

# KENSINGTON MUNICIPAL ADVISORY COUNCIL

Reply to:  
118 Windsor Ave.  
Kensington, CA 94708-1043

1 May 2003

Senator Don Perata  
State Capital, Room 313  
Sacramento, CA 95814  
[senator.perata@sen.ca.gov]

Senator Tom Torlakson  
State Capital, Room 5061  
Sacramento, CA 95814  
[senator.torlakson@sen.ca.gov]

Dear Senators Perata and Torlakson:

Re: SB 952. Perata as amended 21 April 2003

The purpose of this letter, written on behalf and with the unanimous support of the Kensington Municipal Advisory Council of Contra Costa County, is to request that SB 952 be withdrawn from consideration. There are many problems with this particular bill.

First, there is no opposition to fund raisers in homes in this community, and to our knowledge, none in neighboring communities, or any community we are familiar with in the state. SB 952 appears to be aimed at a nonexistent problem. This legislation is unnecessary.

Second, the bill is far too sweeping. It would prohibit attempts to regulate nuisance and public safety. SB 952 would interfere with local governments' ability to regulate nuisance conditions, address traffic and parking concerns, and ensure public safety. Our concern is with traffic, parking, fire danger, and noise. In our community it is only noise that is not now adequately covered in local law. It is for this reason that Kensington has asked Supervisor John Gioia to propose to the Board of Supervisors a noise ordinance for unincorporated areas of the County. I have enclosed the KMAC's letter of January 2002 to him on this subject. He has worked closely with the community in the formulation of this ordinance.

Our community does not oppose fund raising activities located in residences. Kensington can be characterized as having an extremely high level of volunteer participation and support of all kinds for community and charitable activities. The only thing we wish to do is to retain the ability to ensure that such activities not interfere with the safe, nuisance-free functioning of the community.

Third, the planning and zoning function has been, appropriately, delegated to cities and counties. That is how it should be. These are matters for local government. For the state government to interfere on such matters, and apparently to satisfy special interests, is simply bad public policy. Unfortunately, AB 1866 passed in 2002 does that exactly. There appears to be a trend in Sacramento to expand its intrusion into local government. We oppose any further steps in this direction.

As an aside on a related matter, while perhaps AB 1866 will not be onerous on this community, AB 1160, currently under consideration, certainly would be. We urge you to oppose the enactment of this bill as well.

There is strong opposition to SB 952. You should expect to hear comments from other groups and individuals during the days ahead. We hope you will listen and agree with our position on this matter and withdraw the bill. Thank you for your attention.

Sincerely,

James M. Carman  
Chairman

Enclosures: Letter to Supervisor Gioia (addressees only)  
Copy of SB 952

cc: Assemblymember Loni Hancock [assemblymember.hancock@assembly.ca.gov]  
Supervisor John Gioia [jgioi@bos.co.contra-costa.ca.us]  
Director Dennis M. Barry, Contra Costa County Community Development  
Department [dbarr@cd.co.contra-costa.ca.us]  
Director of Planning, City of El Cerrito  
Director of Planning, City of Berkeley