



375 Beale Street
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San Francisco, California
94105

Meeting Minutes - Final

ABAG Legislation Committee

Chair, Julie Pierce, Vice Mayor, City of Clayton
Vice Chair, Belia Ramos, Supervisor, County of Napa

Friday, May 10, 2019

9:15 AM

Board Room - 1st Floor

Association of Bay Area Governments ABAG Legislation Committee

Special Meeting

The ABAG Legislation Committee may act on any item on the agenda.

The ABAG Legislation Committee will meet jointly with the MTC Legislation Committee.

The meeting is scheduled to begin at 9:15 a.m.,
or immediately following the preceding committee meeting.
Agenda, roster, and webcast available at <http://abag.ca.gov>
For information, contact Clerk of the Board at (415) 820-7913.

Roster

Jesse Arreguin, David Cortese, Pat Eklund, Scott Haggerty, Dave Hudson, Karen Mitchoff,
Julie Pierce, David Rabbitt, Belia Ramos

1. Call to Order / Roll Call / Confirm Quorum

Chair Pierce called the meeting to order at about 9:26 a.m. Quorum was present.

Present: 8 - Arreguin, Cortese, Eklund, Haggerty, Mitchoff, Pierce, Rabbitt, and Ramos

Absent: 1 - Hudson

2. ABAG Compensation Announcement - Clerk of the Board

The Clerk of the Board gave the compensation announcement.

3. ABAG Legislation Committee Consent Calendar

Upon the motion by Arreguin and second by Mitchoff, the ABAG Legislation Committee approved the Consent Calendar. The motion passed unanimously by the following vote:

Aye: 8 - Arreguin, Cortese, Eklund, Haggerty, Mitchoff, Pierce, Rabbitt, and Ramos

Absent: 1 - Hudson

3. [19-0487](#) Approval of ABAG Legislation Committee Summary Minutes of April 12, 2019

4. MTC Legislation Committee Consent Calendar

The MTC Legislation Committee took action on this item.

- 4a [19-0488](#) Approval of MTC Legislation Committee Minutes of the April 12, 2019 Meeting

5. Joint MTC Legislation Committee and ABAG Legislation Committee Consent Calendar

Eklund pulled the following items: 5.c., AB 1483; 5.e., AB 68; and 5.f., AB 1485.

Hudson joined the meeting.

Upon the motion by Eklund and second by Mitchoff, the ABAG Legislation Committee approved the Joint MTC Legislation Committee and ABAG Legislation Committee Consent Calendar and recommended ABAG Executive approval of the following: 5.a., Legislative History; 5.b., AB 69 - support and seek amendments; 5.d., SB 6 - support; 5.g., Tom Bulger's Report. The motion passed unanimously by the following vote:

Aye: 9 - Arreguin, Cortese, Eklund, Haggerty, Hudson, Mitchoff, Pierce, Rabbitt, and Ramos

- 5a. [19-0489](#) Legislative History

Detailed list of bills the Commission is tracking in Sacramento and Washington D.C., including those ABAG or MTC supports or opposes.

- 5b. [19-0490](#) AB 69 (Ting): Small Home Building Standards

AB 69 would require the Department of Housing and Community Development (HCD) to propose small home building standards governing ADUs smaller than 800 square feet, junior ADUs and detached dwelling units smaller than 800 square feet. These standards must include allowances for small kitchens and bathrooms with small appliances and achieve the most cost-effective construction standards possible. The standards must be submitted to the California Building Standards Commission (CBSC) for adoption by January 1, 2021.

5c. [19-0491](#) AB 1483 (Grayson): Housing Data/Transparency

This bill seeks to make housing fee and zoning standards more transparent by requiring that they be posted on local agency and state web sites, requires local agencies to provide additional reporting of housing permit requests, production and permitting data annually, and requires the Department of Housing and Community Development (HCD) to develop an online database of housing production data accessible to the public.

Upon the motion by Pierce and second by Hudson, the ABAG Legislation Committee recommended ABAG Executive Board support and seek amendments on AB 1483.

The requested amendments are as follows: 1) Clarify that the provision related to regional data requests is intended to apply regionwide and not to data requests from individual jurisdictions; 2) Broaden the regional agencies that may request additional data to include councils of government, not just metropolitan planning organizations; and 3) ensure the data requests are reasonable, and would provide needed and meaningful information, and the bill includes a feasible timeline for implementation by local agencies.

The motion passed unanimously by the following vote:

Aye: 7 - Arreguin, Eklund, Haggerty, Hudson, Mitchoff, Pierce, and Rabbitt

Absent: 2 - Cortese, and Ramos

5d. [19-0492](#) SB 6 (Beall): Statewide Housing Site Inventory

SB 6 would require that the Department of Housing and Community Development (HCD) add to the statewide surplus lands inventory locally-identified sites available for housing development as identified in a local agency's housing element site inventory.

5e. [19-0493](#) AB 68 (Ting): Accessory Dwelling Units

AB 68 would prohibit local Accessory Dwelling Unit (ADU) standards from including certain requirements related to minimum lot size and replacement parking and would require an ADU (attached or detached) of at least 800 square feet and 16 feet in height to be allowed. The bill would also reduce the allowable time to issue an ADU permit to 60 days after an agency receives a completed application.

Upon the motion by Arreguin and second by Mtichoff, the ABAG Legislation Committee recommended ABAG Executive Board support and seek amendments on AB 68.

The requested amendment was to clarify that local jurisdictions may require sprinklers for an ADU if they are required for the primary residence.

The motion passed by the following vote:

Aye: 6 - Arreguin, Haggerty, Hudson, Mitchoff, Pierce, and Rabbitt

Nay: 1 - Eklund

Absent: 2 - Cortese, and Ramos

5f. [19-0494](#) AB 1485 (Wicks): Workforce Housing

AB 1485 would modify affordability requirements applicable to a developer who wants to take advantage of current law's by-right provisions in Senate Bill 35 (Wiener, 2017) such that a project could either dedicate 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income (AMI)-as provided for in current law-or 20 percent to households earning below 120 percent AMI with an average income of units at or below 100 percent-which the bill would add as a new option.

Upon the motion by Eklund and second by Haggerty, the ABAG Legislation Committee recommended ABAG Executive Board support on AB 1485. The motion passed unanimously by the following vote:

Aye: 7 - Arreguin, Eklund, Haggerty, Hudson, Mitchoff, Pierce, and Rabbitt

Absent: 2 - Cortese, and Ramos

5g. [19-0499](#) Tom Bulger's Report

Report from Washington, D.C. advocate.

6. Federal Legislation

7. State Legislation

7a [19-0558](#) Housing Legislative Working Group Update

Report on the work of the ABAG-MTC Housing Legislative Working Group, convened to provide input into staff's analysis of key housing bills under consideration in Sacramento this year.

Rebecca Long gave the staff report.

[19-0574](#) Presentation

b. California Housing Legislation: Protection Bills

7b1. [19-0495](#) AB 1481 (Bonta) and AB 1697 (Grayson) - Tenancy Termination: Just Cause

Prohibits eviction of a tenant without just cause stated in writing. Requires tenant be provided a notice of a violation of lease and opportunity to cure violation prior to issuance of notice of termination.

Upon the motion by Mitchoff and second by Haggerty, the ABAG Legislation Committee recommended ABAG Executive Board support on AB 1697. The motion passed by the following vote:

Aye: Cortese, Eklund, Haggerty, Hudson, Mitchoff, Pierce, Rabbitt, Ramos.

Nay: None.

Abstain: Arreguin.

Absent: None.

Upon the motion by Arreguin and second by Eklund, the ABAG Legislation Committee recommended ABAG Executive Board support on AB 1481. The motion passed unanimously by the following vote:

Aye: 9 - Arreguin, Cortese, Eklund, Haggerty, Hudson, Mitchoff, Pierce, Rabbitt, and Ramos

7b2. [19-0496](#) AB 1482 (Chiu) - Statewide Annual Cap on Rent Increases

Caps annual rent increases by five percent above the percent change in the cost of living and limits the total rental rate increase within a 12 month period to 10 percent.

Upon the motion by Arreguin and second by Eklund, the ABAG Legislation Committee recommended ABAG Executive Board support on AB 1482. The motion passed unanimously by the following vote:

Aye: 9 - Arreguin, Cortese, Eklund, Haggerty, Hudson, Mitchoff, Pierce, Rabbitt, and Ramos

7b3. [19-0497](#) SB 18 (Skinner) - Keep Californians Housed Act

Authorizes a competitive grant program to be administered by Department of Housing and Community Development (HCD) to provide emergency rental assistance and legal aid for tenants facing eviction, mediation between landlords and tenants and legal education.

Upon the motion by Arreguin and second by Rabbitt, the ABAG Legislation Committee recommended ABAG Executive Board support on SB 18. The motion passed by the following vote:

Aye: 5 - Arreguin, Cortese, Eklund, Rabbitt, and Ramos

Nay: 4 - Haggerty, Hudson, Mitchoff, and Pierce

c. California Housing Legislation: Production + Preservation Bills

7c1. [19-0498](#) SB 330 (Skinner): Housing Crisis Act of 2019

SB 330 is a wide reaching bill that aims to accelerate housing development, provide project proponents more certainty and lower fees, and reduce displacement of existing residents from substandard buildings.

The following individual gave public comment: Corey Smith, Aaron Eckhouse.

Upon the motion by Arreguin and second by Haggerty, the ABAG Legislation Committee recommended ABAG Executive Board seek amendments on SB 330.

The amendments are as follows: 1) Eliminate the freeze on impact fees after January 1, 2018; 2) Ensure existing requirements applicable to disabled parking in residential developments are not affected by the limitations on local minimum parking requirements; 3) have further discussion with the author about the inclusion of provisions regarding voter initiatives in the bill; 4) provide more flexibility related to local parking requirements within 1/4 mile of a major transit stop based on local conditions; and 5) eliminate the bill's "look back" provision on zoning standards prior to January 1, 2018.

The motion passed unanimously by the following vote:

Aye: 9 - Arreguin, Cortese, Eklund, Haggerty, Hudson, Mitchoff, Pierce, Rabbitt, and Ramos

7c2. [19-0559](#) SB 50 (Wiener): Equitable Communities Incentives - Upzoning Near Transit & Jobs-Rich Areas & By Right Allowance for Small Residential Projects in Specified Areas

SB 50 would allow varying degrees of higher-density multifamily housing to be built within ½-mile of transit stations, ¼-mile of high-quality bus corridors and in areas designated as “jobs-rich” by the Department of Housing and Community Development. The bill also provides for smaller, by-right residential development on vacant parcels in urbanized areas.

The following individuals gave public comment: Aaron Eckhous, Victoria Fearce, Jane Kramer, Jordan Grimes, Stuart Cohen, Corey Smith, Ann Fryman.

Upon the motion by Haggerty and second by Rabbitt, the ABAG Legislation Committee recommended ABAG Executive Board support if amended on SB 50.

The amendments requested are as follows: 1) Ensure that the definition of jobs-rich areas identify areas that have a higher-than-average concentrations of jobs and accurately identifies areas that would result in shorter commutes; 2) allow for a density measure for transit-rich projects within ½-mile of rail or ferry stations to provide more flexibility than the bill’s minimum height allowances, but provides the same development capacity (i.e. units) within the general station area; and 3) provide more flexibility related to local parking requirements within ½ mile of a major transit stop based on local conditions.

The motion passed by the following vote:

Aye: 6 - Arreguin, Cortese, Haggerty, Hudson, Rabbitt, and Ramos

Nay: 3 - Eklund, Mitchoff, and Pierce

The meeting was recessed.

The meeting was reconvened.

7c3. [19-0560](#) AB 1487 (Chiu): Housing Alliance for the Bay Area

AB 1487 (Chiu) would establish the Housing Alliance for the Bay Area (HABA) to increase funding for affordable housing in the nine-county region. The bill authorizes HABA to place on the ballot a series of revenue raising measures, subject to certain return to source provisions, to provide funding and technical assistance to local jurisdictions and affordable housing developers to help produce and preserve affordable housing and pay for tenant protection services. The bill provides that HABA would have the authority to buy and lease land for affordable housing purposes, but not the ability to purchase land by eminent domain or regulate or enforce local land use decisions.

The following individual gave public comment: Steve Worthheim, Heather Hood, Dewane De Witt, J.R. Starrett.

Upon the motion by Haggerty and second by Hudson, the ABAG Legislation Committee recommended ABAG Executive Board seek amendments on AB 1487.

The requested amendments are as follows: 1) Ensure the bill does not require that MTC staff report to a newly structured board; 2) Ensure no new responsibilities are assigned to ABAG or MTC without the following: a) A guaranteed source of funding that is not dependent upon voter approval; b) A provision for the re-evaluation and potential dissolution of HABA in the event that the level of revenue approved is too small to meaningfully address the region's housing crisis. 3) exclude sales tax from revenue options; 4) develop a distribution formula that distributes more than 25 percent of the business-sector related taxes to the regional pool; and 5) In addition, the Committee recommended the formation of ad hoc committee of three ABAG representatives and three MTC representatives to work with the bill's proponents and Assembly Member Chiu to discuss the governance of the HABA.

The motion passed by the following vote:

Aye: 6 - Arreguin, Haggerty, Hudson, Pierce, Rabbitt, and Ramos

Nay: 2 - Eklund, and Mitchoff

Absent: 1 - Cortese

7c4. [19-0561](#) AB 11 (Chiu): Community Redevelopment Law of 2019

AB 11 would restore to cities and counties the option to form an entity that can use “tax-increment financing” to pay for affordable housing and other local infrastructure priorities, subject to approval of the Strategic Growth Council.

Upon the motion by Arreguin and second by Hudson, the ABAG Legislation Committee recommended ABAG Executive Board support and seek amendments on AB 11.

The requested amendments are as follows: 1) Add sea level rise/resilience projects to those that are eligible to be funded; 2) Add term limits for public members of Affordable Housing & Infrastructure Agency; and 3) Remove eminent domain authority.

The motion passed unanimously by the following vote:

Aye: 8 - Arreguin, Eklund, Haggerty, Hudson, Mitchoff, Pierce, Rabbitt, and Ramos

Absent: 1 - Cortese

7c5. [19-0562](#) SB 13 (Wieckowski): Accessory Dwelling Units

SB 13 would revise ADU law to require that a local government allow studio and one-bedroom ADUs of at least 850 square feet and two-bedroom or more ADUs of up to 1,000 square feet, and would prohibit ADU owner-occupancy requirements. The bill would limit impact fees imposed by local governments, special districts or water corporations to 25 percent of the impact fees otherwise charged for a new single-family dwelling for ADUs 750 square feet or greater and would waive impact fees for ADUs less than 750 square feet. The bill would also limit to 60 days the time a local agency has to issue an ADU permit after receiving an application and create a 10-yearly amnesty program to incentivize owners of existing unpermitted ADUs to obtain the permits and inspections necessary to legalize the units.

The following individual gave public comment: Jane Kramer.

After this item, the ABAG Legislation Committee took action on the following items: 5.e., AB 68; 7c6, AB 1486; 5.f., AB 1485; and 5.c., AB 1483.

Upon the motion by Mitchoff and second by Hudson, the ABAG Legislation Committee recommended ABAG Executive Board support if amended on SB 13.

The requested amendments are as follows: 1) Remove the provision prohibiting localities from imposing owner-occupancy requirements on ADUs; 2) Reduce the impact fee waiver threshold from 750 square feet to 500 square feet, consistent with existing school development fee exemption; and 3) Ensure local jurisdictions retain the ability to require fire sprinklers for ADUs, if sprinklers are required for the primary residence.

The motion passed by the following vote:

Aye: 6 - Arreguin, Haggerty, Hudson, Mitchoff, Pierce, and Rabbitt

Nay: 1 - Eklund

Absent: 2 - Cortese, and Ramos

7c6. [19-0563](#) AB 1486 (Ting): Surplus Lands Act Expansion and Revision

AB 1486 would revise the Surplus Lands Act (SLA) - the state law that requires local agencies to prioritize affordable housing, as well as parks and open space, when disposing of land no longer necessary for the agency's use - and other state laws related to making surplus public land available for affordable housing development.

Upon the motion by Mitchoff and second by Arreguin, the ABAG Legislation Committee recommended support if amended on AB 1486.

The amendments requested are as follows: 1) Expand negotiations scope beyond sales and lease price to ensure that valid topics such as a project's financial viability are not prohibited in the scope of negotiations; 2) Ensure that the bill would not limit a successor to a redevelopment agency's ability to comply with existing asset disposal requirements, as mandated in ABX1 26; 3) Amend the provision permitting residential use for 100 percent affordable housing developments to limit the allowance to those projects that have received local subsidies; and 4) Pursue amendments to ensure that the proposed changes not disrupt the sale of the Oakland Coliseum property, by clarifying that the bill would only apply to land disposals initiated after the effective date of the bill.

The motion passed by the following vote:

Aye: 6 - Arreguin, Haggerty, Hudson, Mitchoff, Pierce, and Rabbitt

Nay: 1 - Eklund

Absent: 2 - Cortese, and Ramos

8. Ad Hoc Committee

The ABAG Legislation Committee did not take action on this item.

8a. [19-0564](#) Ad Hoc Committee

Delegate to the President of ABAG and Chair of MTC the authority to create an Ad Hoc committee, if necessary, to review any bills where substantive disagreement exists, with the objective of providing alternative recommendations to the ABAG Executive Board and MTC Commission.

9. Public Comment / Other Business

There was no public comment.

10. Adjournment / Next Meeting

Chair Pierce adjourned the meeting at about 3:55 p.m. The next meeting of the ABAG Legislation Committee is on May 16, 2019.