



375 Beale Street
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San Francisco, California
94105

Meeting Minutes - Final

ABAG Executive Board

President, David Rabbitt, Supervisor, County of Sonoma
Vice President, Jesse Arreguin, Mayor, City of Berkeley
Immediate Past President, Julie Pierce, Vice Mayor, City of Clayton

Thursday, May 16, 2019

7:00 PM

Board Room - 1st Floor

Association of Bay Area Governments ABAG Executive Board Meeting No. 438

The ABAG Executive Board may act on any item on the agenda.

The meeting is scheduled to begin at 7:00 p.m.

Agenda, roster, and webcast available at <http://abag.ca.gov>

For information, contact Clerk of the Board at (415) 820-7913.

Roster

Candace Andersen, Jesse Arreguin, Thom Bogue, London Breed, Cindy Chavez, Christopher Clark, David Cortese, Lan Diep, Pat Eklund, Maya Esparza, Nikki Fortunato Bas, Richard Garbarino, Leon Garcia, Liz Gibbons, Lynette Gibson McElhaney, Scott Haggerty, Barbara Halliday, Matt Haney, Erin Hannigan, David Hudson, Wayne Lee, Jake Mackenzie, Rafael Mandelman, Nathan Miley, Karen Mitchoff, Raul Peralez, Julie Pierce, Dave Pine, David Rabbitt, John Rahaim, Belia Ramos, Dennis Rodoni, Warren Slocum, Loren Taylor, Norman Yee; William Kissinger (Non-voting)

1. Call to Order / Pledge of Allegiance / Roll Call / Confirm Quorum

Vice President Arreguin called the meeting to order at about 7:01 p.m.

Quorum was present.

Present: 23 - Andersen, Arreguin, Bogue, Cheng, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Haney, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Absent: 12 - Bas, Chavez, Cortese, Gibson McElhaney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

2. Public Comment

The following gave public comment: Kevin Diamond, Ken Bukowski.

3. Executive Board Announcements

There were no Executive Board member announcements.

4. President's Report

- 4.a. [19-0568](#) Ratification of Appointments to the Joint ABAG MTC Governance Committee

The following gave public comment: Ken Bukowski.

Upon the motion by Ramos and second by Pierce, the following appointments to the Joint ABAG MTC Governance Committee: Rabbitt, Arreguin, Chavez, Pierce, Rodoni, Slocum, including per diem for each meeting attended, was approved. The motion passed by the following vote:

Aye: 18 - Andersen, Arreguin, Bogue, Cheng, Clark, Diep, Esparza, Garcia, Haggerty, Halliday, Hudson, Mackenzie, Mitchoff, Peralez, Pierce, Ramos, Rodgers, and Rodoni

Nay: 3 - Eklund, Garbarino, and Lee

Absent: 14 - Bas, Chavez, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Phan, Pine, Rabbitt, Slocum, Taylor, and Yee

- 4.b. [19-0569](#) Report on the General Assembly

Haney and Phan joined the meeting.

5. Executive Director's Report

Therese W. McMillan gave the report.

6. Executive Board Consent Calendar

Pierce requested that Item 6.k. be pulled from the Consent Calendar.

Upon the motion by Pierce and second by Lee, the Consent Calendar was approved with the exception of item 6.k. The motion passed unanimously by the following vote:

Aye: 23 - Andersen, Arreguin, Bogue, Cheng, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Haney, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Absent: 12 - Bas, Chavez, Cortese, Gibson McElhaney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

- 6.a. [19-0451](#) Approval of ABAG Executive Board Minutes of March 21, 2019

- 6.b. [19-0452](#) Authorization to enter into Contract Amendment with Frontier Energy for Bay Area Regional Energy Network (BayREN) Consulting Services in an amount not to exceed \$247,500

- 6.c.** [19-0453](#) Authorization to enter into a Sole-Source Contract with CodeCycle to continue the Bay Area Regional Energy Network (BayREN) CodeCycle Demonstration Project through December 2020, for an amount not to exceed \$210,000
- 6.d.** [19-0454](#) Authorization to enter into a new funding agreement with the United States Environmental Protection Agency (U.S. EPA) for the Transforming Shorelines project for \$1,481,109, anticipated to begin May 2019 and end April 2023, and authorization to enter into three sub-awards during that period: with San Francisco Estuary Institute (SFEI) for \$50,000, with Oro Loma Sanitary District (OLSD) for \$100,000, and with East Bay Dischargers Authority (EBDA) for \$650,000
- 6.e.** [19-0455](#) Authorization to revise sub-award amounts in the Urban Greening Bay Area Project for the City of Sunnyvale to decrease to \$50,000 and for the City of San Mateo to increase by \$200,000 for a total of \$400,000
- 6.f.** [19-0456](#) Authorization to revise contract funding levels under existing BATA funding (846 8013, Seismic) for the San Pablo Avenue Stormwater Spine project: Reduce EBMUD underground utility work agreement to \$665,000 and add Wilsey Ham, Inc. for \$50,000 in project design coordination through December 31, 2019
- 6.g.** [19-0462](#) Authorization to enter into a new funding agreement with the California Department of Water Resources for up to \$3,020,000 for Bay Area Integrated Regional Water Management Plan (IRWMP) for the Disadvantaged Community and Tribal Involvement Program (DACTIP) grant administration and project management between April 25, 2019 and December 31, 2020; to authorize adjustment of the FY 2018-19 operating budget; and to authorize the Executive Director to enter into contracts of up to \$200,000 each with community partners to continue work and develop project needs assessment.
- 6.h.** [19-0614](#) AB 393 (Nazarian): Building Standards
- 6.i.** [19-0615](#) AB 429 (Nazarian): Seismically Vulnerable Buildings Inventory
- 6.j.** [19-0616](#) SB 254 (Hertzberg): The Resilient Homes Initiative
- 6.k.** [19-0617](#) SB 152 (Beall): Active Transportation Program Reform

- 6.l. [19-0600](#) AB 69 (Ting): Small Home Building Standards
- AB 69 would require the Department of Housing and Community Development (HCD) to propose small home building standards governing ADUs smaller than 800 square feet, junior ADUs and detached dwelling units smaller than 800 square feet.
- 6.m. [19-0602](#) SB 6 (Beall): Statewide Housing Site Inventory
- SB 6 would require that the Department of Housing and Community Development (HCD) add to the statewide surplus lands inventory locally-identified sites available for housing development as identified in a local agency's housing element site inventory.
- 6.n. [19-0613](#) AB 1485 (Wicks): Workforce Housing
- AB 1485 would modify affordability requirements applicable to a developer who wants to take advantage of current law's by-right provisions in Senate Bill 35 (Wiener, 2017) such that a project could either dedicate 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income (AMI)-as provided for in current law-or 20 percent to households earning below 120 percent AMI with an average income of units at or below 100 percent-which the bill would add as a new option.

7. ABAG Finance Committee (Mitchoff)

Mitchoff gave the report.

- 7.a. [19-0459](#) ABAG Finance Committee Report
- Upon the motion by Mitchoff and second by Hudson, the ABAG Finance Committee report and the authorization to terminate legislative advocacy contract with Michael J. Arnold and Associates and to seek representation in Sacramento through a competitive process, and precluding the MTC lobbyist from becoming the ABAG lobbyist, were approved. The motion passed unanimously by the following vote:**
- Aye:** 23 - Andersen, Arreguin, Bogue, Cheng, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Haney, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni
- Absent:** 12 - Bas, Chavez, Cortese, Gibson McElhaney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee
- 7.b. [19-0464](#) Authorization to Terminate Legislative Advocacy Contract with Michael J. Arnold and Associates and to seek representation in Sacramento through a competitive process

8. ABAG Regional Planning Committee (Mitchoff)

Mitchoff gave the report.

8. [19-0460](#) ABAG Regional Planning Committee Report

Upon the motion by Mitchoff and second by Mackenzie, the ABAG Regional Planning Committee report was approved. The motion passed unanimously by the following vote:

Aye: 23 - Andersen, Arreguin, Bogue, Cheng, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Haney, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Absent: 12 - Bas, Chavez, Cortese, Gibson McElhaney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9. ABAG Legislation Committee (Pierce)

Pierce gave the report.

9.a. [19-0463](#) Adoption of Resolution No. 01-19, Policy for Interim Action on Legislation and Administrative Policy Proposals

Upon the motion by Pierce and second by Lee, Resolution No. 01-19 was adopted. The motion passed unanimously by the following vote:

Aye: 23 - Andersen, Arreguin, Bogue, Cheng, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Haney, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Absent: 12 - Bas, Chavez, Cortese, Gibson McElhaney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9.b. [19-0554](#) Report on the ABAG MTC Housing Legislative Working Group

Pierce gave the report.

The following gave public comment: Ken Bukowski.

California Housing Legislation: Protection Bills

9.c.i. [19-0604](#) AB 1481 (Bonta) and AB 1697 (Grayson) - Tenancy Termination: Just Cause

Prohibits eviction of a tenant without just cause stated in writing. Requires tenant be provided a notice of a violation of lease and opportunity to cure violation prior to issuance of notice of termination.

Pierce gave the report.

Haney left the meeting.

Upon the motion by Pierce and second by Rodoni, a support position on AB 1481 was approved. The motion passed by the following vote:

Aye: 18 - Arreguin, Bogue, Cheng, Clark, Diep, Eklund, Esparza, Garcia, Haggerty, Halliday, Hudson, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Nay: 3 - Andersen, Garbarino, and Lee

Absent: 14 - Bas, Chavez, Cortese, Gibson McElhaney, Haney, Hannigan, Mackenzie, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

Upon the motion by Pierce and second by Eklund, action on AB 1697 was deferred. The motion passed unanimously by the following vote:

Aye: 22 - Andersen, Arreguin, Bogue, Cheng, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Absent: 13 - Bas, Chavez, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9.c.ii. [19-0605](#) AB 1482 (Chiu) - Statewide Annual Cap on Rent Increases

Caps annual rent increases by five percent above the percent change in the cost of living and limits the total rental rate increase within a 12 month period to 10 percent.

Pierce gave the report.

Upon the motion by Pierce and second by Mackenzie, a support position on AB 1482 was approved. The motion passed by the following vote:

Aye: 14 - Arreguin, Cheng, Clark, Eklund, Esparza, Garcia, Haggerty, Halliday, Mackenzie, Peralez, Pierce, Ramos, Rodgers, and Rodoni

Nay: 8 - Andersen, Bogue, Diep, Garbarino, Hudson, Lee, Mitchoff, and Phan

Absent: 13 - Bas, Chavez, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9.c.iii. [19-0606](#) SB 18 (Skinner) - Keep Californians Housed Act

Authorizes a competitive grant program to be administered by Department of Housing and Community Development (HCD) to provide emergency rental assistance and legal aid for tenants facing eviction, mediation between landlords and tenants and legal education.

Pierce gave the report.

Upon the motion by Pierce and second by Halliday, a support position on SB 18 was approved. The motion passed by the following vote:

Aye: 17 - Andersen, Arreguin, Cheng, Clark, Diep, Eklund, Esparza, Garcia, Halliday, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Nay: 5 - Bogue, Garbarino, Haggerty, Hudson, and Lee

Absent: 13 - Bas, Chavez, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

California Housing Legislation: Production and Preservation Bills**9.c.iv.** [19-0607](#) SB 330 (Skinner): Housing Crisis Act of 2019

SB 330 is a wide reaching bill that aims to accelerate housing development, provide project proponents more certainty and lower fees, and reduce displacement of existing residents from substandard buildings.

Pierce gave the report.

Bogue left the meeting.

The following gave public comment: Ken Bukowski.

Upon the motion by Pierce and second by Ramos, a seek amendments position on SB 330, including an amendment on narrow streets and public safety, was approved. The motion passed by the following vote:

Aye: 21 - Andersen, Arreguin, Cheng, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Absent: 14 - Bas, Bogue, Chavez, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9.c.v. [19-0608](#) SB 50 (Wiener): Equitable Communities Incentives - Upzoning Near Transit & Jobs-Rich Areas & By Right Allowance for Small Residential Projects in Specified Areas

SB 50 would allow varying degrees of higher-density multifamily housing to be built within ½-mile of transit stations, ¼-mile of high-quality bus corridors and in areas designated as “jobs-rich” by the Department of Housing and Community Development. The bill also provides for smaller, by-right residential development on vacant parcels in urbanized areas.

Pierce gave the report.

Upon the motion by Pierce and second by Ramos, staff was directed to continue working with the bill author and to report back to the Board. The motion passed unanimously by the following vote:

- Aye:** 21 - Andersen, Arreguin, Cheng, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni
- Absent:** 14 - Bas, Bogue, Chavez, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9.c.vi. [19-0609](#) AB 1487 (Chiu): Housing Alliance for the Bay Area

AB 1487 (Chiu) would establish the Housing Alliance for the Bay Area (HABA) to increase funding for affordable housing in the nine-county region.

Pierce gave the report.

Cheng left the meeting.

The following gave public comment: Geeta Rao, Ken Bukowski.

Upon the motion by Pierce and second by Ramos, a seek amendments position on AB 1487 was approved. The motion passed by the following vote:

- Aye:** 13 - Arreguin, Clark, Diep, Esparza, Garcia, Haggerty, Halliday, Hudson, Mackenzie, Peralez, Pierce, Ramos, and Rodgers
- Nay:** 7 - Andersen, Eklund, Garbarino, Lee, Mitchoff, Phan, and Rodoni
- Absent:** 15 - Bas, Bogue, Chavez, Cheng, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9.c.vii. [19-0610](#) AB 11 (Chiu): Community Redevelopment Law of 2019

AB 11 would restore to cities and counties the option to form an entity that can use “tax-increment financing” to pay for affordable housing and other local infrastructure priorities, subject to approval of the Strategic Growth Council.

Pierce gave the report.

Upon the motion by Pierce and second by Hudson, a support and seek amendments position AB 11 was approved. The motion passed by the following vote:

Aye: 20 - Andersen, Arreguin, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Absent: 15 - Bas, Bogue, Chavez, Cheng, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9.c.viii. [19-0611](#) SB 13 (Wieckowski): Accessory Dwelling Units

SB 13 would revise ADU law to require that a local government allow studio and one-bedroom ADUs of at least 850 square feet and two-bedroom or more ADUs of up to 1,000 square feet, and would prohibit ADU owner-occupancy requirements.

Pierce gave the report.

Upon the motion by Pierce and second by Mackenzie, a support if amended position on SB 13 was approved. The motion passed by the following vote:

Aye: 17 - Andersen, Arreguin, Clark, Diep, Esparza, Garcia, Haggerty, Halliday, Hudson, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Nay: 3 - Eklund, Garbarino, and Lee

Absent: 15 - Bas, Bogue, Chavez, Cheng, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9.c.ix. [19-0603](#) AB 68 (Ting): Accessory Dwelling Units

AB 68 would prohibit local Accessory Dwelling Unit (ADU) standards from including certain requirements related to minimum lot size and replacement parking and would require an ADU (attached or detached) of at least 800 square feet and 16 feet in height to be allowed. The bill would also reduce the allowable time to issue an ADU permit to 60 days after an agency receives a completed application.

Pierce gave the report.

Upon the motion by Pierce and second by Garcia, a support position on AB 68 was approved. The motion passed by the following vote:

Aye: 17 - Andersen, Arreguin, Diep, Esparza, Garcia, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Phan, Pierce, Ramos, Rodgers, and Rodoni

Nay: 3 - Clark, Eklund, and Garbarino

Absent: 15 - Bas, Bogue, Chavez, Cheng, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Pine, Rabbitt, Slocum, Taylor, and Yee

9.c.x. [19-0612](#) AB 1486 (Ting): Surplus Lands Act Expansion and Revision

AB 1486 would revise the Surplus Lands Act (SLA) - the state law that requires local agencies to prioritize affordable housing, as well as parks and open space, when disposing of land no longer necessary for the agency's use - and other state laws related to making surplus public land available for affordable housing development.

Pierce gave the report.

Phan left the meeting.

The following gave public comment: Ken Bukowski.

Upon the motion by Pierce and second by Mackenzie, a support if amended position on AB 1486 was approved. The motion passed by the following vote:

Aye: 16 - Arreguin, Clark, Diep, Esparza, Garbarino, Garcia, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Pierce, Ramos, and Rodgers

Nay: 3 - Andersen, Eklund, and Rodoni

Absent: 16 - Bas, Bogue, Chavez, Cheng, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Phan, Pine, Rabbitt, Slocum, Taylor, and Yee

9.c.xi. [19-0601](#) AB 1483 (Grayson): Housing Data/Transparency

This bill seeks to make housing fee and zoning standards more transparent by requiring that they be posted on local agency and state web sites, requires local agencies to provide additional reporting of housing permit requests, production and permitting data annually, and requires the Department of Housing and Community Development (HCD) to develop an online database of housing production data accessible to the public.

Pierce gave the report.

Upon the motion by Pierce and second by Mackenzie, a support and seek amendments position on AB 1483 was approved. The motion passed unanimously by the following vote:

Aye: 19 - Andersen, Arreguin, Clark, Diep, Eklund, Esparza, Garbarino, Garcia, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mitchoff, Peralez, Pierce, Ramos, Rodgers, and Rodoni

Absent: 16 - Bas, Bogue, Chavez, Cheng, Cortese, Gibson McElhaney, Haney, Hannigan, Mandelman, Miley, Phan, Pine, Rabbitt, Slocum, Taylor, and Yee

10. ABAG Administrative Committee

Quorum was not present.

McMillan noted that the ABAG President can call a meeting of the Administrative Committee to consider taking action on Resolution No. 02-19.

Vice President Arreguin directed that the report on Plan Bay Area 2050 - Regional Growth Strategies Framework Revisions: Next Steps can be included in the next Executive Board agenda.

10.a. [19-0457](#) ABAG Administrative Committee Report

10.b. [19-0555](#) Adoption of Resolution No. 02-19 Approval of the Plan Bay Area 2050 - Regional Growth Strategies Framework Revisions: Next Steps

11. Adjournment / Next Meeting

Vice President Arreguin adjourned the meeting at about 9:57 p.m.