

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: LON PETERSON, CHIEF OF COMMUNICATIONS &
INTERGOVERNMENTAL RELATIONS
COMMUNICATIONS & INTERGOVERNMENTAL RELATIONS
OFFICE
SUBJECT: SUPPORT FOR ASSEMBLY BILL 436 (ALVAREZ)

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Communications & Intergovernmental Relations Office that the Council, by resolution, support Assembly Bill 436 (Alvarez), which repeals the authority of local authorities to adopt rules and regulations by ordinance or resolution regulating cruising and repeals the prohibition on operating a passenger vehicle, or commercial vehicle under 6,000 pounds, that has been lowered below a certain point.

EXECUTIVE SUMMARY

Assembly Bill 436 removes from the Vehicle Code the ability of a local government to ban cruising. Further, the proposed legislation would repeal the prohibition on operating a passenger vehicle, or commercial vehicle under 6,000 pounds, that has been lowered below a certain point. The Legislature in 2022 passed Assembly Concurrent Resolution 176 to celebrate the state's history and culture of cruising.

In 2022, the Council directed staff to review the current City ordinance related to cruising. On May 23 2023, the Council introduced an ordinance to repeal the City's anti-cruising ordinance. Final action on the repeal is scheduled for June 6. 2023.

BACKGROUND

The California State Assembly Local Government Committee reviewed the legislation and how local jurisdictions addressed cruising ordinances. According to the Committee, "In 2022, both San Jose and Sacramento repealed their cruising regulations, while National City lifted its ban temporarily on May 6, 2022."

On April 27, the State Assembly unanimously passed the legislation in a 79-0 vote. The bill received no opposing votes in two policy committees. The measure now heads to the State Senate for consideration.

The Santa Rosa City Council is scheduled to consider final action to repeal the City's own ordinance prohibiting cruising on June 6, 2023. Ordinance No. 2713, also known as the Cruising Ordinance, was originally adopted on August 2, 1988 and added Chapter 11-16 to the Vehicle and Traffic Code, prohibiting cruising within the core area of the City. The Council introduced an ordinance on May 23, 2023, to repeal Chapter 11-16. The proposed repeal of Chapter 11-16 will return to the Council for final approval on June 6, 2023.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

The proposed bill would help bring statewide clarity to cruising and ensure multicultural communities are not targeted for cruising. Cruising is synonymous with lowriding – until recently, lowriders cruising around town was viewed as a negative activity among the general public, often being associated with crime and gang involvement. More recently, it has been confused with sideshow activity. Lowriding is not related to sideshow activity. It is about cultural identity, creativity, social change and healing. The motto in the lowrider community is “Low and Slow.”

For many members of the Santa Rosa and Sonoma County community, including some of our own City employees, lowriding is an important part of individual and community life. Individuals with their own lowriders say that lowriding is about family, community and a sense of pride in their work. Lowriding is also a form of healing from multi-generational trauma and more recently, a violence prevention strategy. The work that goes into building a lowrider, including the paint and artwork, can be very therapeutic for many involved. It also provides a space within the community to celebrate cultural identity and self-expression.

As of May 16, the California Lowrider Alliance supports the measure and there is no opposition on file with the State Legislature.

On January 24, 2023, the Council adopted the 2023 state legislative platform. Assembly Bill 436's proposed impacts are so specific and therefore are not covered by the platform. Per Council Policy 000-40 – Legislative Advocacy – if a policy matter is not covered by the adopted platform, then the Council would need to make a final determination to support or oppose a piece of legislation.

The Communications and Intergovernmental Relations Office coordinated with the Santa Rosa Police Department and Violence Prevention Partnership to analyze the legislation and make a recommendation to support the legislation.

FISCAL IMPACT

Not applicable.

ENVIRONMENTAL IMPACT

This action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Assembly Bill 436 Fact Sheet
- Attachment 2 – Assembly Local Government Committee Analysis
- Attachment 3 – Text of Assembly Bill 436
- Resolution – Council Support for Assembly Bill 436 (Alvarez)

PRESENTER

Scott Alonso, Government Affairs Officer