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June 3, 2021

The Honorable Al Muratsuchi
California State Assemblymember, 66th District
State Capitol, Room 2179
Sacramento, CA 95814

RE: ACA 7 (Muratsuchi) – Support

Dear Assemblymember Muratsuchi,

On behalf of the City of Cupertino, I am writing to express our support of ACA 7, your measure that would amend the state constitution to clarify that local governments have the ability to regulate zoning and land use within their boundaries.

Specifically, ACA 7 provides that, with certain exceptions, a county or city ordinance or regulation that regulates the zoning or use of land within the boundaries of the county or city would prevail over conflicting general state laws. The measure, in the event of the conflict with a state statute, would also specify that a city charter provision, ordinance, or regulation adopted pursuant to a city charter, regulating the zoning or use of land within the boundaries of the city is deemed to address a municipal affair and prevails over a conflicting state statute, unless determined otherwise by a court.

ACA 7 would amend the state constitution to clearly state that local land use authority should be regulated by local governments. California is a large and diverse state, and each community has its own characteristics that make it unique. As such, local governments are in the best position to respond to, and plan for, local land use and planning decisions. Locally elected officials are able to interact with the community members, businesses, and other interested parties and translate the community needs into local planning decisions.

When land use and planning decisions are made at the state level, they cannot take into account the myriad of factors that impact communities in different ways. 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, policy that promotes a certain type of zoning that is beneficial for one

community may have significant negative impacts for other communities. The state cannot take into account all of these different factors, which is why local governments are vested with the power to enact local ordinances. As well, local communities need to be vested in, not estranged from, contemplated solutions involving the use of land with which they have the most working familiarity, in order for those potential solutions to become viable ones.

Ultimately, the City of Cupertino believes that responsible land use and planning should be the responsibility of local governments, not the state, which is a valued partner but is simply not in a position, either practically or as a function of our systemic values, to deliver unilaterally the work needed to make local land-use proposals successful. It is for these reasons that the City supports ACA 7.

Sincerely,



Darcy Paul
Mayor
City of Cupertino

cc: Senator Dave Cortese
Assemblymember Evan Low
Assemblymember Marc Berman