



**MCCMC LEGISLATIVE COMMITTEE MEETING
FRIDAY, JANUARY 25, 2019, 3:00 PM**

NEW LOCATION
MARIN COUNTY CIVIC CENTER – ROOM 410 B
3501 CIVIC CENTER DRIVE, SAN RAFAEL, CA 94903

**REGULAR MEETING
AGENDA**

A. WELCOME/INTRODUCTIONS

Confirm 2019 Committee Roster

B. REPORTS

David Jones/Kyra Ross – Emanuels Jones, Sacramento

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

C. UPDATES

- Discussion of the CASA Compact led by Nancy Hall Bennett

D. COMMITTEE BUSINESS

1. Action Items

None.

2. Watch Items¹

- a. SB 50 (Weiner) Planning and zoning: housing development: equitable communities incentive.
- b. SB 4 (McGuire) Housing.
- c. SB 5 (Beall) Local-State Sustainable Investment Incentive Program.
- d. SB 6 (Beall) Housing production.
- e. AB 36 (Bloom) Affordable housing: rental prices.
- f. AB 68 (Ting) Land use: accessory dwelling units.
- g. AB 69 (Ting) Land use: accessory dwelling units.

E. CHAIRS REPORT

- General Committee Update: Chair

¹ Please note that if the regular meeting runs long, the Committee can vote to reschedule consideration of non-urgent items to a future meeting date.

SPECIAL MEETING WITH SENATOR MCGUIRE
4:00 PM
(SAME LOCATION)

A. WELCOME/INTRODUCTIONS

B. REPORTS

Senator McGuire to provide updates on SB 4, SB5 and SB 6 since the December 14, 2018 discussion (question and answer time will also be provided).

C. CALENDAR

Upcoming General MCCMC Meetings:

- Wednesday, January 23, 2019 – Hosted by the City of Sausalito
- Wednesday, February 27, 2019 – Hosted by the Town of Tiburon
- Wednesday, March 27, 2019 – Hosted by the City of Belvedere

Upcoming MCCMC Legislative Committee Meetings:

- Monday, February 25, 2019, at 8 AM
- Monday, March 25, 2019, at 8 AM
- Monday, April 22, 2019, at 8 AM

D. ADJOURN

WATCH ITEMS

[SB 50, as introduced, Wiener. Planning and zoning: housing development: equitable communities incentive.](#)

Existing law, known as the Density Bonus 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 require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would require that a residential development eligible for an equitable communities incentive receive waivers from maximum controls on density and automobile parking requirements greater than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and specified additional waivers if the residential development is located within a $\frac{1}{2}$ -mile or $\frac{1}{4}$ -mile radius of a major transit stop, as defined. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would also declare the intent of the Legislature to delay implementation of this bill in sensitive communities, as defined, until July 1, 2020, as provided.

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.

- **League Position:** Watch

[SB 4, as introduced, McGuire. Housing.](#)

Under existing law, various agencies administer programs to preserve and expand safe and affordable housing opportunities and promote sound community growth.

This bill would state the intent of the Legislature to enact legislation that would limit restrictive local land use policies and legislation that would encourage increased housing development near transit and job centers, in a manner that ensures that every jurisdiction contributes its fair share to a housing solution, while acknowledging relevant differences among communities.

- **League Position:** Watch

[SB 5, as introduced, Beall. Local-State Sustainable Investment Incentive Program.](#)

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, subject to certain modifications. Existing law requires an annual reallocation of property tax revenue from local agencies in each county to the Educational Revenue Augmentation Fund (ERAF) in that county for allocation to specified educational entities.

Existing law authorizes certain local agencies to form an enhanced infrastructure financing district, affordable housing authority, transit village development district, or community revitalization and investment authority for purposes of, among other things, infrastructure, affordable housing, and economic revitalization.

This bill would establish in state government the Local-State Sustainable Investment Incentive Program, which would be administered by the Sustainable Investment Incentive Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority or transit village development district to apply to the Sustainable Investment Incentive Committee to participate in the program and would authorize the committee to approve or deny applications for projects meeting specific criteria.

The bill would require the Sustainable Investment Incentive Committee to adopt guidelines for applications and approve no more than \$200,000,000 per year from July 1, 2020, to June 30, 2025, and \$250,000,000 per year from July 1, 2025, to June 30, 2029, in reductions in annual ERAF contributions for applicants for projects approved pursuant to this program. This bill would provide that eligible projects include, among other things, construction of workforce and affordable housing, certain transit oriented development, and projects promoting strong neighborhoods.

The bill would require the Sustainable Investment Incentive Committee, upon approval of a project application, to issue an order directing the county auditor to reduce the total amount of ad valorem property tax revenue otherwise required to be contributed to the county's ERAF from the applicant by the annual reduction amount approved. The bill would require a county auditor, if the applicant is an enhanced infrastructure financing district, affordable housing authority, transit village development district, or community revitalization investment authority, to transfer to the district or authority an amount of property tax revenue equal to the reduction amount approved by the Sustainable Investment Incentive Committee. By imposing additional duties on local officials, the bill would impose a state-mandated local program. The bill would authorize applicants to use approved amounts to incur debt or issue bonds or other financing to support an approved project.

The bill also would require each applicant that has received funding to submit annual reports, as specified, and would require the Sustainable Investment Incentive Committee to provide a report to the Joint Legislative Budget Committee that includes certain project information.

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.

- **League Position:** Watch

[SB 6, as introduced, Beall. Housing production.](#)

Under existing law, various agencies administer programs to preserve and expand safe and affordable housing opportunities and promote sound community growth throughout the state.

This bill would state the intent of the Legislature to enact legislation that would help encourage housing production throughout the state, including streamlining approval processes, identifying sufficient and adequate sites for housing construction, and penalizing local planning that restricts housing production.

- **League Position:** Watch

[AB 36, as introduced, Bloom. Affordable housing: rental prices.](#)

Existing law declares that the Legislature has provided specified reforms and incentives to facilitate and expedite the construction of affordable housing, and provides a list of statutes to that effect.

This bill would state the findings and declarations of the Legislature that, among other things, affordable housing has reached a crisis stage that threatens the quality of life of millions of Californians as well as the state economic outlook.

This bill also would express the Legislature's intent to enact legislation in order to stabilize rental prices and increase the availability of affordable rental housing.

- **League Position:** Watch

[AB 68, as introduced, Ting. 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 required ordinance standards, including, among others, maximum unit size, parking, and height standards.

This bill would prohibit an ordinance from imposing requirements on minimum lot size, lot coverage, or floor area ratio, and would prohibit an ordinance from establishing size requirements for accessory dwelling units that do not permit at least an 800 square foot unit of at least 16 feet in height to be constructed.

Existing law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit within 120 days of receiving the application.

This bill would instead require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit permit within 60 days of receipt.

Existing law requires ministerial approval of a permit to create one accessory dwelling unit within a single-family dwelling, subject to specified conditions and requirements.

This bill would require ministerial approval of an application for a permit to create one or more accessory dwelling units or junior accessory dwelling units on a single-family dwelling or multifamily dwelling, subject to specified conditions and requirements.

Existing law authorizes a local agency ordinance for accessory dwelling units to require that a permit applicant be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

This bill would provide that, if a local agency imposes an owner-occupancy restriction, the monitoring for compliance shall not be more frequent than annually and be based on specified published documents. The bill would describe owner-occupant for purposes of that requirement.

Existing law authorizes a local agency to adopt an ordinance providing for the creation of junior accessory dwelling units in single-family residential zones, and requires a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 120 days of submission of the application.

This bill would instead require a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 60 days of submission of the application. The bill would require a local agency that has not adopted an ordinance for the creation of junior accessory dwelling units to apply the same standards established by this bill for local agencies with ordinances.

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.

- **League Position:** Watch

[AB 69, as introduced, Ting. 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 required ordinance standards, including, among others, maximum unit size, parking, and height standards. Existing law requires a local agency to submit the accessory

dwelling unit ordinance to the Department of Housing and Community Development within 60 days after adoption and authorizes the department to review and comment on the ordinance.

This bill would authorize the department to submit written findings to a local agency as to whether the local ordinance complies with state law, and to notify the Attorney General if the ordinance violates state law. The bill would require a local agency to consider the department's findings and would authorize the local agency to amend its ordinance to comply with state law or adopt a resolution with findings explaining why the ordinance complies with state law, and addressing the department's findings.

Existing law requires the Department of Housing and Community Development to propose building standards to the California Building Standards Commission, and to adopt, amend, or repeal rules and regulations governing, among other things, apartment houses and dwellings, as specified.

This bill would require the department to propose small home building standards governing accessory dwelling units and homes smaller than 800 square feet. The bill would require the small home building standards to be submitted to the California Building Standards Commission for adoption on or before January 1, 2021.

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.

- **League Position:** Watch

LEGISLATIVE CALENDAR

- January 25, 2019 – Last day to submit bill requests to the Office of Legislative Counsel
- February 18, 2019 – President’s Day
- February 22, 2019 – Last day for bills to be introduced (J.R. 61(a)(1)), (J.R. 54(a))
- March 29, 2019 – Cesar Chavez Day observed
- April 11, 2019 - Spring recess begins upon adjournment of this day’s session (J.R. 51(a)(2))
- April 22, 2019 – Legislature reconvenes from Spring recess (J.R. 51(a)(2))
- April 26, 2019 – Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house
- May 3, 2019 – Last day for policy committees to hear and report to the Floor nonfiscal bills introduced in their house (J.R. 61(a)(3))
- May 10, 2019 – Last day for policy committees to meet prior to June 3 (J.R. 61(a)(4))
- May 17, 2019 - Last day for fiscal committees to meet and report to the floor bills introduced in their house (J.R. 61(a)(5)). Last day for fiscal committees to meet prior to June 3 (J.R. 61(a)(6)).
- May 27, 2019 - Memorial Day
- May 28-31, 2019 - Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7))
- May 31, 2019 - Last day for each house to pass bills introduced in that house (J.R. 61(a)(8))

LEAGUE OF CALIFORNIA CITIES CALENDAR

- January 30, 2019 – Census 2020 – What Cities Need to Know
- January 30 – February 1, 2019 – New Mayors and Councilmembers Academy
- February 13 – February 15, 2019 – City Managers Conference
- March 6 – March 8, 2019 – Planning Commissioners Academy