

RESOLUTION NO. 20-0108

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL OPPOSING ASSEMBLY BILLS 725, 1851, 2345, AND 3107, AND SENATE BILLS 902, 995, 1085, 1120, AND 1138.

WHEREAS, the State of California includes immensely diverse jurisdictions of varying population sizes, development patterns, available infrastructure, and duration of established settlement; and

WHEREAS, the California Constitution empowers jurisdictions like cities and counties to enact local laws and policies intended to protect the public health, safety, and general welfare of their community; and

WHEREAS, the State requires each city and county in California to have a General Plan with State-mandated elements for land use, mobility, housing, safety, noise, open space, and conservation, thereby setting policies for the protection of the public health, safety, and general welfare of said jurisdiction; and

WHEREAS, the adoption of General Plans includes extensive public input and participation, is coordinated with other public agencies, and consistent with State mandates; and

WHEREAS, the land use element of a jurisdiction's General Plan designates areas appropriate for land uses, including commercial and residential uses, to ensure the protection of the public health, safety, and general welfare of those persons living and working in the community; and

WHEREAS, the California Environmental Quality Act (CEQA) was adopted by the State of California to ensure that any discretionary actions, including passage of zoning amendments and development projects, had the benefit of environmental review, which discloses to the public potential environmental effects that would result from the action, and requires avoidance or mitigation thereof; and

WHEREAS, the California Subdivision Map Act was adopted by the State of California and intended to ensure that all division of land included available infrastructure and access to ensure the protection of the public health, safety, and general welfare of said jurisdiction; and

WHEREAS, there are and have been an increasing number of measures introduced in the Legislature that result in the undermining the authority of local jurisdictions and their residents with regard to land use and housing regulations; and

WHEREAS, the City Council of the City of Manhattan Beach takes a position that local issues related to land use and housing are most effectively addressed

by local representatives and the community, and an overall Statewide approach limits a local government's ability to ensure the public health, safety, and welfare of its communities; and

WHEREAS, the City Council wishes to oppose any legislation that limits the existing authority of the City to govern its own affairs related to land use and housing, as well as oppose unfunded State mandates; and

WHEREAS, Assembly Bill (AB) 725 was introduced into the California State Legislature and would prescribe a local jurisdiction's method of complying with its Regional Housing Needs Assessment above and beyond Housing Element policies, as identified by the Southern California Association of Governments and the State Housing and Community Development Department; and

WHEREAS, AB 1851 was introduced into the California State Legislature and would limit a local jurisdiction's authority to impose standard residential parking requirements on housing projects associated with faith-based organizations; and

WHEREAS, AB 2345 was introduced into the California State Legislature and would usurp local land use authority by adding mandatory waivers and concessions associated with density bonus housing projects; and

WHEREAS, AB 3107 was introduced into the California State Legislature and would usurp local land use authority by requiring that certain residential housing projects be allowed by-right on land zoned for commercial uses; and

WHEREAS, Senate Bill (SB) 902 was introduced into the California State Legislature and would allow for passage of certain zoning ordinances without the benefit of environmental review in accordance with CEQA; and

WHEREAS, SB 995 was introduced into the California State Legislature and would extend the Jobs and Economic Improvement Through Environmental Leadership Act until 2025, thereby usurping local authority on large-scale projects meeting certain criteria; and

WHEREAS, SB 1085 was introduced into the California State Legislature and would constrain local governments by mandating increased density bonus benefits for certain types of housing; and

WHEREAS, SB 1120 was introduced into the California State Legislature and would completely usurp local land use authority, the adopted General Plan and zoning regulations, and the California Subdivision Map Act, by allowing duplexes (two primary residential units on a lot) on all single-family zoned lots, as well as lot splits contrary to the Subdivision Map Act; and

WHEREAS, SB 1138 was introduced into the California State Legislature and would set forth a prescribed mandate for local jurisdictions to zone for emergency

shelters or risk punitive actions such as greater cost associated with more frequently required Housing Element updates.

NOW, THEREFORE, THE MANHATTAN BEACH CITY COUNCIL  
HEREBY RESOLVES:

SECTION 1. The City Council hereby opposes AB 725, AB 1851, AB 2345, AB 3107, SB 902, SB 995, SB 1085, SB 1120, and SB 1138 for their impacts to local control of land use and housing matters, in contrary with the already-established State-mandated requirements for General Plans, and implementation thereof.

SECTION 2. The City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED on August 4, 2020.

AYES: Hersman, Napolitano, Stern, Hadley and Mayor Montgomery.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

/s/ Richard Montgomery  
RICHARD MONTGOMERY  
Mayor

ATTEST:

/s/ Liza Tamura  
LIZA TAMURA  
City Clerk