

BELVEDERE · CORTE MADERA · FAIRFAX
SAN ANSELMO · SAN RAFAEL

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**MCCMC LEGISLATIVE COMMITTEE MEETING
MONDAY, JANUARY 22, 2018, 8:00 A.M. – 9:00 A.M.
SAN RAFAEL CITY HALL – 3RD FLOOR CONFERENCE ROOM
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901**

AGENDA

A. WELCOME/INTRODUCTIONS

Confirm Committee Roster

B. UPDATES

Review of 2017 Legislative Vote Records on Key City Bills

C. REPORTS

David Jones/Kyra Ross – Emanuels Jones, Sacramento (State Budget)

Carole Mills, District Representative – report from Senator Mike McGuire

Melissa Apuya, District Representative – report from Assembly member Marc Levine

Nancy Hall Bennett - League of California Cities

D. COMMITTEE BUSINESS

1. Action Items

- a. SB 827 (Weiner) transit-rich housing bonus
- b. SB 828 (Wiender) Housing Element
- c. SB 833 (McGuire) Emergency Alerts
- d. SB 831 (Weisocki) ADU's
- e. AB 1759 (McCarty) General plans: housing element: production report: withholding of transportation funds.

E. CHAIRS REPORT

General Committee Update: Chair

MCCMC Legislative Committee Draft Report: Increasing Housing Availability

Second Meeting with Senator McGuire

Review of Legislative Committee Scope of Advocacy

Discussion Regarding Preferred Agenda Material Distribution

F. CALENDAR

Upcoming General MCCMC Meetings:

- Wednesday, January 24, 2018, at 6 P.M. Hosted by Belvedere
- Wednesday, February 28, 2018, at 6 P.M. - Hosted by Corte Madera

Upcoming MCCMC Legislative Committee Meetings:

- Monday, February 26, 2018, at 8 A.M.
- Monday, March 26, 2018, at 8 A.M.

G. ADJOURN

ACTION ITEMS

SB 827, as introduced, Wiener. Planning and zoning: transit-rich housing bonus.

The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would authorize a transit-rich housing project to receive a transit-rich housing bonus. The bill would define a transit-rich housing project as a residential development project the parcels of which are all within a 1/2 mile radius of a major transit stop or a 1/4 mile radius of a high-quality transit corridor, as those terms are further defined. The bill would exempt a project awarded a housing opportunity bonus from various requirements, including maximum controls on residential density or floor area ratio, minimum automobile parking requirements, design standards that restrict the applicant's ability to construct the maximum number of units consistent with any applicable building code, and maximum height limitations, as provided.

The bill would declare that its provisions address a matter of statewide concern and apply equally to all cities and counties in this state, including a charter city. By adding to the duties of local planning officials, this bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

- **Status:** Introduced to the Senate and read 1st time on 1/3/18, to Committee on RLS for assignment. May be acted on after February 3, 2018.

SB 828, as introduced, Wiener. Land use: housing element.

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to include a housing element and requires a planning agency to submit a draft of the housing element to the Department of Housing and Community Development for review, as specified.

This bill would state the intent of the Legislature to enact legislation that would, among other things, require the department to take certain actions relating to unmet housing needs, including completing a comprehensive assessment on unmet need for each region and including the results of the assessment in regional allocations for the next housing element cycle.

- **Status:** Introduced to the Senate and read 1st time on 1/3/18, to Committee on RLS for assignment. May be acted on after February 3, 2018.

SB 833, as introduced, McGuire. Emergency alerts: evacuation orders: operators.

The California Emergency Services Act establishes the Office of Emergency Services (OES) in the office of the Governor and provides that OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. The act also provides for systems for the public dissemination of alerts regarding missing children, attacks upon law enforcement officers, and missing persons who are 65 years of age or older, among others, and requires the Department of the California Highway Patrol to activate these systems and issue alerts upon the request of a law enforcement agency if certain conditions are met.

This bill would provide for a red alert system designed to issue and coordinate alerts following an evacuation order, as specified. The bill would require the red alert system to incorporate a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying evacuation, as appropriate. The bill would require a local government agency or state agency that uses the federal Wireless Emergency Alert (WEA) system to alert a specified area of an evacuation order to use the term "red alert" in the alert and notify OES of the alert.

The bill would further require, on or before January 1, 2019, OES to both include a red alert link on its Internet Web site and establish standards, guidelines, and procedures for the red alert system. On or before July 1, 2019, the bill would require OES to both ensure that each emergency management office within a county or city is a registered WEA operator and has up-to-date WEA software and equipment. The bill also would require OES to ensure that emergency management personnel trained on the WEA system receive yearly training in WEA software and equipment operation.

The bill, upon appropriation by the Legislature, would require an emergency management office within a county or city and county to be provided moneys for the purposes of implementing this provision. The bill also would authorize the state and local government agencies to receive in-kind contributions or donations from the private sector, or grant funds from the federal government for this provision. By increasing the duties of local governments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

- **Status:** Introduced to the Senate and read 1st time on 1/3/18, to Committee on RLS for assignment. May be acted on after February 4, 2018.

SB 831, as introduced, Wieckowski. Land use: accessory dwelling units.

The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth standards the ordinance is required to impose, including, among others, maximum unit size, parking, and height standards. Existing law authorizes a local agency, special district, or water corporation to require a new or separate utility connection between the accessory dwelling unit and the utility and authorizes a fee to be charged, except as specified. Existing law requires a local agency to submit an ordinance adopted for the creation of accessory dwelling units to the Department of Housing and Community Development and authorizes the department to review and comment on the ordinance.

This bill would delete the requirement that the area be zoned to allow single-family or multifamily use. The bill would specify that if a local agency does not act on an application for an accessory dwelling unit within 120 days, then the application shall be deemed approved. The bill would specify that an accessory dwelling unit shall not be considered to exceed the allowable floor-to-area lot ratio upon which the accessory dwelling unit is located and would prohibit a local agency from requiring offstreet parking spaces be replaced when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit. The bill would delete provisions authorizing a local agency, special district, or water corporation to require an applicant to install a separate utility connection for the accessory dwelling unit and would state that an accessory dwelling unit shall not be considered a new residential use for purposes of calculating fees and shall not be subject to impact fees, connection fees, capacity charges, or any other fees levied by those entities. The bill would authorize the department, upon submission of an adopted ordinance for the creation of accessory dwelling units, to submit written findings to the local agency regarding whether the ordinance complies with statutory provisions. The bill would authorize the department to adopt guidelines to implement uniform standards or criteria to supplement or clarify the terms, references, or standards set forth in statute and would exempt the adoption of those guidelines from the Administrative Procedure Act. The bill would also specify the applicable building code standards for accessory dwelling units constructed before January 1, 2018.

Existing law authorizes a local agency to provide by ordinance for the creation of junior accessory dwelling units in single-family residential zones.

This bill would instead require a local agency to do so. By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

- **Status:** Introduced to the Senate and read 1st time on 1/3/18, to Committee on RLS for assignment. May be acted on after February 4, 2018.

AB 1759, as introduced, McCarty. General plans: housing element: production report: withholding of transportation funds.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires a planning agency to include in its annual report specified information, known as a production report, regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy.

This bill would require the department, on or before June 30, 2022, and on or before June 30 every year thereafter and until June 30, 2051, to review each production report submitted by a city or county in accordance with the provisions described above to determine whether that city or county has met the applicable minimum production goal for that reporting period. The bill would provide that, if the department determines that a city or county has met its applicable minimum production goal for that reporting period, the department shall, no later than June 30 of that year, submit a certification of that result to the Controller.

Existing law creates the Road Maintenance and Rehabilitation Program and, after certain allocations for the program are made, requires the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Prior to receiving an apportionment of funds under the program from the Controller in a fiscal year, existing law requires an eligible city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Existing law requires the commission to report to the Controller the cities and counties that have submitted a list of projects and requires the Controller, upon receipt of the report, to apportion funds to eligible cities and counties included in the report, as specified. Existing law requires cities and counties to maintain their existing commitment of local funds for street, road, and highway purposes in order to remain eligible for an allocation or apportionment of these funds.

This bill would, commencing with the 2022–23 fiscal year and through and including the 2051–52 fiscal year, also require cities and counties to be certified in the prior fiscal year by the Department of Housing and Community Development, as described above, in order to remain eligible for an apportionment of these funds. For each city and county that is not in compliance with this requirement, the bill would require the Controller withhold the apportionment of funds that would otherwise be apportioned and distributed to the city or county for the fiscal year and deposit those funds in a separate escrow account for each city or county that is not in compliance. The bill would require the Controller to distribute the funds in the escrow account to the applicable city or county after the city or county is certified to be in compliance and meets other specified requirements. The bill would make other technical and conforming changes.

- **Status:** May be heard in Committee February 4, 2018.

LEGISLATIVE CALENDAR

- January 31, 2018 – Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec.10(c))
- February 16, 2018 - Last day for bills to be introduced (J.R. 61(b)(4), (J.R. 54(a))
- February 19, 2018 - Presidents' Day
- March 22, 2018 – Spring Recess begins upon adjournment of this day's session
- March 30, 2018 – Cesar Chavez Day observed
- April 2, 2018 – Legislature reconvenes from Spring Recess
- April 27, 2018 – Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house (J.R. 61(b)(5))

- May 11, 2018 – Last Day for policy committees to hear and report to the floor nonfiscal bills introduced in their house (J.R. 61(b)(6))
- May 18, 2018 – Last day for policy committees to meet prior to June 4 (J.R. 61(b)(7))
- May 25, 2018 – Last day for fiscal committees to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for fiscal committees to meet prior to June 4 (J.R. 61(b)(9))
- May 28, 2018 - Memorial Day
- May 29, 2018 – June 1 Floor Session only. No committees, other than conference or Rules committee, may meet for any purpose (J.R. 61 (b)(10))
- June 1, 2018 – Last day for each house to pass bills introduced in that house (J.R. 61(b)(11))
- June 4, 2018 – Committee meetings may resume (J.R. 61(b)(12))
- June 15, 2018 – Budget Bill must be passed by midnight (Art. IV, Sec. 12©(3))
- June 28, 2018 – Last day for a legislative measure to qualify for the November 6, 2018 General Election Ballot (Elections Code Sec. 9040)
- June 29, 2018 – Last day for policy committees to hear and report fiscal bills to fiscal committees (J.R. 61(b)(13)).
- July 4, 2018 – Independence Day

LEAGUE OF CALIFORNIA CITIES CALENDAR

- January 17- 19, 2018 - New Mayors and Council Members Academy, Sacramento
- March 1, 2018 - City in Napa County on the topic of Disaster Preparation: What Elected Officials Need to Know.
- April 18, 2018 - Legislative Action Day, Sacramento
- May 16, 2018 - City of Vacaville: Topic TBD
- June 27 & 28, 2018 - Mayors and Council Members Executive Forum, Monterey
- June 29, 2018 - Mayors and Council Members Advanced Leadership Workshop, Monterey
- August 19, 2018 - Bocce in Yountville!
- September 12-14, 2018 - Annual Conference, Long Beach