

SAN MARCOS CITY COUNCIL HAS TAKEN THE FOLLOWING POSITIONS:

SB 423	Wiener	Land use: streamlined housing approvals: multifamily housing developments. modify and expand SB 35 provisions that allow certain multifamily housing developments to take advantage of a streamlined, ministerial approval process. Specifically, this bill would: (1) Removes the 2026 sunset and makes the statutes permanent. (2) Applies SB 35 provisions to the Coastal Zone. (3) Allows the State to approve housing developments on property they own or lease. (4) Prohibits a city from enforcing its inclusionary housing ordinance if the income limits are higher than those in SB 35.	OPPOSE
AB 37	Bonta	Political Reform Act of 1974: campaign funds: security expenses. The bill would instead authorize a candidate or elected officer to use campaign funds to pay or reimburse the state for the reasonable costs of installing and monitoring a home or office electronic security system, and for the reasonable costs of providing personal security reasonably related to the candidate or elected officer's status as a candidate or elected officer.	SUPPORT
AB 334	Rubio	Public contracts: conflicts of interest. This bill would establish that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract.	SUPPORT
AB 400	Rubio	Current law, among other requirements for the design-build procurement process, requires specified information submitted by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025. This bill would remove the January 1, 2025, repeal date, thereby making these provisions operative indefinitely.	SUPPORT
AB 519	Schiavo	Would require HCD to establish a workgroup to develop a consolidated application for the purposes of obtaining grants, loans, tax credits, credit enhancement, and other types of financing for building affordable housing, and developing a coordinated review process for the application. The bill would require the workgroup to include representatives of the department, the California Housing Finance Agency, the California Tax Credit Allocation Committee, and the California Debt Limit Allocation Committee and would require the workgroup to identify a lead agency to receive the application and to work directly with applicants and specify the responsibilities of the lead agency.	SUPPORT
AB 817	Pacheco	Pending amendments — would allow non-decision-making legislative bodies currently governed by the Brown Act, such as advisory bodies and commissions, to participate in two-way virtual teleconferencing without posting their physical location. The teleconference flexibility granted to cities because of COVID-19 noticeably reduced barriers to participation. Residents who were usually not able to participate due to time, distance, or mandatory physical participation requirements were able to attend public meetings. AB 817 would maintain that access for certain legislative bodies, creating greater access to leadership opportunities and providing more diverse input on critical community proposals.	SUPPORT
AB 821	Grayson	Would provide that, in the event that a city or county fails to amend an inconsistent zoning ordinance within 90 days after receiving written notice of the inconsistency, a proposed development project shall not be deemed inconsistent with that zoning ordinance and related zoning standard or criteria and shall not be required to be rezoned, if there is substantial evidence that would allow a reasonable person to conclude that the proposed development project is consistent with objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.	OPPOSE

AB 1490	Lee	Affordable housing development projects: adaptive reuse. Define adaptive reuse as the retrofitting and repurposing of an existing building to create new residential units and require a local government to guarantee that 100% of the units be made available for lower income households, 50% of which shall be made available to extremely low income households or very low income households, provide specified benefits and exemptions including, among other things, approval of all entitlements and permits applicable to the project in 30 days or less, exemption from any minimum floor area ratio, and waiver of local building and permit fees.	OPPOSE
AB 1532	Haney	Office conversion projects. Make an office conversion project that meets certain requirements a use by right in all areas regardless of zoning, exempts project from impact fees that are not directly related to the conversion, allows applicable fees to be paid over 10-year period, and expands the exemption for approval of ministerial projects under CEQA.	OPPOSE
AB 1630	Garcia	Planning and zoning: housing development approvals: student housing projects. prohibit a city, county, or city and county from prohibiting a dormitory on any real property located within 1/2 mile of a university campus and would require a city, county, or city and county to classify student housing as a permitted use on all real property within 1/2 mile of a university campus for zoning purposes. Would require a proposed student housing project to be considered ministerially, without discretionary review or a hearing, if specified requirements are met, including that at least 50% of the units in the project be occupied by students at the local university campus to which the project site is proximate. In connection with an application, a city, county, or city and county is required, upon request, to provide a list of permits and fees that are required by the city, county, or city and county.	OPPOSE
AB 1637	Irwin	Existing law, the Information Practices Act of 1977, requires an agency that owns or licenses computerized data that includes personal information, as defined, to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California, as prescribed. The act defines "agency" to not include a local agency, as specified. This bill would express the intent of the Legislature to enact legislation that would relate to the security of information maintained by local governments and special districts.	OPPOSE
AB 1708	Muratsuchi	This bill would refine the definition of shoplifting and would specifically exclude certain offenses from prosecution as shoplifting, including, among others, the theft of a firearm or vehicle, identity theft, and credit card fraud.	SUPPORT
SB 4	Wiener	Require that a housing development project be a use by right upon the request of an applicant who applies for streamlined approval, on any land owned by an independent institution of higher education or religious institution if the development satisfies specified criteria, including that the development is not adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use. Would require that 100% of the units, exclusive of manager units, in a housing development project eligible for approval as a use by right under these provisions be affordable to lower income households, except that 20% of the units may be for moderate-income households.	OPPOSE
SB 236	Jones	This bill would require the office, to the extent funds are available for this purpose and until January 1, 2029, to allocate and award funds to up to 11 district attorney offices that employ a vertical prosecution methodology for the prosecution of human trafficking crimes and that meet other specified criteria, including minimum staffing levels for the program.	SUPPORT
SB 706	Caballero	This bill would authorize all cities, counties, city and counties, or special districts to use the progressive design-build process for other projects in addition to water-related projects. The bill would change the required reporting date to no later than December 31, 2028. Would permanently allow local governments to use design-build processes.	SUPPORT
SB 747	Caballero	Would authorize a local agency to declare administratively that land is exempt surplus land if the declaration and findings are published and available for public comment, and the local public entities and housing sponsors described above are notified at least 30 days before the declaration takes effect.	SUPPORT
AB 480	Ting	Makes various changes to the SLA regarding the land disposal process and HCD's authority with the intent to prioritize affordable housing development when public lands are sold or leased.	OPPOSE



AB 976	Ting	Accessory dwelling units: owner-occupancy requirements.	OPPOSE
AB 1484	Zbur	Temporary employees, as defined, of a public employer who have been hired to perform the same or similar type of work that is performed by permanent employees represented by a recognized employee organization.	OPPOSE



April 19, 2023

The Honorable Mia Bonta
Member, California State Assembly
1021 O Street, Suite 5620
Sacramento, CA 95814

Re: AB 37 (Bonta) Political Reform Act Of 1974: Campaign Funds: Security Expenses. SUPPORT

Dear Assembly Member Rubio:

The City of San Marcos is pleased to support AB 37, which would lift existing limitations and add needed expansions to how campaign funds may be used by candidates and elected officials for security expenses.

The Political Reform Act of 1974 regulates the use of campaign funds held by candidates for elective office, elected officers, and campaign committees. The Act authorizes a candidate or elected officer to use campaign funds to pay for the costs of installing and monitoring a home or office electronic security system if specified conditions are met, including that the candidate or elected officer has received threats to physical safety that have been verified by law enforcement, and that no more than \$5,000 in campaign funds be used for this purpose. This bill would eliminate those conditions and allow for expenses to include personal security and that family members and staff can be protected by the personal security.

Unfortunately, city officials know all too well why this bill is necessary. The list of examples of recent incidents of attacks and harassment of local elected officials is unfortunately long. According to the National League of Cities, in a survey of local public officials, 87 percent observed an increase in attacks on public officials in recent years, while 81 percent reported having experienced harassment, threats, and violence themselves. These could be in the form of personal attacks, physical assaults, and cyberbullying directed at themselves or their children.

For these reasons, City of San Marcos supports AB 37 (Bonta) and appreciates your continued leadership in addressing this issue.

Sincerely,

Rebecca D. Jones

Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: cityletters@calcities.org)



Administration
CityHall@san-marcos.net

April 5, 2023

The Honorable Blanca Rubio
Member, California State Assembly
1021 O Street, Suite 5140
Sacramento, CA 95814

Re: AB 334 (Rubio) Government Contracts: Conflict of Interest Notice of SUPPORT

Dear Assembly Member Rubio:

The City of San Marcos is pleased to support AB 334 (Rubio), which seeks to clarify the state's conflict of interest law, California Government Code Section 1090.

Local governments are experiencing an alarming contracting issue when seeking to partner with independent contractors on their projects.

For example, when a city seeks to contract with engineers, land surveyors, architects, and geologists on public works infrastructure projects, these design professionals are increasingly – and inappropriately – being subjected to the terms of Government Code Section 1090 because of unclarity in the law and case law. In consequence, well-qualified professionals are being precluded from participating in subsequent phases of work if they had any involvement in an earlier phase of the project.

Engineers and architects conceive, design, and oversee much of the state's infrastructure projects, including roads, buildings, airports, tunnels, dams, bridges, rail, and water systems. The public is at great risk if qualified consultants and contractors are prohibited from working on certain phases of our projects. Local governments should be free to choose through a competitive process who the most qualified professional is to partner with them and deliver projects to their constituents.

For these reasons, City of San Marcos supports AB 334 (Rubio) and appreciates your continued leadership in addressing this issue.

Sincerely,

Rebecca D. Jones

Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: cityletters@calcities.org)

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April 5, 2023

The Honorable Cecilia Aguiar-Curry
Chair, Assembly Committee on Local Government
1020 N Street, Room 157
Sacramento, CA 95814

Re: AB 400 (Rubio) Local agency design-build projects: authorization Notice of SUPPORT

Dear Assembly Member Aguiar-Curry:

The City of San Marcos is pleased to support AB 400 (Rubio), which will permanently allow local governments to utilize existing state law which allows them to use the design-build (DB) procurement process for qualifying public works projects. This bill achieves this by eliminating the existing January 1, 2025, sunset date on the statutory DB authority.

Existing statute enacts more uniform provisions authorizing most local agencies, cities included, to use the DB procurement process for specified public works projects within Public Contract Codes Sections 22160-22169, which excludes roads but includes buildings, utility improvements associated with buildings, flood control, underground utility improvements, and bridges.

The DB method is an approach to delivering public works projects in which both the design and construction of a project are procured from a single entity. Under DB, the owner contracts with a single entity to both design and construct a project at a fixed price. Simultaneously, contractors are provided with more flexibility over project design, materials, and construction methods. This promotes project design and construction innovation, which can result in higher quality, as well as cost savings. The approach also reduces the county and local agencies risk and results in fewer litigation claims for all parties involved.

In the traditional design-bid-build, (DBB) method of construction procurement the design and contracting phases are sequential, with no direct collaboration process. Allowing alternative delivery methods for construction projects gives counties the ability to make the most cost-effective and advantageous decision for a particular project.

The DB method streamlines project delivery through a single contract between the owner and the entire design-build team. Thus, using the DB method for more complex projects facilitates the completion and delivery of public works construction projects collaboratively, efficiently and cost effectively. AB 400 would allow cities to continue using this authority indefinitely.



For these reasons, City of San Marcos supports AB 400 (Rubio) and appreciates your continued leadership in addressing this issue.

Sincerely,

Rebecca D. Jones
Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: citiletters@calcities.org)



April 19, 2023

The Honorable Pilar Schiavo
1021 O Street, Suite 4140
Sacramento, CA 95814

Re: AB 519 (Schiavo D) Affordable Housing Finance Workgroup: affordable housing: consolidated application process. SUPPORT

Dear Assembly Schiavo:

The City of San Marcos is pleased to support AB 519 (Schiavo) for creating a consolidated application process for affordable housing financing. Existing law establishes the Department of Housing and Community Development and sets forth its powers and duties, including promoting the development of affordable housing in the state. Under existing law, the committee's duties include annually determining a state ceiling on the aggregate amount of private activity bonds that may be issued, and allocating that amount among state and local agencies.

This bill would require the established entities to jointly convene an Affordable Housing Finance Workgroup to develop a consolidated application for housing developers to use to obtain grants, loans, tax credits, tax exempt bonds, credit enhancement, and other types of financing for building affordable housing, and develop a coordinated review process for the application, as described. The bill would require the workgroup to include representatives of the involved entities, nonprofit and for-profit affordable housing developers, and local and tribal governments. The bill would require the workgroup to identify specified information, including a timeline for developing a single consolidated application able to be coordinated for review between the reviewing entities. On or before, July 1, 2026, the bill would require the workgroup to report recommendations on implementing a coordinated review process to the above-described entities, the Legislature, and certain committees of the Legislature. The bill would require the workgroup to develop the consolidated application and coordinated review process on the date identified in the timeline, as specified.

For these reasons, City of San Marcos supports AB 519 (Schiavo) and appreciates your continued leadership in addressing this issue.

Sincerely,


Rebecca D. Jones
Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: cityletters@calcities.org)



April 19, 2023

The Honorable Blanca Pacheco
California State Assembly
1021 O Street, Suite 6240
Sacramento, CA 95814

RE: AB 817 (Pacheco) Local Government: Open Meetings. SUPPORT

Dear Assembly member Pacheco:

The City of San Marcos is pleased to express our strong support for AB 817, which would remove barriers to entry for appointed and elected office by allowing non-decision-making legislative bodies that do not have the ability to take final action to participate in two-way virtual teleconferencing without posting location.

Challenges associated with recruitment have been attributed to participation time commitments; time and location of meetings; physical limitation, conflicts with childcare, and work obligations. The COVID-19 global pandemic drove both hyper-awareness and concerns about the spread of infectious diseases, as well as removed barriers to local civic participation by allowing this same remote participation. This enabled individuals who could not otherwise accommodate the time, distance, or mandatory physical participation requirements to engage locally, providing access to leadership opportunities and providing communities with greater diversified input on critical community proposals.

Existing law (Stats. 1991, Ch. 669) requires local bodies to publish and publicly notice opportunities that exist to participate in and serve on local regulatory and advisory boards, commissions, and committees under the Local Appointments List, known as Maddy's Act. However, merely informing the public of the opportunity to engage is not enough: addressing barriers to entry to achieve diverse representation in leadership furthers the Legislature's declared goals of equal access and equal opportunity.

Diversification in civic participation at all levels requires careful consideration of different protected characteristics as well as socio-economic status. The in-person requirement to participate in local governance bodies presents a disproportionate challenge for those with physical or economic limitations, including seniors, persons with disability, single parents and/or caretakers, economically marginalized groups, and those who live in rural areas and face prohibitive driving distances. Participation in local advisory bodies and appointed boards and commissions often serves as a pipeline to local elected office and opportunities for state and federal leadership positions.

AB 817 would help address these issues by providing a narrow exemption under the Ralph M. Brown Act for non-decision-making legislative bodies that do not take final action on any legislation, regulations, contracts, licenses, permits, or other entitlements, so that equity in opportunity to serve locally and representative diversity in leadership can be achieved.



For these reasons, City of San Marcos supports AB 817 and appreciates your continued leadership in addressing this issue.

Sincerely,

Rebecca D. Jones
Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: citiletters@calcities.org)



April 10, 2023

The Honorable Reginald Jones-Sawyer
Chair, Assembly Public Safety Committee
Legislative Office Building
1020 N Street, Room 111
Sacramento, CA 95814

Re: AB 1708 (Muratsuchi) Theft. Notice of SUPPORT (As Amended 3/9/23)

Dear Assembly Member Jones-Sawyer,

The City of San Marcos is pleased to support AB 1708 (Muratsuchi). This measure would increase accountability for repeat theft offenders and offer pathways for pre-plea diversion programming. If passed, the bill would send the issue to the voters for approval at the next statewide general election.

This strategy is one of many supported by cities to address crime and its underlying causes. We remain committed to improving California's carceral systems, interrupting and ending cycles of recidivism, and building a community-based system of care that appropriately meets the needs of all community members.

Proposition 47 of 2014 made promises of safe neighborhoods, but the unintended consequences that followed have provided anything but. According to a February 2023 study conducted by the Public Policy Institute of California, a strong majority of Californians worry they or a family member will be a victim of a crime (21% very, 44% somewhat). This is the sentiment being felt by residents of cities throughout the state.

Our communities deserve better, and cities are more than ready to find solutions that fix Proposition 47.

The City of San Marcos is keenly interested in exploring additional strategies to address the impacts of crime in our communities. This includes resources to improve community safety through prevention and early intervention programming, as well as improved re-entry service provision for our formerly incarcerated community members. While these provisions have historically been the responsibility of state and county departments, cities are interested in increased collaboration to meet these urgent needs.

For these reasons, the City of San Marcos requests your support on AB 1708. Please feel free to contact me at (760) 744-1050, or cityclerk@san-marcos.net, whenever needed.

Sincerely,

Rebecca D. Jones
Mayor

cc: The Honorable Al Muratsuchi
League of California Cities (via email: cityletters@calcities.org)

www.san-marcos.net



April 19, 2023

The Honorable Blanca Pacheco
California State Senate
1021 O Street, Room 7640
Sacramento, CA 95814

RE: SB 236 (Jones) Human trafficking: vertical prosecution program. SUPPORT

Dear Senator Brian Jones:

The City of San Marcos is pleased to express our strong support for SB 236 (Jones) to employ vertical prosecution and the use of specialized attorneys who follow the whole case, from inception to conclusion, instead of the standard practice of different attorneys handling individual stages of the case.

Human trafficking is a modern form of slavery that exploits thousands of individuals each year within the United States. The implementation of vertical prosecution has been highly successful and has contributed to increased conviction rates. Additionally, the programs ease strain on victims, as they are able to develop and maintain a relationship with a single prosecutor throughout the process as opposed to repeatedly having to redevelop their relationship with a new attorney at each step of the way. This program will help get criminals off our streets and compassionately deliver justice to the victims that so deeply deserve it. San Diego County, along with several other, uses vertical prosecution as a strategy to address these types of cases. This bill will help secure funding for the continuation of their programs as well as encourage more counties to follow their lead.

The purpose of this bill is to require the Office of Emergency Services (CalOES), to the extent that funds are available for this purpose and until January 1, 2029, to allocate and award funds to district Attorney offices that employ a vertical prosecution methodology for human trafficking crimes, as specified.

For these reasons, City of San Marcos supports SB 236 and appreciates your continued leadership in addressing this issue.

Sincerely,

Rebecca D. Jones
Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: cityletters@calcities.org)



April 19, 2023

The Honorable Anna Caballero
Chair, Senate Governance and Finance Committee
State Capitol, Room 407
Sacramento, CA 95814

RE: SB 706 (Caballero) Local agency progressive design-build projects: authorization. SUPPORT

Dear Senator Caballero:

The City of San Marcos is pleased to express our strong support for SB 706, which would remove the existing maximum cap for local municipalities to use the progressive design-build (PDB) process for other projects in addition to water-related projects.

Existing law, until January 1, 2029, authorizes local agencies to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the PDB process for up to 15 public works projects more than \$5,000,000 for each project.

PDB is a project delivery process that facilitates collaboration between the three primary roles of the project—the owner, designer, and builder—during the earliest stages of project development, ensuring that all parties work together as a single team in developing innovative project solutions. The process gives the owner control of decisions and risk, while providing the design-builder the ability to manage the constructability, schedule, and cost to meet the desired outcome. Cost estimates are done at different phases of the design process to better understand cost impacts. As a result, there are rarely any change orders during a PDB project. Three components that make PDB an excellent delivery method include collaboration, schedule acceleration, and cost certainty.

While many cities have authority to use design-build (DB), the authority to use the PDB method is limited to water projects. It would be in the public's interest to expand the authority to use PDB to complete a broader array of public works projects more quickly and at a lower cost; thereby allowing public dollars to provide greater benefits to the public—especially federal dollars with strict use-it-or-lose-it timelines—without sacrificing important protections that the public expects. With increasing building material and labor costs, local jurisdictions are forced to do more with less and PDB delivery methods are an excellent way to deliver critical infrastructure projects on-time and on-budget.

California has shown great leadership using DB over the past 30 years and DB is no longer an alternative form of project delivery, it is becoming the norm. Per the most recent FMI report (a leading consulting and investment banking firm dedicated to serving companies working within the built environment), a projected 47% of all construction in the western state's region will use some form of design-build delivery by 2025, based on dollar value. PDB is the logical next step and will give local governments a proven option to expand and deliver this streamlined project delivery method.

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For these reasons, City of San Marcos supports SB 706 and appreciates your continued leadership in addressing this issue.

Sincerely,

Rebecca D. Jones
Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: citiletters@calcities.org)



City Council
CityHall@san-marcos.net

April 4, 2023

The Honorable Anna Caballero
State Capitol, Ste. 7620
Sacramento, CA 95814

Re: SB 747 (Caballero) Land use: economic development: surplus land.

Dear Senator Caballero:

The City of San Marcos is pleased to Support your SB 747, which contains much needed clarifications and reforms to the Surplus Land Act (SLA) and reaffirms the role of existing Economic Opportunity Law that is used by local agencies to acquire and dispose of property to improve economic opportunities for local residents.

The implementation of the SLA, including recent guidelines by the Housing and Community Development Department, has created immense delays and difficulties for local government agencies dealing with the use of their properties to further housing and economic development goals in service of their residents. SB 747 addresses these concerns through an array of helpful changes to the SLA, including clarifying that only leases of less than 35 years are subject to the SLA, providing exemptions to assist transit, transit oriented development, airports, ports and other important agency uses, and avoiding delays for affordable housing developments which comply with the SLA's affordability requirements.

Thank you for your leadership in beginning to apply a sharper legislative focus on the application of the SLA to ensure that the administration of the law remains consistent with legislative intent and avoids unintended delays or conflicts with other laws and policy priorities the Legislature has enacted- including actions to support and further economic development.

For these reasons, the City of San Marcos is pleased to Support SB 747. Please feel free to contact me at (760) 744-1050, or cityclerk@san-marcos.net, whenever needed.

Sincerely,

Rebecca D. Jones
Mayor

cc: League of California Cities (Via email: cityletters@calcities.org)

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City Clerk
CityClerk@san-marcos.net

April 25, 2023

The Honorable Philip Ting
State Capitol, Ste. 8230
Sacramento, CA 95814

Re: AB 480 Surplus Land Act. OPPOSE

Dear Assembly Member Ting:

The City of San Marcos regretfully must oppose AB 480, which undermines the ability of local agencies to conduct appropriate economic development activities on properties they acquire or otherwise own. By expanding the scope of authority for Department of Housing and Community Development (HCD) to review *“any action to dispose of land,”* which would include properties retained for agency use, properties declared “exempt surplus,” and properties that local agencies are authorized by other laws to acquire and dispose of for economic development purposes.

The implementation of the Surplus Lands Act (SLA), including HCD’s recent guidelines, have created immense delays and difficulties for local government agencies dealing with the control and disposal of their local properties. Regrettably, AB 480 would compound those difficulties by expanding state reviews and delays affecting properties retained for agency use and declared exempt surplus.

Rather than expanding the scope of the SLA in this form, the Legislature should hold special hearings to more thoroughly and properly evaluate the difficulties, bureaucratic delays and unintended consequences caused by implementation of the existing law on local agency activities. This includes addressing unresolved conflicts with other laws and state policy priorities the Legislature has enacted that affect the disposal of local agency property.

For these reasons, the City of San Marcos regrets that it must respectfully oppose AB 480. Please feel free to contact me at 760-744-1050, or cityclerk@san-marcos.net.

Sincerely,

Rebecca D. Jones
Mayor

Cc: Senator Anna Caballero, Chair, Senate Committee on Governance and Finance
Senator Scott Wiener, Chair, Senate Committee on Housing
Members, Senate Committee on Governance and Finance
Members, Senate Committee on Housing
Gurbax Sahota, Chief Executive Officer, California Association for Local Economic Development

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April 5, 2023

The Honorable Timothy Grayson
California State Assembly
1021 O Street, Suite 4610
Sacramento, CA 95814

Re: AB 821 (Grayson D) Planning and zoning: development project application. OPPOSE

Dear Assembly Member Grayson:

The City of San Marcos writes to express our oppose position to your measure AB 821. The Planning and Zoning Law requires each city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of certain land outside its boundaries. Current law requires that city zoning ordinances be consistent with the general plan of the city by January 1, 1974. Current law requires a zoning ordinance to be amended within a reasonable time so that it is consistent with the general plan in the event that the ordinance becomes inconsistent with the plan by reason of amendment to the plan.

This bill, among other things, would provide that, in the event that a city or county fails to amend an inconsistent zoning ordinance within 90 days after receiving written notice of the inconsistency, a proposed development project shall not be deemed inconsistent with that zoning ordinance and related zoning standard or criteria and shall not be required to be rezoned. If there is substantial evidence that would allow a reasonable person to conclude that the proposed development project is consistent with objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. This undermines tried and true development processes established to ensure sustainable and community friendly developments are built.

San Marcos has strived to produce general plans that balance development standards and community integrity and character as a smart growth plan. AB 821 will have direct negative service impacts to our community.

It is vital that we take steps to increase the supply and affordability of new housing units. However, AB 821 disregards current streamlined practices and local control for processing projects in the city. For these reasons, the City of San Marcos opposes AB 821.

Sincerely,

Rebecca D. Jones
Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: cityletters@calcities.org)

www.san-marcos.net



April 25, 2023

The Honorable Philip Ting
State Capitol, Ste. 8230
Sacramento, CA 95814

RE: Assembly Bill 976 Accessory Dwelling Units. OPPOSE

Dear Assembly Member Ting:

The City of San Marcos must respectfully oppose AB 976, which would significantly amend the statewide standards that apply to locally adopted ordinances concerning the construction of accessory dwelling units (ADUs), even though the law has been substantially amended nearly every year since 2016.

Existing law, beginning January 1, 2025, authorizes a local agency to impose an owner-occupancy requirement on an accessory dwelling unit, provided that the accessory dwelling unit was not permitted between January 1, 2020, and January 1, 2025. This bill would instead prohibit a local agency from imposing an owner-occupancy requirement on any accessory dwelling unit.

Assembly Bill 976 establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

For these reasons, the City of San Marcos regrets that it must respectfully oppose AB 976. Please feel free to contact me at 760-744-1050, or cityclerk@san-marcos.net.

Sincerely,



Rebecca D. Jones
Mayor

cc: Members, Senate Committee on Governance and Finance
Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities



The Honorable Rick Zbur
Capitol Office:
P.O. Box 942849
Sacramento, CA 94249-0051

RE: AB 1484 (Zbur) Temporary public employees – OPPOSE

Dear Assembly Member Zbur:

The City of San Marcos is strongly opposed to Assembly Bill 1484. While AB 1484 is ostensibly intended to benefit temporary employees of local public agencies, in reality, it will directly harm these employees by severely limiting their future opportunities for temporary employment. This bill would mandate that temporary employees must be included within the same bargaining unit as permanent employees; and that the wages, hours, plus terms and conditions of employment for both temporary and permanent employees must be bargained together in a single memorandum of understanding. This result is already possible under current law, but only if the temporary and permanent employees have a "community of interest" making such combined treatment appropriate – an important component of fair representation and bargaining that this bill eschews.

More importantly, the provisions of this bill, including the restrictions on discharging temporary employees and the inevitable increases in cost to public employers, will seriously discourage public agencies from hiring temporary employees. This will reduce temporary employment opportunities statewide, with devastating effects. Temporary positions provide income, stability, and flexibility to working parents, students, and those just entering or re-entering the workforce, among others, and are often an important stepping-stone to long-term public employment. Disincentivizing public agencies from offering these positions will further cement the barriers to upward mobility and income equality for the very persons whom this bill aims to help.

In addition to harming temporary employees, AB 1484 would also negatively impact public services. "Extra help" employees are often retained for seasonal or "surge" needs, such as nurses, health care workers, election workers and parks and recreation staff, like lifeguards and summer camp counselors. This bill would significantly increase the costs for local governments to hire such employees, thereby reducing levels of service to the detriment of public health and well-being. Similarly, temporary employees are frequently brought in to backfill permanent employees who are on leave or temporarily reassigned. This bill would discourage such hiring, leaving positions unfilled and the public unserved.

Public agencies often offer paid student internship programs, which provide valuable work experience for the next generation of public employees. Requiring agencies to include such temporary positions within the bargaining unit (and afford them discharge protections) will strongly discourage local governments from offering such programs (or will encourage them to offer only unpaid internships, to the detriment of financially vulnerable students).

AB 1484 provides temporary employees with rights in excess of those provided to permanent employees. Proposed Section 3507.7(b)(5) provides that "temporary employees...who have been employed for more than 30 calendar days shall be entitled to use any grievance procedure in the memorandum of understanding to challenge any discipline without cause." By contrast, nearly every public agency has a probationary period for permanent



employees (often 6-12 months), during which the employee may be released without cause and without triggering a grievance. This probationary period is a critical part of the hiring process – and if public employers cannot use this process for temporary employees, they will be vastly less likely to hire temporary employees.

In conclusion, temporary employees are brought in for a temporary and urgent need and the provisions of this bill severely limit local agencies' ability to utilize this workforce, ultimately impacting our ability to provide services. We are unaware of a specific, current problem that AB 1484 would resolve or prevent. We are very much aware, however, of the very real harm AB 1484 would cause the residents of California.

For these reasons, the City of San Marcos regrets that it must respectfully oppose AB 1484. Please feel free to contact me at 760-744-1050, or cityclerk@san-marcos.net.

Sincerely,

Rebecca D. Jones
Mayor

Cc: Members of the Assembly Public Employment and Retirement Committee
Michael Bolden, Chief Consultant, Public Employment and Retirement Committee
Lauren Prichard, Consultant, Assembly Republican Caucus



April 4, 2023

The Honorable Alex Lee
California State Assembly
1021 O Street, Suite 4610
Sacramento, CA 95814

Re: AB 1490 (Lee D) Affordable housing development projects: adaptive reuse.

Dear Assembly Member Lee:

The City of San Marcos writes to express our oppose unless amended position to your measure AB 1490 would require a local government to provide an affordable housing project that is an adaptive reuse project exemptions by local government agencies. These exemptions include, among other things, approval of all entitlements and permits applicable to the project in 30 days or less, exemption from any minimum floor area ratio, and waiver of local building and permit fees, as specified.

Existing law requires the Department of Housing and Community Development to give priority with respect to funding under the Multifamily Housing Program to projects that prioritize adaptive reuse in existing developed areas served with public infrastructure. This bill redefines reuse as the retrofitting and repurposing to be approved within 30 days of submittal. These subjects cities such as San Marcos to unfunded mandates of permit processing that are unfeasible and direct service impact to our community. The waiver of fees also undermines the fiscally sound operation of the city's planning department by imposing additional workload without properly funding the resources necessary to produce the desired permitting outcomes.

It is vital that we take steps to increase the supply and affordability of new housing units. However, AB 1490 disregards current streamlined practices for processing affordable housing and adaptive reuse projects in the city. For these reasons, the City of San Marcos opposes AB 1490.

Sincerely,

Rebecca D. Jones
Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: cityletters@calcities.org)



April 5, 2023

The Honorable Matt Haney
California State Assembly
1021 O Street, Suite 4610
Sacramento, CA 95814

Re: AB 1532 (Haney) Office Conversion Projects

Dear Assembly Member Haney:

The City of San Marcos writes to express our oppose unless amended position to your measure AB 1532 would make an office conversion project, as defined, that meets certain requirements a use by right in all areas regardless of zoning. The bill would define “office conversion project” to mean the conversion of a building used for office purposes or a vacant office building into residential dwelling units. The bill would define “use by right” to mean that the city or county’s review of the office conversion may not require a conditional use permit, planned unit development permit, or other discretionary city or county review or approval that would constitute a “project” for purposes of CEQA, as specified. By requiring the approval of housing crisis projects as a use by right, the bill would expand the exemption for approval of ministerial projects under CEQA. This undermines tried and true environmental processes established to ensure sustainable and community friendly developments are built.

This bill would exempt an office conversion project from impact fees that are not directly related to the conversion of an office building into residential dwelling units. These impacts to cities such as San Marcos are unfunded mandates that have direct negative service impacts to our community. The bill would allow the proponent of an office conversion project to pay applicable impact fees over a 10-year period. This waiver or deferral of fees also undermines the fiscally sound operation of the city’s planning department. The by-right permitting imposes additional workload without properly funding the resources necessary to produce the desired permitting outcomes for the city.

It is vital that we take steps to increase the supply and affordability of new housing units. However, AB 1532 disregards current streamlined practices and local control for processing office conversion projects in the city. For these reasons, the City of San Marcos opposes AB 1532.

Sincerely,

Rebecca D. Jones
Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: cityletters@calcities.org)

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April 19, 2023

The Honorable Eduardo Garcia
California State Assembly
1021 O Street, Suite 8120
Sacramento, CA 95814

RE: AB 1630 (Garcia) By-Right Approvals. Student Housing. OPPOSE

Dear Assembly Member Garcia:

The City of San Marcos writes to express our oppose unless amended position on your measure, AB 1630, which would require a city to ministerially approve, without discretionary review or a hearing, student and faculty and staff housing on nearly all real property within 1,000 feet of a university campus.

City officials intimately understand the housing affordability crisis as it plays out in our communities every day. San Marcos leaders are working to find creative solutions to spur more housing construction at all income levels. Unfortunately, AB 1630 would disregard this state mandated planning process and instead force cities to ministerially approve, without discretionary review or a hearing, student and faculty and staff housing on nearly all parcels within 1,000 feet of a university campus, regardless of the existing zoning or local conditions. Additionally, AB 1630 would prohibit local jurisdictions from imposing parking requirements, floor to area ratios, setbacks greater than four feet, or reasonable densities.

California cannot by-right its way out of the housing crisis. That is why Cal Cities is calling on the Governor and lawmakers to include a \$3 billion annual investment in the state budget to help cities prevent and reduce homelessness and spur housing development, including housing for students and faculty and staff. Targeted, ongoing funding is the only way cities can find community-based solutions that produce housing at all income levels.

For these reasons, The City of San Marcos respectfully opposes AB 1630.

Sincerely,

Rebecca D. Jones

Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: cityletters@calcities.org)



April 5, 2023

The Honorable Jacqui Irwin
California State Assembly
1021 O Street, Suite 4610
Sacramento, CA 95814

Re: AB 1637 (Irwin D) Local government: internet websites and email addresses. OPPOSE

Dear Assembly Member Irwin:

The City of San Marcos writes to express our oppose position to your measure AB 1637. The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its internet website and directing a member of the public to the internet website, as specified. This bill, no later than January 1, 2025, would require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain.

The bill would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a ".gov" or ".ca.gov" domain. This bill, no later than January 1, 2025, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program. This undermines current internet processes, web addresses established to ensure sustainable, and community interaction. The San Marcos community is has been using its current email and web domain for almost two decades. This bills impact go beyond just updating a web domain and could cause undue impacts to our community engagement. AB 1637 will have direct negative service impacts to our community.

It is vital that we take steps to improve community engagement and not steps that will negatively effect it. For these reasons, the City of San Marcos opposes AB 1637.

Sincerely,

Rebecca D. Jones
Mayor

cc: Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities (Via email: cityletters@calcities.org)



March 28, 2023

The Honorable Scott Wiener
Chair, Senate Committee on Housing
1021 O Street, Suite 3330
Sacramento, CA 95814

RE: SB 4 (Wiener) Planning and zoning: housing development: higher education institutions and religious institutions. Notice of Opposition

Dear Senator Wiener:

The City of San Marcos writes to express our opposition to SB 4 requiring that a housing development project be a use by right upon the request of an applicant who submits an application for streamlined approval, on any land owned by an independent institution of higher education or religious institution.

San Marcos intimately understands the housing affordability crisis as it plays out in our community every day. Local leaders are working to find creative solutions so homes of all income levels can be built. They're taking on these difficult and complex tasks, and in many cases successfully planning for more than 2.5 million new homes statewide, all while navigating the state's annual barrage of overreaching housing bills that have thus far demonstrated limited success.

SB 4 is the latest overreaching bill. This measure would double-down on the recent trend of the state overriding its own mandated local housing plans by forcing cities to approve certain housing projects without regard to the needs of the community, opportunities for environmental review, or public input. Instead of continuing to pursue top-down, one-size-fits-all legislation, lawmakers should partner with local officials. That's why the League of California Cities is calling on the Governor and lawmakers to include a \$3 billion annual investment in the state budget to help cities prevent and reduce homelessness and spur housing development. Targeted, ongoing funding is the only way cities can find community-based solutions that get our residents off the streets and keep them in their homes.

California will never produce the number of homes needed with an increasingly state driven, by-right housing approval process. What is really needed is a sustainable state investment that matches the scale of this long-term crisis. For these reasons, The City of San Marcos respectfully opposes SB 4.

Sincerely,

Rebecca D. Jones
Mayor

cc: The Honorable Scott Wiener, Member of the Senate
Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities

www.san-marcos.net



March 28, 2023

The Honorable Scott Wiener
Chair, Senate Committee on Housing
1021 O Street, Suite 3330
Sacramento, CA 95814

RE: **SB 423 (Wiener) Streamlined housing approvals: multifamily housing developments: SB 35 (Chapter 366, Statutes of 2017) Expansion. Notice of Opposition**

Dear Senator Wiener:

The City of San Marcos writes to express our opposition to your measure, SB 423, which would greatly expand SB 35 (Chapter 366, Statutes of 2017) provisions and eliminate the January 1, 2026 sunset date.

On any given day, newspaper headlines in California and across the nation are highlighting the state's growing housing supply and affordability crisis. Seven in ten Californians view housing affordability as one of the top problems in their community, and there is growing concern from residents that housing prices are so expensive, younger generations will be priced out of ever being able to buy a home.

San Marcos intimately understands this crisis as it plays out in our community every day. Local leaders are working to find creative solutions so homes of all income levels can be built. They're taking on these difficult and complex tasks, and in many cases successfully planning for more than 2.5 million new homes statewide, all while navigating the state's annual barrage of overreaching housing bills that have thus far demonstrated limited success.

SB 423 is the latest overreaching bill. This measure would double-down on the recent trend of the state overriding its own mandated local housing plans by forcing cities to approve certain housing projects without regard to the needs of the community, opportunities for environmental review, or public input. While it may be frustrating for some developers to address neighborhood concerns about traffic, parking, and other development impacts, those directly affected by such projects have a right to be heard. Public engagement also often leads to better projects. Not having such outlets will increase public distrust in government and result in additional ballot measures limiting housing development.

Instead of continuing to pursue top-down, one-size-fits-all legislation, lawmakers should partner with local officials. That's why the League of California Cities is calling on the Governor and lawmakers to include a \$3 billion annual investment in the state budget to help cities prevent and reduce homelessness and spur housing development. Targeted, ongoing funding is the only way cities can find community-based solutions that get our residents off the streets and keep them in their homes. California will never produce the number of homes needed with an increasingly state driven, by-right housing approval process. What is really needed is a sustainable state investment that matches the scale of this long-term crisis.

www.san-marcos.net



For these reasons, The City of San Marcos respectfully opposes your measure.

Sincerely,

Rebecca D. Jones
Mayor

cc: The Honorable Scott Wiener, Member of the Senate
Catherine Hill, League of California Cities – San Diego and Imperial Counties
League of California Cities