

Report on Cal Cities L.A. Division Board meeting / Sept. 28, 2022
Report by Britt Huff/ Mayor Pro Tem, City of Rolling Hills Estates

I attended my first Board meeting as the newly appointed SBCCOG delegate to the LA Division. The LA Division position on legislation and its status is as follows:

AB 1685 (Bryan) Vehicles: parking violations. Requires local jurisdictions to forgive at least \$1,500 in parking tickets for individuals are experiencing homelessness and requires the local jurisdiction to use local resources to verify the individual's homeless status.

Division Position: Oppose

Status: Governor's Desk

AB 1740 (Muratsuchi) Catalytic Converters. Requires a core recycler who accepts a catalytic converter to include written record of the year, make, and model, vehicle identification number (VIN) and a copy of the vehicle title from which the catalytic converter was removed. The bill also prohibits a core recycler from entering into a transaction to purchase or receive a catalytic converter from any person that is not a commercial enterprise or verifiable owner of the vehicle from which the catalytic converter was removed.

Division Position: Support

Status: Signed by the Governor

AB 1845 (Calderon) Metropolitan Water District of Southern California: alternative project delivery methods. Authorizes the Metropolitan Water District to use alternative project deliver methods for the design and construction of a Regional Recycling Water Program and a limited set of drought-related projects.

Division Position: Support

Status: Signed by Governor

AB 1857 (Garcia) Solid Waste. Repeals current law that allows cities and counties to include up to 10% of the waste sent to the Long Beach SERRF toward their 50% solid waste diversion requirements.

Division Position: Oppose

Status: Signed by Governor

AB 1976 (Santiago) Planning and zoning: housing element compliance: very low and lower income households. Authorizes the Department of Housing and Community Development to impose administrative penalties upon all cities and counties in the Southern California Association of Governments (SCAG) that have not rezoned to accommodate 100 percent of the need for housing for the very low and lower income households. Penalties include a fine of up to \$10,000 per day and requires the department to rezone on behalf of the local government.

Division Position: Oppose

Status: DEAD

AB 1985 (Rivas) Organic waste: list: available products. Creates an online database of organic waste products on the market to engage local governments to connect with local farmers and community members seeking their products.

Division Position: Support

Location: Signed by Governor

AB 2011 (Wicks) Affordable Housing and High Road Jobs Act of 2022. This measure would require nearly all cities to ministerially approve, without condition or discretion, certain affordable and mixed-use housing developments in areas of a city where office, retail, or parking are principally allowed regardless of any inconsistency with a local government's general plan, specific plan, zoning ordinance, or regulation.

Division Position: Oppose

Location: Governor's Desk

AB 2097 (Friedman) Residential and commercial development: remodeling, renovations and additions: parking requirements. Prohibits a local government in a county of 600,000 or more from imposing or enforcing a minimum automobile parking requirement on residential, commercial, or other developments, without regard to the development size, if the development is located on a parcel within one-half mile of public transit.

Division Position: Oppose

Status: Signed by Governor

AB 2407 (O'Donnell) Vehicle tampering: theft of catalytic converters. Requires core recyclers to report specified information about the purchase and sale of catalytic converters to the chief of police or sheriff, to obtain and preserve a seller's thumbprint and to request to receive catalytic converter theft alert notifications.

Division Position: Support

Status: DEAD, last location was Senate Appropriations Suspense File

SB 15 (Portantino) Housing development: incentives: rezoning of idle retail sites. Enables cities that rezone, build, and certify new occupancy of idle big box retail sites or commercial shopping centers into workforce multi-family housing to receive the average of the annual amount of sales tax revenue generated by that site for the last seven (7) years. The program would be administered by the Department of Housing and Community Development and requires annual appropriation by the legislature.

Division Position: Co-Sponsor

Status: DEAD

SB 897 (Wieckowski) Accessory Dwelling Units. This measure would make numerous changes to existing ADU law. Most notably, SB 897 would require local governments to allow ADUs to be constructed with a height of up to 25 feet.

Division Position: Oppose

Status: Governor's Desk

SB 932 (Portantino) General plans: circulation element: bicycle and pedestrian plans and traffic calming plans. Requires cities to expand the circulation element of a general plan to include specified contents related to bicycle plans, pedestrian plans, and traffic calming plans, and to implement those plans; provides that failure to implement the plans creates a cause of action for victims of traffic violence in urbanized counties, including Los Angeles County.

Division Position: Removal of Opposition due to requested amendments

Status: Governor's Desk

SB 972 (Gonzalez) California Retail Food Code. Expands SB 946 (Lara, 2018), and removes criminal penalties for violations for compact mobile food operations.

Division Position: Oppose

Status: Signed by Governor

SB 1067 (Portantino) Housing development projects: automobile parking requirements. Would significantly restrict parking requirements within one half-mile of public transit if the development meets certain housing affordability requirements. Public transit is defined as 1) a high-quality transit corridor with 15-minute headways; 2) major transit stop — ferry terminal, rapid transit stop, or the intersection of multiple major bus routes with 15-minute headways.

Division Position: Oppose

Status: DEAD, last location was Senate Appropriations Suspense File

SB 1087 (Gonzalez) Vehicles: catalytic converters. Limits who can legally sell and purchase detached catalytic converters and would make a violation of this law an infraction punishable with a fine between \$1,000 to \$5,000.

Division Position: Support

Status: Signed by Governor

SB 1186 (Wiener) Medicinal Cannabis. Restricts local jurisdictions from adopting or enforcing any regulation that prohibits the retail sale by delivery of medicinal cannabis.

Division Position: Oppose

Status: Signed by Governor

AB 2390 (Muratsuchi) Theft: aggregation of amounts and diversion. Amends Proposition 47 by authorizing the aggregation of the values of property involved in one or more cases of shoplifting or theft into a single count or charge when the case involves one or more acts of theft or shoplifting, with the sum of the value of all property or merchandise being the value considered when determining the degree of theft.

Status: Dead

Ballot Measures

The Taxpayer Protection and Government Accountability Act Initiative No. 21-0042A1

Limits voters' input, adopts new and stricter rules for raising taxes and fees, and makes it more difficult to hold state and local law violators accountable.

Division Position: Oppose

Status: Failed to Qualify for November 2022; Circulation for 2024

Los Angeles County

Measure A County Charter Amendment granting the Los Angeles County Board of Supervisors authority to remove an elected Sheriff from office by four-fifths vote of the board.

Division Position: Oppose

Status: Special Election for November 8, 2022 General Election

The Agenda **Discussion/Action Item** was a discussion of a comment Letter to the Los Angeles County Board of Supervisors regarding the Los Angeles County Land Bank Pilot .

Background: Land banks are public organizations that acquire, hold, and manage land in order to remove land from the speculative market and reserve them for future uses such as affordable housing. In March 2022, the Los Angeles County Board of Supervisors (BOS) directed the CEO's office, in collaboration with the Department of Public Works, the Anti-Racism Diversity and Inclusion, Metro, and outside partners, to explore land banking models that would operate at a regional scale to support affordable housing preservation and production and serve as an anti-displacement mechanism in areas where large infrastructure projects are planned in communities at risk for displacement. While the county CEO's report proposes an initial pilot program for the Los Angeles River Master Plan, the office also recommends land banking as a long-term strategy.

The Metro Board of Directors passed a similar motion in late June authorizing staff to explore the agency's "unique expertise in acquiring, holding and redeveloping land across the region" enabling Metro to partner with the county in the land bank program.

Issue/Concerns: According to a BOS staff presentation, the county land bank program would not be subject to local land use regulations and zoning requirements. The program proposes to facilitate the construction of affordable housing within the jurisdictional boundaries of incorporated and independently governed municipalities regardless of existing zoning and land use regulations, which are required in a city's Housing Element.

Housing Elements must include the zoned capacity to accommodate a jurisdiction's share of the Regional Housing Needs Assessment (RHNA), at very-low, low, moderate and above-moderate income levels. Cities in the SCAG region are currently in the process of obtaining Housing Element approval from the California Department of Housing and Community Development (HCD), effectively certifying plans for satisfying their respective housing requirements. To further ensure that cities do their part to

facilitate the development of housing, Housing Elements are required to identify properties that are deemed by cities to be most suitable and realistic for reuse as housing. Housing Elements are also required to include specific details about prospective residential development, including the total number of units to be constructed on each subject property and their designate income categories. Lastly, local municipalities are required to re-zone each subject property to accommodate residential uses within a period of three (3) years thereby providing for by-right housing development.

The county land bank program, as currently proposed, could operate without regard to state-approved local Housing Element plans and local regulations under specific conditions. Cal Cities' legal counsel has provided some opinion regarding the proposal:

A county may acquire property within the incorporated boundaries of a city for future affordable housing (Gov't Code 25539.4). However, before acquiring the property, the county must submit the proposed acquisition to the city for a report about whether the use of the property conforms to the city's general plan (Gov't Code 65402). The acquisition can go forward even if the report says it is inconsistent with the city's general plan. However, the process means the city will receive notice of the planned acquisition and, in addition to issuing a report, can take any political steps it thinks appropriate.

A county may develop, own, and operate affordable housing within the incorporated boundaries of a city even if the city's land use restrictions don't allow housing in that location. However, a city's land use restrictions will apply to the development of housing by a private for profit or non-profit developer.

Therefore, a county can "land-bank" property for future affordable housing within a city. But development of housing by a private developer/non-profit will be subject to a city's land use regulations. [68 Ops AG 114, 118 (1985): the government's "sovereign immunity" cannot be transferred to a private entity].

Status: At the September 27 BOS meeting, Supervisor Hahn's entered a motion to study an opt-in model for the County's proposed land bank pilot program and include cities as part of a working group in the development of the interim and long-term organization structure and program criteria of the land bank program. The land bank pilot is still in the planning stage and recommendations including a governance structure and funding were set to go to the BOS and Metro through October.

Considerations: The Division will submit comments to the BOS and the Metro Board of Directors regarding land-use override concerns with the land bank proposal, with recommendations to develop the program only for unincorporated areas of the county; urge the county to develop a land bank program that adheres to local land use and zoning; give first right of refusal to the jurisdiction where the land bank has purchased parcels.