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The Honorable Marc Berman
California State Assemblymember, 24th District
Member 10th and O Street Offices, Suite 6130
Sacramento, CA 95814

RE: Support for the California Local Land Use and Zoning to Supersede Conflicting State Law Initiative

Dear Assemblymember Berman,

On behalf of the City of Cupertino, I am writing to express our support for the 2022 ballot measure which would ensure California Local Land Use and Zoning Supersedes Conflicting State laws (Attorney General File No. 21-0016A1). This Constitutional amendment would ensure that decisions regarding local land use controls are made by the affected communities in accordance with applicable law.

The proposed initiative, which would amend the California Constitution, provides that a county or city ordinance or regulation regarding zoning or use of land within the boundaries of the county or city would prevail over conflicting general state laws, except in cases where one of three explicitly defined exceptions applies. The proposed constitutional amendments recognize that California is a large and diverse state and that each community has unique characteristics. Local elected officials interact the most closely with community members, businesses, and other interested parties and translate the community needs into local planning decisions. As such, local governments are in the best position to respond to, and plan for, local land use and planning decisions and can ensure that local communities are vested in, not estranged from, land use and planning decisions.

In contrast, when land use and planning decisions are made at the state level in the manner that they have been in our state recently, they have not taken into account the myriad of factors that impact communities in different ways. As well, the actual practical factors driving the legislation oftentimes seem more grounded in monetary-based considerations not geared towards solving the problems that paid-for and sponsored legislation purports to solve. Communities need to be recognized as partners, not pawns or victims in this process.

There are other practical considerations as well which speak to efficacy. The land use policy that works for a community in one part of the state may not work for a community in another part of the state. Similarly, a policy that promotes a certain type of zoning that is beneficial for one community may have significant negative impacts for other communities. One-size-fits-all policies cannot account for all of these different factors.

California law has traditionally recognized the importance of these local concerns by delegating the regulation of land use and development to local governments. This traditional delegation of authority recognized the role local governments play in understanding the unique needs of communities and protecting the health, safety, and welfare of community residents.

Unfortunately, the 2021 Legislative Session resulted in an unprecedented departure from a century-long tradition of local control over zoning and development. This unprecedented legislation will strain the fabric of communities that are already struggling to keep pace with the slew of novel, unproven, and poorly drafted housing and land use measures that the Legislature has produced each year. Faced with the prospect of a continued stream of new legislation that imposes significant burdens on local communities while doing little (if anything) to address the underlying crisis of affordable housing in the state, the City of Cupertino, like communities throughout the state, strongly supports a return to the traditional of local control over land use and development.

The City of Cupertino believes that responsible land use and planning should be primarily the responsibility of local governments with support from the state. Rather than browbeating for the sake of political posturing and currying the favor of deep pockets while saddling localities with the burden of figuring out the details of mandates, and even on top of that standing by while others lambast localities doing the actual work of implementation, our elected representatives to the state legislature should be reaching out and having conversations with the localities that they are supposed to represent and following-up in accordance with the needs of their constituents. This is not a cash grab. These are difficult problems that require thinking, open conversations and real partnerships with those who can deliver the actual solutions. For these reasons, the City supports the California Local Land Use and Zoning to Supersede Conflicting State Law Initiative.

Sincerely,



Darcy Paul
Mayor
City of Cupertino