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## MCCMC LEGISLATIVE COMMITTEE MEETING

MONDAY, April 22, 2024 \_\_ 8:00 AM

TELECONFERENCE:

<https://us06web.zoom.us/j/83385555019?pwd=pYdvhhJxbSF9jFJl958vYf9LlSQvVp>

CALL-IN NUMBER: +1 669 444 9171

MEETING ID: 846 2577 1862

### AGENDA

#### A. WELCOME/INTRODUCTIONS

#### B. REPORTS

Nancy Hall Bennett, League of California Cities

Melissa Apuya, District Director, Assemblymember Damon Connolly's Office

Summer Cassel, District Representative, Senator Mike McGuire's Office

#### C. UPDATES

Kyra Ross, Emanuels Jones & Associates:

- Insurance Update
- Overview of Bills to Watch
- Budget & Legislative Update on bills to take a position

#### D. COMMITTEE BUSINESS

*Action Items (More information can be found below)*

- **AB-1773** (Dixon) Vehicles: electronic bicycles  
*Cal Cities Position: Support*
- **AB-2234** (Boerner) Vehicles: electronic bicycles  
*Cal Cities Position: Support*
- **SB 937** (Wiener) Development projects: permits and other entitlements: fees and charges.  
*Cal Cities Position: Oppose, unless amended*
- **SB-1164** (Newman) Property taxation: new construction exclusion: accessory dwelling units  
*Cal Cities Position: Oppose*



- **AB-2561 (McKinnor): Local public employees; vacant positions**  
*Cal Cities Position: Oppose*

#### **E. CHAIRS REPORT**

1. **AB 1633** (chaptered) - Curtails use of CEQA
2. **AB 1305** (chaptered) -Eliminates the use of noise generated by others as a factor to be considered in EIR reports.
3. **AB 1893** (Pending) This bill would authorize a local agency to disapprove or conditionally approve a housing development project for very low, low-, or moderate-income households if it makes a finding that (A) the local agency has failed to adopt a revised housing element that is in substantial compliance with the Housing Element Law, (B) the housing development project is proposed for a site zoned for residential use or residential mixed-use development, and (C) the housing development project exceeds specified density requirements, has a density that is less than the minimum allowed by state or local law, or does not meet objective standards quantifiable, written development standards, as specified.  
***CALCITIES takes the position that compliance should be determined in court.***
4. Committee representation in Sacramento
5. Schedule the May 2024 Committee Meeting

#### **F. CALENDAR**

Upcoming MCCMC Legislative Committee Meetings:

- May TBD
- June 24, 2024

#### **G. ADJOURN**

**MCCMC LEGISLATIVE COMMITTEE SCOPE OF ADVOCACY:**



**Fiscal Protection:** Protect city revenues from the State.

**Local Control:** Support legislation that enhances local control of resources to provide services while supporting regional cooperation. Oppose unfunded mandates, preemption of local authority, and control of land use.

**Transportation Investment:** Promote a stable transportation finance structure for state and local government. Support multimodal transportation that enhances livable communities.

**Housing and Land Use:** Protect local government land use authority. Oppose punitive housing legislation and legislation that restricts or reduces local discretion on land use decisions.

*Other legislation can be recommended to MCCMC at a regular meeting.*



## ACTION ITEMS (5 Bills)

1. **AB-1773 (Dixon) Vehicles: electronic bicycles.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB1773](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1773)

This bill would clarify that a recreational trail for these purposes includes a boardwalk, as defined, regardless of whether the facility also provides bicycle access. Notwithstanding specified law, the bill would impose a fine, not to exceed \$35, against a person convicted of an infraction for a violation of an ordinance prohibiting or regulating electric bicycles on recreational trails. By expanding the scope of a crime, this bill would impose a state-mandated local program.

2. **2.AB-2234 (Boerner) Vehicles: electronic bicycles.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2234](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2234)

This bill would require the California Highway Patrol, on or before June 30, 2025, to issue a skills waiver containing specific information, in an electronic format, to each person who completes the electric bicycle safety and training programs described above. The bill would state the intent of the Legislature to create a diversion program, comprised of traffic safety training and community service, for a person who is cited for a traffic violation while operating an electric bicycle.

3. **SB 937 (Wiener) Development projects: permits and other entitlements: fees and charges.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB937](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB937)

This bill would defer cities' collection of development fees until the certificate of occupancy is issued on a housing project. The bill would not allow a city to charge interest rates on any of the deferred fees. Additionally, the bill would extend by 18 months a housing entitlement that was issued before January 1, 2024, and that will expire before December 31, 2025. The goal of the bill is "to provide developers with flexibility to navigate challenging market conditions, while protecting a key source of revenue for local governments."

4. **SB 1164 (Newman) Property taxation: new construction exclusion: accessory dwelling units.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB1164](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1164)

This bill attempts to accelerate the construction of ADU's by allowing property owners to claim an exemption from property tax reassessment for ADU construction until 15 years have passed or when the property changes hands, effectively stopping any property tax increase based on the assessed value of the ADU addition.

5. **AB-2561 (McKinnor): Local public employees; vacant positions.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2561](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2561)

This bill would require each public agency with bargaining unit vacancy rates exceeding 10% for more than 90 days within the past 180 days to meet and confer with a representative of the recognized employee organization to produce, publish, and implement a plan consisting of specified components to fill all vacant positions within the subsequent 180 days.

## BILLS TO WATCH

Cal Cities Position: (10) Bill to Watch, plus (6) Bills Added to Watch List as of (4/22/24)



1. **AB 2286 (Aguiar-Curry). Vehicles: autonomous vehicles.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2286](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2286)

This bill would require a manufacturer of an autonomous vehicle to report to the department a collision on a public road that involved one of its autonomous vehicles with a gross vehicle weight of 10,001 pounds or more that is operating under a testing permit that resulted in damage of property, bodily injury, or death within 10 days of the collision.

Cal Cities Position: Support    Status: First House (Policy)

2. **AB-3005 (Wallis) Motor Vehicle Fuel Tax Law: adjustment suspension.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB3005](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB3005)

This bill would authorize the Governor to suspend an adjustment to the motor vehicle fuel tax, as described above, scheduled on or after July 1, 2025, upon making a determination that increasing the rate would impose an undue burden on low-income and middle-class families. The bill would require the Governor to notify the Legislature of an intent to suspend the rate adjustment on or before January 10 of that year, and would require the Department of Finance to submit to the Legislature a proposal by January 10 that would maintain the same level of funding for transportation purposes as would have been generated had the scheduled adjustment not been suspended.

Cal Cities Position: Oppose    Status: First House (Policy)

3. **AB 1820 (Schiavo) Housing development projects: applications: fees and exactions**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB1820](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1820)

This is a bill that would allow developers to request a fee and exaction statement estimate from their local jurisdiction at the time the preliminary application is submitted. The local jurisdiction would have 10 days to comply with the request unless the application is not complete.

Cal Cities Position: Oppose, unless amended    Status: First House (Policy)

4. **SB 915 (Cortese) Local government: autonomous vehicles.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB915](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB915)

This bill allows local governments to consider adequate safeguards that promote community safety, such as reasonable vehicle caps, data transparency rules, and interactions with emergency responders, as well as regulate maximum fare rates, ensure ADA accessibility, and perform annual inspections for health and safety. The measure, co-sponsored by CalCities and backed by labor advocates and local government groups, is modeled after the existing statute that allows local governments to pass ordinances regulating taxicabs.

Cal Cities Position: Sponsor    Status: First House (Policy)



5. **AB 1886 (Alvarez) Housing Element Law: substantial compliance: Housing Accountability Act.**

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB1886](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1886)

This measure is one of a number of bills pushing for the use of “builders’ remedy” to increase affordable housing. The bill would clarify when a housing element is considered to be in substantial compliance with state law by specifying that if a city or county fails to comply with state housing law, as determined by HCD, a builder’s remedy project can be accelerated with limited restrictions.

Cal Cities Position: Oppose    Status: First House (Policy)

6. **AB 1893 – as amended (Wicks) Housing Accountability Act: housing disapprovals: required local findings.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB1893](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1893)

This bill would authorize a local agency that has failed to adopt a housing element that is in substantial compliance with the Housing Element Law to disapprove or conditionally approve a housing development project for very low, low-, or moderate-income households if it makes a finding that the housing development project fails to meet certain objective planning standards, including, requiring that a housing development project that complies with these density thresholds be deemed in compliance with the density standards necessary for the streamlined, ministerial approval processes described above.

Cal Cities Position: Pending    Status: First House (Policy)

7. **AB-2302 (Coauthors: Assembly Members Adis and Senator Laird) Open meetings: local agencies: teleconferences.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2302](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2302)

This bill would revise limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets. The bill, for the purpose of counting meetings attended by teleconference, would define a “meeting” as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

Cal Cities Position: Watch    Status: First House (Floor)

8. **SB-1211 (Skinner) Land use: accessory dwelling units.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB1211](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1211)

For purposes of the detached ADU requirements, this bill would prohibit a local agency from requiring the replacement of parking spaces when a carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of or conversion to an accessory dwelling unit. The bill would also, for purposes of those detached ADU requirements, require a local agency to instead allow 2 detached, new construction accessory dwelling units and allow up to 25% of the existing multifamily dwelling units. The bill would specify that the number of accessory dwelling units allowed under the inside dwelling ADU requirements counts towards the maximum number of accessory dwelling units allowed under the detached ADU requirements. The bill would make conforming changes.

Cal Cities Position: Pending Status: First House (Fiscal)



9. **AB-2085 (Bauer-Kahan) Planning and zoning: ministerial approval: community clinic.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2085](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2085)

This bill would authorize a development proponent to submit to a local agency an application for a licensed community clinic that is located in a zone where office, retail, health care, or parking are a principally permitted use. The bill would make the development subject to a streamlined, ministerial approval process where the development is not subject to a conditional use permit or any other nonlegislative discretionary approval, as described. The bill would provide that a development eligible for approval pursuant to this process is not a “project” for purposes of CEQA, thereby expanding the exemption for ministerial approval of projects under CEQA. By establishing the streamlined, ministerial approval process for these developments, the bill would impose a state-mandated local program.

Cal Cities Position: Take to Policy Committee Status: First House (Policy)

10. **SB 1031 (Wiener) San Francisco Bay Area: local revenue measure: transportation improvements.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB1031](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1031)

This bill would allow voters in the 9-county Bay Area to consider, as early as November 2026, a transportation revenue and reform measure that would preserve and enhance public transportation operations, improve the condition of local streets and roads, and promote mobility and access for pedestrians, bicyclists and scooter and wheelchair users.

Cal Cities Position: TBD Status: First House (Policy)

***Bills Added to Watch List (4/22/24)***

1. **SB 1037 as amended (Wiener) Planning and zoning: general plan. housing element: enforcement.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB1037](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1037)

This bill, in any action brought by the Attorney General, on behalf of HCD or in an independent capacity, to enforce the adoption of housing element revisions, as specified, or to enforce any state law that requires a city, county, or local agency to ministerially approve any land use decision or permitting application for a housing development project, as specified, would subject the city, county, or local agency to specified remedies, including a civil penalty of, at minimum, \$10,000 per month, and not exceeding \$50,000 per month, for each violation, as specified. The bill would require these civil penalties, as specified, to be deposited into the Building Homes and Jobs Trust Fund for the sole purpose of supporting the development of affordable housing located in the affected jurisdiction, except as provided, and would require that expenditure of any penalty moneys deposited into the fund under these provisions be subject to appropriation by the Legislature.

Cal Cities Position: Oppose Status: First House (Policy)



2. **AB 2330 as amended (Holden) Endangered species: authorized take: wildfire preparedness.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2330](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2330)

This bill would authorize a city, county, city and county, special district, or other local agency to submit to the department a locally designed voluntary program to conduct wildfire preparedness activities on land designated as a fire hazard severity zone, as defined, that minimizes impacts to wildlife and habitat for candidate, threatened, and endangered species, and meets specified criteria. The bill would require the department to approve or deny the application and notify the local agency of the approval or denial within 90 days of receipt of the application, and would allow for resubmission of a denied application, as specified. The bill would require the department to provide an approved applicant with the terms and conditions within 30 days of approval to initiate the locally designed voluntary program, in lieu of an incidental take permit, as provided.

Cal Cities Position: Sponsor    Status: First House (Policy)

3. **AB 2489 as amended (Ward) Local agencies: contracts for special services and temporary help.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2489](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2489)

This bill would require the board or a representative, at least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the previous 10 years, performed by employees of the county represented by an employee organization, to notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process. The bill would require persons with whom the board of supervisors enter into a contract for special services to perform functions that are currently, or were in the previous 10 years, performed by employees of the county, any county officer or department, or any district or court in the county represented by an employee organization to use employees who meet or exceed the minimum qualifications and standards required of bargaining unit civil service employees who perform or performed the same job functions, as specified.

Cal Cities Position: Oppose    Status: First House (Policy)

4. **AB 2557 as amended (Ortega) Local agencies: contracts for special services and temporary help: performance reports.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2557](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2557)

This bill would require each contract for special services to include specific performance standards and requirements. The bill would require the board or a representative, at least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the prior 10 years, performed by employees of the county represented by an employee organization, to notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process. The bill would





require each person who enters into such a contract with the board of supervisors to submit quarterly performance reports, as prescribed, every 90 days, to the board of supervisors and the exclusive representative of the employee organization. The bill would require the board or its representative to monitor quarterly performance reports to evaluate the quality of services and withhold payments to the contractor under prescribed circumstances, which circumstances the bill would deem to be a breach of contract.

Cal Cities Position: Oppose    Status: First House (Policy)

5. **SB 1136 Stern. California Global Warming Solutions Act of 2006: report.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB1136](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1136)

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. Existing law requires the state board to present an informational report on the reported emissions of greenhouse gases, criteria pollutants, and toxic air contaminants from all sectors covered by the scoping plan at least once a year at a hearing of the Joint Legislative Committee on Climate Change Policies. This bill would instead require that informational report to cover topics related to the scoping plan, as directed by the Joint Legislative Committee on Climate Change Policies.

Cal Cities Position: Watch    Status: First House (Floor)

6. **AB 2485 (Carrillo) Regional Housing need: determination.**

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2485](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2485)

This bill would require the department to publish on its internet website the data sources, analyses, and methodology, as specified, prior to finalization of the regional determination. The bill would also require the department, for the 7th and subsequent revisions of the housing element, to assemble and convene an advisory panel that includes, among others, an expert on the data assumptions by each council of governments to advise the department on the assumptions and methodology it will use to determine each region housing need. The bill would also require the department to consult with the advisory panel before making determinations on the council of governments' data assumptions and methodology it will use to determine each region's housing need for the 7th and subsequent revisions of the housing element. The bill would also additionally require the department to publish its determination on its internet website.

Cal Cities Position: Support    Status: First House (Policy)