

CITY COUNCIL

Lisa Craig, Mayor
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Scott R. Carney
City Manager
Katie O. Lucchesi
City Attorney
Olivia Nashed
City Clerk

September 16, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 98 (Carrillo J., Reyes): Planning and zoning: logistic use: truck routes
REQUEST FOR VETO (As Amended August 28, 2024)

Dear Governor Newsom,

On behalf of the City of Lodi, we **strongly urge your veto of AB 98** (Carrillo J., Reyes), related to warehouse and logistic use standards and truck routes.

While the bill aims to address air quality related concerns adjacent to warehouse operations, this problematic gut-and-amend includes stringent requirements that will severely impact the ability for local jurisdictions to site based on unique geographic and community characteristics, and stifles economic and workforce development in their communities.

The interests and perspectives of those most intimately involved at the local level and responsible for implementation efforts were not involved in crafting AB 98. A more robust, inclusive, and transparent process leads to more informed policy solutions and AB 98 did not meet this mark. Instead, the bill was a gut-and-amend with little input at the end of the legislative session. The bill could not be amended due to the 72-hour in print rule, preventing substantive and meaningful public input. For these process and procedural reasons alone, AB 98 should be vetoed.

The City of Lodi further has serious concerns regarding the substantive policy solution that AB 98 would mandate for all cities and counties if chaptered into law.

1) AB 98 takes local community-based solutions completely off the table.

This measure overly constrains local governments by limiting a city's ability to site a new or expanded use of a logistic use development or warehouse that are within 900 feet of a sensitive receptor. Local discretion and decision making is essential to ensure zoning regulations are tailored to the unique needs and concerns of various communities. Cities and counties have good neighbor policies and local ordinances that make them better equipped to determine appropriate setback requirements and conditions for logistic use developments based on the specific geographic and regional factors in their communities and allows local governments the ability to engage the public. Cities are actively siting and zoning to prepare for community growth and development. Cities are already planning for housing, lowering vehicle miles traveled, updating climate action

plans, zoning for open space and greenbelts, and more. Local governments should retain their abilities to exercise local discretion when siting logistic use developments prior to any state-mandated conditions being required.

2) AB 98 creates an uneven playing field for local governments, creating winners and losers based on geography, hampering employment opportunities, and limiting future economic growth.

AB 98 establishes a tiered framework that applies different setback requirements and warehouse conditions depending on existing industrial or re-zoned sites across the state. This would make logistic use and warehouse developments in certain cities or counties more attractive compared to other cities or counties. This uneven playing field will benefit certain local governments to the detriment of others, in some cases solely based on geographic differences, hindering the ability of cities and counties to provide future job opportunities for their communities.

Additionally, several definitions in the bill would make the implementation of the measure extremely complex and remain problematic. The definition of 'logistic use' would include that the development may incidentally serve retail customers for onsite purchases and the bill states that a logistic use development may not sell directly to consumers. This is contradictory and misleading. Similarly, the definition of 'sensitive receptor' would include schools. Local governments are not responsible for the siting of schools and therefore would have no control should a school re-locate directly adjacent to a logistic use development or warehouse.

The bill would limit new or expanded logistics use development or warehouses on many industrial sites in the City of Lodi. For example, the industrially zoned area south of Turner Road, running north-south along N. Sacramento Street, Stockton Street, and the railroad tracks, would be prevented from expanding existing, or building new, warehouses due to the proposed provisions of the bill. Likewise, over 150 acres of industrially zoned area bound by Lodi Avenue, the railroad tracks, Harney Lane, and S. Stockton Street would be prevented from expanding existing, or building new, warehouses due to the proposed provisions of the bill.

3) AB 98 proposes a cart-before-the-horse approach that lacks science-based evidence for the standards imposed.

AB 98 would require the South Coast Air Quality Management District (SCAQMD) to deploy mobile air monitoring systems within the counties of Riverside and San Bernardino beginning January 1, 2026 to January 1, 2032 and after conducting an air modeling analysis to evaluate the impact of air pollution on sensitive receptors from logistic use development operations, submit findings to the legislature by January 1, 2033. It is pre-emptive to require such stringent statewide standards, including setback distances, when sound scientific data hasn't been collected and isn't available to justify these prescriptive requirements. Further, it is unclear why the statewide setback standards would be based on air quality monitoring and analysis from only one region of the state. Therefore, the absences of air quality monitoring and modeling across the state to ensure such setback standards are in fact based on the appropriate regional data another foundation element of AB 98 that is extremely problematic.

The stringent standards in the bill are new and compounding on existing laws and regulations that local governments are already complying with. Without sound science

backing the need for additional requirements, AB 98 would simply provide greater constraints that will hurt local communities. As noted, cities are already addressing environmental impacts by complying with existing regulatory frameworks such as 1) implementing the California Environmental Quality Act (CEQA), 2) developing regional transportation and land use plans through regional council of governments, 3) implementing the Advanced Clean Fleet (ACF) regulations promulgated by the California Air Resources Board, and 4) meeting existing rules related to air quality standards, such as by the SCAQMD, which established regulations to limit emissions from certain types of businesses, including logistics and warehouse facilities. Ultimately, this bill would set a precedent of usurping local control without a sound scientific basis.

4) The required circulation element update is extensive and triggers existing statutorily required updates to the circulation element to now meet the deadlines included in AB 98.

AB 98 would require all local governments to update their circulation element with truck routing information by either January 1, 2028 or, if located in San Bernardino and Riverside counties, by January 1, 2026. This would require a local government to make these updates within several years and for the Inland Empire region, within one year of the statute coming into effect. The circulation element update would be required, even if a local government is not approving warehouse or logistic use development and would result in costly fines, if the element update is not completed within the deadline. The bill thrusts these extensive provisions onto local governments with no regard to the actual development of logistic uses and warehouses in their communities, which is a fundamental flaw in the bill.

Another consequence of AB 98 is that it would trigger provisions of existing statute that require cities and counties to update their circulation element with protective safety measures for bicyclists and pedestrians to meet the January 1, 2026 and January 1, 2028 deadlines, as prescribed in the bill. This would require local governments to complete both updates in the circulation element in this time frame, otherwise the enforcement provisions and costly fines would apply.

The circulation element update would require that truck traffic avoid residential areas and sensitive receptors. The bill would limit trucks traveling from highways to industrial zoned areas to only use major and minor collector streets and roads that predominantly serve commercially oriented uses. Communities are uniquely situated and not all regions and roadway networks look the same and certainly many cannot meet these restrictive requirements. Further understanding of the potential implications in small to mid-size communities, and suburban, rural and urban communities must be a first step taken to further analyzed unintended consequences before imposing such one-size-fit-all restrictions.

5) The requirements of AB 98 will impose costly, unfunded mandates on local governments.

AB 98 would require local governments to comply with the extensive standards included in the bill and does not offer any form of cost reimbursement based on these mandates. Local governments work hard to comply with existing statute and regulations, such as CEQA, ACF, and many other state-mandated requirements. By adding new and complicated requirements, without including a mechanism for local governments to

receive reimbursement for such mandated costs is unreasonable. Increased costs would make it more challenging for local governments to meet the demands in the bill rather than encourage local governments to achieve the proposed requirements.

Cities and counties estimate the circulation element update alone would be an additional cost on local governments, outside of their existing general plan updates, of approximately \$54 million to \$749 million for all 58 counties and 483 cities to comply, roughly anywhere between \$100,000 to the low millions for each city or county to comply. Some cities will have greater costs due to the complexities of incorporating traffic patterns and fewer choices to de-conflict freight movement with residential traffic on a city's road network. AB 98 disregards the enormous local costs that would likely be quadrupled from additional legislation this year that will require a safety element update, a conservation element update, and bicycle safety update, along with the circulation element in AB 98.

6) The enforcement provisions are overly harsh, aiming to punish all local governments.

AB 98 would authorize the Attorney General to impose a fine of \$50,000 every six months on local jurisdictions that do not complete their circulation element updates. Other legislation that has included similar fines, have been contingent upon a court order or litigation prior to such fines being imposed. With a 'no-questions-asked' approach to enforcement, local governments are being targeted with this punitive provision. Furthermore, this provision singles out local governments based on the completion of their circulation element update, rather than focusing on the implementation of all of the standards included in the bill. It should be noted that there are no other enforcement provisions in the bill for any of the other standards that are proposed.

Local decision-making is essential to ensuring zoning regulations are tailored to the unique needs and concerns of our citizens. While the City of Lodi is actively siting and zoning to prepare for community growth and development, the restrictions proposed by the bill would pre-empt those local controls, force the City to pay for a costly update to the Circulation Element before its typically needed, and expose the City to punitive enforcement provisions.

For these reasons, the City of Lodi **requests your veto** on AB 98 (Carrillo, J., Reyes). Please do not hesitate to contact John Della Monica at (209) 333-6700 regarding our opposition.

Sincerely,



Lisa Craig, Mayor
City of Lodi California

cc: The Honorable Juan Carrillo (assemblymember.juancarrillo@assembly.ca.gov)
The Honorable Eloise Gomez Reyes (assemblymember.reyes@assembly.ca.gov)
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)

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September 16, 2024

The Honorable Buffy Wicks
Chair, Assembly Committee on Appropriations
1020 N St, Room 157
Sacramento, CA 95814

RE: AB 1893 (Wicks) Housing Accountability Act: housing disapprovals.
Notice of Opposition *(As of April 18, 2024)*

Dear Chair Wicks,

The City of Lodi regrettably must take an **oppose unless amended** position on your measure AB 1893, which would place guardrails on "builder's remedy" projects; reduce affordable housing minimums; and prohibit local jurisdictions from denying certain housing developments even if they are meeting or exceeding state allocated housing goals.

We appreciate your desire to limit the application of "builder's remedy" projects by restricting where these projects can occur, limiting density, and allowing the use of objective development standards in some circumstances.

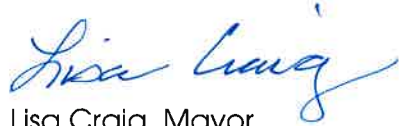
However, we strongly believe less focus should be on what happens if we do not adopt a housing element that substantially complies with the law, and more time and attention should be focused on how the state can partner with us and ensure that all jurisdictions come into compliance. Cities have worked diligently with the Department of Housing and Community Development (HCD) to draft housing plans that accommodate their fair share of housing at all income levels. These complex plans can take years to develop and involve extensive feedback from HCD. This feedback often lacks clear direction regarding actions needed for a city to come into compliance.

As a jurisdiction that adopted its Housing Element on time, the City of Lodi opposes this bill because we've heard from neighboring jurisdictions that weren't lucky enough to hire top notch consultants to assist in the arduous process of amending their Housing Elements. While acting in good faith, these short-staffed jurisdictions have been at the mercy of high-priced consultants, who themselves are often understaffed, to address dozens of new housing laws adopted by the State in recent years. We are all doing our best to keep up as the laws seem to change annually.

The City of Lodi believes that AB 1893 could be improved with amendments. What is really needed is for the state to specify how cities can get a compliant housing element

to avoid things like the builder's remedy before further restricting local control. For these reasons, the City of Lodi must **oppose unless amend AB 1893**. If you have any questions, do not hesitate to contact John Della Monica at (209) 333-6700.

Sincerely,



Lisa Craig, Mayor
City of Lodi California

Cc: The Honorable Buffy Wicks
Members, Assembly Committee on Appropriations
Jennifer Swenson, Principal Consultant, Assembly Committee on Appropriations
Joe Shinstock, Fiscal Director, Assembly Republican Caucus
Susan Eggman, Senator 5th District
Heath Flora, Assemblymember
Stephen Qualls (squalls@cacities.org)
League of California Cities, cityletters@calcities.org

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September 16, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 2081 (Davies) Substance abuse: recovery and treatment programs.
Request for SIGNATURE

Dear Governor Newsom,

The City of Lodi requests your **signature** on AB 2081 (Davies), which would require a higher standard of transparency and greater protections for individuals seeking alcoholism or substance use treatment.

Specifically, AB 2081 would require the operator of a licensed recovery home to disclose to those seeking care that they can check the Department of Health Care Services website to confirm a facility's compliance with state licensing laws. This will empower patients to make informed decisions about their care by easily knowing if the entity's license or certification has been placed on probationary status, been subject to a temporary suspension order, been revoked, or if the operator has been given a notice of operation in violation of the law.

Some have argued that these changes are duplicative since licensed providers must share their license numbers on their websites and in marketing materials. However, a number on a piece of paper does nothing to inform individuals of the compliance status of these facilities and does not connect them to [other licensing and certification resources](#) that are currently available.

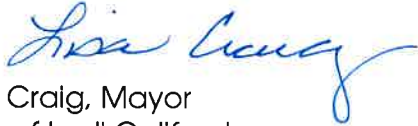
The ability for individuals seeking treatment for alcoholism or substance use to easily access organizational compliance data to make informed decisions on their care is a benefit to all City of Lodi residents in need of treatment services. The ability for service providers to be able to access this information to provide quality referrals is also critical to the success of individuals connected to services through the City's Access Center and Emergency Shelter and Transitional Housing facility.

Residential recovery housing provides a wide range of benefits to some of California's most vulnerable residents, and it is critical that their needs are prioritized over profits. Compliance with state licensing laws administered through the Department of Health Care Services is essential to safeguarding residents' well-being and maintaining quality

care. AB 2081 would ensure that those seeking treatment easily know what violations, if any, have occurred within a treatment facility and would hold providers accountable by making these violations more easily accessible.

AB 2081 is commonsense, transparency legislation that protects residents and holds providers accountable for maintaining high quality treatment. For these reasons, the City of Lodi **requests your signature** on AB 2081 (Davies).

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with the first name "Lisa" and last name "Craig" clearly distinguishable.

Lisa Craig, Mayor
City of Lodi California

cc: The Honorable Laurie Davies (assemblymember.davies@assembly.ca.gov)
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)

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The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 2330 (Holden) Endangered species: Wildfire preparedness activities
REQUEST FOR SIGNATURE

Dear Governor Newsom,

The City of Lodi **respectfully request your signature on AB 2330 (Holden)**. The bill would develop a voluntary, streamlined process for local agencies to submit wildfire preparedness programs to the California Department of Fish and Wildlife (CDFW) and seek approval to avoid, minimize, and mitigate the take of an endangered, threatened, or candidate species, incidental to conducting vegetative management activities in fire hazard severity zones located adjacent to communities.

The size and severity of wildfires in California is increasing due to climate extremes. In California's recorded history, the top eight largest wildfires and the top two most destructive wildfires occurred in the last seven years, and the deadliest wildfire occurred in the last six years. Communities statewide have experienced the catastrophic and devastating impacts of wildfires, and the threat of wildfire on life and property remains for many communities across the state.

Just as the state and federal agencies are responsible for managing lands and preparing and responding to wildfires, local agencies are also responsible for conducting wildfire preparedness activities on Local Responsibility Areas (LRAs) in designated fire hazard severity zones throughout the state. The state has completed a programmatic environmental impact report under the California Environmental Quality Act (CEQA) for 20 million acres of State Responsibility Areas (SRAs) with mitigation measures and a streamlined consultation process with environmental permitting agencies, called the California Vegetative Treatment Program (CalVTP). Local agencies, however, do not have a streamlined process for LRAs and have experienced long delays spanning multiple fire seasons when trying to accelerate these types of wildfire preparedness efforts on LRAs.

AB 2330 would provide local agencies a voluntary, streamlined process that prioritizes wildfire preparedness activities and public safety while upholding environmental laws and permitting authorities. The bill would require local agencies to provide CDFW under the California Endangered Species Act (CESA) with specific information, including the location and type of activities that are planned, that the local agency has complied with

CEQA, and any planned environmental mitigation or conservation measures the local agency plans to take as part of their wildfire preparedness activities. CDFW would have 90 days to notify the local agency if an incidental take permit is needed or if they are other exemptions or streamlined pathways are available to the local agency. The bill would require, in its notification to the applicant, a description of the threatened or endangered species and methods to be taken to avoid or minimize the take of that species. If an incidental take permit is needed, CDFW would be required to approve or deny the permit application with 45 days upon receipt of a completed application. By going through this streamlined process, local agencies will be able to consult with CDFW regarding their proposed activities to ensure any potential harm to species can be avoided and environmental mitigation measures are in place for vegetative management activities to occur. CDFW would still be able to charge their regular permitting fees for the incidental take permits that are identified through this process, which would cover the staff time to review and issue these permits.

The bill would ensure continued environmental oversight and communication between local agencies and the state for any approved wildfire preparedness programs. The bill would require CDFW to consult with the State Board of Forestry and Fire Protection to provide further technical assistance to local agencies. This would allow CDFW to respond should any concerns arise to not only minimize or mitigation environmental impacts but avoid a species take through this proactive pathway.

If local wildfire preparedness activities are not accelerated in LRA areas, the threat of wildfire could continue to pose extreme risk of future catastrophic wildfire events to both communities and the environment. AB 2330 provides a feasible process that maintains CDFW's environmental authorities and oversight while prioritizing wildfire preparedness and public safety. Lastly, in this year's budget, the Legislature and Governor approved continued, ongoing funding, specifically \$10 million, to support CDFW from their Timber Regulation and Forest Restoration Fund for fire resiliency efforts. We believe the review and issuance of permits under AB 2330's framework would align with this budget allocation. In addition, CDFW would still be able to charge their regular permitting fees for the incidental take permits that are identified through this process, which would cover the staff time to review and issue these permits.

This Bill is essential for assisting with the wildfire risk posed to the community of Lodi on the norther boundary of the City. Lodi is blessed to have a natural forest and river system that border hundreds of homes. The fuel load created in this natural space could create conditions for a disastrous fire. The Lodi Fire Department has limited resources and a fast-moving wildfire would immediately overwhelm the fire response capabilities of the department which would in turn devastate communities and potentially the loss of lives. Preplanned wildland mitigation efforts are essential for ensuring the publics safety. This bill will accelerate the wildland mitigation efforts.

For these reasons, the City of Lodi **urges your signature on AB 2330**. Please do not hesitate to contact Lodi Fire Chief Ken Johnson at (209) 333-6851 regarding our support.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with the first name "Lisa" and last name "Craig" clearly distinguishable.

Lisa Craig, Mayor
City of Lodi California

cc: The Honorable Chris R. Holden
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)

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September 16, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 2561 (McKinnor) Local public employees: vacant positions.
Request for VETO (As Amended 08/23/2024)

Dear Governor Newsom,

The City of Lodi respectfully requests a **veto** on 2561 (McKinnor), which would require all local agencies to hold a public hearing on the status of vacancies before their governing board at least once per fiscal year. This will inherently create an expensive reimbursable state mandate, adding needless pressure on the state budget at a time of significant budget challenges. Based on conservative estimate of costs, AB 2561 will result in annual reimbursable costs of up to \$13.5 million, or more - not including the additional reporting costs imposed upon agencies with bargaining units that experience vacancy rates exceeding 20%.

The City of Lodi agrees with the author - the status quo is not sustainable. However, the measure does not address the root causes of low labor force participation rates in California across all sectors. Instead, the measure would create additional layers of bureaucracy that distract from meaningful efforts to recruit and retain the public sector workforce.

Labor Force Participation Rates and Barriers to Work

Vacancies are unavoidable for both the public and private sectors. A nonexistent vacancy rate for any duration of time is an unreasonable expectation in our modern labor market, particularly for public agencies that lack the financial resources to encourage recruitment and remote work flexibility enjoyed by many employers in the private sector. Public agencies have been frustrated by persistent high vacancy rates in certain fields despite genuine efforts to bolster the public sector workforce. It is an unfortunate reality that many of the contributing factors that affect public sector hiring are forces of the market that are outside of our immediate control. California's growing workforce needs are constrained by the labor supply.

Local Public Agencies Are Addressing Labor Shortages Directly Every Day

Local government decision makers and public agency department leaders recognize

the impact that long-term vacancy rates have, both on current employees and those who receive services from those departments. The City of Lodi is also competing with both the private sector and other government agencies to attract new talent.

The City of Lodi has taken significant efforts to improve recruitment and retention. Recent and innovative recruitment efforts include:

- Staffed recruitment booths at local farmer's markets and festivals.
- Increased paid marketing of vacant positions in industry publications and organizations.
- Additional signage at City facilities with QR links to our job openings page.
- Attending local High School college and career fairs promoting municipal employment.
- Offering internships to students interested in government service and a Police Cadet program for local high school students.
- Staffing local police academy's with HR and Police staff to recruit employees and paying selected candidates to attend the academy.
- Offering signing bonuses for lateral new hires in hard to fill positions.

In addition to substantial salary and benefit increases over the past six years for all employees, recent and innovative retention efforts include:

- Enhancements to our mental and physical wellness programs including offering specific mental health services for public safety employees.
- Offering alternative 9/80 work schedules or 4/10 schedules.
- Allowing remote work for specific positions.
- Conducting a Citywide salary and compensation survey to inform compensation decisions and strategically position Lodi in the market to be as competitive as resources allow.
- Restoring longevity pay incentives for public safety and dispatch positions.
- Offering referral bonuses for existing employees recruiting others into hard to fill positions within the City.

Despite these efforts, vacancies persist. If the true intent of AB 2561 is to provide a path for public agencies to reduce staff vacancies, diverting staff away from core service delivery and mandating they spend time preparing for public hearings on their vacancy rates will not achieve that goal. Adding another mandate on public agencies will not solve the problem this bill has identified. It is just as likely to create even more burn-out from employees that will be tasked with producing the very report this bill mandates.

Cities Are Committed to Partnership to Identify Better Solutions

Local agencies are committed to continuing the work happening now between all levels of government and the workforce to expand pipeline programs, build pathways into public sector jobs, modernize the hiring process, and offer competitive compensation. The City of Lodi cannot close its workforce shortages overnight. It will take investment from educational institutions, all levels of government, and the private sector to meet the workforce demands across the country. We must use our limited human resources staff to hire and train employees rather than diverting resources to prepare for unnecessary public hearings that will tell us what we already know.

For these reasons, the City of Lodi **requests a veto** on AB 2561.

Sincerely,



Lisa Craig, Mayor
City of Lodi California

cc: The Honorable Tina McKinnor (assemblymember.McKinnor@assembly.ca.gov)
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)

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September 16, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 2574 (Valencia) Alcoholism or drug abuse recovery or treatment facilities.
Request of SIGNATURE.

Dear Governor Newsom,

The City of Lodi requests your **signature** on AB 2574 (Valencia), which seeks to better regulate recovery residences.

Specifically, AB 2574 would expand reporting requirements for licensed recovery home operators to enhance the Department of Health Care Services' oversight of sober living homes that are operating as an integral part of a licensed drug treatment facility located elsewhere in the community.

Residential recovery housing provides a wide range of benefits to some of California's most vulnerable residents, and it is critical that their needs are prioritized over profits. Compliance with state licensing laws administered through the Department of Health Care Services is essential to safeguarding residents' well-being and maintaining quality care.

There have been cases where a licensed facility provides services to the residents of a sober living home but does not include the sober living home in the facility's licensure. AB 2574 would provide much-needed transparency to ensure that if a recovery residence is operated as a business with a licensed treatment facility, it is regulated like a business, not a residential home.

The City of Lodi municipal code outlines residential recovery housing under Development Code Section 17 as a residential care facility. Facilities with six or fewer residents are allowed to reside within a single-family residence located in a residential zoning district. Requiring recovery residence's to be regulated as a business provides the increased State monitoring requirements and the accountability of sober living facilities citywide.

This measure would protect residents and hold providers accountable for maintaining high-quality treatment and care. For these reasons, the City of Lodi **requests your signature** on AB 2574 (Valencia).

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with the first name "Lisa" and last name "Craig" clearly distinguishable.

Lisa Craig, Mayor
City of Lodi California

cc: The Honorable Avelino Valencia (assemblymember.valencia@assembly.ca.gov)
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)

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September 16, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: **AB 3093 (Ward) Land use: housing element: streamlined multifamily housing.**
Request for VETO

Dear Governor Newsom,

The City of Lodi respectfully requests a **veto** on AB 3093 (Ward), which would require local governments to account for the housing needs of people experiencing homelessness in their housing elements without funding to develop the plans, implement strategies, or support the construction of affordable housing.

The City of Lodi appreciates recent amendments that clarify the obligations of this measure. However, AB 3093 still adds new duplicative and costly requirements at a time when the state budget includes more than \$1 billion in cuts to affordable housing programs.

Specifically, AB 3093 adds two new income categories to the Regional Housing Needs Assessment (RHNA) framework: acutely low-income (ALI) and extremely low-income (ELI). While these new categories are intended to help assess the needs of homeless residents, they fall within the existing very low-income category, which already accounts for the needs of individuals in our cities earning between 0% and 50% of the area median income.

The City of Lodi is concerned that this will only lead to duplicating planning efforts since existing housing element law already requires cities to analyze the special housing needs of homeless residents and assist in developing adequate housing to meet the needs of extremely low-income households. Housing element law also requires cities to identify sites and encourage the development of various housing, including supportive housing and transitional housing. Through these processes, cities are doing more than ever to plan for the needs of unhoused residents in their communities.

The decision to not invest in further rounds of funding programs, such as HHAP, pose a devastating threat to homelessness programs in the City of Lodi and put at risk the health and safety of unhoused residents. These duplicative unfunded regulations do not address

this decades-in-the-making crisis, while placing further administrative burdens on staff who are already spread thin.

The City of Lodi shares the goal of preventing and reducing homelessness and increasing the supply of affordable housing in our communities. However, real progress will require ongoing funding that allows for the development of long-term, ambitious plans that support unhoused residents and prevent more individuals from losing their homes. In the absence of ongoing funding to address homelessness, the complicated requirements included in AB 3093 fail to expand or develop local governments' capacity to address immediate homelessness challenges across California.

Cities across California are planning and approving millions of new homes at all income levels despite new bills introduced every year that have changed the rules mid-stream, significantly altering cities' housing element certification process. These complex, multiyear housing plans are laborious, time-consuming, and costly. With many cities still navigating the state's certification process for the sixth cycle, now is not the time to create new vague requirements that will only further these delays in certification.

For these reasons, the City of Lodi requests your **veto** on **AB 3093** and looks forward to working together to bolster local government efforts to support our most vulnerable residents.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with the first name "Lisa" and last name "Craig" clearly distinguishable.

Lisa Craig, Mayor
City of Lodi California

cc: The Honorable Chris Ward (assemblymember.ward@assembly.ca.gov)
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)

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The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: **SB 450 (Atkins) Housing development: approvals**
Request for VETO

Dear Senator Atkins,

The City of Lodi respectfully requests a **veto** on SB 450 (Atkins), which was recently removed from the inactive file in the final days of session. SB 450 would limit the ability of local governments to apply objective standards on a proposed SB 9 (2021) project and require cities to approve or deny a proposed project within 60 days from when a local agency receives a completed application, or the project is deemed approved. Finally, the measure allows a developer to demolish and replace an existing home with two new homes even if a tenant occupies the home.

From the beginning, SB 9 permitted the application of objective standards if those standards did not physically preclude the construction of the units. SB 450 reverses this provision by limiting objective standards to those that apply on sites that do not include two units, preventing a local agency from applying appropriate health and safety standards while not precluding the use.

The California Legislature continues to pass, and the Governor sign dozens of complex housing laws requiring ministerial approval of various projects without funding local governments to hire the necessary staff to implement these laws. SB 450 would compound this problem by requiring cities to approve or deny projects within 60 days, thus forcing cities to set aside other housing development applications to prioritize SB 9 projects. Failure to act within 60 days would result in automatic project approval.

With only one full time and one part time Planner in the City of Lodi (population 67,000+), staff is already overly burdened with keeping up with development code amendments and administration of copious housing laws adopted in recent years. SB 450 would place further burdens on those 1 ½ staff, while the state provides no funding support to hire additional staff or consultants in order to implement such provisions.

Additionally, SB 450 would prohibit local governments from accounting for specific, adverse impacts on the physical environment of a proposed lot split which may lead to unintended consequences for local communities. Cities like Lodi plan and zone for the intensity of land uses in their general plans to ensure safe and smart residential development. By removing the ability of local governments to account for this, these streamlined housing projects may have negative impacts on the environment, agriculture, noise levels, and wildlife. Protecting these resources is necessary to promote smart and safe housing development in California.

For these reasons, the City of Lodi requests your **veto** on **SB 450**. If you have any questions, please do not hesitate to contact John Della Monica at (209) 333-6700.

Sincerely,



Lisa Craig, Mayor
City of Lodi California

Cc: The Honorable Toni Atkins (senator.atkins@senate.ca.gov)
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)

CITY COUNCIL

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Mikey Hothi
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Scott R. Carney
City Manager

Katie O. Lucchesi
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Olivia Nashed
City Clerk

September 16, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: SB 1037 (Wiener) Planning and zoning: housing element: enforcement
Request for VETO

Dear Governor Newsom,

The City of Lodi regrettably requests a **veto** on SB 1037 (Wiener), which would allow the Attorney General to take legal action against a city and seek fines up to \$50K a month for failure to adopt a compliant housing element or if the city does not follow state laws that require ministerial approval of certain housing projects.

Under existing law cities can be subject to significant fines and penalties for violating certain housing laws. However, before fines are imposed, a city has the ability to correct the action. Additionally, enhanced fines are not imposed unless the city fails to follow a court's order or acts in bad faith.

Unfortunately, as currently drafted, SB 1037 does not provide an opportunity for cities to correct an honest mistake or address a genuine difference in interpreting the law. Even those jurisdictions acting in good faith could be subject to significant fines and be required to pay the Attorney General for all costs investigating and prosecuting the action, including expert witness fees and attorney's fees.

As a jurisdiction that adopted its Housing Element on time, the City of Lodi opposes this bill because we've heard from neighboring jurisdictions that weren't lucky enough to hire top notch consultants to assist in the arduous process of amending their Housing Elements. While acting in good faith, these short-staffed jurisdictions have been at the mercy of high-priced consultants, who themselves are often understaffed, to address dozens of new housing laws adopted by the State in recent years. We are all doing our best to keep up as the laws seem to change annually.

The City of Lodi believes that instead of creating new fines and penalties, lawmakers and the Department of Housing and Community Development should provide cities with clear guidance and technical assistance to help them finalize their housing elements and put those plans to work so much-needed housing construction can occur.

For these reasons, the City of Lodi requests your **veto** on **SB 1037**. If you have any questions, do not hesitate to contact John Della Monica at (209) 333-6700.

Sincerely,



Lisa Craig, Mayor
City of Lodi California

Cc: The Honorable Scott Wiener (senator.wiener@senate.ca.gov)
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)

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September 16, 2024

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Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: SB 1123 (Caballero) Planning and zoning: subdivisions: ministerial review.
Request for VETO

Dear Governor Newsom,

The City of Lodi writes to strongly request that you **VETO** SB 1123 (Caballero). This measure would require cities to allow the construction of up to 10 new units on a parcel that was zoned and planned for only one unit. Not only is SB 1123 inconsistent with local zoning standards, but it will likely also be contrary to a city's state-mandated housing element.

Housing affordability and homelessness are among the most critical issues facing California cities, including the City of Lodi. Affordably priced homes are out of reach for many residents, and housing is not being built fast enough to meet the current or projected needs of our community. Cities, including ours, lay the essential groundwork for housing production by planning and zoning new projects based on extensive public input and engagement, as well as state housing laws. Importantly, we have already updated our housing plans to identify sites for more housing units, in line with state mandates, and are looking to encourage 'missing middle' housing types and ADU construction with the availability of free pre-approved ADU plans.

SB 1123 disregards this state-mandated local planning effort and forces cities to allow up to 10 times more density on parcels that were specifically zoned for single-family homes. This raises serious concerns about the purpose of the regional housing needs allocation (RHNA) process. If developers are permitted to disregard existing zoning requirements, it calls into question the need for cities to engage in the multiyear planning process to identify suitable sites for new housing units, only to have those plans ignored.

The City of Lodi has consistently sought solutions to the housing supply and affordability crisis that is affecting our region. These efforts include streamlining local approval processes, advocating for new state and local financial partnerships to fund affordable housing and infrastructure projects, and consolidating important housing program grant applications. While some of these efforts have fallen short, they highlight the need for additional action from the Legislature and Governor.

For these reasons, the City of Lodi requests your **veto** on **SB 1123** and looks forward to working together to bolster local government efforts to address California's robust housing crisis.

Please do not hesitate to contact John Della Monica to discuss in greater detail at (209) 333-6700.

Sincerely,



Lisa Craig, Mayor
City of Lodi California

Cc: The Honorable Anna Caballero (senator.caballero@senate.ca.gov)
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)

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September 16, 2024

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1021 O Street, Suite 9000
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RE: SB 1211 (Skinner) Land use: accessory dwelling units: ministerial approval
Request for VETO

Dear Governor Newsom,

The City of Lodi respectfully requests a **veto** on SB 1211 (Skinner), which would require local jurisdictions to ministerially approve up to 8 detached accessory dwelling units (ADUs) on an existing multifamily dwelling lot. Additionally, this measure mandates the ministerial approval of up to 2 detached ADUs on a lot with a proposed multifamily dwelling.

Housing affordability and homelessness are among the most critical issues facing California cities, including the City of Lodi. Affordably priced homes are out of reach for many residents, and housing is not being built fast enough to meet the current or projected needs of our community. Cities like ours lay the groundwork for housing production by planning and zoning new projects based on extensive public input and engagement, state housing laws, and the needs of the building industry.

While we appreciate the desire to pursue a housing production proposal, SB 1211, as currently drafted, will not spur much-needed housing construction in a manner that supports local flexibility, decision-making, and community input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement involved in developing and adopting zoning ordinances and housing elements that are certified by the California Department of Housing and Community Development (HCD).

The City of Lodi currently allows at least one ADU and a maximum of up to twenty-five percent of the number of units within an existing multi-family development to be developed with additional ADUs. From our experience, applications for multifamily ADUs tend to be in areas where the infrastructure was not designed to handle the increased strain on the system. Moreover, by limiting open space, these areas are subjected to urban flooding as heavy rain events increase due to climate change. Parking exemptions for ADUs place further strains on these neighborhoods because most folks in the Central

Valley have no choice but to drive due to limited transit options. While we are able to take all of these factors into account when considering new development, this bill would further limit the City's ability to contemplate factors unique to older neighborhoods, thereby reducing quality of life for existing residents.

The City of Lodi opposes the requirement for the by-right approval of standalone ADUs on parcels with existing multifamily buildings. This requirement would create a loophole around local regulations that ensure multifamily projects include open space for the benefit of tenants, community amenities such as laundry facilities, and adequate parking for existing tenants. The current proposal would permit developers to construct ADUs in areas never intended for development through a by-right ministerial process, leading to a reduction in important community benefits such as parks, open space, and parking availability, thereby decreasing the quality of life for our residents.

For these reasons, the City of Lodi requests your **veto** on **SB 1211**. If you have any questions, please do not hesitate to contact John Della Monica at (209) 333-6700.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Craig". The signature is fluid and cursive, with the first name "Lisa" and last name "Craig" clearly distinguishable.

Lisa Craig, Mayor
City of Lodi California

Cc: The Honorable Nancy Skinner (senator.skinner@senate.ca.gov)
Stephen Qualls (squalls@cacities.org)
League of California Cities (cityletters@calcities.org)