



**MCCMC LEGISLATIVE COMMITTEE MEETING
MONDAY, SEPTEMBER 24, 2018, 8:00 A.M.
SAN RAFAEL CITY HALL – 3RD FLOOR CONFERENCE ROOM
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901**

AGENDA

A. WELCOME/INTRODUCTIONS

B. REPORTS

David Jones/Kyra Ross – Emanuels Jones, Sacramento

Henry Symons, District Representative – report from Assembly member Marc Levine

Nancy Hall Bennett, League of California Cities - Including an update on Small Cell Installations (September 26, 2018, the FCC is set to hear a proposal to preempt state and local authority over small cell installations).

C. UPDATES

- Status of housing bills for the next Legislative Session
- Letter to Senator McGuire approved at July Meeting
- Update on Watch Item SB 946 (Lara) Sidewalk Vendors – Chaptered on September 17, 2018 (Chapter 459)
- Local Measures

D. COMMITTEE BUSINESS

1. Action Items

- AB 2923 (Chiu) San Francisco Bay Area Rapid Transit District: Transit-Oriented Development – Request for Veto to the Governor

E. CHAIRS REPORT

- General Committee Update: Chair

F. CALENDAR

Upcoming General MCCMC Meetings:

- Wednesday, September 26, 2018 – Hosted by the Town of Ross
- Wednesday, October 24, 2018 – Hosted by the Town of San Anselmo

Upcoming MCCMC Legislative Committee Meetings:

- Monday, October 22, 2018, at 8 A.M.
- Monday, November 26, 2018, at 8 A.M.

G. ADJOURN

ACTION ITEMS

[AB 2923, as amended, Chiu. San Francisco Bay Area Rapid Transit District: transit-oriented development.](#)

(1) Existing law establishes the San Francisco Bay Area Rapid Transit District (BART) with various powers and duties and establishes a board of directors as the legislative body of the district. Existing law requires the board to determine all questions of district policy and what transit facilities should be acquired or constructed, and authorizes the board to establish zones within the district to undertake the acquisition or construction of any transit facilities.

This bill would require the board to adopt by ordinance new transit-oriented development (TOD) zoning standards for each station that establish minimum local zoning requirements for height, density, parking, and floor area ratio only, that apply to an eligible TOD project, as defined. The bill would require that the adoption of, or amendments to, the TOD zoning standards comply with specified requirements and would require affected local jurisdictions to adopt a local zoning ordinance that conforms to the TOD zoning standards and is operative within 2 years of the date that the TOD zoning standards are adopted by the board for a station, or by July 1, 2022, if the board has not adopted TOD zoning standards for the station. The bill would provide that BART's approval of TOD zoning standards is subject to California Environmental Quality Act (CEQA) review and would designate BART as the lead agency for CEQA review, as specified.

This bill would, where local zoning remains inconsistent with the TOD zoning standards after July 1, 2022, require the TOD zoning standards to become the local zoning for any BART-owned parcels that are at least 75% within 1/2 mile of any existing or planned BART station entrance within the BART district in areas represented on the board, as specified. The bill would require BART to ensure any otherwise applicable local design standards are included as general guidance to the TOD developer, and would require a TOD developer to adhere to any applicable local design standards insofar as those standards do not prohibit the minimum height, minimum density, minimum floor area ratio, and maximum parking allowances required by the TOD zoning standards. The bill would require that, where housing is proposed as part of a TOD project, a minimum of 20% of the residential housing units are affordable housing, as specified, and that the construction of the TOD project comply with specified labor requirements. The bill would provide that when BART enters into an exclusive negotiating agreement with a developer for development of an eligible TOD project, that agreement shall confer a vested right to proceed with development, as specified. The bill would provide that its provisions are repealed on January 1, 2029, except as otherwise specified. The bill would enact other related provisions and exceptions.

By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(2) The bill would include legislative findings and declarations in support of the act being a matter of statewide concern.

(3) 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:** Oppose

LEGISLATIVE CALENDAR

- September 30, 2018 – Last day for Governor to sign or veto bills passed by the Legislature before September 1 and in the Governor's possession on or after September 1 (Art. IV, Sec. 10(b)(2)).
- November 6, 2018 – State General Election.
- November 20, 2018 – Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).
- January 1, 2019 – Statutes take effect (Art. IV, Sec. 8))

LEAGUE OF CALIFORNIA CITIES CALENDAR

- October 8, 2018 - Riverside CitiPAC Golf Tournament, Beaumont
- October 11, 2018 - Central Valley Division CitiPAC, Patterson
- November 7 – 10, 2018 – National League of Cities City Summit, Los Angeles
- December 12 – 14, 2018 – LOCC New Law and Elections Seminar