AGENDA

10/10/2013

LAND USE & ENVIRONMENTAL COMMITTEE

Long Beach, California 2:00 p.m. - 3:30 p.m.

PRESIDING:

PETER MORRIS, CHAIR

STEVEN RICE, VICE CHAIR

STACI CAPLAN, ENVIRONMENTAL ISSUE CHAIR

ROSEMARIE MCNAIR, LAND USE AND ZONING ISSUE CHAIR

JEAN TIETGEN, PROPERTY RIGHTS ISSUE CHAIR

CHRIS ANDERSON, RESOURCES ISSUE CHAIR

ROBERT LEIGHTON, SUBDIVISION AND DEVELOPMENT ISSUE CHAIR

VIRGINIA BUTLER, EXECUTIVE COMMITTEE LIAISON

ART NELLESSEN, LEGISLATIVE COMMITTEE VICE CHAIR

DONNA CARPENTER, GOVERNMENTAL AFFAIRS DIRECTOR'S LIAISON

JELISAVETA GAVRIC, STAFF COORDINATOR

MATT ROBERTS, FEDERAL ISSUES COORDINATOR

- I. Opening Remarks Peter Morris
- II. II. Action Items
 - A. State (none)
 - B. Federal (none)
 - C. Questions or Motions from Committee Members
 - D. Other

III. Direction Requested

- A. State (none)
- C. Federal (none)
- D. Questions or Motions from Committee Members
- E. Other

IV. Actions Taken/Update (none)

V. Report Items

- A. Environmental Staci Caplan, Issue Chair
- 1. State
- a. AB 543 (Campos) California Environmental Quality Act:

Translation. This bill requires CEQA documents, notices and an executive summary to be translated into non-English languages spoken by 25% or more of the affected population.

Position: Oppose

Status: Senate Environmental Quality Committee

b. AB 953 (Ammiano) California Environmental Quality Act. Under existing law, the California Environmental Quality Act (CEQA) intended to address a project's impacts on the environment –not the environment's impacts on a project. AB 953 would expand CEQA to require the evaluation of potential environmental impacts on a proposed project. Thus the potential for earthquakes, flooding, fires, drought, etc. could stop a project. Projects near freeways, industrial areas, etc. could also be restricted.

Position: Oppose

Status: Assembly Floor Inactive File

c. AB 1302 (Hagman) and SB 787 (Berryhill) Sustainable

Environmental Protection Act - These bills, reintroductions of what was supposed to be landmark CEQA reform in 2012, would maintain the environmental protections already in place while eliminating duplicative analysis that occurs in the CEQA evaluation process. Additionally, these measures will also help integrate applicable planning law and regulations that did not exist when CEQA was first passed.

Position: Support

Status: AB 1302 failed passage in the Assembly Natural Resources Committee and SB 787 is in the Senate Environmental Quality Committee.

d. SB 617 (Evans) California Environmental Quality Act. This bill, like AB 953, also seeks to amend CEQA to require that project reviews must examine the impacts of the physical environment on the project, in addition to the project's impacts on the physical environment.

Position: Oppose

Status: Senate Floor Inactive File

e. SB 630 (Pavley and Steinberg) Tahoe Regional Planning

Agency. This bill declares an agreement between the Governors of the States of Nevada and California covering the implementation of the Tahoe Regional Planning Compact (TRPC), and declares that the locally-adopted land use and development management plan will be honored.

Position: Watch

Status: To the Governor

f. SB 731 (Steinberg) Environment: California Environmental

Quality Act. This bill attempts to create CEQA reform yet fails to provide any true relief for worthy projects. The last amended version of the bill contains troubling provisions including "economic displacement" in CEQA. Instead of creating reform, SB 731 will only increase the opportunity for meritless CEQA lawsuits, and extend the CEQA process and avenues for delay and obstruction.

Position: Oppose Unless Amended

Status: Assembly Floor

g. SB 754 (Evans) California Environmental Quality Act. Under

CEQA developers are required to conduct environmental impact reports to assess potential impacts of the project on the environment.

Currently, developers can complete their EIRs using a tiered approach; updating older, existing EIRs to take into account new environmental factors or changes to the development plan. SB 754 would change this tiered approach, designating a 7-year life for all EIRs, requiring a developer to start over from scratch, rather than building on an existing environmental assessment.

Position: Oppose

Status: Held in the Senate Appropriations Committee

2. Federal (none)

- 3. Questions or Motions from Committee Members
- 4. Other
- B. Land Use and Zoning Rosemarie McNair, Issue Chair
- 1. State
- a. AB 23 (Donnelly) State Responsibility Areas: Fire Prevention

Fees. This bill will attempt to repeal the now-infamous fire fees levied by the State.

Position: Support

Status: Held in the Assembly Appropriations Committee

b. AB 124 (Morrell) State Responsibility Areas: Fire Prevention

Fees. This bill will attempt to repeal the now-infamous fire fees levied by the State.

Position: Support

Status: Held in the Assembly Appropriations Committee

c. A. AB 667 (Hernandez) Land use: development project review: superstores. This bill would require a local government to cause an economic impact report to be prepared to evaluate the impact that a proposed superstore retailer would have on a local economy if the development will receive \$100K or more in public subsidies.

Position: Oppose

Status: Senate Governance and Finance Committee

d. SB 673 (DeSaulnier) Land Use: project development review This bill would require a local government to cause an economic impact report to be prepared to evaluate the impact that a proposed project would have on a local economy if the development will receive \$1 million or more in subsidies. The bill defines "subsidy" to include any contribution made by the state or local government to a project considered to be in the interest of the public, including, but not limited to, tax credits, low-interest loans, state or federal grants, land donations or acquisitions, or remediation or environmental cleanup activity.

Position: Oppose

Status: Senate Floor Inactive File

e. AB 823 (Eggman) Environment: Farmland Protection Act. This bill would establish the California Farmland Protection Act which would set forth a mitigation requirement for preservation of agricultural lands for projects that convert agricultural land to a permanent or long-term nonagricultural use, including residential, commercial, civic, industrial, infrastructure, or other similar land development projects.

Position: Oppose

Status: Assembly Agricultural Committee

2. Federal

Flood Insurance. With REALTORS'® support, Senator Mary Landrieu (D-LA) successfully added a 1-year delay of "grandfathered" flood insurance rates to the Senate Homeland Security Appropriations Bill as approved by committee on July 18. The House-passed version also includes this provision. Next, the full Senate must vote on the measure. A grandfathered rate is a discount given to a homeowner when the community's flood risk is increased with a map update, because the home was built and maintained in compliance with the previous standards. These homes are often allowed to keep the lower rate from the older flood map.

These grandfathered as well as other subsidized flood insurance rates are being phased out under the Biggert-Waters Act that extended the National Flood Insurance Program for five years. The amendment would delay the phase-out for properties "grandfathered" under older rates in areas remapped into higher-priced flood zones before Sept. 30, 2014.

The law's other phase-out provisions – for older second homes and business properties and for homes purchased after July 2012 – will continue to go into effect on Oct. 1, 2013.

- 3. Questions or Motions from Committee Members.
- 4. Other

C. Property Rights - Jean Tietgen, Issue Chair

1. State

a. AB 52 (Gatto) Native Americans. This bill will create additional reporting and consulting requirements for developers working with potential sacred sites.

Position: Oppose Unless Amended

Status: Senate Environmental Committee

b. AB 203 (Stone) Coastal Resources: Coastal Development

Permit: Penalty. This Coastal Commission bill would allow the Commission staff to halt the processing of any permit application if staff asserted that a violation exists on that property.

Position: Oppose

Status: Assembly Floor Inactive File

c. AB 976 (Atkins) State Coastal Act. This Coastal Commission bill would expand the Commission's authority to include judicial authority to not only impose civil penalties but to also retain the penalties collected.

Position: Oppose

Status: Failed Concurrence on the Assembly Floor, In Conference Committee

2. Federal

Eminent Domain

At the suggestion of a San Francisco based venture capital firm, Mortgage Resolution Partners (MRP), cities and counties are exploring the idea of local governments using eminent domain authority to seize performing mortgage notes of "upside down" or "underwater" homeowners, and then refinance them at the homes' current value, and sell that new note to a new investor. The California city of Richmond has begun the process of implementing the MRP program by notifying investors that if they don't sell their mortgages to the city at a specific price, the city will utilize eminent domain to seize the notes. Investors have filed with the courts for an injunction on the city.

- 3. Questions or Motions from Committee Members
- 4. Other

D. Resources - Chris Anderson, Issue Chair

1. State

a. AB 834 (Williams) Energy Efficiency Standards: Unfair BusinessPractice. This bill subjects a licensed contractor to discipline by the

Contractors' State License Board for the failure to comply with specified efficiency standards under the State Code of Regulations.

Position: Oppose Unless Amended

Status: Died in Senate Energy, Utilities and Communications

Committee due to Amendment

b. AB 1161 (Salas) Nuisance: Mining Activities. This bill provides that no mining activity, structure or facility in use for more than 3 years and with a valid land use authorization and reclamation plan, shall become deemed a nuisance due to any changed condition in the locality if it was not a nuisance at the time it began. The bill also includes a redundant real estate disclosure of mining activities.

Position: Oppose Unless Amended

Status: Assembly Natural Resources Committee

c. AB 1349 (Gatto) CalConserve Water Use Efficiency Revolving Fund. Establishes the CalConserve Water Use Efficiency Revolving Fund for the purpose of water use efficiency projects. Requires moneys in the fund to be used for purposes that include, but are not limited to, at-or-below market interest rate loans.

Position: Support

Status: Held in Assembly Appropriations Committee

d. Energy Efficiency Working Group. AB 758 Action Plan update. The California Energy Commission (Commission) released its Draft Action Plan for AB 758 (Skinner, 2009) implementation this summer. C.A.R. provided both written at verbal comments during the public workshops, which were held in San Francisco, Fresno and Los Angeles. The Commission will use a "glide path" to implementation that will incentivize and exhaust all voluntary measures for adoption of energy efficiency ratings, audits and upgrades in advance of considering mandatory approaches, like "date certain". The Commission will seek to use effective public information, financing,

technical assistance, and incentives to encourage voluntary compliance. It is anticipated that the Final Action Plan will be released this Winter.

- 2. Federal (none)
- 3. Questions or Motions from Committee Members
- 4. Other

E. Subdivision & Development – Robert Leighton, Issue Chair

- 1. State
- **a. AB 22 (Blumenfield*) Sidewalks: repairs**. This bill would prohibit local governments from repealing their statutory obligation to repair sidewalks without first going to the voters for approval.

Position: Support

Status: Assembly Local Government Committee

* Asm. Blumenfield elected to LA City Council June 2013

b. AB 116 (Bocanegra) Land Use: Subdivision Maps: Expiration

Dates. Extends the expiration date of any approved tentative land use maps or vesting tentative maps that have not expired as of the effective date of this bill, and will expire prior to January 1, 2016.

Position: Support

Status: Signed by the Governor on July 11, 2013

c. AB 1259 (Olsen) Sacramento-San Joaquin Valley. This is a fix-it bill to ensure that the descriptor of "undetermined risk" area, as defined in land use planning for flood zones, is clearly defined in all three needed areas of statute.

Position: Support

Status: Signed by the Governor on September 6, 2013

d. SB 401 (Hueso) Cost Transparency of Building Standards. State agencies seeking to change building standards must cite estimated cost to the public and the benefits of compliance regardless of its impact on housing.

Position: Support

Status: Signed by the Governor on September 6, 2013

- 2. Federal (none)
- 3. Questions or Motions from Committee Members
- 4. Other
- VI. New Business / Other?
- VII. REALTOR® Committee on Air Quality
- **VIII. Closing Remarks**
- IX. Adjournment