AGENDA

I. Welcome and Introductions
Speakers: Chair Marilyn Ezzy Ashcraft, Mayor, Alameda
Vice Chair Carla Thornton, Council Member, Moreno Valley

II. Public Comment

III. General Briefing (Handout) Informational

IV. Overview of Parliamentary Procedure and Roberts Rules (Attachment A) Informational

V. Committee Orientation (Attachment B) Informational

VI. Existing Policy and Guiding Principles (Attachment C) Informational

VII. Cal Cities 2021 Strategic Priorities (Attachment D) Informational

VIII. Adoption of 2021 Work Program (Handout) Action

IX. Legislative Agenda (Attachment E) Action
Speaker: Jason Rhine, Assistant Legislative Director, League of California Cities
• Bill list:
  o SB 6 (Caballero) Local Planning: Housing in Commercial Zones.
  o SB 9 (Atkins) Housing Development Approvals: Duplexes and Lot Splits.
  o SB 55 (Stern) Very High Fire Hazard Severity Zone: State Responsibility Area: Development Prohibition.

X. 2020 Legislative and Budget Update (Handout) Informational
Speaker: Jason Rhine, Assistant Legislative Director, League of California Cities

XI. Adjourn

Next Virtual Meeting: Thursday, April 15, 2021, 9:00 am – 12:00 pm

Brown Act Reminder: The League of California Cities’ Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:
1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote), or
2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.
Parliamentary Procedure Basics Relating to Cal Cities Policy Committees
(adapted from Robert’s Rules of Order Newly Revised)

Note: This document is designed to provide practical examples of common procedural matters encountered by Cal Cities policy committees. It strives to provide guidance to foster productive and efficient meetings; it is not meant to be an exhaustive or comprehensive discussion of Robert's Rules. As always, it is the role and discretion of the chair to provide helpful guidance to individuals that may digress from the appropriate form and substance related to the conduct of meetings and the presentation of motions and other procedural matters set forth below.

I. COMMON MOTIONS

1. Main Motions
   *Purpose:* To introduce items to the committee for their consideration.
   *Example:* "I move the staff recommendation to support AB 123."

2. Motion to Amend
   *Purpose:* Retains the main motion under discussion, but changes it in some way.
   *Example:* "I move to amend the (presented main) motion to support AB 123 if amended."

"Friendly" Amendments
   *Purpose:* To offer an amendment to the main motion that is still supportive of the main motion.
   *Example:* If there is currently a motion to support AB 123 on the floor and a committee member makes a "friendly" amendment to support AB 123 and also request that staff report back after contacting the sponsor for clarification on specific language.

   *Note:* This is commonly mishandled procedurally. Often the individual that seeks to offer the "friendly" amendment will inquire if the maker of the original motion will "accept" the amendment, and if so the chair will treat the motion as amended. This is not the proper way to handle such an amendment. It is not the discretion of the mover of the original motion (or the chair) to accept or decline the amendment, rather it must be adopted by the committee.

   However, if it appears to the chair that an amendment (or any other motion) is uncontroversial, it is proper for the chair to ask if there is "any objection" to adopting the amendment. If no objection is made, the chair may declare the amendment adopted. If even one member objects, however, the amendment is subject to debate and vote like any other, regardless of whether its proposer calls it "friendly" and regardless of whether the maker of the original motion endorses its adoption.

3. Substitute Motion
   *Purpose:* Removes the motion under discussion and replaces it with a new motion.

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Example: When there is a main motion on the floor to support a bill, a substitute motion would be, “I move a substitute motion that the committee oppose AB 123.”

Addressing Multiple Motions
The following examples provide guidance relating to how multiple motions are handled, and the impact failed substitute motions have on original (main motions) and any proposed amendments. The last motion presented should be considered first.

Note: Substitute motions commonly occur during policy committee meetings, yet Robert's Rules does not make a distinction between motions to amend and substitute motions. However, motions to amend must be considered prior to a main motion. Because the use of "substitute" motions is fairly widespread, the label as it is reflected in practice is used in the examples below. Rosenberg's Rules of Order\(^2\) do reference substitute motions and their impact is also reflected below.

Example 1
Committee Member 1: "I move that we support AB 123."
Committee Member 2: "I move that we support AB 123, if amended."
Committee Member 3: "I move a substitute motion that we oppose AB 123."

Characterizing the Motions:
In the above example:
Committee Member 1 has made a (main) motion.
Committee Member 2 has made an amendment to Committee Member 1’s motion.
Committee Member 3 has made a substitute motion to Committee Member 1's motion.

Order for Consideration and the Possible Outcomes
Committee Member 3’s motion is considered first. If Committee Member 3’s motion fails, Committee Member 2's motion will be considered next. If Committee Member 2's motion fails, Committee Member 1’s motion will be considered. If Committee Member 2's motion passes, there is no need to consider Committee Member 1's motion.

If Committee Member 3’s motion passes, there is no need to consider Committee Member 1’s motions because Committee Member 3’s motion replaces Committee Member 1’s original motion. There is also no need to consider Committee Member 2's motion since it is an amendment to Committee Member 1’s motion that has been replaced by Committee Member 3's substitute motion.

Example 2
Committee Member 1: "I move that we support AB 123."
Committee Member 2: "I move a substitute motion that we oppose AB 123."
Committee Member 3: "I move that we oppose AB 123 unless amended."

Characterizing the Motions:
In the above example:
Committee Member 1 has made a (main) motion.
Committee Member 2 has made a substitute motion to Committee Member 1's motion.

Committee Member 3 has made an amendment to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

**Reviewing the Possible Outcomes**
Committee Member 3’s motion should be considered first. If the motion fails, Committee Member 2’s motion is considered. If Committee Member 2’s motion passes, it is not necessary to consider Committee Member 1’s motion because Committee Member 2’s motion substitutes for it.

If Committee Member 3’s motion fails, Committee Member 2’s motion is considered. If Committee Member 2’s motion fails, the substitute motion for Committee Member 1’s motion fails, and Committee Member 1’s motion is considered.

If Committee Member 3’s motion passes, it is not necessary to consider Committee Member 1’s motion because Committee Member 3’s motion substitutes for it.

**Example 3**
Committee Member 1: "I move that we support AB 123."
Committee Member 2: "I move a substitute motion that we oppose AB 123."
Committee Member 3: "I move a substitute to the substitute motion that we take no position on AB 123."

**Characterizing the Motions**
In the above example:
Committee Member 1 has made a (main) motion.
Committee Member 2 has made a substitute motion to Committee Member 1's motion
Committee Member 3 has attempted to make a substitute to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

**Reviewing the Possible Outcomes**
While procedurally permissible, in an effort to avoid confusion Committee Member 3’s motion should not be entertained by the chair until Committee Member 1 and Committee Member 2’s motions have been discussed and voted upon.

Committee Member 2’s motion should be considered first. If the motion fails Committee Member 1’s motion is considered. If Committee Member 1’s motion fails, then Committee Member 3’s may make the motion to "take no position on AB 123."

If Committee Member 2's motion passes, it is not necessary to consider Committee Member 1’s motion because Committee Member 2's motion substitutes for it.

4. **Motion to Withdraw**
   **Purpose:** To withdraw an item from discussion.

   **Making the Motion to Reconsider:** Only the individual that made the initial motion can make a motion to withdraw an item from discussion. The individual may interrupt a speaker (after being recognized by the chair) to withdraw the motion under discussion at any time.

   **Note:** This type of motion typically occurs following some debate by the committee that may provide additional information that influences the mover to reconsider
continued debate on the original motion presented. Another member may subsequently make the same motion after it has been properly withdrawn.

Example: “Madame Chair, I move to withdraw my motion to support AB 123.”

5. **Motion to Reconsider**  
*Purpose:* To revisit discussion of an issue.  

*Making the Motion to Reconsider:* A motion to reconsider must be made by an individual that previously voted in the majority of the original motion. A motion to reconsider made by an individual that previously voted in the minority must be characterized as out of order.

*Timing:* A motion to reconsider must be made at the same meeting where the original motion was discussed, or the next meeting of the body. Motions for reconsideration following the next meeting are out of order.

Example: “I move to reconsider the committee’s position to support AB 123.”

6. **Motion to Table**  
*Purpose:* This motion is often used in the attempt to "kill" a motion by setting it aside. The option is always present, however, to "take from the table," for reconsideration by the committee.

*Note:* This type of motion should be reserved to temporarily set an item aside if agreed upon by a majority of the committee to take up an item of immediate urgency. However, in practice it is sometimes used as an option to end debate and prevent a vote, and not typically to take up an item of immediate urgency. This is technically improper procedure (or out of order) under Robert's Rules.

Example: “I move that the committee table the motion to support AB 123.”

7. **Call for the Question**  
*Purpose:* To refocus the committee on the agenda in the event there is sentiment that the discussion has drifted. The individual seeking to end debate must first be recognized by the Chair, make the motion and the motion must receive a second. The motion must be adopted by a 2/3 vote or unanimous consent.

Example: “I move the previous question.”

*Note:* The above procedure is consistent with Roberts Rules, however, in practice when an individual calls for the question a vote is not usually taken. The motion simply serves as an indicator to the chair that the debate may have drifted from the agenda, and the chair should remind the committee to return to the agenda. If there is a sense that the current discussion is productive the chair may elect to ask for a vote relating to the motion to call for the question, or the chair may propose continued discussion for some short period to allow individuals that wish to speak the opportunity.
8. **Motion to Appeal**  
*Purpose:* To appeal a ruling made by the chair. A committee member may move to appeal a ruling by the Chair, but it must be seconded and receive a majority vote to be reversed.

*Example:* "I move to appeal the Chair’s ruling that the committee approved support of AB 123."

9. **Adding an Item to the Agenda for Consideration**  
*Purpose:* To have the committee discuss an item that is not on the prepared agenda before them. Because the Cal Cities is committed to complying with the legal requirements and spirit of the Brown Act additional agenda items may be considered only if they fall within any of the below exceptions:

- An item may be added to the agenda by circulation to the committee members and posting on the Cal Cities website at least 72 hours prior to the meeting.

- An item may be placed on the agenda at the meeting if the majority decides that it is an “emergency situation.” An emergency situation includes work stoppage, crippling disaster, or any other activity that impairs public health safety or both.

- Two-thirds of the committee members present (or all of the members if less than two-thirds are present) must determine that there is a need for immediate action, and the need to take action arose subsequent to the circulation of the agenda.

If an item does not fall within one of these exceptions it may not be discussed and acted upon, but may be added to a subsequent agenda.

*Note:* This procedure is typically used when there is a supplemental agenda that is distributed at the meeting that was not mailed to the committee prior to the meeting.

II. **OTHER ITEMS**

1. **Point of Privilege**  
*Purpose:* To draw attention to an item that interferes with the comfort of the meeting.

*Example:*  
Committee Member: “Point of privilege.”  
Chair: “State your point.”  
Committee Member: “Madame Chair, may we inform the hotel staff that the room is uncomfortably hot and request that the air conditioning be adjusted.”

2. **Point of Order**  
*Purpose:* To draw attention to inappropriate conduct at the meeting.

*Example:*  
Committee Member: “Point of order.”  
Chair: “State your point.”  
Committee Member: “Madame Chair, the motion was approved without opportunity for debate.”
3. **Public Comment**
   In the spirit of the Brown Act an opportunity for public comment is included on all agendas. The chair should exercise discretion in determining the appropriateness and extent of public comment during committee meetings setting reasonable limits as needed.

### III. HOW TO PRESENT A MOTION

1. Obtain the floor by raising your hand and wait to be recognized by the chair.
2. Make your motion.
   a. Speak clearly and concisely.
   b. Always state a motion affirmatively. For example, "I move the staff recommendation that we support AB 123..." rather than, "I move that we do not take a position ...".
   c. Avoid comments unrelated to the subject of the motion.
   d. Avoid making any arguments supporting your motion at this time, simply state the motion.
3. Wait for someone to second your motion.
4. Another member will second your motion or the chair will call for a second.
5. If there is no second to your motion it is lost and no vote will be taken by the committee.
6. If there is a second to your motion the chair should re-state the motion, or ask Cal Cities staff to re-state the motion.
   a. The chair will say, "it has been moved and seconded that we ..." This places the motion before the committee for consideration and action.
   b. The committee then either debates the motion or may move directly to a vote.
   c. Once a motion is presented to the committee by the chair it becomes "committee property," and cannot be changed by the maker of the motion without the consent of the committee.
7. At this point the individual making the initial motion (the mover) may elect to expand on the motion. For example, this would be the appropriate time for the mover to present an argument in support of the motion.
8. The chair should always recognize the mover first.
   a. All comments and debate must be directed to the chair.
   b. Keep to the time limit (if any) for speaking that has been established.
   c. The mover may speak again only after other speakers are finished, unless called upon by the chair.
9. Putting the Question to the Committee
   a. The chair asks, "Are you ready to vote on the question?"
   b. If there is no more discussion, a vote is taken on the motion.
   c. If the motion passes, the committee moves on to the next item on the agenda.
   d. If the motion fails, and no other motion is on the floor, then a new motion is in order.

*Note: If a motion to support AB 123 fails, this does not mean that there is opposition to AB 123 by default. A separate motion to oppose AB 123 or some other formal motion must be made and voted on by the committee.*
IV. VOTING ON A MOTION

1. Voting is Conducted by Voice
The chair asks those in favor to say, "aye," those opposed to say "no." If the outcome is unclear by voice, a hand vote may be taken. Any member may move for an exact count. Following the vote, the chair should announce the outcome.

Example:
Chair: There is a motion and a second to support AB 123. All those in favor say, "aye." All those opposed say, "no." If the outcome by voice is clearly in support the chair would announce that, "The motion to support AB 123 passes." If the outcome results in opposition to the motion, the chair would announce that, "The motion to support AB 123 fails." If the outcome is unclear the chair, or another member may ask for a hand count.

V. QUORUM

1. Presumption of a Quorum
The presence of a quorum is presumed unless the issue is raised.

Note: It is not necessary, and is disfavored for the chair to routinely begin a meeting inquiring about the presence of a quorum.

2. Calculating the Presence of a Quorum
If the issue of whether a quorum is present is raised, a quorum consists of a majority of all appointed, voting members of a policy committee. A majority simply means more than half, not fifty percent plus one.

3. Votes Taken Prior to the Question of Whether a Quorum is Present Are Valid
If a vote(s) is taken prior to the question of whether a quorum was present is asked, and it is later determined that a quorum was not present when the vote(s) was taken, the action taken is still valid.

4. Votes Taken in the Absence of a Quorum are Advisory
A vote may be taken on matters even if a quorum is not present, but all votes taken by that body will be advisory to the Cal Cities Board or the General Resolutions Committee, and the Board or the General Resolutions Committee must be advised that a quorum of the body was not present. The vote count should also be noted and communicated.
HOW CAL CITIES POLICY COMMITTEES WORK

Role and Responsibility of Committee Members
The strength of Cal Cities policy process and ability to effectively engage in the legislative process is based on the active involvement of and the expertise of city officials. We rely on your technical and policy knowledge, thoughtfulness, strategic thinking, and political savvy. Your role is to engage in thoughtful discussions at the meeting. Members should review the agenda and background material prior to the meetings, attend each meeting, and stay for the entire duration of the meeting.

Cal Cities has seven (7) policy committees, each with their own subject matter jurisdiction. Each policy committee plays a role in directing Cal Cities engagement at the local, state, federal, and regulatory levels by adopting positions on relevant policy. These recommendations are then referred to Cal Cities Board of Directors. Once approved, these positions are adopted as formal League policy and become part of Cal Cities compilation of existing policy entitled, “Summary of Existing Policy and Guiding Principles” (Summary). This document will be updated in April 2020 and every two years thereafter. The Summary, in its entirety, is located on Cal Cities Web site at www.cacities.org/advocacy. Individual sections are located on each policy committee’s Web page, which are available at www.cacities.org/polcomm.

Policy Committee Legislative Agenda Items
League policy committees review bills or regulatory proposals on issues for which Cal Cities does not have existing policy, or for which staff members feel a policy discussion needs to occur for greater clarity or background on an issue. Staff will lobby legislation, funding proposals, or regulatory changes where existing policy provides clear direction.

Committee Recommendations on Positions on Bills
The committee’s actions or positions are a recommendation to Cal Cities Board of Directors for a formal League position. Possible committee recommendations can be:

• Support
• Oppose
• Support-if-amended (as appropriate, specific amendments may be requested)
• Oppose-unless-amended (as appropriate, specific amendments may be requested)
• No position
• Neutral

There are nuanced differences between some of these positions. For example, “support-if-amended” sends a very different message than “oppose-unless-amended.” Both positions might seek the same change but the support-if-amended position means that Cal Cities would be listed with the “supporters” of the bill in most legislative analysis. In addition, “no position” and “neutral” have different meanings and require different actions from staff. Selection of one or the other depends in part upon what type of message or political posture Cal Cities needs to take. Staff will advise the committee about the implications of each on a case-by-case basis.
Approval by League Board Needed for All Committee Recommendations
All committee actions are recommendations to Cal Cities Board, which has the final say on all positions. Under no circumstances are individual committee members nor the committee itself authorized to speak on behalf of Cal Cities. When a committee action is supported by a large majority (e.g., 32 to 3), the recommendation is placed on the Board’s consent calendar. When the committee vote is split (e.g., 15-13), the item will be presented as an action item for the Board’s discussion. Staff will also provide information about the reasons behind the committee’s recommendation to the Board.

Most of the time, the Board adopts the recommendation of the policy committee. When the Board adopts a different position, staff will notify the committee members of the reason for the different position.

Some issues cut across more than one committee. When this occurs, staff will coordinate and bring a bill to more than one committee for review and recommendation. The recommendations are then forwarded to Cal Cities Board and if there is a different recommendation, Cal Cities Board resolves the difference.

Role of the Committee Chair
The chair’s role is to balance the often competing needs of the membership to have a full and thoughtful discussion on the issues within the very real time constraint. The chair will often limit debate – either in the number of speakers or the amount of time each speaker has – in order to ensure that we can move ahead on our agenda and cover the items included. We ask that when you make comments on issues before the committee that you be brief and concise and that you not repeat what has already been stated. Also, if you have already spoken on an issue, the chair may ask you to hold your comments until after new speakers are able to share their comments.

Committee Schedule and Process
Committees generally meet three times a year (January in Sacramento, April in Anaheim, and So. San Francisco in June), plus an abbreviated meeting at the Annual Conference (October in Long Beach) to review resolutions if any are assigned to it. (The October meeting schedule will be announced in mid-August). Meetings begin at 10:00 a.m. and conclude by 3:00 p.m. and are scheduled on Thursdays and Fridays. Please note that each policy committee will rotate which day it will occur on a yearly basis, so plan accordingly prior to submitting future applications.

Agendas/Disseminating Information
A meeting notice is emailed to committee members about a month to six weeks in advance of the meeting, containing travel and logistical information. An agenda packet is emailed at least one week before a meeting and also sent via e-mail. Highlights that summarize committee actions are prepared by staff and provided to committee members about two to three weeks after the meetings. All materials are also available on Cal Cities Website: www.cacities.org/polcomm.

We encourage you to visit Cal Cities Web site: www.cacities.org. In addition to containing committee materials, the Website contains information on Cal Cities priorities and a link to track individual bills and Cal Cities position on them. You should also subscribe to Cal Cities electronic newsletter CA Cities Advocate.
For meetings that are heavy in legislative review (generally in April and June), staff will try to find a balance between getting the agenda packet out early and the need to delay finalizing the agenda packet in order to include as many legislative items as possible and in their most current version. At some meetings, staff may use a supplemental agenda for last minute legislative issues. We will use e-mail as appropriate to send out late-breaking information or to gather committee input throughout the year. It is important that we have your preferred e-mail.

**How to Get an Item on the Agenda**

Because staff prepares background material in advance of the meeting, and prepares the agenda in consultation with the Chair and Vice Chair, it is difficult to add items at the last minute. In addition, Cal Cities tries to comply with the spirit of the Brown Act in its meetings. If you wish to have the committee discuss an item, you should contact staff well in advance of the meeting in order to determine the feasibility of including it on the agenda, and if so, allow staff time to prepare the appropriate background material. Because of time constraints and a full work program before the committee, it may not always be possible to respond to such requests.

**Issues Should Have Statewide Impact**

Although some of you may represent your division, your department, your affiliate organization, or simply yourself, we should all keep in mind that Cal Cities must address issues of statewide impact and interest. Thus, while an issue or bill may be of interest to your city or region, if it does not have broader, statewide implications, Cal Cities likely will not engage in that policy discussion or take a position. You should keep this in mind if you wish to suggest an item for discussion.

**Brown Act and Roberts Rules of Order**

Cal Cities tries to comply with the spirit of the Brown Act. Thus, when the committee discusses items not already on the agenda (e.g., supplemental legislative agenda), the Chair will ask for a vote of approval to add that item to the agenda. Cal Cities also follows Roberts Rules of Order and provides a brief overview of key procedural steps in Roberts Rules as they apply to committees.

**Staffing for Committee**

Each committee has a staff lobbyist assigned to it. This individual is your main point of contact for logistics or questions about the agenda. Generally, each lobbyist has a “main” committee and will remain with the committee throughout the meeting. Occasionally he/she may leave the meeting to make guest appearances in other committees to discuss issues or bills. Additional staff may also be present to support the committee’s work.

**League Partners and Other Guests**

Cal Cities Partners have the ability to appoint up to two non-voting representatives to each policy committee and are seated at the table with other committee members. In addition, city officials, other members of Cal Cities Partners Program, and interested members of the public are welcome to attend the meetings. We provide an opportunity for our League Partners and other members of the public to offer comment on items before the committee during the designated public comment period on the agenda.
Housing, Community and Economic Development

Scope of Responsibility

The principle behind the policies reviewed by the Committee on Housing, Community and Economic Development (HCED) is to foster local control of community planning decisions as they relate to land use and economic development. The issues within the purview of the HCED Committee include general plans and zoning, housing affordability, rent control, subdivision map act, residential care facilities, other land use regulation, development fees including school fee adequacy, annexation and incorporation policy, development agreements, building standards including seismic safety standards, economic development policy including redevelopment and enterprise zones, military base closure and reuse, mobile home regulation, and sign regulation.

Summary of Existing Policy and Guiding Principles

Planning And Zoning

General Plans
The League supports the use of the general plan as a guide to meeting community planning needs. A city’s general plan should guide the individual city’s land use planning and strategic decision-making. A city’s general plan should not be subject to mandatory review by regional or state agencies. General plan requirements should be flexible and provide guidance to local communities without requiring inappropriate levels of detail or mandating new topics or elements. The League supports guidance by expert state agencies in a consultation format but opposes granting mandatory review, certification or other approval authority to another level of government.

Water Supply and Land Use Planning
The League supports having the best information available on the reliability of water supplies when land use decisions are made by local agencies, while protecting and retaining local land use decision-making authority.

Zoning
The League believes local zoning is a primary function of cities and is an essential component of home rule. The process of adoption, implementation and enforcement of zoning ordinances should be open and fair to the public and enhance the responsiveness of local decision-makers. State policy should leave local siting and use decisions to the city and not interfere with local prerogative beyond providing a constitutionally valid procedure for adopting local regulations. State agency siting of facilities, including campuses and office buildings, should be subject to local notice and hearing requirements in order to meet concerns of the local community. The League opposes legislation that seeks to limit local authority over parking requirements.

Housing Element
Housing issues should be addressed in the general plan as other planning issues are. The housing element should be prepared for the benefit of local governments and should have equal status with the other elements of the general plan.
The projections of regional and local growth and the allocations of housing units should account for state and local planning factors and should be subject to a formal hearing and appeal process to ensure that they are realistic. Cities should be allowed to work together to allocate housing units among themselves within a subregion. Appeals should be heard by politically accountable officials at the state and regional levels. Allocated housing units are not a production requirement as cities do not construct housing.

Cities should focus their efforts on facilitating the production of below market rate housing units. Local government efforts should be subject to realistic performance standards, not to arbitrary state agency review of the housing element. Local government housing efforts should be rewarded by incentives. These incentives should include streamlining by not being subject to the Department of Housing and Community Development review, priority ranking for discretionary funds, and new discretionary funds available for general fund purposes.

The League supports and encourages legislation that implements comprehensive reforms to the housing element process that:

- Address conflicts between local growth projections and state regional housing need numbers;
- Resolve the problems associated with the distribution of RHNA units within a council of governments;
- Achieve improvements to the housing element review process;
- Develop a neutral dispute resolution process and fair enforcement alternatives to deal with disputes over questions of compliance;
- Require state laws and policies which affect housing and land use to be internally consistent;
- Establish additional legal protections to local agencies that approve affordable housing and that establish local pro-active affordable housing policies; and
- Authorize communities which achieve quantifiable affordable housing production levels to self-certify their housing elements without being subject to state review.

**Housing Finance**

The League supports legislation and state and federal programs that assist in providing financing for affordable housing, including the development of fiscal tools and incentives to assist local governments in their efforts to encourage housing and finance the infrastructure to support housing, as well as establishing an ongoing state commitment for funding affordable housing.

The League supports the re-establishment of federal tax incentives which were in effect prior to 1986 which encouraged private development and ownership of rental housing.

The League supports property tax assessment policies that match local affordable housing policies.

**Economic Development**

**Job Creation, Retention and Expansion**

The League supports legislation that will provide tangible and productive tools and incentives to support job creation and retention in housing-rich, jobs-poor communities, such as the awarding of direct grants to fund the development of infrastructure that results in the creation and
retention of jobs; the elimination of matching dollar requirements for economic development and infrastructure state grants; the provision of grant funding for infrastructure planning and design and the creation of economic development strategies; and, allowing cities the maximum flexibility in the use of state funds toward local priorities that support job creation. The League also encourages the state to adopt policies and programs that establish a comprehensive solution to the infrastructure and jobs/housing needs of all communities within the state.

**Tax Increment Tools**
The League supports the enactment and expansion of tax increment financing authority for economic development, infrastructure, and community revitalization, including recently enacted Enhanced Infrastructure Financing District Law (EIFD), Community Revitalization and Investment Authorities (CRIA) and Annexation Development Plans.

The League supports the enactment and expansion of state tax incentives that assist city economic development and community revitalization efforts.

**Eminent Domain**
The League supports enactment of fair eminent domain reforms that protect homeowners, and opposes proposals that would cripple the ability of state and local agencies to manage development.

**Tenant Protections**
The League supports prohibiting landlords from discriminating against tenants who use housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937 and other public assistance towards their rental payments.

The League also supports requiring landlords that seek to increase monthly rent greater than ten percent to provide tenants 90 day notice before the increase takes effect.

**Rent Control**
The League opposes legislation that restricts the ability of cities to enact rent control ordinances for mobile homes and stick-built housing that are tailored to meet local conditions and circumstances.

The League opposes legislation that would require a city to adopt a mobile home rent control ordinance.

**Subdivision Map Act**
The League supports maximizing local control over subdivisions and public improvement financing. Discretion over the conditions and length of subdivision and parcel maps should be retained by cities.

**Residential Care Facilities**
The League supports permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building and safety standards. State and county licensing agencies should be required to confer with the city’s planning agency in determining whether to grant a license to a
community care facility. The League recognizes that better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.

The League supports state legislation to require a minimum distance of 300 feet between all new and existing residential care facilities. The League supports notification of cities about conditional release participants residing in group homes.

Development Fees

The League supports providing local discretion in the assessment, collection and usage of development fees. The state should provide infrastructure funding to help local communities meet California's growth demands and to increase housing affordability. The League opposes limiting the ability of cities to levy fees to provide for infrastructure or services.

The League recognizes that school facilities are a component of a community's infrastructure and must be maintained to foster positive outcomes for youth and economic development. The League supports maintaining city discretion over the extent to which legislative authority should be exercised to fully mitigate impacts from development to the adequacy of school facilities. Consistent with maintaining discretion, cities should maintain the ability to condition and deny projects that the city determines inadequately mitigate impacts to community schools.

The League opposes the elimination of any development fee or tax including excise taxes. Tax shifts and initiative measures have severely limited city abilities to provide for community needs. The state must ensure that cities have adequate revenues for local infrastructure and services.

Annexation and Incorporation

The League supports strengthening city control over urban boundaries. Sphere of Influence law should be modified to ban county development and to allow cities to annex logical growth. The Revenue and Taxation Code should not allow counties to block annexations in exchange for unreasonable property tax sharing agreements. In addition, cities should have expanded authority over adjacent lands outside of their sphere of influence regardless of jurisdictional lines so long as the land is not within another city’s sphere. Cities should not be required to incur costs for planning to meet infrastructure needs of unincorporated areas or leveraged to annex areas which would result in unfunded costs.

The League supports facilitating the incorporation of cities that have met procedural requirements and voter approval. The League opposes efforts by the Legislature to disincorporate a city for any reason, unless requested by the affected city.

Development Agreements

The League recognizes voluntary development agreements as one tool for providing flexibility in development approvals.

Building Standards

The League supports flexibility in the adoption and implementation of health and safety standards contained in the building codes. Statutes should maximize local control over standards applying to local conditions. The League opposes new standards imposed by statute rather than regulation.
The League opposes attempts to have multiple state agencies develop specific or subject related building standards. New building standards should be proposed through the California Standards Commission.

The League supports authorizing cities to adopt independent occupancy standards to prevent overcrowding and associated health and safety hazards, including fire-related fatalities.

**Housing for Homeless**

Housing and programs for homeless and other extremely low-income populations are necessary to ensure quality of life and economic viability for all Californians.

Homelessness is a statewide problem that disproportionately impacts specific communities. The state should make funding and other resources, including enriched services, and outreach and case managers, available to help assure that local governments have the capacity to address the needs of the homeless in their communities, including resources for regional collaborations.

Homeless housing is an issue that eludes a statewide, one-size-fits-all solution, and collaboration between local jurisdictions should be encouraged.

State and federal funding programs should be designed to reflect responsibilities imposed by state and federal law.

**Military Base Closure And Reuse**

**Base Closures and Reuse**

The League supports local decision-making over military base closure and reuse. The affected cities independently or subregionally should work together towards efficient reuse planning.

**Economic Reuse**

The League supports incentives for broad economic reuse of closed military facilities. Cities should work on a regional and interstate basis to maintain economic productivity. Economic reuse includes both reuse of military facilities and the retooling of related industries to continue to provide jobs for residents of California’s cities.

**Mobile Home Regulation**

The League supports initiatives that maintain cities as the enforcement authority for mobile home regulation.

The League supports the preservation of existing mobile home parks as an important source of affordable housing.

**Sign Regulation**

The League supports the authority of cities to regulate billboards and other signage. The League opposes mandatory local abatement programs.
Principles for Smart Growth

Well-Planned New Growth
Recognize and preserve open space, watersheds, environmental habitats, and agricultural lands, while accommodating new growth in compact forms, in a manner that:
- De-emphasizes automobile dependency;
- Integrates the new growth into existing communities;
- Creates a diversity of affordable housing near employment centers; and
- Provides job opportunities for people of all ages and income levels.

Maximize Existing Infrastructure
Accommodate additional growth by first focusing on the use and reuse of existing urbanized lands supplied with infrastructure, with an emphasis on reinvesting in the maintenance and rehabilitation of existing infrastructure.

Support Vibrant City Centers
Give preference to the redevelopment and reuse of city centers and existing transportation corridors by supporting and encouraging:
- Mixed use development;
- Housing opportunities for all income levels;
- Safe, reliable and efficient multi-modal transportation systems; and
- Retaining existing businesses and promoting new business opportunities that produce quality local jobs.

Coordinated Planning For Regional Impacts
Coordinate planning with neighboring cities, counties, and other governmental entities so that there are agreed upon regional strategies and policies for dealing with the regional impacts of growth on transportation, housing, schools, air, water, wastewater, solid waste, natural resources, agricultural lands and open space.

Support High-Quality Education and School Facilities
Develop and maintain high quality public education and neighborhood-accessible school facilities as a critical determinant in:
- Making communities attractive to families;
- Maintaining a desirable and livable community;
- Promoting life-long learning opportunities;
- Enhancing economic development; and
- Providing a work force qualified to meet the full range of job skills required in the future economy.

Build Strong Communities
Support and embrace the development of strong families and socially and ethnically diverse communities, by:
- Working to provide a balance of jobs and housing within the community;
- Avoiding the displacement of existing residents;
- Reducing commute times;
- Promoting community involvement;
- Enhancing public safety; and
- Providing and supporting educational, mentoring and recreational opportunities.
Emphasize Joint Use of Facilities
Emphasize the joint use of existing compatible public facilities operated by cities, schools, counties and state agencies, and take advantage of opportunities to form partnerships with private businesses and nonprofit agencies to maximize the community benefit of existing public and private facilities.

Support Entrepreneurial/Creative Efforts
Support local economic development efforts and endeavors to create new products, services and businesses that will expand the wealth and job opportunities for all social and economic levels.

Encourage Full Community Participation
Foster an open and inclusive community dialogue and promote alliances and partnerships to meet community needs.

Establish a Secure Local Revenue Base
Support the establishment of a secure, balanced and discretionary local revenue base necessary to provide the full range of needed services and quality land use decisions.

Residential Insurance Policy

The League believes homeowners should be insured for the value of rebuilding a home to current building standards. The League supports measures to increase transparency in insurance policies so that homeowners can make informed decisions.

The League believes residents who have experienced a wildfire or other natural disaster are entitled to fair residential property insurance practices that provide flexibility to rebuild, including that insured property owners should not lose insurance coverage during the rebuilding effort.

The League also believes residential property insurance policies should not be canceled based on weather-related claims or immediately following a disaster.

Note: The League will review new legislation to determine how it relates to existing League policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by the League during the previous two years, there may be new, evolving policies under consideration or adopted by the League that are not reflected in the current version of this document. However, all policies adopted by the League Board of Directors or the League’s General Assembly become League policy and are binding on the League, regardless of when they are adopted and whether they appear in the current version of “Summary of Existing Policies and Guiding Principles."
City leaders throughout the state work hard every day to improve the quality of life for their residents, and create an equitable and just future for all Californians. In 2020, city leaders displayed remarkable resilience in their commitment to serving their communities, taking action to protect their residents from a global pandemic, leading in the recovery of their local economies, responding to calls for equity and justice, and combating one of the worst wildfire seasons in history.

In setting the League of California Cities annual strategic advocacy priorities, cities remain committed to resiliency, response, and recovery to strengthen our cities and move our communities forward. We stand ready to work collaboratively with the state and federal governments and other stakeholders to accomplish our strategic advocacy priorities in 2021.

1. **Secure state and federal funding for local COVID-19 public health response and economic recovery for all.** Secure direct and flexible funding and resources for cities of all sizes so they can continue to protect residents from the pandemic, deliver essential services, support small businesses, and lead the recovery in our communities. Improve communication and coordination with regional, state, and federal governments on public health orders and programs to stimulate equitable economic recovery.

2. **Secure funding to increase the supply and affordability of housing and resources to assist individuals at risk of – or already experiencing – homelessness while preserving local decision making.** Secure additional resources to increase construction of housing, particularly affordable housing, workforce housing, and permanent supportive housing, and ensure cities retain flexibility based on the land use needs of each community. Increase flexibility and resources to provide navigation assistance and emergency shelters, and strengthen partnerships and collaboration with stakeholders to ensure mental health, substance abuse treatment, and wraparound services are available for adults and youth at risk of – or already experiencing – homelessness in our communities.

3. **Improve state-local coordination and planning to strengthen community disaster preparedness, resiliency, and recovery.** Pursue additional resources and support to mitigate the effects of climate change, sea level rise, catastrophic wildfires, and flooding in our communities. Promote community disaster preparedness, resiliency, and recovery in collaboration with the state and federal governments. Increase availability and access to the National Flood Insurance Program to include other natural disasters.

4. **Protect and modernize critical infrastructure.** Seek increased state and federal resources for critical and sustainable local infrastructure projects including roads, public transit, active transportation, water availability, and broadband deployment that enhance workforce and economic development and improve quality of life.
1. **SB 6 (Caballero) Local Planning. Housing in Commercial Zones.** *(Full Text)*

**Bill Summary:**
This measure would create the Neighborhood Homes Act, which establishes a housing development project as an authorized use on a neighborhood lot, defined as a lot zoned for office or retail commercial that is not adjacent to an industrial use.

**Bill Description:**
Specifically, SB 6 would require a housing development project on a neighborhood lot to comply with all of the following:

- Housing developments must meet all local requirements for a neighborhood lot, other than those that prohibit residential use. A housing development under these provisions is subject to the local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in a zone that allows for the housing with the density required by the act.

- The density for the housing development shall meet or exceed the applicable density deemed appropriate to accommodate housing for lower income households (Mullin densities).

- If the existing zoning designation allows residential use at a density greater than that required by the act, the bill would require that the existing zoning designation for the parcel would apply.

- The housing development shall comply with any public notice, comment, hearing, or other procedures imposed by the local agency on a housing development in the applicable zoning designation.

- The housing development shall be subject to local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in a zone that allows for the housing with the density described.

- The housing development shall be subject to a recorded deed restriction requiring that at least ___ percent of the units have an affordable housing cost or affordable rent for lower income households.

- Developers would be required to ensure that all construction workers be paid prevailing wages or certify that a skilled and trained workforce will be used to perform all construction work on the development.
• Local agencies would be required to require that a rental of any unit created pursuant to the bill’s provisions be for a term longer than 30 days.

• A city or county may exempt a neighborhood lot from this section in its housing element if the local agency concurrently reallocates the lost residential density to other lots so that there is no net loss in residential production capacity in the jurisdiction.

• A local agency may reallocate the residential density from an exempt neighborhood lot pursuant to this subdivision only upon if the site or sites chosen by the local agency to which the residential density is reallocated meet both of the following requirements:
  o The site or sites are suitable for residential development, or
  o The site or sites are subject to an ordinance that allows for development by right.

• This measure does not alter or lessen the applicability of any housing, environmental, or labor law applicable to a housing development authorized by this section, including, but not limited to, the following:
  o The California Coastal Act of 1976.
  o The California Environmental Quality Act.
  o The Housing Accountability Act.
  o The Density Bonus Law.
  o Obligations to affirmatively further fair housing.
  o State or local affordable housing laws.
  o State or local tenant protection laws.

• All local demolition ordinances shall apply to a project developed on a neighborhood lot.

• An applicant seeking to develop a housing project on a neighborhood lot may request that a local agency establish a Mello-Roos Community Facilities District, or may request that the neighborhood lot be annexed to an existing community facilities district.

• An annexation to a community facilities district for a neighborhood lot shall be subject to a protest proceeding.

• An applicant who voluntarily enrolls in the district shall not be required to pay a development, impact, or mitigation fee, charge, or exaction in connection with the approval of a development project to the extent that those facilities and services are funded by a community facilities district established pursuant to this subdivision. This paragraph shall not prohibit a local agency from imposing any application, development, mitigation, building, or other fee to fund the construction cost of public infrastructure facilities or services that are not funded by a community facilities district to support a housing development project.

• Housing developments on neighborhood lots shall be eligible for SB 35’s streamlined ministerial approval process if it meets all of the following requirements:
  o The proposed project meets the objective zoning, design, and subdivision standards that apply to the neighborhood lot as a result of SB 6.
  o The proposed project meets all of SB 35’s other requirements.
• The site is zoned for office or retail commercial use and 50 percent or more of its total square footage has been vacant for a period of at least three years prior to the submission of the application.

• The provisions of the Neighborhood Homes Act would apply to all cities, including charter cities.

**Background:**
COVID-19 severely limited the number of bills passed last year, which has resulted in the Senate largely reintroducing the same housing package in 2021. This year’s package is entitled the ‘Building Opportunities for All’ Senate Housing Package, which includes six bills aimed at offering housing opportunities and solutions for Californians. SB 6 is part of the new housing package. Senate President Pro Tempore Atkin’s press release on the housing package is linked below:

[Senate President Pro Tempore Atkins Housing Package Update](#)

SB 6 is a reintroduction of SB 1385 from 2020. SB 1385 came before this committee last year for consideration. After a thoughtful discussion, the committee decided to provide no recommendation to the board of directors but instead directed Cal Cities staff to monitor the legislation and if possible work with the author and stakeholders to amend the bill to give cities additional flexibility when zoning for housing in commercial zones.

In recent years, consumers have increasingly shopped more and more online. This has put significant pressure on traditional brick and mortar stores. Anchor tenants like Sears, Kmart, and Macy’s have closed physical stores and left large vacancies in commercial areas.

According to an April 24, 2020, brief published by McKinsey and Company, the onset of COVID-19 has aggravated the existing challenges that the retail sector faces, including:

- A shift to online purchasing over brick-and-mortar sales.
- Customers seeking safe and healthy purchasing options.
- Increased emphasis on value for money when purchasing goods.
- Movement towards more flexible and versatile labor.
- Reduced consumer loyalty in favor of less expensive brands.

With several large retailers such as Nieman Marcus, J.C. Penney, J. Crew, and Pier 1 filing for bankruptcy, store closings have already been announced or are expected in the future. The investment firm UBS estimates that by 2025, 100,000 stores in the United States will close as online sales grow from 15 percent to 25 percent of total retail sales. COVID-19 has only intensified this trend.

**Fiscal Impact:**
The fiscal impact of SB 6 is difficult to calculate because it will vary greatly depending on the number of units converted to housing, the loss of sales tax, and the increase in property tax.

**Existing League Policy:**

*Zoning*
Cal Cities believes local zoning is a primary function of cities and is an essential component of home rule. The process of adoption, implementation and enforcement of zoning ordinances should be open and fair to the public and enhance the responsiveness of local decision-makers. State policy should leave local siting and use decisions to the city and not interfere with local
prerogative beyond providing a constitutionally valid procedure for adopting local regulations. State agency siting of facilities, including campuses and office buildings, should be subject to local notice and hearing requirements in order to meet concerns of the local community. Cal Cities opposes legislation that seeks to limit local authority over parking requirements.

Maximize Existing Infrastructure
Accommodate additional growth by first focusing on the use and reuse of existing urbanized lands supplied with infrastructure, with an emphasis on reinvesting in the maintenance and rehabilitation of existing infrastructure.

Comments:
Listed below is a statement made by the author regarding last year’s SB 1385. Given the similarity to SB 6, these comments are still relevant.

According to the author, “Large shopping malls, strip malls, and ‘big box’ retail stores are facing a new reality: consumers’ needs are being met online. Many shopping centers have struggled to remain viable as large anchor stores like Sears and Toys R Us have closed their doors or gone out of business, unable to keep up with major online retailers like Amazon. Now, many areas throughout California are left with struggling or vacant, often-times run-down, commercial centers without any interest in development from commercial business.

“At the same time retail vacancies are growing, California’s housing crisis continues to worsen. According to the California Budget and Policy Center, over 50% of renters and nearly 40% of homeowners pay more than 30% of their income in rent. In addition, the Public Policy Institute of California recently reported that California’s housing shortage continues to grow as the number of residential building permits issued for 2018 and 2019 were far below the recommended annual average of new homes needed. While there is no single policy to fix California’s housing crisis, providing easy ways for cities to increase their housing supply is a step in the right direction, and SB 1385 will do just that. This bill allows for cities to approve residential development in commercially zoned retail and office spaces that are vacant or no longer viable. By doing so, we open up previously developed land that is a perfect opportunity to convert to residential or mixed-use purposes and expand California’s housing supply.”

Support-Opposition:
Since SB 6 was recently introduced, there is no official registered support or opposition listed for the measure. However, the most recent support and opposition of SB 1385 is listed below.

Support: (of SB 1385 as of 8/11/2020)
- Bay Area Council [SPONSOR]
- Bay Area Housing Action Coalition
- California Building Industry Association
- California Chamber of Commerce
- California Forward (Sponsor)
- California YIMBY
- Council of Infill Builders
- County of Monterey
- Habitat for Humanity California
- Los Angeles County Business Federation (BIZFED)
- Sand Hill Property Company
- Silicon Valley At Home (SV@HOME)
• Southern California Rental Housing Association
• SPUR
• The Two Hundred
• Up for Growth

Support if Amended: (of SB 1385 as of 8/11/2020)
• American Planning Association, California Chapter
• City of Fullerton
• State Building and Construction Trades Council of California

Opposition: (of SB 1385 as of 8/11/20)
• California Housing Consortium
• California Housing Partnership Corporation
• California Rural Legal Assistance Foundation
• Cities of Buena Park, Cerritos, Cupertino, Newport Beach, Santa Ana, Santa Clarita, and Thousand Oaks
• Housing California
• Howard Jarvis Taxpayers Association (HJTA)
• Pacific Palisades Community Council
• Western Center on Law and Poverty

Oppose Unless Amended: (of SB 1385 as of 8/11/2020)
• California League of Conservation Voters
• Center for Biological Diversity
• Planning and Conservation League
• City of San Jose
• Trabuco Canyon Water District

Staff Recommendation:
Staff recommends the committee discuss SB 6 and make a recommendation to the board of directors.

Committee Recommendation:

Board Action:
2. SB 9 (Atkins) Housing Development Approvals. Duplexes and Lot Splits. (Full Text)

Bill Summary:
This measure would require a local government to ministerially approve a housing development containing two residential units (duplex) in single-family zones. Additionally, this measure would require local governments to ministerially approve urban lot split.

Bill Description:
Duplex Provision
A proposed housing development containing two residential units shall be considered ministerially, without discretionary review or a hearing, in single-family residential zones, if the proposed housing development meets all of the following requirements:

- The parcel is located within a city the boundaries of which include some portion of either an urbanized area or urban cluster, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster. The Census Bureau identifies urbanized areas as those with 50,000 or more people; and defines urban clusters as areas with at least 2,500 and less than 50,000 people.

- The parcel cannot be located on any of the following:
  - Prime farmland or farmland of statewide importance.
  - Wetlands.
  - Land within the very high fire hazard severity zone, unless the development complies with state mitigation requirements.
  - A hazardous waste site.
  - An earthquake fault zone.
  - Land within the 100-year floodplain or a floodway.
  - Land identified for conservation under a natural community conservation plan, or lands under conservation easement.
  - Habitat for protected species.
  - A site that has been placed on a national, state, or local historic register.

- The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

- The proposed housing development would not require demolition or alteration requiring evacuation or eviction of an existing housing unit of any of the following types of housing:
  - Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
  - Housing that has been the subject of an Ellis Act eviction within the past 15 years.
  - Housing that has been occupied by a tenant in the last three years.
• The proposed housing development must not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:
  o If a local ordinance so allows.
  o The site has not been occupied by a tenant in the last three years.

• A city or county may impose objective zoning and design standards that do not conflict with this measure.

• A city or county shall not require the development project to comply with an objective design standard that would prohibit the development from including up to two units.

• No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

• In all other circumstances not described the above, a local government may require a setback of up to four feet from the side and rear lot lines.

• A city or county may require offstreet parking of up to one space per unit as long as that requirement does not prevent the housing development from moving forward.

• A city or county shall not impose parking requirements if any of the following is true:
  o The parcel is located within one-half mile walking distance of a high-quality transit corridor or a major transit stop.
  o There is a car share vehicle located within one block of the parcel.

• A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

• A city or county may adopt an ordinance to implement its duplex provisions and provides that the adoption of such an ordinance is not subject to CEQA.

• Nothing in this bill shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976, except that the local government shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

Urban Lot Split Provisions
A city or county shall ministerially approve a parcel map for an urban lot split that meets all the following requirements:

• The parcel map subdivides an existing parcel to create two new parcels of equal size.

• Both newly created parcels are no smaller than 1,200 square feet, unless a city or county adopts a smaller minimum lot size.

• The parcel being subdivided meets all the following requirements:
  o The parcel is zoned for residential use.
  o The parcel is located within an urbanized area or urban cluster.
  o The parcel is not located in any of the protected sites as listed above.
The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

- Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
- Housing that has been the subject of an Ellis Act eviction within the past 15 years;
- Housing that has been occupied by a tenant in the last three years.

- The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- The parcel is not located on a site that has been placed on a national, state, or local historic register.
- The parcel has not been established through prior exercise of an urban lot split as provided for in this section.
- The owner of the parcel being subdivided has not previously subdivided an adjoining parcel using an urban lot split as provided for in this section.
- An application for an urban lot split shall be approved in accordance with the following requirements:
  - A local agency shall approve or deny an application for an urban lot split ministerially without discretionary review.
  - A local agency shall not impose regulations that require dedications of rights-of-way or the construction of reasonable offsite and onsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split.
- A local agency may require any of the following conditions when receiving a request for an urban lot split:
  - Easements.
  - A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.
  - Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in any of the following instances:
    - The parcel is located within one-half mile walking distance of a high-quality transit corridor or a major transit stop.
    - There is a car share vehicle located within one block of the parcel.
- A city or county may impose objective zoning and objective design standards applicable to a parcel created by an urban lot split that do not conflict with this section.
- No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
• Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local government may require a setback of up to four feet from the side and rear lot lines.

• A city or county shall not be required to permit an accessory dwelling unit on parcels that have been subdivided and both parcels have a duplex.

• A city or county may adopt an ordinance to implement its duplex provisions and provides that the adoption of such an ordinance is not subject to CEQA.

• Nothing in this bill shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976, except that the local government shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

• This measure would apply to all cities, including charter cities.

Tentative Map Extensions
An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months (total of 24 months).

If the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars ($236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by an additionally 12 months (total of 48 months) from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later.

Background:
COVID-19 severely limited the number of bills passed last year, which has resulted in the Senate largely reintroducing the same housing package in 2021. This year’s package is entitled the ‘Building Opportunities for All’ Senate Housing Package, which includes six bills aimed at offering housing opportunities and solutions for Californians. SB 9 is part of the new housing package. Senate President Pro Tempore Atkin’s press release on the housing package is linked below:
Senate President Pro Tempore Atkins Housing Package Update

SB 9 is a reintroduction of SB 1120 from 2020. SB 1120 came before this committee last year for consideration. After a thoughtful discussion, the committee voted to make a recommendation to the board to take a Support if Amended position. Following the board discussion, the amendments were to 1) Clarify that a property owner using SB 1120 is limited to constructing a duplex, not a duplex and additional ADUs on the same parcel; 2) Prohibit the recordation of a lot split until construction of the housing unit on the new lot is complete, so that speculators do not sell lots and never build homes; 3) Allow local governments to require adequate access for police, fire and other public safety vehicles and equipment; 4) Allow local governments to
continue to determine parking standards; and 5) Prohibit developers from using SB 1120 in very high fire severity zones.

In recent years, the Legislature has past numerous bills that have paved the way for the construction of accessory dwelling units (ADU). Cities are now required to ministerially approve up to three units on all residential lots - the main house, an ADU up to 1200 square feet (converted pool house or garage, etc.), and a junior accessory dwelling unit (JADU) (smaller in size and attached to the main house).

The Legislature has also debated several bills that would have dramatically increased allowable building heights and density in single-family zones. Some of these measures would have allowed up to six story apartment buildings along transits lines in single-family neighborhoods. None of these proposals advanced to the Governor’s desk.

However, in January of 2020, following the defeat of SB 50 (Wiener), Senate President Pro Tempore Atkins pledged to work on a package of bills to help solve the housing crisis gripping many regions of the state. On May 20, 2020, the Senate released their housing package, which included SB 1120.

**Fiscal Impact:**
Cost associated with approving duplexes and lot splits are likely to be covered by development fees.

**Existing League Policy:**

*Well-Planned New Growth*
Recognize and preserve open space, watersheds, environmental habitats, and agricultural lands, while accommodating new growth in compact forms, in a manner that:

- De-emphasizes automobile dependency.
- Integrates the new growth into existing communities.
- Creates a diversity of affordable housing near employment centers.
- Provides job opportunities for people of all ages and income levels.

**Zoning**
Cal Cities believes local zoning is a primary function of cities and is an essential component of home rule. The process of adoption, implementation and enforcement of zoning ordinances should be open and fair to the public and enhance the responsiveness of local decision-makers. State policy should leave local siting and use decisions to the city and not interfere with local prerogative beyond providing a constitutionally valid procedure for adopting local regulations. State agency siting of facilities, including campuses and office buildings, should be subject to local notice and hearing requirements in order to meet concerns of the local community. Cal Cities opposes legislation that seeks to limit local authority over parking requirements.

**Subdivision Map Act**
Cal Cities supports maximizing local control over subdivisions and public improvement financing. Discretion over the conditions and length of subdivision and parcel maps should be retained by cities.

**Comments:**
Listed below is a statement made by the author regarding last year’s SB 1120. Given the similarity to SB 9, these comments are likely still relevant.
According to the author, “SB 1120 promotes small-scale neighborhood residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot in all residential areas. This policy builds upon existing prior successful housing policies such as the state’s Accessory Dwelling Unit (ADU) law, which led to a 63 percent increase in ADU permit requests statewide in the first two years alone. Additionally, the policy leverages valuable but previously untapped resources, such as developed but underutilized land, while building valuable equity for homeowners. The bill also respects the priorities of local governments in local land use decisions: such applications must meet a specific list of qualifications that ensure protection of local zoning and design standards, historic districts, environmental quality, and existing tenants vulnerable to displacement.

“COVID-19 has dramatically exacerbated California’s already-severe housing crisis. Essential workers are more likely to live in overcrowded housing, which is linked to an increased risk of contracting (and dying from) the disease. Among households facing COVID-related loss of income, half were already struggling to afford rent pre-COVID and now face eviction, housing instability, and homelessness. Finally, estimates show that homeless individuals are two to three times more likely to die from COVID-19 than their housed counterparts. The best way to address these issues is to provide more housing that is affordable to low- and moderate-income families by creating the environment and opportunity for small-scale neighborhood development.”

As mentioned above, under existing law, cities are required to allow up to three units on all residential lots - the main house, an ADU, and a junior accessory dwelling unit. Given existing law, the HCED policy committee may want to consider how much of a change is it to require cities to allow duplexes in single-family zones?

It is important to note that under SB 9, a developer could convert the existing single-family home into a duplex and then add an ADU and a junior accessory dwelling unit (JADU). SB 9 prohibits this from happening only if the developer also splits the lot.

Support-Opposition:
Since SB 9 was recently introduced, there is no official registered support or opposition listed for the measure. The most recent support and opposition of SB 1120 is listed below.

Support: (of SB 1120 as of 8/29/2020)
- Abundant Housing LA
- All Home
- American Planning Association, California Chapter
- Associated Builders and Contractors Northern California Chapter
- Bay Area Council
- Bay Area Housing Advocacy Coalition
- Bridge Housing Corporation
- California Apartment Association
- California Association of Realtors
- California Building Industries Association
- California Chamber of Commerce
- California Community Economic Development Association
- California YIMBY
- Casita Coalition
- City of Oakland
- Council of Infill Builders
- Facebook
- Generation Housing
- Granville Homes
- Greenlining Institute
- Habitat for Humanity California
- Livable Sunnyvale
- Local Government Commission
- Los Angeles Area Chamber of Commerce
- Los Angeles Business Council
- San Diego Regional Chamber of Commerce
- San Francisco Housing Action Coalition
- Sand Hill Property Company
- Santa Monica Forward
- Schneider Electric
- Silicon Valley At Home
- South California Rental Housing Association
- South Pasadena Residents for Responsible Growth
- Southern California Leadership Council
- SPUR
- Sv@home Action Fund
- Terner Center for Housing Innovation At the University of California, Berkeley
- The Casita Coalition
- The Greenlining Institute
- The Two Hundred
- TMG Partners
- United Dwelling
- Up for Growth
- Valley Industry & Commerce Association
- Zillow Group

**Opposition:** (of SB 1120 as of 8/29/2020)

- AIDS Healthcare Foundation
- Aircraft Owners and Pilots Association
- Angeles Mesa Homeowners Community Group
- Bay Area Transportation Working Group
- Brentwood Beautiful
- Brentwood Homeowners Association
- Brynhurst Avenue Block Club
- By the Beach Tamarack Group
- California League of Conservation Voters
- Center for Biological Diversity
- Cherrywood Leimert Park Block Club
- Cities Association of Santa Clara County
- Citizens Preserving Venice
- Citizens Protecting San Pedro
• Cities of Agoura Hills; Beverly Hills; Burbank; Camarillo; Campbell; Cerritos; Chino Hills; Cupertino; Del Mar; Diamond Bar; Downey; El Segundo; Glendora; Hawthorne; Hidden Hills; Huntington Beach; Laguna Beach; Lomita; Newport Beach; Norwalk; Orinda; Paramount; Pasadena; Pico Rivera; Rancho Palos Verdes; Redondo Beach; Rohnert Park; Rosemead; Santa Clarita; Saratoga; Signal Hill; Thousand Oaks; and Torrance

• Coastal San Pedro Neighborhood Council
• Comstock Hills Homeowners Association
• Contra Costa Taxpayers Association
• Families of Park Mesa Heights
• Federation of Hillside and Canyon Associations
• Franklin Corridor Coalition
• Friends of Sunset Park
• Grayburn Avenue Block Club
• Graylawn Neighbors for Quality of Life
• Hyde Park Organizational Partnership for Empowerment
• Las Virgenes-Malibu Council of Governments
• Leimert Park - Edgehill Drive Residents Association
• Livable California
• Livable Pasadena
• Livable Riverside & Moreno Valley
• Mission Street Neighbors
• North Santa Ana Preservation Alliance
• Northeast San Fernando Valley Activists
• Orinda Watch
• Pacific Palisades Community Council
• Planning and Conservation League
• Protecting Our Foothill Community
• Rampart Village Neighborhood Council
• Riviera Homeowners Association
• Shadow Hills Property Owners Association
• Sherman Oaks Homeowners Association
• Sierra Club California
• South Bay Cities Council of Governments
• Southeast Torrance Homeowners’ Association, Inc.
• Sunnyvale Neighbors
• Sunset-parkside Education and Action Committee
• Sustainable Tamalmond
• Tamalpais Design Review Board
• Tarzana Property Owners Association
• Transportation Solutions Defense and Education Fund
• United Neighborhoods for Los Angeles
• Victoria/54th Ave Block Club
• View Heights Block Club
• WCH Association
• West Wood Highlands Neighborhood Association
• Westwood Hills Property Owners Association
• Wilshire Montana Neighborhood Coalition
Woodland Hills Homeowners Organization
60 Individuals

Staff Recommendation:
Staff recommends the committee discuss SB 9 and make a recommendation to the board of directors.

Committee Recommendation:

Board Action:

**Bill Summary:**
This measure would prohibit the creation or approval of a new commercial or residential development in a very high fire hazard severity zone (VHFHSZ) or a state responsibility area (SRA).

**Bill Description:**
Notwithstanding any law, in furtherance of state housing production and wildfire mitigation goals under Assembly Bill 101 (Chapter 159 of the Statutes of 2019), Section 4290 of the Public Resources Code, and subdivision (g) of Section 65088, a new development shall not be created or approved in a very high fire hazard severity zone or a state responsibility area.

This measure defines “development” to mean either of the following:
- A project containing residential dwellings, including, but not limited to, mobilehomes, accessory dwelling units, and junior accessory dwelling units, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.
- A project for commercial, retail, or industrial use.

**Background:**
In recent years, California has experienced an unprecedented increase in wildfire activity. Of the ten most destructive wildfires in state history, six have occurred in the last three years. More than 30,000 structures have been destroyed and 124 individuals have lost their lives during this same period.

Even though fires have raged across California, cities are still required to plan and approve new housing in accordance with existing state housing laws, including in areas that are considered to be in VHFHSZs.

Lawmakers have begun to debate whether the state should ban new development in areas of very high fire danger or should the building code be updated to better protect new development in these same areas.

Last year, Senator Stern introduced SB 474, a measure very similar to SB 55, which would have prohibited any new residential or commercial development in VHFHSZs. A competing measure, SB 182 (Jackson) was also introduced. SB 182 would not have prohibited development in fire prone areas, but rather greatly enhanced existing building code requirements. Both of these measures failed to advance.

**Fiscal Impact:**
Prohibiting new development in VHFHSZs and SRAs could result in a loss of future growth in sales tax, TOT, property tax, etc.

**Existing League Policy:**
**General Plans**
Cal Cities supports the use of the general plan as a guide to meeting community planning needs. A city’s general plan should guide the individual city’s land use planning and strategic decision-making. A city’s general plan should not be subject to mandatory review by regional or state agencies. General plan requirements should be flexible and provide guidance to local communities without requiring inappropriate levels of detail or mandating new topics or
elements. Cal Cities supports guidance by expert state agencies in a consultation format but opposes granting mandatory review, certification or other approval authority to another level of government.

Zoning
Cal Cities believes local zoning is a primary function of cities and is an essential component of home rule. The process of adoption, implementation and enforcement of zoning ordinances should be open and fair to the public and enhance the responsiveness of local decision-makers. State policy should leave local siting and use decisions to the city and not interfere with local prerogative beyond providing a constitutionally valid procedure for adopting local regulations. State agency siting of facilities, including campuses and office buildings, should be subject to local notice and hearing requirements in order to meet concerns of the local community. Cal Cities opposes legislation that seeks to limit local authority over parking requirements.

Comments:
According to the author:
“California is in the midst of intersecting economic, housing, and climate crises. As the state works to increase the supply of housing and reduce its climate risks while balancing the budget, California’s growth strategy must recognize the intersection of development and climate in the key area of fire risk.

SB 55 sets California on a path of fire-safe growth by prohibiting further residential, commercial and industrial development in very high fire hazard severity zones (VHFHSZs).

SB 55 is not intended to operate in a vacuum. It will have the effect of encouraging transit oriented, affordable, green and infill housing, efforts that will not only reduce exorbitant housing costs – they will also help California achieve its climate goals. This bill will ensure new housing development projects will not inadvertently put more Californians in harm’s way”.

It should be noted that CAL FIRE has identified 189 cities within the VHFHSZ.

Alameda (5 cities)
- Berkeley
- Oakland
- Piedmont
- Pleasanton
- San Leandro

Placer (2 cities)
- Auburn
- Colfax

Plumas (1 city)
- Portola

Amador (1 city)
- Ione

Butte (2 cities)
- Chico
- Paradise

Calaveras (1 city)
- Angels Camp

Contra Costa (8 cities)
- Banning
- Beaumont
- Calimesa
- Canyon Lake
- Cathedral City
- Corona
- Desert Hot Springs
- Hemet
- Jurupa Valley
- Lake Elsinore
- Danville
- El Cerrito
- Lafayette
- Martinez
- Moraga
- Orinda
- Pinole
- Richmond

**El Dorado (2 cities)**
- Placerville
- South Lake Tahoe

**Lake (1 city)**
- Clearlake

**Lassen (1 city)**
- Susanville

**Los Angeles (39 cities)**
- Agoura Hills
- Arcadia
- Avalon
- Azusa
- Beverly Hills
- Bradbury
- Burbank
- Calabasas
- Claremont
- Covina
- Culver City
- Diamond Bar
- Duarte
- Glendale
- Glendora
- Hidden Hills
- Irwindale
- La Canada Flintridge
- La Habra Heights
- La Mirada
- La Verne
- Los Angeles
- Malibu
- Monrovia
- Palmdale
- Palos Verdes Estates
- Pasadena
- Pomona
- Rancho Palos Verdes
- Rolling Hills
- Menifee
- Moreno Valley
- Murrieta
- Norco
- Palm Desert
- Palm Springs
- Perris
- Rancho Mirage
- Riverside
- San Jacinto
- Temecula
- Wildomar

**San Bernardino (15 cities)**
- Big Bear Lake
- Chino Hills
- Colton
- Fontana
- Grand Terrace
- Hesperia
- Highland
- Loma Linda
- Rancho Cucamonga
- Redlands
- Rialto
- San Bernardino
- Upland
- Yucaipa
- Yucca Valley

**San Diego (13 cities)**
- Carlsbad
- Chula Vista
- Del Mar
- El Cajon
- Encinitas
- Escondido
- Oceanside
- Poway
- San Diego
- San Marcos
- Santee
- Solana Beach
- Vista

**San Luis Obispo (4 cities)**
- Atascadero
- Morro Bay
- Pismo Beach
- San Luis Obispo
- Rolling Hills Estates
- San Dimas
- Santa Clarita
- Sierra Madre
- Walnut
- West Covina
- Westlake Village
- Whittier

Marin (3 cities)
- Larkspur
- Mill Valley
- Novato

Mendocino (2 cities)
- Ukiah
- Willits

Mono (1 city)
- Mammoth Lakes

Monterey (4 cities)
- Carmel
- Del Rey Oaks
- Monterey
- Pacific Grove

Napa (2 cities)
- Calistoga
- Yountville

Nevada (3 cities)
- Grass Valley
- Nevada City
- Truckee

Orange (20 cities)
- Aliso Viejo
- Anaheim
- Brea
- Dana Point
- Fullerton
- Irvine
- La Habra
- Laguna Beach
- Laguna Niguel
- Laguna Woods
- Lake Forest
- Mission Viejo
- Newport Beach

San Mateo (8 cities)
- Belmont
- Half Moon Bay
- Hillsborough
- Portola Valley
- Redwood City
- San Carlos
- San Mateo
- Woodside

Santa Barbara (2 cities)
- Lompoc
- Santa Barbara

Santa Clara (6 cities)
- Cupertino
- Los Gatos
- Monte Sereno
- Morgan Hill
- San Jose
- Saratoga

Shasta (3 cities)
- Anderson
- Redding
- Shasta Lake

Siskiyou (6 cities)
- Dunsmuir
- Etna
- Fort Jones
- Mt Shasta
- Weed
- Yreka

Sonoma (2 cities)
- Cloverdale
- Santa Rosa

Tehama (1 city)
- Red Bluff

Tuolumne (1 city)
- Sonora

Ventura (8 cities)
- Camarillo
- Fillmore
- Moorpark
While the measure would prohibit future commercial and residential development in VHFHSZs, it does not specifically exempt a city from the obligation to zone and plan for additional housing, as required by the Regional Housing Needs Assessment (RHNA) process. Additionally, a city that only has a portion of its jurisdiction in a VHFHSZ would be required to put their entire RHNA number in the remaining portion of the city.

Support-Opposition:
None on File (01/06/2021)

Staff Recommendation:
Staff recommends the committee discuss SB 55 and make a recommendation to the board of directors.

Committee Recommendation:

Board Action: