

Meeting Minutes - Final

Joint MTC Legislation Committee and ABAG Legislation Committee

Friday, May 10, 2019

9:15 AM

Board Room - 1st Floor

1. Roll Call / Confirm Quorum

Present: 6 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Vice Chair Liccardo, Chair Mackenzie and Commissioner Rabbitt

Absent: 2 - Commissioner Slocum and Commissioner Sperring

Non-Voting Members Present: Commissioner Giacomini and Commissioner Jackson

Ex Officio Voting Members Present: Commission Chair Haggerty and
Commission Vice Chair Pedroza

Ad Hoc Non-Voting Members Present: Commissioner Bruins, Commissioner Josefowitz,
Commissioner Papan, and Commissioner Worth.

ABAG Legislation Committee Members Present: Arreguin, Cortese, Eklund, Haggerty, Hudson, Mitchoff,
Pierce, Rabbitt, and Ramos.

2. ABAG Compensation Announcement - Clerk of the Board

3. ABAG Legislation Committee Consent Calendar

3a. [19-0376](#) Approval of ABAG Legislation Committee Summary Minutes of the April 8,
2019 Meeting

Action: ABAG Legislation Committee Approval

Attachments: [3a ABAG Legislation Minutes 20190412 Draft.pdf](#)

4. MTC Legislation Committee Consent Calendar

Approval of the Consent Calendar

Upon the motion by Chair Mackenzie and second by Commissioner Halsted, the MTC Legislation Committee Consent Calendar was unanimously approved by the following vote:

Aye: 5 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Chair Mackenzie and Commissioner Rabbitt

Absent: 3 - Vice Chair Liccardo, Commissioner Slocum and Commissioner Spring

4a. [19-0377](#) Approval of MTC Legislation Committee Minutes of the April 8, 2019 Meeting

Action: MTC Legislation Committee Approval

Attachments: [4a_MTC LEGIS_Minutes_Apr 12 2019.pdf](#)

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

Upon the motion of Vice Chair Liccardo with a second by Commissioner Halsted, Agenda Items 5c (AB 1483), 5e (AB 68), and 5f (AB 1485) were pulled from the Joint MTC Legislation Committee and ABAG Legislation Committee Consent Calendar for discussion.

Upon the motion by Vice Chair Liccardo and second by Commissioner Halsted, Agenda Items 5a, 5b, 5d, and 5g of the Joint MTC Legislation Committee and ABAG Legislation Committee Consent Calendar were approved. The motion carried by the following vote:

Aye: 6 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Vice Chair Liccardo, Chair Mackenzie and Commissioner Rabbitt

Absent: 2 - Commissioner Slocum and Commissioner Spring

Commissioner Liccardo arrived during Agenda Item 5.

5a. [19-0378](#) Legislative History

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

Action: Information

Presenter: Rebecca Long

Attachments: [5a_May_LegisHistory_State_and_Federal.pdf](#)

5b. [19-0477](#) 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. The standards must be submitted to the California Building Standards Commission (CBSC) for adoption by January 1, 2021.

Action: Support and Seek Amendments

Presenter: Rebecca Long

Attachments: [6e AB-69 Ting.pdf](#)

5d. [19-0486](#) 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.

Action: Support

Presenter: Georgia Gann Dohrmann

Attachments: [6g SB-6 Beall.pdf](#)

5g. [19-0379](#) Tom Bulger's Report

Report from Washington, D.C. advocate.

Action: Information

Presenter: Randy Rentschler

Attachments: [5g Tom Bulger's DC Report Apr 2019.pdf](#)

7. State Legislation

7a [19-0544](#) 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.

Action: Information

Presenter: Rebecca Long

Attachments: [9 Legis 7a Housing Leg Working Group Update with Handouts.pdf](#)

Presentation

[19-0572](#) PowerPoint Presentation

Attachments: [7 PowerPoint Joint Leg Committee May Housing Bill Presentation.pdf](#)

b. California Housing Legislation: Protection Bills

7b1. [19-0483](#) 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.

Action: Support

Presenter: Rebecca Long

Attachments: [9ai_AB-1481 and AB-1697.pdf](#)

Upon the motion by Chair Mackenzie and second by Vice Chair Liccardo, a support position on AB 1481 (Bonta) was adopted to be forwarded to the Commission for approval. The motion carried by the following vote:

Aye: 6 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Vice Chair Liccardo, Chair Mackenzie and Commissioner Rabbitt

Absent: 2 - Commissioner Slocum and Commissioner Spring

Upon the motion by Chair Mackenzie and second by Vice Chair Liccardo, a support position on AB 1697 (Grayson) was adopted to be forwarded to the Commission for approval. The motion carried by the following vote:

Aye: 6 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Vice Chair Liccardo, Chair Mackenzie and Commissioner Rabbitt

Absent: 2 - Commissioner Slocum and Commissioner Spring

7b2. [19-0511](#) 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.

Action: Support

Presenter: Rebecca Long

Attachments: [9aii_AB-1482 Chiu.pdf](#)

Upon the motion by Chair Mackenzie and second by Vice Chair Liccardo, a support position on AB 1482 (Chiu) was adopted to be forwarded to the Commission for approval. The motion carried by the following vote:

Aye: 6 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Vice Chair Liccardo, Chair Mackenzie and Commissioner Rabbitt

Absent: 2 - Commissioner Slocum and Commissioner Spring

7b3. [19-0512](#) 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.

Action: Support

Presenter: Rebecca Long

Attachments: [9ajii_SB-18_Skinner.pdf](#)

Upon the motion by Chair Mackenzie and second by Vice Chair Liccardo, a support position on SB 18 (Skinner) was adopted to be forwarded to the Commission for approval. The motion carried by the following vote:

Aye: 6 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Vice Chair Liccardo, Chair Mackenzie and Commissioner Rabbitt

Absent: 2 - Commissioner Slocum and Commissioner Spring

c. California Housing Legislation: Production + Preservation Bills

7c1. [19-0508](#) 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.

Action: Seek Amendments

Presenter: Rebecca Long, MTC and Robert Gammon, Communications Director /
Policy Advisor for Senator Nancy Skinner

Attachments: [9bi SB-330 Skinner.pdf](#)

Corey Smith was called to speak

Aaron Eckhouse was called to speak

Upon the motion by Chair Mackenzie and second by Commissioner Halsted, a seek amendment position on SB 330 (Skinner) was adopted to be forwarded to the Commission for approval. 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 carried by the following vote:

Aye: 5 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Chair Mackenzie and Commissioner Rabbitt

Absent: 3 - Vice Chair Liccardo, Commissioner Slocum and Commissioner Spering

Commissioner Liccardo departed before the vote.

7c2. [19-0479](#) 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.

Action: Support if Amended

Presenter: Rebecca Long

Attachments: [9bii_SB-50_Wiener.pdf](#)

The following individuals spoke on this item:
Victoria Fierce of East Bay for Everyone;
Jane Kramer;
Jordan Grimes of Peninsula for Everyone;
Stuart Cohen;
Corey Smith;
Aaron Ecklehouse of California YIMBY; and
Ann Fryman with Senator Wiener's office.

Upon the motion by Chair Mackenzie and second by Commissioner Halsted, a support if amended position on SB 50 (Wiener) was adopted to be forwarded to the Commission for approval. 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 carried by the following vote:

Aye: 5 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Chair Mackenzie and Commissioner Rabbitt

Absent: 3 - Vice Chair Liccardo, Commissioner Slocum and Commissioner Sperring

Meeting went into Recess
Meeting Reconvened

7c3. [19-0480](#) 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.

Action: Seek Amendments

Presenter: Rebecca Long

Attachments: [9biii_AB-1487_ChIU.pdf](#)

The following individuals spoke on this item:

Heather Hood of Enterprise Community Partners;

Dewane De Witt of Sonoma County Housing Advocacy Group; and

J.R. Starrett of NPH.

Upon the motion by Chair Mackenzie and second by Pedroza, a seek amendments position on AB 1487 (Chiu) was adopted to be forwarded to the Commission for approval. 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 carried by the following vote:

Aye: 4 - Commissioner Halsted, Chair Mackenzie, Commissioner Rabbitt and Pedroza

Nay: 1 - Commissioner Connolly

Absent: 4 - Commissioner Cortese, Vice Chair Liccardo, Commissioner Slocum and Commissioner Spering

Commissioner Cortese departed before the vote.

Commission Chair Haggerty deputized Commission Vice Chair Pedroza to act as a voting member of the Committee in the absence of a quorum.

7c4. [19-0509](#) 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.

Action: Support and Seek Amendments

Presenter: Rebecca Long

Attachments: [9biv_AB-11_ChIU.pdf](#)

Upon the motion by Chair Mackenzie and second by Pedroza, a support and seek amendments position on AB 11 (Chiu) was adopted to be forwarded to the Commission for approval. 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 carried by the following vote:

Aye: 5 - Commissioner Connolly, Commissioner Halsted, Chair Mackenzie, Commissioner Rabbitt and Pedroza

Absent: 4 - Commissioner Cortese, Vice Chair Liccardo, Commissioner Slocum and Commissioner Spering

7c5. [19-0481](#) 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.

Action: Support if Amended

Presenter: Georgia Gann Dohrmann

Attachments: [9bv_SB-13_Wieckowski.pdf](#)

Jane Kramer was called to speak.

Upon the motion by Chair Mackenzie and second by Pedroza, a support if amended position on SB 13 (Wieckowski) was adopted to be forwarded to the Commission for approval. 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 carried by the following vote:

Aye: 5 - Commissioner Connolly, Commissioner Halsted, Chair Mackenzie, Commissioner Rabbitt and Pedroza

Absent: 4 - Commissioner Cortese, Vice Chair Liccardo, Commissioner Slocum and Commissioner Spering

7c6. [19-0482](#) 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.

Action: Support if Amended

Presenter: Georgia Gann Dohrmann

Attachments: [9bvi_AB-1486_Ting.pdf](#)

Upon the motion by Chair Mackenzie and second by Commissioner Halsted, a support if amended position on AB 1486 (Ting) was adopted to be forwarded to the Commission for approval. 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 carried by the following vote:

Aye: 5 - Commissioner Connolly, Commissioner Halsted, Chair Mackenzie, Commissioner Rabbitt and Pedroza

Absent: 4 - Commissioner Cortese, Vice Chair Liccardo, Commissioner Slocum and Commissioner Sperring

5c. [19-0478](#) 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.

Action: Support and Seek amendments

Presenter: Rebecca Long

Attachments: [6f_AB1-483_Grayson.pdf](#)

Upon the motion by Chair Mackenzie and second by Commission Vice Chair Pedroza, a support and seek amendments position on AB 1483 (Grayson) was adopted to be forwarded to the Commission for approval. 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.

Aye: 5 - Commissioner Connolly, Commissioner Halsted, Chair Mackenzie, Commissioner Rabbitt and Pedroza

Absent: 4 - Commissioner Cortese, Vice Chair Liccardo, Commissioner Slocum and Commissioner Spering

5e. [19-0510](#) 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.

Action: Support and Seek Amendments

Presenter: Georgia Gann Dohrmann

Attachments: [6h_AB-68_Ting.pdf](#)

Upon the motion by Chair Mackenzie and second by Commission Vice Chair Pedroza, a support and seek amendments position on AB 68 (Ting) was adopted to be forwarded to the Commission for approval. 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 carried by the following vote:

Aye: 5 - Commissioner Connolly, Commissioner Halsted, Chair Mackenzie, Commissioner Rabbitt and Pedroza

Absent: 4 - Commissioner Cortese, Vice Chair Liccardo, Commissioner Slocum and Commissioner Spering

5f. [19-0545](#) 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.

Action: Support

Presenter: Rebecca Long

Attachments: [6i_AB-1485_Wicks.pdf](#)

Upon the motion by Chair Mackenzie and second by Commission Vice Chair Pedroza, a support position on AB 1485 (Wicks) was adopted to be forwarded to the Commission for approval. The motion carried by the following vote:

Aye: 5 - Commissioner Connolly, Commissioner Halsted, Chair Mackenzie, Commissioner Rabbitt and Pedroza

Absent: 4 - Commissioner Cortese, Vice Chair Liccardo, Commissioner Slocum and Commissioner Spering

8. Ad Hoc Committee

8a. [19-0484](#) 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.

Action: Approval / ABAG Legislation Committee
Approval / MTC Legislation Committee

No action was taken on this item.

9. Public Comment / Other Business

10. Adjournment / Next Meeting

The next meeting of the MTC Legislation Committee will be Friday, June 14, 2019 9:15 a.m. the Bay Area Metro Center, 375 Beale Street, San Francisco, CA.