



REPORT TO CITY COUNCIL

DATE: MAY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: LOUIS CELAYA, DEPUTY CITY MANAGER 



SUBJECT: LEGISLATIVE ACTION REQUEST – AB 366 (OBERNOLTE. WATER SUPPLY: NEW RESIDENTIAL DEVELOPMENT: BUILDING PERMITS); AND AB 367 (OBERNOLTE. WATER SUPPLY BUILDING PERMITS)

At the request of Councilmember Illece Buckley Weber, the City Council is being asked to consider a position letter in connection with Assembly Bill 366 (AB 366) and Assembly Bill. 367 (AB 367).

Existing law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility. AB 366 would exempt, from the prohibition on the issuance of a building permit, (1) a development where the source of water supply as described above is not significant and, (2) a development of one detached single-family dwelling unit on a parcel that existed before January 1, 2017, if the water provided to the parcel will be obtained from a legal source and delivered by a licensed water hauler and the parcel is of a certain size with a prescribed average fire response time.

For AB 367, existing law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility. This prohibition, on the issuance of a building permit, does not apply to a residence that will be rebuilt because of a natural disaster. AB 367 would exempt from the prohibition, on the issuance of a building permit, a residence that will be rebuilt because of a fire and would provide that this is declaratory of existing law.

The City's legislative platform is silent on this issue, and City staff is seeking direction from the City Council on this request.



RECOMMENDATION

Staff is seeking direction from the City Council to:

- 1) Prepare a Letter of Support
- 2) Prepare a Letter of Opposition
- 3) Take No Action

Attachments: Assembly Bill 366 - Text
Assembly Bill 367 - Text

AMENDED IN ASSEMBLY MARCH 27, 2017

AMENDED IN ASSEMBLY MARCH 14, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 366

Introduced by Assembly Member Obernolte

February 8, 2017

An act to amend Section 106.4 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 366, as amended, Obernolte. Water supply: new residential development: building permits.

Existing law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility.

This bill would exempt from the prohibition on the issuance of a building permit (1) ~~developments~~ *a development* where the source of water supply as described above is not significant and (2) ~~developments~~ *a development* of one detached single-family dwelling unit on a parcel that existed before January 1, 2017, if the water provided to the parcel will be obtained from a legal source and delivered by a licensed water ~~hauler~~ *hauler and the parcel is of a certain size with a prescribed average fire response time.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 106.4 of the Water Code is amended to
2 read:

3 106.4. (a) For the purposes of this section:

4 (1) "Bottled water" has the same meaning as defined in Section
5 111070 of the Health and Safety Code.

6 (2) "Residential development" has the same meaning as defined
7 in Section 65008 of the Government Code.

8 (3) "Retail water facility" has the same meaning as defined in
9 Section 111070 of the Health and Safety Code.

10 (4) "Water-vending machine" has the same meaning as defined
11 in Section 111070 of the Health and Safety Code.

12 (5) "Water hauler" has the same meaning as defined in Section
13 111070 of the Health and Safety Code.

14 (b) A city, including a charter city, or a county shall not issue
15 a building permit for the construction of a new residential
16 development where a significant source of water supply is water
17 transported by a water hauler, bottled water, a water-vending
18 machine, or a retail water facility.

19 (c) This section does not apply to a residence that will be rebuilt
20 because of a natural disaster.

21 (d) This section does not apply to the development of one
22 detached single-family dwelling unit on a parcel that existed before
23 January 1, 2017, if the water provided to the parcel will be obtained
24 from a legal source and delivered by a licensed water ~~hauler.~~ hauler
25 and the parcel is either:

26 (1) *Five acres or more but less than 10 acres and has an average*
27 *fire response time of 15 or fewer minutes.*

28 (2) *Ten acres or more and has an average fire response time*
29 *of 20 or fewer minutes.*

30 (e) The Legislature finds and declares that this section addresses
31 a matter of statewide concern and not a municipal affair, as that
32 term is used in Section 5 of Article XI of the California
33 Constitution.

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ASSEMBLY BILL

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February 8, 2017

An act to amend Section 106.4 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 367, as introduced, Obernolte. Water supply: building permits.

Existing law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility. Under existing law, this prohibition on the issuance of a building permit does not apply to a residence that will be rebuilt because of a natural disaster.

This bill would exempt from the prohibition on the issuance of a building permit a residence that will be rebuilt because of a fire and would provide that this is declaratory of existing law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

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- 2 read:
- 3 106.4. (a) For the purposes of this section:
- 4 (1) "Bottled water" has the same meaning as defined in Section
- 5 111070 of the Health and Safety Code.

1 (2) "Residential development" has the same meaning as defined
2 in Section 65008 of the Government Code.

3 (3) "Retail water facility" has the same meaning as defined in
4 Section 111070 of the Health and Safety Code.

5 (4) "Water-vending machine" has the same meaning as defined
6 in Section 111070 of the Health and Safety Code.

7 (5) "Water hauler" has the same meaning as defined in Section
8 111070 of the Health and Safety Code.

9 (b) A city, including a charter city, or a county shall not issue
10 a building permit for the construction of a new residential
11 development where a source of water supply is water transported
12 by a water hauler, bottled water, a water-vending machine, or a
13 retail water facility.

14 (c) This section does not apply to a residence that will be rebuilt
15 because of a *fire or* natural disaster.

16 (d) The Legislature finds and declares that this section addresses
17 a matter of statewide concern and not a municipal affair, as that
18 term is used in Section 5 of Article XI of the California
19 Constitution.

20 SEC. 2. The amendment to subdivision (c) of Section 106.4
21 of the Water Code made by this act does not constitute a change
22 in, but is declaratory of, existing law.