



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

Ken Striplin

DATE: March 26, 2024

SUBJECT: STATE LEGISLATION: AB 2309, AB 2814, AB 2943, AB 3068, AB 3109, AB 3171, AND SB 1211

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council:

1. Support AB 2039 (Muratsuchi), AB 2814 (Low), AB 2934 (Zbur), AB 3109 (Muratsuchi), and AB 3171 (Soria).
2. Oppose AB 3068 (Haney) and SB 1211 (Skinner).
3. Transmit position statements to the authors of the bills, Santa Clarita's state legislative delegation, appropriate legislative committee, Governor Newsom, and other stakeholder organizations.

BACKGROUND

The following state legislative items were presented to the City Council Legislative Committee on March 18, 2024. Included as part of this report is a brief summary of each piece of legislation and its current status in the state legislative process.

A majority of the state legislative items in this report are related to public safety and attempt to amend Proposition 47 (2014).

Proposition 47 (2014) titled, "The Safe Neighborhoods and Schools Act," reduced penalties for certain property and drug offenses from felonies or wobblers, which could be charged as either a felony or misdemeanor. Under previous state law, shoplifting property worth \$950 or less, a type of petty theft, was a misdemeanor. However, such crimes could also be charged as burglary instead, if the shoplifter intended to shoplift upon entering the store, which could be prosecuted as a felony and sentenced up to three years in prison.

Proposition 47 (2014) was approved by voters (59.6 percent - 40.4 percent) on November 4, 2014, and went into effect on November 5, 2014. However, at the City of Santa Clarita (City) level, the measure failed with 47.19 percent in favor and 52.81 percent against.

With the approval of Proposition 47 (2014), shoplifting property worth \$950 or less is a misdemeanor, regardless of intent, and holds a sentence of up to one year in county jail and/or a fine up to \$1,000.

According to the Public Policy Institute of California, which had researchers testify to the State Assembly Select Committee on Retail Theft, overall felony retail theft increased by 16 percent in 2022 compared to 2019. Commercial robbery, which includes thefts in which force is used or threatened, increased by 13 percent over the same time period.

Assembly Bill 2309

Introduced by Assembly Member Al Muratsuchi (D-66-Torrance), Assembly Bill 2309 removes the requirement that a city, in seeking the authority to prosecute misdemeanors, must obtain consent from their District Attorney.

There are 13 cities in California that prosecute penal code misdemeanors. All 13 cities are charter cities. While some misdemeanors may be prosecuted by a city under statute, mostly health and safety matters, penal code misdemeanors can only be prosecuted with permission from the district attorney or by virtue of language in a city's charter.

This legislation authorizes a city attorney of any general law or charter city to prosecute misdemeanors committed within the city they serve without needing to obtain consent from their District Attorney.

On March 9, 2021, the City Council became the first local government to adopt a resolution of a vote of no confidence in District Attorney George Gascon (DA Gascon), citing significant concerns and opposition to some of the Special Directives unilaterally adopted in December 2020 by DA Gascon, including Special Directives 20-06, 20-07 and 20-08. Following the City Council's action in March 2021, more than 30 other cities have also adopted a vote of no confidence in DA Gascon, resulting in over one-third of all cities in Los Angeles County adopting a vote of no confidence in DA Gascon.

The following outlines Special Directives 20-06, 20-07, and 20-08:

Special Directive 20-06: Pretrial Release Policy (Elimination of Cash Bail)

- Among other things, deputy district attorneys shall not request cash bail for any misdemeanor, non-serious felony, or non-violent felony offense.
- Deputy district attorneys shall not object to the release of anyone currently incarcerated in Los Angeles County on cash bail who would be eligible for release under this Special Directive.

Special Directive 20-07: Misdemeanor Case Management

- The following misdemeanor charges shall be declined or dismissed before arraignment and without conditions unless “exceptions” or “factors for consideration” exist:
 - Trespass, Disturbing the Peace, Driving Without a Valid License, Driving on a Suspended License, Criminal Threats, Drug and Paraphernalia Possession, Minor in Possession of Alcohol, Drinking in Public, Under the Influence of Controlled Substance, Public Intoxication, Loitering, Loitering to Commit Prostitution, and Resisting Arrest
- Exceptions and factors for consideration include repeat offenders in the preceding 24 months, however, some misdemeanors listed do not have exceptions or factors of consideration identified.

Special Directive 20-08: Sentencing Enhancements/Allegations

- The following sentence enhancements or sentencing allegations shall not be filed in any cases and shall be withdrawn in pending matters:
 - Any prior-strike enhancements, including the Three Strikes Law; STEP Act enhancements (also known as “gang enhancements”); violations of bail; firearm allegations; and Special Circumstances, including lying in wait and murder committed in the attempt to kidnap.
 - Amendments 20-08.1 and 20-08.2 were issued on December 15, 2020, and December 18, 2020, to make further clarification of Special Directive 20-08, including:
 - Deputy district attorneys may pursue the following allegations, enhancements, and alternative sentencing schemes: Hate Crime, Elder and Dependent Adult Abuse, Child Physical Abuse, Child and Adult Sexual Abuse, Human Sex Trafficking, and Financial Crime.

Since issuance of the Special Directives and predominantly due to the historically high level of cases rejected by the District Attorneys' Office, there has been a significant increase in repeat offenders in Los Angeles County. Since the Special Directives were implemented, the District Attorney's Office has declined to prosecute approximately 46 percent of all cases reported by the Santa Clarita Valley Sheriff's Station.

This is an estimated 35 percent increase in the rate of declined cases in comparison to the previous two district attorneys, Steve Cooley and Jackie Lacey. Subsequently, repeat offenders represent nearly one-half of all arrests made by the Santa Clarita Valley Sheriff's Station.

Furthermore, Part I crimes within the jurisdiction of the Santa Clarita Valley Sheriff's Station have increased by approximately 18 percent in the last year and 35 percent in comparison to five

years ago. Part I crimes that have increased within the past year include aggravated assault, burglary, and grand theft auto.

Assembly Bill 2309 was introduced on February 12, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Assembly Bill 2814

Introduced by Assembly Member Evan Low (D-26-Campbell), Assembly Bill 2814 makes it a crime to enter the exterior of a home with the intent to steal a package and makes the crime punishable as a misdemeanor or felony.

According to the United States Census Bureau, E-commerce retail sales in the country in 2023 totaled \$1 trillion and accounted for approximately 15.4 percent of total sales. The growing number of retail products delivered to doorsteps has resulted in a dramatic increase in the number of thieves targeting the porches, patios, and doorsteps of online shoppers.

According to SafeWise, approximately 119 million packages were stolen in 2023 in the country, accounting for \$6 billion in stolen goods.

Assembly Bill 2814 was introduced on February 15, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Assembly Bill 2943

Introduced by Assembly Member Rich Chavez Zbur (D-51-Los Angeles), Assembly Bill 2943, also known as the California Retail Theft Reduction Act, creates a new crime of retail theft with the intent to sell, punishable for up to one year in county jail and allows for arrests of suspected shoplifters to be made even if an officer does not physically witness the crime.

Assembly Bill 2942 was introduced on February 15, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Assembly Bill 3068

Introduced by Assembly Member Matt Haney (D-17-San Francisco), Assembly Bill 3068 would deem an adaptive use project a use by-right, regardless of local zoning of the site, and subject to a streamlined, ministerial review process if the project meets specified requirements, as listed below.

As defined in Assembly Bill 3068, an adaptive reuse project shall meet the following criteria:

- The project is proposed for an existing building that is less than 50 years old.

- The project is proposed for an existing building or site that is not a historic resource.
- The project complies with any broadly applicable housing affordability requirement adopted by a local government.
 - Notwithstanding any other law, a local government shall not impose or enforce any broadly applicable housing affordability requirement on the housing units of an adaptive reuse project that requires the project to restrict more than 10 percent of retrofitted or repurposed units as affordable.

The City currently has policies and standards in place regarding proposed residential developments related to parking, design standards, zoning, and overall application review. Typically, large housing development projects undergo an extensive public review process, including public hearings, administrative review, and an opportunity for appeal. This allows the City's Planning Division, Planning Commission, and the public the ability to review residential projects based on unique community circumstances and needs, and ensures that a site has adequate access to services and resources to support residential use or sustain greater residential density.

Assembly Bill 3068 would require the City's regular review process, which may span six to nine months, to be conducted within 60 days if the project contains fewer than 150 housing units, and 90 days if the project is larger. Projects under a streamlined ministerial review are not subject to an appeals process, public hearing, and the California Environmental Quality Act review.

The City's review is to ensure that the use of the project, when considered on the basis of the suitability of the site, is arranged to avoid traffic congestion and ensure the protection of public health, safety, and general welfare.

The City Council opposed a similar bill, Assembly Bill 1490 (Lee), at the April 11, 2023, Regular City Council Meeting.

Assembly Bill 3068 was introduced on February 16, 2024, and referred to the Assembly Committee on Housing and Community Development. A hearing date had not been scheduled at the time this report was developed.

Assembly Bill 3109

Introduced by Assembly Member Al Muratsuchi (D-66-Torrance), Assembly Bill 3109 amends Proposition 47 (2014) by reinstating the ability to charge a repeat offender, convicted of petty theft, grand theft, or shoplifting two or more times, with a felony.

At the local level, recent data shows repeat offenders accounted for more than one-third of all arrests made by the Santa Clarita Valley Sheriff's Station in 2023.

The Santa Clarita City Council supported similar legislation, Assembly Bill 1772 (Ramos) and Senate Bill 923 (Archuleta), at the February 27, 2024, regular City Council Meeting.

Assembly Bill 3109 was introduced on February 16, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Assembly Bill 3171

Introduced by Assembly Member Esmeralda Soria (D-27-Fresno), Assembly Bill 3171 adds a sentence enhancement for the possession with intent to sell fentanyl. This legislation would increase the penalties if the possession of fentanyl is more than 28.35 grams, as follows:

- A person who possesses for sale or purchases for purposes of sale more than 28.35 grams of fentanyl shall be punished by imprisonment in a county jail for 4, 5, or 6 years.
- A person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport more than 28.35 grams of fentanyl shall be punished by imprisonment in a county jail for 7, 8, or 9 years.
- A person who transports more than 28.35 grams of fentanyl within the state from one county to another noncontiguous county shall be punished by imprisonment in a county jail for 7, 10, or 13 years.

The opioid epidemic has become a nationwide issue affecting communities across the country, including the City of Santa Clarita. In 2021, more than 80,000 people died from a synthetic opioid-related drug overdose in the United States according to the Centers for Disease Control and Prevention.

Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine, making it a major contributor to drug overdose deaths. Based on preliminary 2022 data from the California Department of Public Health, there were 7,385 opioid-related overdose deaths and 6,473 deaths related to fentanyl overdoses. In 2022, the Los Angeles County Sheriff's Department reported 32 overdoses in the Santa Clarita Valley as a result of fentanyl.

The Santa Clarita City Council supported similar legislation, Assembly Bill 1804 (Patterson) and Assembly Bill 1848 (Davies), at the February 27, 2024, Regular City Council Meeting.

Assembly Bill 3171 was introduced on February 16, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Senate Bill 1211

Introduced by Senator Nancy Skinner (D-9-Berkeley), Senate Bill 1211 prohibits local governments from requiring the replacement of parking spaces when a carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of or conversion to an accessory dwelling unit (ADU) on a multifamily housing property.

Additionally, this bill would require local governments to approve a minimum of two detached ADUs and allow for the construction of detached ADUs on a multifamily housing property of up to 25 percent of the existing multifamily residential units.

Under current state law, local governments are prohibited from requiring the replacement of a garage, carport, or covered parking structure when it is demolished in conjunction with the construction of or conversion to an ADU on a single-family housing property. This legislation seeks to extend the aforementioned state law to apply to multifamily housing property.

Local governments have the authority to adopt minimum parking standards and impose those standards on single-family and multi-family residential developments built within their jurisdiction, as long as they are consistent with state law standards. Chapter 17.42, Residential Use Types, of the City’s Municipal Code, includes the following parking standards:

- a. Single-family units - two enclosed parking spaces per unit
- b. Two-family units - two enclosed parking spaces per unit
- c. Studio units - one enclosed parking space per unit
- d. One-bedroom units - two enclosed parking spaces per unit
- e. Two-bedroom units - two enclosed parking spaces per unit
- f. Guest parking - one parking space per each two units
- g. Mobile home park - two spaces per unit, plus one guest per two units

In addition to the City’s minimum parking standards on new developments, the City reserves the authority to require additional parking as a condition of approval on renovations, remodels, or additions to an existing single-family residence.

The City imposes minimum on-site parking requirements to ensure adequate and reasonable access to homes. Additionally, the standards serve as a safeguard to prevent congestion of on-street vehicle parking that may cause unsafe conditions for surrounding residents and businesses and access challenges for emergency personnel, especially in the event of an emergency evacuation.

The City Council opposed similar bills in the past, including most recently opposing Assembly Bill 1308 (Quirk-Silva) and Assembly Bill 1630 (Garcia) last year.

Senate Bill 1211 was introduced on February 15, 2024, and is scheduled to be heard in the Senate Housing Committee on March 19, 2024.

The recommendation to support AB 2039 (Muratsuchi), AB 2814 (Low), AB 2934 (Zbur), AB 3109 (Muratsuchi), and AB 3171 (Soria) is consistent with the City of Santa Clarita 2024 Executive and Legislative Platform. Specifically, Component 2 under the “State” section advises that the City Council, “Support legislative efforts to address the negative impacts of AB 109, Proposition 47, and Proposition 57 on local governments and provide local law enforcement with the appropriate tools to reduce criminal activity.”

The recommendation to oppose AB 3068 (Haney) and SB 1211 (Skinner) is consistent with the City of Santa Clarita 2024 Executive and Legislative Platform. Specifically, Component 1 under

the “State” section advises that the City Council, “Oppose legislation that would interfere with, limit or eliminate the decision-making authority of municipalities in the area of local land use.”

ALTERNATIVE ACTION

Other direction, as provided by the City Council.

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2023-24 budget.

ATTACHMENTS

Assembly Bill 2309 - Bill Text

Assembly Bill 2814 - Bill Text

Assembly Bill 2943 - Bill Text

Assembly Bill 3068 - Bill Text

Assembly Bill 3109 - Bill Text

Assembly Bill 3171 - Bill Text

Senate Bill 1211 - Bill Text