

BELVEDERE • CORTE MADERA • FAIRFAX
SAN ANSELMO • SAN RAFAEL



LARKSPUR • MILL VALLEY • NOVATO
ROSS • SAUSALITO • TIBURON

MCCMC LEGISLATIVE COMMITTEE MEETING

MONDAY, May 20, 2024 8:00 AM

TELECONFERENCE:

<https://us06web.zoom.us/j/89736217142?pwd=lcUnDfbxsfPsTEjNNo5qdeeFMzSdfj.1>

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:

- Sacramento Update
- Insurance Update

D. COMMITTEE BUSINESS

Action Items (More information can be found below)

- **SB 937** (Wiener) Development projects: permits and other entitlements: fees and charges.
Cal Cities Position: Oppose, unless amended
- **AB 1886** (Alvarez) Housing Element Law: substantial compliance: Housing Accountability Act.
Cal Cities Position: Oppose



- **AB 1893** – *as amended (Wicks) Housing Accountability Act: housing disapprovals: required local findings.*
Cal Cities Position: Oppose, unless amended
- **AB 2485** (Carrillo) *Regional Housing need: determination.*
Cal Cities Position: Support

E. BILLS WITH POSITION

- **SB-1164** (Newman) *Property taxation: new construction exclusion: accessory dwelling units* **Cal Cities and MCCMC Position: Opposed**
Status: Senate Appropriations Committee – Suspense File
- **AB-2561** (McKinnor): *Local public employees; vacant positions*
Cal Cities and MCCMC Position: Opposed
Status: Assembly Appropriations Committee – Suspense File
- **AB-1778** (Connolly): *Vehicles; electric bikes*
Cal Cities and MCCMC Position: Supported
Status: Assembly Appropriations Committee – Suspense File

F. CHAIRS REPORT

SB 37 - would authorize competitive grants to nonprofit community-based organizations, continuums of care, public housing authorities, and area agencies on aging to administer a housing subsidy program for older adults and individuals with disabilities.

G. CALENDAR

Upcoming MCCMC Legislative Committee Meetings:

- June 24, 2024
- July 22, 2024

H. ADJOURN



ACTION ITEMS (Bills)

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

Cal Cities Position: Oppose, unless amended **Status:** Senate Floor

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

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1886

This measure would clarify that a housing element is substantially compliant with Housing Element Law, when both a local agency adopts the housing element and the Department of Housing and Community Development or a court finds it in compliance. This "trigger" is also intended to clarify when the Builder's Remedy may be utilized.

Cal Cities Position: Oppose **Status:** Assembly Floor

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

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: Oppose **Status:** Assembly Floor

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

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:** Assembly Floor

BILLS TO WATCH

Cal Cities Position: (14) Bill to Watch

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

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.

Cal Cities Position: Support **Status:** Assembly Transportation Committee- DEAD

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

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2234

This bill would enact the San Diego Electric Bicycle Safety Pilot Program and until January 1, 2029, authorize a local authority within San Diego County (including unincorporated areas) to adopt an ordinance or resolution that would prohibit a person under 12 years of age from operating a class 1 or 2 electric bicycle.

Cal Cities Position: Support **Status:** Assembly Floor

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

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:** Assembly Floor

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

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1820

This bill would require local agencies to provide an estimate of all taxes and fees within 20 business days of a request from a project applicant during the preliminary application process. The bill was amended this week to specify that preliminary fee and exaction estimate is for

informational purposes only and does not affect the scope, amount, or time of payment of any fee or exaction.



Cal Cities Position: Oppose, unless amended **Status:** Assembly Floor

5. SB 915 (Cortese) Local government: autonomous vehicles.

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:** Passed out of Senate Appropriations Committee to limit bill requirements to the largest 15 cities. Bill headed to Senate Floor

6. 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

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: Support **Status:** Senate Rules Committee

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

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: Watch **Status:** Senate Floor

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

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: Support, if amended **Status:** Assembly Floor

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

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1031

This bill would authorize the Metropolitan Transportation Commission (MTC) to propose new taxes, allocate new revenues, and issue bonds for specified transportation improvements in the nine-county San Francisco Bay Area (Bay Area). The bill would also require the California State Transportation Agency (CalSTA) to oversee a comprehensive assessment that considers transit agency consolidation within the Bay Area region, and submit a report of recommendations to the Legislature, based on the findings of the assessment.

Cal Cities Position: No position Yet **Status:** Passed out of Senate Appropriations Committee with amendments. This Bill headed to the Senate Floor

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

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

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 that the penalties set forth in the bill would only apply when the local land use decisions or actions are arbitrary, capricious, entirely lacking in evidentiary support, contrary to established public policy, unlawful, or procedurally unfair. 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.



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

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:** Passed out of the Assembly Appropriations Committee with amendments. This Bill is headed to the Assembly Floor.

12. 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

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:** Held on the Assembly Suspense File-DEAD

13. 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

This bill requires a contractor to fulfill certain requirements if the contractor enters into a contract with a local government to perform functions that currently are or were performed by public employees represented by an employee organization, such as submitting quarterly performance reports to the local governing body and the exclusive representative of the employee organization.

Cal Cities Position: Oppose **Status:** Passed out of the Assembly Appropriations Committee with amendments. This Bill is headed to the Assembly Floor.



Bills Added to Watch List (5/15/24)

14. SB 1060 as amended (Becker) Property insurance underwriting: risk models.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1060

This bill requires a property insurer using risk models for underwriting purposes to account for wildfire risk reduction associated with hazardous fuel reduction, home hardening, defensible space, and fire prevention activities for properties, communities, and landscapes. The bill, beginning January 15, 2026 and before each January 15th thereafter, also requires the California Department of Insurance (CDI) to ensure property insurers' underwriting models comply with the specified wildfire risk mitigation evaluation criteria.

Cal Cities Position: Support **Status:** Passed out of the Senate Appropriations Committee with amendments. This Bill is headed to the Senate Floor.

BILLS WITH MCCMC POSITION

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

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.

Cal Cities Position: Oppose **Status:** Passed out of the Senate Appropriations Committee with amendments. This Bill is headed to the Senate Floor.

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

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.

Cal Cities Position: Oppose **Status:** Assembly Floor



3. AB-1778 (Connolly): Vehicles; electric bikes.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1778

This bill would, until January 1, 2029, authorize a local authority within the County of Marin, or the County of Marin in unincorporated areas, to adopt an ordinance or resolution that would prohibit a person under 16 years of age from operating a class 2 electric bicycle or require a person operating a class 2 electric bicycle to wear a bicycle helmet, as specified. The bill would require an ordinance or resolution that is adopted for this purpose to make a violation an infraction punishable by either a fine of \$25 or completion of an electric bicycle safety and training course, as specified. The bill would, if an ordinance or resolution is adopted, require the county to, by January 1, 2028, submit a report to the Legislature that includes, among other things, the total number of traffic stops initiated for violations, the results of the traffic stops, and the actions taken by peace officers during the traffic stops, as specified.

Cal Cities Position Support **Status:** SenateTransportation Committee

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.