

# AGENDA

## Legislative Committee

Date: Thursday, July 11, 2019 - 5:30 p.m. to 6:30 p.m.  
 Place: San Mateo County Transit District Office<sup>1</sup>  
 1250 San Carlos Avenue  
4th Floor “Dining Room”  
 San Carlos, California

PLEASE CALL Jean Higaki (599-1462) IF YOU ARE UNABLE TO ATTEND.

1	Public comment on related items not on the agenda.	Presentations are limited to 3 Minutes	
2	Approval of Minutes from June 13, 2019.	Action (O’Connell)	Pages 1-4
3	Review/ recommend approval of the C/CAG legislative policies, priorities, positions, and legislative update (A position may be taken on any legislation, including legislation not previously identified).  Consider letters on: SB 592 (Wiener) SB 664 (Allen)	Action (Update from Shaw/Yoder/Antwih)	Pages 5-10
4	Adjournment	Action (O’Connell)	

**NOTE:** All items appearing on the agenda are subject to action by the Committee. Actions recommended by staff are subject to change by the Committee.

**PUBLIC NOTICING:** All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA, and on C/CAG’s website at: <http://www.ccag.ca.gov>.

**PUBLIC RECORDS:** Public records that relate to any item on the open session agenda for a regular Board meeting, standing committee meeting, or special meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to a regular Board meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members, of the Board. The Board has designated the City/County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making public records available for inspection. Such public records are also available on C/CAG’s website at: <http://www.ccag.ca.gov>.

**PUBLIC PARTICIPATION:** Public comment is limited to two minutes per speaker. Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Mima Guilles at (650) 599-1406, five working days prior to the meeting date.

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<sup>1</sup>From Route 101 take the Holly Street (west) exit. Two blocks past El Camino Real go left on Walnut. The entrance to the parking lot is at the end of the block on the left, immediately before the ramp that goes under the building. Enter the parking lot by driving between the buildings and making a left into the elevated lot. Follow the signs up to the levels for public parking.

For public transit access use SamTrans Bus lines 390, 391, 292, KX, PX, RX, or take CalTrain to the San Carlos Station and walk two blocks up San Carlos Avenue.

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS  
LEGISLATIVE COMMITTEE**

**MEETING MINUTES  
May 9, 2019**

At 5:42 P.M. Chair O’Connell called the Legislative Committee meeting to order in the 2nd Auditorium at the San Mateo Transit District Office.

**Attendance sheet is attached.**

**Guests or Staff Attending:**

Matt Robinson - Shaw/ Yoder/ Antwih Inc. (call in)  
Sandy Wong, Jean Higaki, Matt Fabry - C/CAG Staff

**1. Public comment on related items not on the agenda.**

No public comments

**2. Approval of Minutes from May 9, 2019.**

Member Vaterlaus moved and member Lewis seconded approval of the May 9, 2019 minutes. Motion passed unanimously.

**3. Update from Shaw/ Yoder/ Antwih (SYA).**

Matt Robinson, with Shaw/ Yoder/ Antwih Inc., provided a description and status update from Sacramento:

At the end of May, bills were either stalled or moved out of their house of origin. Bills are now making their way through policy committees. July 12, 2019 is the start of summer recess.

SB 50 was held by the appropriations committee to become a two-year bill. Senator Wiener is looking for ways to revive the bill for this session but will probably not get help from the Pro Tempore who wants him to work with local agencies more to develop something that they can live with. He intends to bring the bill back next year.

The legislature has until June 15 to pass a budget bill. \$750 million is appropriated to address the housing shortfall by funding infrastructure improvements projects that can facilitate housing production. Details regarding the allocation of funds for various programs is expected to follow in budget trailer bills.

The Governor’s proposal to link SB1 transportation funds to housing production is not expected to go far but Matt Robinson will keep a look out for any developments.

A budget request of \$8 million made by Assembly Member Mullin for regional water quality project designs will likely be successful for \$3 million. Member Lewis asked how the money would be distributed. It will likely go to the State Natural Resources Agency who will enter into a funding agreement with C/CAG. It is yet to be determined if the funding would stay with C/CAG who would procure consultants directly or would go through a process to be awarded to Cities. The C/CAG Program manager, Matt Fabry, will work with the C/CAG Stormwater Committee to develop a process.

There are no positions recommended at this time however there is a letter addressing SB 50 that contains concerns and suggested amendments that can be discussed and acted on by the committee.

Member Carlton asked about SB 330 (Skinner) and suggested that a watch position be changed to an action as the league of cities has posted an action alert on this bill. Matt Robinson noted that the bill was amended to delete concerning provisions that would prohibit cities or counties from charging or increasing fees in connection with housing development projects. Member Papan noted that the MTC voted to support the bill.

Member Carlton noted that, per information provided at the league meeting that afternoon, while fees are still allowed they are very limited. In addition, SB 330 prohibits local agencies from imposing any parking requirements. Matt noted that local agencies could still negotiate parking with developers as the proposed bill was not “by-right”. Member Papan thought it still set a concerning precedent.

Chair O’Connell proposed that parking might be a policy issue such that any sort of parking proposal, detrimental to local agencies, should be opposed in any bill. Chair O’Connell asked where the bill was at this time. It is in the housing committee. It will be heard on the June 19, 2019 in the Housing and Community Development committee chaired by David Chu who will likely support the bill.

Member Carlton asked about procedures if a position was not specifically on the agenda. Chair O’Connell believed that a position on any of the items listed in the report could be acted on if desired by the Board regardless if a letter was drafted or not in the packet. Staff confirmed that if the Committee and/ or Board took position on a bill, staff could draft a letter and get it signed and sent through the urgency process.

**Member Papan made a motion to oppose SB 330 and to send a letter to Sacramento before the June 19, 2019 hearing date. Member Carlton seconded. Motion passed unanimously**

The Committee reviewed the SB 50 Letter to Senator Wiener. Member Moise Derwin requested that the phrase “increased homelessness” be added to the second paragraph. Member Mahanpour requested that Foster City’s RHNA progress be added to the second bullet, and Member Papan requested that a paragraph be added stating that the 600K population threshold be removed as all counties should be treated equally. Member Moise Derwin asked if an affordability requirement was included in SB 50. SB 50 does have affordability requirement of 15-20%.

**Member Vaterlaus made a motion to send the SB 50 letter as amended by the Committee. Member Papan seconded. Motion passed unanimously.**

#### **4. Adjournment**

The meeting adjourned at approximately 6:17 P.M.

**Legislative Committee 2019 Attendance Record**

Agency	Name	Jan 10	Feb 14	March 14	April 11	May 9	June 13	July 11	August	Sept 12	Oct	Nov	Dec 12
Elizabeth Lewis	Atherton	N/A	N/A	x	x	x	x						
Foster City	Catherine Mahanpour	x		x	x		x						
Hillsborough	Marie Chuang (C/CAG Vice Chair)	x	x	x	x		x						
Menlo Park	Catherine Carlton		x		x	x	x						
Millbrae	Gina Papan	x	x		x		x						
Pacifica	Sue Vaterlaus	x	x	x	x	x	x						
Portola Valley	Maryann Moise Derwin (C/CAG Chair)	x	x	x	x	x	x						
Redwood City	Shelly Masur	x		x	x	x							
San Bruno	Irene O'Connell (Leg Vice Chair)	x	x	x	x	x	x						
Sounth San Francisco	Richard Garbarino	x	x	x	x	x							

 no meeting

## C/CAG AGENDA REPORT

Date: July 11, 2019

To: C/CAG Legislative Committee

From: Sandy Wong, Executive Director

Subject: Review and recommend approval of C/CAG legislative policies, priorities, positions, and legislative update (A position may be taken on any legislation, including legislation not previously identified).

(For further information, contact Jean Higaki at 650-599-1462)

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### RECOMMENDATION

That the C/CAG Legislative Committee review and recommend the C/CAG Board to take a position on any legislation or direct staff to monitor any legislation for future positions to be taken.

### FISCAL IMPACT

Unknown.

### SOURCE OF FUNDS

N/A

### BACKGROUND

The C/CAG Legislative Committee receives monthly written reports and oral briefings from the C/CAG's State legislative advocates. Important or interesting issues that arise out of the committee meeting are reported to the Board.

SB 592 (Wiener) would amend the Housing Accountability Act (HAA) to further strengthen the law applicability to new housing development permits and disapprovals from local governments. The bill would clarify the definition of "lower density" under the HAA and applies the HAA to accessory dwelling units, new bedrooms in an existing home, and single-family housing. In addition, it would provide that the HAA applies to any form of land use decision by a local agency, including a ministerial or use by right decision, in addition to a discretionary approval. The bill would also open local agencies up to liability for failing to comply with the HAA.

SB 664 (Allen) clarifies that the definition of a transportation agency, for the purposes of restricting the use of personally identifiable information (PII) related to subscribers or users of electronic toll or transit fare collection systems for the purposes of billing, account settlement, enforcement, communications, or other activities related to the operation or management of an electronic toll or transit fare collection system. Currently there are several lawsuits related to transportation agencies' use of PII, particularly in their efforts to comply with federal and state interoperability requirements as well as in their enforcement activities.

Recommended actions from the Legislative Committee regarding the bills above or other bills will be reported to the Board for consideration.

### Additional Information

The legislature has passed, and Governor Newsom has signed the \$214.8 billion California state budget on June 27, 2019, which includes \$3 million for stormwater projects in San Mateo County.

### **ATTACHMENTS**

1. July 2019 Legislative update from Shaw/ Yoder/ Antwih, Inc.
2. Draft letter of opposition for SB 592 (Wiener).
3. Full Legislative information is available for specific bills at <http://leginfo.legislature.ca.gov/>



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**DATE:** June 26, 2019  
**TO:** Board Members, City/County Association of Governments, San Mateo County  
**FROM:** Andrew Antwih and Matt Robinson, Shaw / Yoder / Antwih, Inc.  
**RE:** **STATE LEGISLATIVE UPDATE – July 2019**

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***Legislative Update***

The Legislature passed the FY 2019-20 State Budget Bill on June 13 and it is now awaiting Governor Newsom’s signature. Worth noting: The Governor’s proposal to link SB 1 funds to housing production has not been approved as part of the budget. Additionally, C/CAG received \$3 million for stormwater projects in San Mateo County.

Policy Committees are back in full swing, hearing bills from the opposite house, and have until July 12 to meet. The Legislature will break for Summer Recess on July 12, returning August 12. We are tracking several bills for C/CAG, some of which are identified under ***Bills of Interest*** below.

***Recent Appointments***

Governor Gavin Newsom announced the appointments of David S. Kim as Secretary of the California State Transportation Agency (CalSTA) and Brian Annis as the Chief Financial Officer of the California High-Speed Rail Authority. Prior to this announcement, Brian C. Annis had been serving as the CalSTA Secretary, first appointed as acting Secretary under then-Governor Brown. Prior to the appointment by Governor Newsom, David S. Kim served as Vice President of Governmental Affairs at Hyundai Motor Company. Kim also served as deputy administrator of the U.S. Department of Transportation’s Federal Highway Administration and other positions at California based public offices. Governor Newsom also recently appointed Elissa Konove to serve as Undersecretary at CalSTA. Elissa Konove has served as deputy Chief Executive Officer at the Southern California Regional Rail Authority (Metrolink) since 2015. Prior to her service at Metrolink Elissa Konove also held several positions at the FHWA, including Chief Financial Officer, the Office of Budget.

***Bills of Interest***

**SB 5 (Beall) Local-State Sustainable Investment Incentive Program\***

This bill would establish 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 Committee to participate in the program and would authorize the Committee to approve or deny applications for projects meeting specific criteria. Upon approval of a project application, the bill would require the Committee 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 Committee.

**SB 50 (Wiener) Planning and Zoning: Housing Development: Equitable Communities Incentives\***

This bill was amended substantially in the Senate Governance and Finance Committee and as of this writing, the amendments have not come in to print. The bill would essentially grant development rights for projects within certain proximity to rail and bus routes, or in jobs-rich areas. The amended version of the bill will apply different standards to counties with populations over 600,000, scale back the triggering frequency for bus routes, and make certain exemptions for the coastal zone and wildfire prone areas. Additional changes were made regarding parking minimums. *C/CAG submitted comments and concerns on this measure. This bill was held in Senate Appropriations and is now a 2-year bill.*

**SB 128 (Beall) Enhanced Infrastructure Financing Districts: Bonds: Issuance**

Existing law authorizes the public financing authority to issue bonds for these purposes upon approval by 55% of the voters voting on a proposal to issue the bonds. This bill would instead authorize the public financing authority to issue bonds for these purposes without submitting a proposal to the voters. The bill would require the resolution to issue bonds to contain specified information related to the issuance of the bonds. *C/CAG SUPPORTS this measure. This bill was amended to remove the EIFD proposal.*

**SB 137 (Dodd) Federal Transportation Funds: State Exchange Programs**

Existing federal law apportions transportation funds to the states under various programs, including the Surface Transportation Program and the Highway Safety Improvement Program, subject to certain conditions on the use of those funds. Existing law provides for the allocation of certain of those funds to local entities. Existing law provides for the exchange of federal and state transportation funds between local entities and the state under certain circumstances. This bill would authorize the Department of Transportation to allow the above-described federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program funds appropriated to the department. *C/CAG SUPPORTS this measure.*

**SB 152 (Beall) Active Transportation Program Funding**

This bill would increase the share of active transportation (ATP) funds dedicated to regional agencies to 75 percent, distributed by population. Currently, regional agencies receive 40 percent of the funding in the ATP funds for distribution. This bill would give MTC additional resources to program for ATP projects. *C/CAG SUPPORTS this measure. This bill was held in Senate Appropriations.*

**SB 277 (Beall) Local Partnership Program**

This bill would direct funds set aside for the Local Partnership Program (LPP) to be apportioned by formula, versus allocated by the CTC as is current practice. The bill would direct the CTC to develop new guidelines, in conjunction with local agencies, for the apportionment of the funds. The LPP receives \$200 million annually from the Road Maintenance and Rehabilitation Account and funds are available to self-help counties with sales taxes and/or developer fees used for transportation purposes.

**SB 330 (Skinner) Housing Crisis Act of 2019\***

This bill establishes the Housing Crisis Act of 2019, which, for five years, places restrictions on certain types of development standards, amends the Housing Accountability Act, makes changes to local approval processes and the Permit Streamlining Act, and requires a local agency, upon request of the residential property owner, to delay enforcement of a code violation for seven years, or earlier at the discretion of the enforcement agency, if the correction is not necessary to protect health and safety. The Senate Appropriations Committee Deleted provisions that would prohibit affected cities or counties from charging or increasing fees in connection with housing development projects. *C/CAG OPPOSES this measure.*

**SB 592 (Wiener) Housing Accountability Act**

This bill would amend the Housing Accountability Act (HAA) to further strengthen the law applicability to new housing development permits and disapprovals from local governments. The bill would clarify the definition of “lower density” under the HAA and applies the HAA to accessory dwelling units, new bedrooms in an existing home, and single-family housing. In addition, it would provide that the HAA applies to any form of land use decision by a local agency, including a ministerial or use by right decision, in addition to a discretionary approval. The bill would also open local agencies up to liability for failing to comply with the HAA.

**AB 11 (Chiu) Community Redevelopment Law of 2019\***

This bill, the Community Redevelopment Law of 2019, would authorize cities and counties to create agencies that would use tax increment financing to fund affordable housing and infrastructure projects. This bill takes a similar approach to the tax increment financing structure used by the former redevelopment agencies. *This is a 2-year bill.*

**AB 252 (Daly) Caltrans NEPA Delegation**

Existing law, until January 1, 2020, provides that the State of California consents to the jurisdiction of the federal courts regarding the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the program. This bill would extend the operation of these provisions indefinitely. **C/CAG SUPPORTS this measure.**

**AB 825 (Mullin) San Mateo County Flood Control District**

Existing law, the San Mateo County Flood Control District Act, establishes the San Mateo County Flood Control District for the purpose of controlling the floodwater and stormwater of the County of San Mateo. This bill would modify the District to change the name to the Flood and Sea Level Rise Resiliency Agency, revise the governance to a seven-member board including five city council representatives and two county supervisors, expanding authorities to address sea level rise, and updating funding and financing authorities to reflect changes in the State Constitution since the Act was first written. **C/CAG SUPPORTS this measure.**

**AB 1487 (Chiu) Regional Housing Funding\***

This bill would enact the San Francisco Bay Area Regional Housing Finance Act and establish the Housing Alliance for the Bay Area (HABA), a regional entity governed by members of MTC and ABAG. HABA would be tasked with establishing a regional funding program to address housing needs in the Bay Area. The funding source is unspecified and left to HABA to determine what’s likely to meet the region’s needs and garner voter-approval. A portion of the revenues would be returned to each county and a portion would be controlled by HABA.

**ACA 1 (Aguiar-Curry) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval.**

This constitutional amendment would lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation bonds and special taxes for affordable housing and public infrastructure projects. **C/CAG SUPPORTS this measure.**

*Bills marked with an \* are being tracked by MTC as implementing elements of the CASA Compact. These bills are not sponsored by MTC. The above list does not include all bills MTC has identified.*

# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

June 12, 2019

The Honorable Scott Wiener  
California State Senate  
State Capitol, Room 5100  
Sacramento, CA 95814

**RE: Senate Bill 592 (Wiener) – OPPOSE**

Dear Senator Wiener:

The City/County Association of Governments of San Mateo County (C/CAG) writes to you today in **OPPOSITION** to your bill, SB 592. As you are aware, C/CAG is made up of all 20 cities in San Mateo County, as well as the County, and we deal with issues ranging from transportation to water quality. What is often overlooked is C/CAG's role in housing and development. C/CAG facilitates the sub-regional RHNA process and is the Airport Land Use Commission which evaluates development projects for consistency with the Airport Land Use Compatibility Plan around San Mateo County airports, including SFO.

SB 592 makes changes to the Housing Accountability Act (HAA) that will likely result in additional costs to local agencies by way of increased litigation costs. Under the HAA, a permit applicant, a potential resident, or a housing organization may challenge in court the decision of a local agency that fails to approve a new housing project and the local agency may be directed by the court to move forward with a housing project and be subject to a \$10,000 fine. Under SB 592, a plaintiff may also seek compensatory damages stemming from a local agency's decision. This change, coupled with the expansion of the HAA to "any form of land-use decision," will certainly open local agencies up to additional legal action and will result in unknown costs. For these reasons, we oppose SB 592.

Many of the changes you, and other members of the Legislature, have enacted in recent years have not had time to play out to determine if there has been a positive impact on housing production in California. Before pursuing SB 592 (or any other major housing legislation impacting local processes), we feel the recent laws need time to progress. Additionally, C/CAG believes the most important thing the State can do is provide funding for local agencies to plan, incentivize, and mitigate for future housing development. Please feel free to contact Sandy Wong, the C/CAG Executive Director, at [slwong@smcgov.org](mailto:slwong@smcgov.org) with any questions or concerns.

Sincerely,

Maryann Moise Derwin, Chair  
City/County Association of Governments of San Mateo County

Cc: Assembly Member Marc Berman  
Assembly Member Kevin Mullin  
Assembly Member Phil Ting  
Senator Jerry Hill