND BACKGROUND

Over the past few years, the State of California has enacted several laws that usurp local authority over land use decisions. This top-down approach replaces local decision making with state planning that is not responsive to local needs. The imposition of a one-size-fits-all land use policy is ill-suited to a large state of nearly 40 million people living in hundreds of diverse communities.

On March 23, 2021, the City Council adopted Resolution 11315 to oppose Senate Bills 9 and 10 because they would erode local control over the City's zoning and land use authority. Despite opposition from the League of California Cities and 244 cities throughout the state, Governor Newsom signed both bills into law on September 16.

SB 9 requires cities to ministerially approve duplexes on single-family lots, including parcel maps dividing a lot into two equal parts (lot split). The ministerial approval process eliminates public hearings and public noticing for projects. SB 10 allows cities to upzone single-family parcels in “jobs rich” areas to allow for up to 10 units without going through the California Environmental Quality Act (CEQA) process. If a neighboring city were to rezone a parcel for a project of up to 10 units along the City border, our residents would be impacted, but would be unable to voice their concerns via the entitlement and CEQA review processes.

On August 25, a group of proponents filed the Brand-Huang-Mendoza Tripartisan Land Use Initiative, starting the process to place the Initiative on the ballot for the November 8, 2022 General Election. This measure would amend the State Constitution to ensure zoning, land-use and development decisions are made at the local level, and to stop legislative bills like SB 9 and SB 10 that seek to override municipal and county control over land-use and development.

Adopting Resolution No. 11363 would affirm the City’s support for the Brand-Huang-Mendoza Tripartisan Land Use Initiative, and emphasize the City Council’s belief that local government control over land use matters is the best way to assess and meet the needs of the community.

7. ATTACHMENT

- Resolution No. 11363