

**CUPERTINO****CITY OF CUPERTINO****DRAFT MINUTES****LEGISLATIVE REVIEW COMMITTEE**

This was a teleconference meeting with no physical location

Friday, February 26, 2021

11:00 AM

Special Meeting**ROLL CALL**

The meeting was called to order at 11:01 a.m.

Present: Vice Mayor Chao, Councilmember Moore, City Manager Deborah Feng, Assistant to the City Manager Katy Nomura, Townsend Public Affairs (TPA)

APPROVAL OF MINUTES

- Subject: Consider approving the January 8, 2021 Legislative Review Committee minutes
Recommended Action: Approve the January 8, 2021 Legislative Review Committee minutes

Councilmember Moore motioned to approve the January 8th Legislative Review Committee minutes. Vice Mayor Chao seconded. The motion carried unanimously.

POSTPONEMENTS

This item was not conducted.

ORAL COMMUNICATIONS

Jennifer Griffin expressed concerned about the housing bills.

PUBLIC COMMENT (including comments on all agenda items)

This item was not conducted as the Chair decided to take public comments on agenda items when the agenda items were discussed.

AGENDA REVIEW

Jennifer Griffin is concerned about SB 877 and SB 876

Vice Mayor Chao would like to look at Public Safety Bills

ACTION ITEMS

- Subject: Legislative Update

Recommended Action: Receive legislative update and provide any input

TPA explained that the bill introduction deadline was on February 18th. The Legislature introduced about 2,400 bills, which is usually what is expected. Due to the health and safety protocols, the capitol is still closed so the legislators are only there on committee days and on floor session days and they are only allowed one staff member.

The state is looking at a pretty healthy budget surplus due to higher than expected revenues and lower than expected case rates in the health and human services sector. The Governor signed a package of bills in early response to the pandemic. This includes support for \$600 for individual recipients that are eligible. The budget currently does not have any funds for schools right now, but there are ongoing negotiations to include funding for returning to school on or before April 15th. Vice Mayor Chao wants TPA to keep an eye on school funding.

The Governor's Housing Accountability Unit, which is part of his budget proposal, amounts to \$4.3 million for staffing and HCD in order to monitor local government actions. This will be voted on and considered in May.

AB 339 (Lee) is a bill regarding open meetings. This bill increases requirements for teleconference meetings, including adding closed captioning and language translation services for all meetings. This bill is expected to be amended since the author has received lots of feedback. AB 377 (Rivas) is a bill that requires all California surface waters to be fishable, swimmable, and drinkable. This bill has been opposed by the Association of California Water Agencies (ACWA) and is also expected to be amended.

Councilmember Moore mentioned that she would like to explore AB 1091 regarding the VTA board at the next meeting as well as consider taking positions on the following bills:

- AB 115 (Bloom)
- AB 339 (Lee)
- AB 377 (Rivas)
- SB 7 (Atkins)
- ACA 1 (Aguiar- Curry)
- ACA 4 (Kiley)

Vice Mayor Chao would like to look at broadband bills relating to bonds and fiber optics.

Public comment

Jennifer Griffin is concerned about the Housing Accountability Unit and about paying people to listen to City Council meetings.

Lisa Warren is concerned about broadband companies, specifically Modus, LLC.

3. Subject: Update on positions taken by the League of California Cities (League) and the Cities Association of Santa Clara County (CASCC)
Recommended Action: Receive update on positions taken by the League and CASCC and provide any input

The LRC received the update. TPA mentioned that the Planning Association no longer shares their positions to the public and currently only shares it with their membership.

Public Comment

Jennifer Griffin spoke about positions in Southern California.

4. Subject: Consider adopting a position on Senate Bill 6 - Local Planning: Housing: Commercial Zones
Recommended Action: A) Adopt an oppose position on SB 6 and authorize the Mayor to send letters to the state legislature, unless the City Council decides to place this bill on a future Council agenda to consider as the full Council; Or B) Make a recommendation that the City Council take an oppose position on SB 6.

TPA explained that this bill is a reintroduction of SB 1385 from last year. This bill relates to the development of housing in commercial and retail zones. This bill creates specified provisions that would allow housing in these zones and allow ministerial approval. The City did oppose SB 1385 last year and the bill is largely the same this year, so it is recommended that the LRC oppose this bill.

Councilmember Moore asked how much residential units can be on a commercial lot? TPA explains that developments must meet minimum density requirements so it would be at a minimum 10 units per acre for unincorporated areas, 15 units per acre for unincorporated area within non-metropolitan cities, 20 units per acre in suburban jurisdictions, and 30 unites per acre in metropolitan cities.

Councilmember Moore mentions that this bill does not even have the 2/3 residential requirement, which is very vague. This bill will pile on more ambiguity to another category that qualifies for streamlining and similar to SB 35, can be used to worsen the housing shortage. The LRC discussed adding their comments to the letter and reviewing the letter prior to sending to the Mayor.

Public Comment

Jennifer Griffin is concerned about this bill.

Action Taken

Councilmember Moore motioned to adopt an oppose position on SB 6 and authorize the Mayor to send letters to the state Legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

5. Subject: Consider adopting a position on Senate Bill 7 - Jobs and Economic Improvement Through Environmental Leadership Act of 2021

Recommended Action: A) Adopt a support if amended position on SB 7 and authorize the Mayor to send letters to the state legislature, unless the City Council decides to place this bill on a future Council agenda to consider as the full Council; Or B) Make a recommendation that the City Council take a support if amended position on SB 7.

TPA explained that this bill is a reintroduction of SB 995 from last year. This bill recasts and modifies CEQA judicial review streamlining provisions. Most notably, affordable housing projects would have to be infill sites and they would have to result in a minimum investment of \$15 million and would have to contain at least 15% affordable housing. This bill is an effort to facilitate smaller affordable housing projects under the existing law. Last year, the LRC took a support if amended position on this bill and TPA recommends they do the same this year.

Councilmember Moore asked what kind of projects could go through that do not have a housing component and what is the benefit for a developer? TPA explained that in the past, sports stadiums went through that did not have housing components. The main benefit of a developer is that they get a quicker litigation process after an Environmental Impact Report is completed.

Public Comment

Jennifer Griffin is concerned about this bill

Action Taken

Kitty motioned to adopt an oppose unless amended position on SB 7 and authorize the Mayor to send letters to the state Legislature with the following amendments:

Amendments

- Require that jobs and housing are balanced on a project
- Increase the LEED to Platinum
- Include a sliding investment scale based on regional economic conditions
- Should increase density, more than what is already required by the City

Vice Mayor Chao seconded, and the motion carried unanimously.

6. Subject: Consider adopting a position on Senate Bill 9 - Housing Development: Approvals

Recommended Action: A) Adopt an oppose unless amended position on SB 9 and authorize the Mayor to send letters to the state legislature, unless the City Council decides to place this bill on a future Council agenda to consider as the full Council; Or B) Make a recommendation that the City Council take an oppose unless amended position on SB 9.

Councilmember Moore and Vice Mayor Chao decided to skip the presentation of this bill since they are familiar with this bill. Councilmember Moore recommended to take an oppose position on this bill instead of an oppose unless amended position. Councilmember Moore and Vice Mayor Chao are concerned that this bill would allow ministerial lot splits across the whole state, even for lots as small as 2,400 sq. ft. to be split in half. This would quadruple the density on lots, which will increase the burden on infrastructure and impacts on schools.

Public Comment

Jennifer Griffin is concerned about this bill

Action Taken

Kitty motioned to adopt an oppose position on SB 7 and authorize the Mayor to send letters to the state Legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

7. Subject: Consider adopting a position on Senate Bill 10 - Planning and Zoning: Housing Development: Density

Recommended Action: A) Adopt an oppose unless amended position on SB 10 and authorize the Mayor to send letters to the state legislature, unless the City Council decides to place this bill on a future Council agenda to consider as the full Council; Or B) Make a recommendation that the City Council take an oppose unless amended position on SB 10.

TPA explains that this bill is a reintroduction of SB 902 by Senator Wiener from last year. This measure will allow local governments to pass an ordinance to rezone parcels up to 10 units of residential density per acre. Last year the City took an oppose unless amended position on SB 902 mainly due to the fact that this bill would allow the local government to pass an ordinance to rezone a parcel, even if a local voter initiative has been passed that would directly prohibit such an ordinance. Local governments can already rezone areas, so this bill does not add additional provisions besides allowing cities to be exempt from CEQA. Councilmember Moore and Vice Mayor Chao decided to adopt an oppose position instead of an oppose unless amended position on this bill.

Public comment

Jennifer Griffin is concerned about this bill.

Action Taken

Councilmember Moore motioned to adopt an oppose position on SB 10 and authorize the Mayor to send letters to the state Legislature. Vice Mayor Chao seconded, and the motion carried unanimously.

8. Subject: Consider adopting a position on Senate Bill 15 - Housing Development: Incentives: Rezoning of Idle Retail Sites
Recommended Action: A) Adopt a support position on SB 15 and authorize the Mayor to send letters to the state legislature, unless the City Council decides to place this bill on a future Council agenda to consider as the full Council; Or B) Make a recommendation that the City Council take an oppose unless amended position on SB 15.

TPA explained that this bill relates to rezoning idle commercial for workforce housing. This would establish a grant program where local governments can apply for funding by meeting specified requirements. The amount of the grant awarded to eligible local governments would be equal to the average amount of annual sales and use tax revenue generated by each idle site identified in the application over the previous seven years. This bill is similar to SB 1299, which the City supported last year. Councilmember Moore does not support this bill and would like watch this bill for now.

Public comment

Jennifer Griffin spoke about Del Paseo and expressed concern about this bill.

Action Taken

Councilmember Moore motioned to take a watch position on this bill. Vice Mayor Chao seconded, and the motion carried unanimously.

9. Subject: Consider adopting a position on Senate Bill 314 Bar and Restaurant Recovery Act
Recommended Action: A) Adopt a watch position on SB 314 and authorize the Mayor to send letters to the state legislature, unless the City Council decides to place this bill on a future Council agenda to consider as the full Council; Or B) Make a recommendation that the City Council take a watch position on SB 314.

This item was postponed to the next meeting scheduled for March 12, 2021.

10. Subject: Online resources for the public to participate in the legislative process_
Recommended Action: Receive information on online resources for the public to participate in the legislative process and provide any input

This item was postponed to the next meeting scheduled for March 12, 2021.

FUTURE AGENDA SETTING

The next meeting is scheduled for March 12, 2021 at 9:30 a.m. Future agenda items include: AB 1091, AB 115, AB 339, AB 377, SB 7, ACA 1, ACA 4, AB 14, AB 34, AB 41, SB 4, and SB 28. The LRC would also like to consider support for modifications to SB 35, plastic recycling, movement from fossil fuel to electric in the trucking industry in the Bay Area, public safety, local transit infrastructure, and bills related to remote work.

Public comment

Jennifer Griffin would like the LRC to review SB 877 and SB 878

ADJOURNMENT

The meeting was adjourned at 1:58 p.m.