



CITY of LAGUNA NIGUEL

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CITY COUNCIL

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May 13, 2019

The Honorable Anthony Portantino
Chair, Senate Committee on Appropriations
State Capitol Building, Room 2206
Sacramento, CA 95814

RE: Opposition to S.B. 50

Dear Senator Portantino,

The City of Laguna Niguel appreciates the opportunity to comment on proposed Senate Bill 50, introduced by Senator Wiener, which would modify the Government Code commencing with Section 65918.50.

Laguna Niguel strongly objects to this legislation which we view as a blatant attempt to undermine local authority and control, and force another unfunded state-mandated program upon California cities. Sacramento's incessant preference for one-size-fits-all social programs rarely work and often fail. This is true whether it be the federal government dictating to state governments or state governments dictating to local governments. SB 50 treats all California cities as the same – to be sure, they are not.

Laguna Niguel is opposed to SB 50 due to the significant affects it will have on our ability to effectively regulate and develop our city as we see fit. The following examples bear out the impacts SB 50 will have on destroying local control and negatively impacting the daily lives and property values of our residents:

Section 65918.53(a)

As modified, this section establishes waivers from local government regulation if a developer meets the criteria listed within the bill. Laguna Niguel is opposed to the following waivers for developers who propose a residential development within a half-mile of a major transit stop, within a quarter-mile of a major transit, and within a "job-rich" area:

- A waiver from maximum controls on density
- A waiver from maximum automobile parking requirements greater than 0.5 automobile parking spots per unit
- A waiver from maximum height requirements less than 45 feet
- A waiver from maximum FAR requirements less than 2.5
- A waiver from maximum height requirements less than 55 feet
- A waiver from maximum FAR requirements less than 3.25
- A waiver from any maximum automobile parking requirement

Laguna Niguel regulates and sets standards that best fit its needs. Implementation of these waiver requirements would rid Laguna Niguel of the ability to properly and justifiably regulate.

Section 65918.54

This section declares that this legislation “addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities.” SB 50 undermines the local regulatory authority bestowed to cities by the California Constitution. Laguna Niguel has consistently been and will continue to oppose any efforts that undermine local control and local zoning authority. In addition, SB 50 confirms there will be no reimbursement for cities as required by Section 6 of Article XIII B of the California Constitution. In other words, SB 50 creates an unfunded state-mandated program which Laguna Niguel is opposed to in both principle and implementation.

Laguna Niguel takes tremendous pride in its quality of life and actively pursues policies which enhance and maintain its quality of life, particularly those impacting growth and economic development. Laguna Niguel has successfully maintained economic prosperity by attracting employers and good-paying jobs. SB 50 would punish cities like Laguna Niguel that have successfully attracted employers and jobs but have not, in the eyes of some, built enough housing. SB 50 would rid Laguna Niguel of the ability to reject housing projects based on height, density, and parking requirements.

Laguna Niguel also takes great pride in our ability to keep residents safe. Bills enacted by all governments often have unforeseen consequences and repercussions. If SB 50 becomes law, it would create the real possibility of Laguna Niguel becoming an undesirably dense city with the attenuating congestion, crime, and other negative ramifications which are wholly antithetical to the reasons our residents and businesses chose Laguna Niguel.

Efforts to increase development of housing must take into consideration local needs and values – SB 50 does neither. As Senator Wiener stated regarding the similarities between SB 50 and the previous session’s SB 827, “The heart of the bill is really the same.” As you consider this legislation, please know that Laguna Niguel is opposed to the heart of any bill that destroys local control and inserts Sacramento’s version of one-size-fits-all social dynamics on every city in California.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennings", is written over a blue oval-shaped background.

John Mark Jennings
Mayor

cc: The Honorable Senator Scott Wiener
The Honorable Senator Pat Bates
The Honorable Assembly Member Bill Brough
The Honorable Senator John Moorlach
Members, Senate Committee on Appropriations
Tony Cardenas, League of California Cities
League of California Cities