

CITY COUNCIL AGENDA REPORT

August 4, 2020
City Manager

TITLE: REVIEW AND CONSIDER THE CITY'S LEGISLATIVE FRAMEWORK WITH THE 2020 FOCUS AREAS AND ESTABLISH THE CITY'S LEGISLATIVE POSITIONS ON SELECTED HOUSING RELATED BILLS, AND REQUEST CITY STAFF TO MONITOR REMAINING LEGISLATION THROUGHOUT THE 2020 LEGISLATIVE CYCLE TO DETERMINE WHETHER THE CITY COUNCIL SHOULD TAKE A FORMAL POSITION

SUMMARY

The Legislative Framework (Attachment 1) guides the City's response to pending state and federal legislation. The framework includes guiding principles, goals, and strategies that guide advocacy efforts on behalf of the City's interests. Within this framework, annual focus areas are established to guide the City's legislative positions.

The City Council Legislative Subcommittee and staff is recommending adoption of the City's Legislative Framework with the 2020 Focus Areas and to establish the City's legislative positions on selected 2020 bills.

RECOMMENDATION

The City Council Legislative Subcommittee (Thorne/Pentin) and City staff recommend adoption of the City's Legislative Framework with the 2020 Focus Areas and to establish the City's legislative positions on selected 2020 bills and request that City staff monitor remaining legislation throughout the 2020 legislative cycle to determine if and when the City Council should take a formal position on additional legislation.

FINANCIAL STATEMENT

There is no financial impact.

BACKGROUND

Each year, the City Council Legislative Subcommittee is asked to review and discuss state and federal legislation and determine policy positions for recommendation to the City Council.

In 2016, the City Council adopted for the first time a Legislative Platform that outlined guiding principles, goals and strategies, with a recommendation for federal, state and local priorities, and a recommendation for positions on pending legislation. In 2018, in an effort to better position the City's advocacy efforts, the 2016 Legislative Platform was updated into a Legislative Framework with recommended annual Legislative Focus Areas.

DISCUSSION

On July 16, 2020, the City Council Legislative Subcommittee (Thorne/Pentin) met and reviewed the City of Pleasanton Legislative Framework and 2020 Focus Areas, which together will serve as a policy document to guide the City's advocacy efforts and assist staff as they evaluate legislation and issues. The Legislative Framework includes guiding principles that represent the City's overall legislative interests and is a representation of our City Council's current Priorities and Work Plan, among other guiding documents. The 2020 Legislative Focus Areas were developed by considering the current political landscape at the federal and state level and also current regional and local issues.

The Subcommittee reviewed several bills and decided a strategic approach was necessary to focus the City's efforts and impact. A two-part strategy was developed that includes: establishing the City's legislative positions on selected 2020 bills (attachment 2), and requesting City staff monitor remaining legislation throughout the 2020 legislative cycle to determine whether the City Council should take a formal position on additional legislation. The latter would also be done in concert with our regional partners and the League of California Cities.

Below is a discussion regarding California State Senate Housing bill package and a bill addressing homelessness.

SB 1385 (Caballero): The Neighborhood Homes Act

This bill would make housing an allowable use and allow for streamlined ministerial approval of housing projects, meeting certain criteria, on land zoned for office or retail commercial use when the site has been vacant or severely underutilized. Determination of a site as "underutilized" would be based on at least 50% of available square footage being vacant for at least three years.

Recommend Position: Oppose

Typically, allowing housing on a commercially-zoned property requires a discretionary zoning change, allowing for deliberate and thoughtful consideration of design, site planning and mitigation of impacts that can occur when introducing residential uses into predominantly commercial areas. This bill would remove this local control and

discretion. Further, this bill could impact economic vibrancy of the commercial/retail sector in the future, and impact sales tax revenue, by reducing the amount of amount and availability of commercial property. And, the bill could reduce or impact convenient shopping opportunities for residents, by encouraging conversion of neighborhood shopping centers into housing, potentially increasing distances residents need to travel to shop or dine.

SB 1120 (Atkins) Subdivisions: tentative maps.

This bill builds off the state Accessory Dwelling Unit (ADU) law that allows for at least three units per parcel and allows “small-scale” neighborhood development by creating a ministerial approval process for duplexes and lot splits on single-family parcels. Such projects would be required to meet local zoning (i.e. development standards), environmental and tenant displacement requirements. Certain parameters on the size of lots created would also apply. Local governments would not be required to permit ADUs on sites that exercise these new authorizations (although they may elect to do so). The creation of local ordinances to implement these sections would not be subject to CEQA.

Recommended Position: Oppose

This bill would allow for additional residential density in existing single-family neighborhoods, without the benefit of design review or discretionary approval, which could greatly alter the character and livability of these areas. Without limitations on demolition of existing properties, much larger duplex structures could come to replace more modestly-sized single family homes throughout the city. The bill, while including some tenant protections, does not guarantee affordability and thus is unlikely to result in an increase in the supply of affordable units.

SB 995 (Atkins) Environmental quality: Jobs and Economic Improvement through Environmental Leadership Act of 2011: housing projects

This bill provides California Environmental Quality Act (CEQA) relief by expanding the existing AB 900 process for the Environmental Leadership Development Project for housing projects, particularly affordable housing. This bill creates a new tool for housing developers who may have been interested in utilizing the AB 900 process, but did not meet the existing investment threshold to qualify. The bill would require a minimum investment of \$15 million (as opposed to the current \$100 million threshold), 15% of residential units in the project must be affordable; the bill would also allow projects to take advantage of an expedited 270-day CEQA litigation process, and would extend the overall program through January 1, 2025.

The bill would also broaden the application and utilization of the Master Environmental Impact Report (MEIR) process that allows cities to do upfront planning and CEQA review that streamlines housing approvals on an individual project level.

Recommended Position: Support

This legislation promotes affordable housing, including a minimum percentage of affordable housing with long-term affordability agreements. It provides additional opportunities for cities to voluntarily revise and adopt local community plans and policies

to support more housing, and to reform funding and administrative processes to encourage affordable housing production. Further, the bill would retain local control and the ability to make projects subject to CEQA review, with more certainty for developers who are able to achieve a certified EIR, and that any judicial review will be completed in a streamlined manner.

SB 902 (Wiener) Planning and zoning: housing development: density.

This bill allows local governments to choose to pass a zoning ordinance that is not subject to CEQA, for projects that allow up to 10 units, if they are located in one of the following priority areas: transit rich, jobs rich or urban infill site. A City may, but is not required to, take such action.

Recommended Position: Support

Since the bill would retain local control, to the extent that adopting any zoning change would be at the discretion of the City, staff recommends support of this bill.

SB 1085 (Skinner) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.

This bill will expand existing Density Bonus Law by increasing the number of incentives provided to developers in exchange for providing more affordable units, and aims to incentivize the production of moderate-income units by increasing the level of density bonus, and number of concessions available for projects providing moderate-income units. This bill would also require the elimination of impact fees, in-lieu fees, and other public benefit fees to be imposed on a housing development's affordable units or bonus units.

Recommended Position: Oppose

Current Density Bonus Law already allows generous concessions and waivers for projects that have as low as 5% affordable units. Additional concessions could; 1) result in projects that are oversized for their communities, 2) deem a local jurisdiction's development standards as obsolete, and 3) erode community character, without necessarily delivering large numbers of affordable units. Staff is also concerned that the proposed law takes a one-size-fits all approach, where additional incentives cannot be equally applied across the State because housing production and pricing is market driven. Eliminating the ability to levy impact fees on affordable units, would reduce the city's ability to fund the infrastructure and services improvements needed to support those that will reside in the housing development.

AB 3269 (Chiu) State and local agencies: homelessness plan.

This bill will require a statewide needs and gaps analysis to and to identify state programs that provide housing or services to persons experiencing homelessness and create a financial model that will assess certain investment needs for the purpose of moving persons experiencing homelessness into permanent housing. It will require the state Housing and Community Development Department to approve or work with local agencies (county's) to identify appropriate benchmark goals to reduce homelessness for

each local agency and cities within each local agency. This bill will requires each city in the local agency's jurisdiction to participate in the plan, and each local agency would be required to request and actively seek the participation of all homeless continuums of care that serve the local agency's jurisdiction. The plan is to include a description and the amount of all funding sources the local agency and any incorporated jurisdiction and continuum of care, has earmarked or committed to addressing homelessness, mental illness, and substance abuse within the jurisdiction. This bill also establishes an independent state officer, the Housing and Homelessness Inspector General, within the department of Housing and Community Development, with the authorization to request the court to bring an action against the state, a local agency, or a city that fails to adopt a plan or fails, within a reasonable time, to make progress in accordance with their adopted plan. And if the court finds that the state or applicable local agency or city has not substantially complied it would authorizes the Inspector General to request the court to issue an order or judgment directing the state, local agency, or city to substantially comply and would allow the imposition of a civil penalty.

Recommended Position: Oppose unless amended

This bill would create a new unfunded mandate to the city, diverting responsibility for the provision of social services for those experiencing homelessness from the state and county to the local jurisdiction. It would also require that Alameda County in cooperation with it's cities, prepare a local agency plan. This plan must be adopted by each city in Alameda County. Cities may be held legally accountable for not meeting established benchmarks outlined in the local agency plan and that are set by the state and county. Based on past experience, it may prove challenging to adopt a Countywide plan that meets the needs of Pleasanton and East County.

Additionally, one bill was identified that addresses water quality notification and response level procedures.

AB 2560 (Quirk) Water quality: notification and response levels: procedures.

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state. This bill would require that State Water Resources Control Board comply with specified public notice and comment procedures when establishing or revising notification or response levels. There is currently no public noticing or commenting requirements as it relates to setting notification levels (NL) or response levels (RL); rather they are set administratively by the State Division of Drinking Water. This bill would move the responsibility to the State Water Resources Control Board and would require public notice via website and email notification that the state board has initiated the development of NL's or RL's. Thirty days prior to meeting, the board must post on website and make available document(s) which outline the proposed levels along with the complete study or studies. Before the proposed NL or RL is finalized, it must be included as an informational item at a regularly notices meeting of the state board.

Recommended Position: Support

This bill will provide greater transparency to and clarification of the notification level (NL) and response level (RL) process. The goal is to provide both water agencies and the general public clear and consistent information as these drinking water advisory levels are developed. This would have been very beneficial during the most recent period in which the Division of Drinking Water was establishing new NL's and RL's as it relates to PFAS and PFOS. Because there was no mechanism requiring a public process, water agencies were left guessing as to what the new levels would be and when they would go into effect. This bill would provide an opportunity for more time to engage and provide feedback as well as prepare for changes.

Another bill identified by the subcommittee addresses the Public Safety Power Shut-off events.

AB 2178 (Levine) Emergency Services

This bill would change the existing state definition of "state of emergency" and "local emergency" to include deenergization, defined as a planned public safety power shutoff.

Recommended Position: Support

In the past PSPS events, the City could not declare a "local emergency" because deenergization of power lines was not in the legal definition of what constitutes an emergency. This change will allow the City if needed, to declare a "local emergency" and engage the resources of the County and State Office of Emergency Services.

Finally, the subcommittee identified bills that address law enforcement as the City Council begins the conversation regarding Community Policing. This is not a comprehensive list of bills regarding policing, a more extensive list will be brought to the City Council to discuss at their next special meeting scheduled on August 20, 2020.

AB 1196 (Gipson) Peace officers: use of force.

Existing law authorizes a peace officer to make an arrest pursuant to a warrant or based upon probable cause, as specified. Under existing law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer. Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. This bill would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined, and techniques or transport methods that involve a substantial risk of positional asphyxia, as defined.

Recommended Position: Support with amendments

The Pleasanton Chief of Police temporarily suspended the use of the carotid restraint. It is recommended that a Support with amendments position be taken and recommend amending the language related to positional asphyxia is overly vague and will create uncertainty in the application.

AB 1299 (Salas) Peace officers: employment.

This bill would require any agency that employs peace officers to notify the Commission on Peace Officer Standards and Training when a peace officer separates from employment, including details of any termination or resignation in lieu of termination. This bill would require an agency to notify the commission if an officer leaves the agency with a complaint, charge, or investigation pending, and would require the agency to complete the investigation and notify the commission of its findings. The bill would require the commission to include this information in an officer's profile and make that information available to specified parties including any law enforcement agency that is conducting a preemployment background investigation of the subject of the profile.

Recommended Position: Support

This bill provides a high level of transparency and accountability for law enforcement officers and provides a resource to law enforcement agencies to ensure that they hire the highest caliber of officer to serve our community.

AB 1506 (McCarty) Police use of force.

Existing law requires law enforcement agencies to maintain a policy on the use of force and requires the Commission on Peace Officer Standards and Training to implement courses of instruction for the regular and periodic training of law enforcement officers in the use of force. Existing law requires law enforcement agencies to report to the Department of Justice any incident in which a peace officer is involved in a shooting or use of force that results in death or serious bodily injury. This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations.

Recommended Position: Support

This provides an additional resource to law enforcement agencies for review of their use-of-force policies.

AB 1950 (Kamlager) Probation: length of terms.

Current law authorizes courts that have jurisdiction in misdemeanor cases to suspend the sentence and make and enforce terms of probation in those cases, for a period not to exceed 3 years, except when the period of the maximum sentence imposed by law exceeds 3 years, in which case the terms of probation may be imposed for a longer period than 3 years, but not to exceed the time for which the person may be imprisoned. This bill would instead restrict the period of probation for a misdemeanor to no longer than one year, except as specified.

Recommended Position: Watch

This bill does not have a direct impact on the City. A watch position is recommended at this time.

AB 2342 (McCarty) Parole.

The bill would create a program under which the length of a parolee's period of parole could be reduced through credits earned by successfully completing specified education, training, or treatment programs, or by participating in volunteer service, while

adhering to the conditions of parole. The bill would make this program inapplicable to a person who is required to register as a sex offender.

Recommended Position: Watch

This bill does not have a direct impact on the City. A watch position is recommended at this time.

SB 776 (Skinner) Peace officers: release of records.

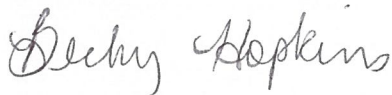
This bill would make every incident involving use of force subject to disclosure and would remove the requirement that a complaint relating to sexual assault or dishonesty be found to be sustained following an investigation in order to be subject to disclosure. The bill would require records relating to sustained findings of wrongful arrests and wrongful searches to be subject to disclosure and also require the disclosure of records relating to an incident involving prejudice or discrimination on the basis of specified protected classes. The bill would require the retention of all complaints currently in the possession of a department or agency.

Recommended Positions: Oppose unless amended

This bill requires the disclosure of non-sustained and exonerated cases and all use of force incidents. This is overly punitive to officers who have done nothing wrong and will carry a very high cost for implementation.

City staff will monitor additional legislation and will return to the City Council if any further action as necessary.

Submitted by:

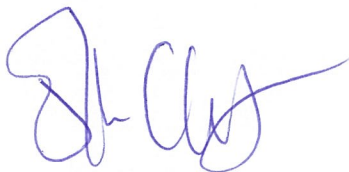


Becky Hopkins
Assistant to the City Manager

Approved by:



Nelson Fialho
City Manager



Ellen Clark
Community Development Director

Attachments:

1. Draft City of Pleasanton Legislative Framework with 2020 Focus Areas
2. Draft 2020 Legislative Positions



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City of Pleasanton Legislative Framework





Guiding Principles

The Guiding Principles represent the City's adopted policies and plans and frames the City's legislative interests. The following documents may be found on the city's website at www.cityofpleasantonca.gov or by clicking on links below.

- [Pleasanton City Council Priorities and Work Plan](#)
- [Pleasanton Climate Action Plan](#)
- [Pleasanton General Plan 2005-2025](#)
- [Pleasanton Economic Development Strategic Plan](#)
- [Pleasanton Pedestrian and Bicycle Master Plan](#)
- [Pleasanton Human Services Needs Assessment Strategic Plan](#)
- [Pleasanton Cultural Master Plan](#)
- [Pleasanton Youth Master Plan](#)
- [Pleasanton Parks and Recreation Master Plan](#)

Pleasanton's Quality of Life

The City supports legislation and policies that provide opportunities to protect and enhance our residents' quality of life through active living, a healthy lifestyle and diverse recreational services.

Safe and Secure Community

The City supports legislation and policies that provides access to resources and services for residents, such as quality police, fire, emergency management, emergency medical services, services for vulnerable populations and community benefit efforts.

Sustainable Development

The City supports legislation and policies that enable sustainable development including long term fiscal health for the City, affordable housing, conserving natural resources, recycling, green building, reducing energy usage and emitting fewer air pollutants.

Public Infrastructure

The City supports legislation that will enable continued improvement and maintenance of the City's public infrastructure.

Housing

The City supports legislation that seeks balanced solutions which consider housing, jobs, and transportation together. The City supports legislation that provides, promotes and protects affordability in the housing stock. The City supports legislation that is context-sensitive, that does not take a one size fits all approach and allows the City to exercise its local control developing locally-appropriate plans that meet State objectives in a manner that is compatible with existing community character. The City supports legislation that provides funding and resources for infrastructure and services in tandem with new housing production mandates.



Environmental Awareness, Health, Land Use and Preservation Issue

The City supports legislation and policies that provide for local control in determining land use and preservation issues. The orderly growth and development of the City together with the preservation of open-space is a high priority for the Pleasanton community. The City also supports legislation and policies that provide resources to enable environmental awareness and health in our community.

Fiscal Sustainability

No Unfunded Mandates. The City supports legislation that aids recovery of City costs stemming from State and/or Federal mandates and opposes legislation that seeks to impose any requirement upon City that is not fully funded.

Update Local Government Tax Structure. The City supports legislation and policies that reform the local government tax structure to respond to the growth in e-commerce, the shift in consumption of goods to the consumption of services, changing patterns of commerce and innovations in technology and remains consistent with existing constitutional protections for property, sales and local taxes.

Fiscal Responsibility. The City supports legislation and policies that protect existing federal, state, and local funding sources that provide revenues to the City of Pleasanton.

Effective and Cost-Efficient Government

The City supports policies and legislation that supports Pleasanton's fiduciary responsibility to our residents to ensure assets and resources are properly safeguarded and deployed in a prudent, efficient manner.

Foster Economic Prosperity

The City supports legislation and policies that provides funding for economic development that promotes: economic health and resilience, business development and communication, workforce development, small business entrepreneurship training and assistance, economic stimulus, innovation capacity, and planning and implementation of regional transportation projects.

Protect Local Control

The City supports legislation and policies that protects and ensures the City's ability and authority to exercise local control, enable excellent public services and protect and enhance the quality of life for Pleasanton residents and businesses, and supports efforts to streamline regulations that simplify the City operations and opposes efforts to erode the City's authority to control its own affairs.

Strengthen Youth Programs, Services and Activities

The City supports legislation and policies that furthers the City's commitment to nurturing a safe, supportive community that is responsive to the full range of needs of all children, youth, and their families. In partnership with youth, we will provide the essential environment to stimulate the individual potential of each young person.



Goals

- Advocate the City's legislative interests at the federal, state, regional, and county levels
- Inform and provide information to our legislators, city council and staff on the legislative process and key issues and legislation that could have a potential impact on the City
- Serve as an active participant with other local governments, the League of California Cities, regional agencies, and local professional organizations on legislative/regulatory issues that are important to the City and our region
- Seek grant and funding assistance for City projects, services, and programs

Strategies

- Communicate legislative positions on proposed federal, state, and county legislation, measures, initiatives, and governmental regulations
 - Work with City departments and our legislative advocates to develop positions on proposed legislative measures
 - Review positions and analysis by the League of California Cities, legislative advocates and other local government/professional associations in formulating the City's position
 - The City will take positions only on proposals that clearly impact our City or are a threat to local control
 - Actively track key bills through the legislative process
 - Communicate the City's position through correspondence, testimony, and in-person meetings
 - Work cooperatively with other cities, associations and the League of California Cities on advocating the City's legislative position
 - As necessary, participate in the drafting and amending of proposed measures that have the potential to significantly impact the City
 - Meet with legislators and their representatives, as well as other federal, state and county government officials on a regular basis, to discuss local government issues, proposed legislation, request for funding assistance, and City programs and services
- Work collaboratively with Tri-Valley Cities to further The Tri-Valley Cities Legislative Framework.
- Seek federal, state, regional, and county funding through earmarks, grants and other discretionary funding for City projects, services and programs
 - Annually identify City projects for potential submittal for federal funding consideration; develop a submittal packet for legislators that provides information and need for the projects
 - Provide information to City departments on potential grant funding opportunities and recognition programs
 - Advocate and request letters of support for City projects and grant applications or other resources that are being considered for federal, state and county funding



The Process

City Council Legislative Subcommittee

The Subcommittee consists of Mayor Jerry Thorne, Councilmember Jerry Pentin, City Manager Nelson Fialho, and Assistant to the City Manager Becky Hopkins. Meetings are agendaized and open to the public.

The City Council Legislative Subcommittee will meet to review and discuss the City's Legislative Framework and pending/possible Legislation.

Guiding Principles. The Guiding Principles are based upon the City Council's established Priorities, Work Plan and several policy documents and plans, such as the General Plan, Youth Master Plan and the Park and Recreation Master Plan; they provide an established framework for legislation, policies and regulations to be vetted from which a position may be developed.

Goals. The goals provide a clear direction for how to advocate and communicate the Legislative Framework annually.

Strategies. The strategies provide the action steps and process that staff will follow to ensure that the city's Legislative Framework is communicated and addressed.

Pending/Possible Legislation. Pending and possible legislation is reviewed and discussed to determine the benefit to the city and its residents. A position is identified using the following definitions:

- Support: Legislation that the City should support as drafted
- Support if Ammended: that the City will support if author accepts City's ammendments
- Oppose: Legislation that the City should oppose as drafted
- Oppose unless amended: Legislation the City opposes unless amended
- Watch: City will take no formal position but will watch the Legislation and consider taking a position as the legislative process progresses

Once the Subcommittee reviews the Legislative Framework and legislation for the current year, it will forward a recommendation to the City Council for consideration and adoption. The Legislative Framework, once adopted by the City Council will remain in effect until amended.

Oversight of the Legislative Framework

Upon the Legislative Framework adoption, the City Manager's Office will exercise day-to-day oversight of legislative matters. In addition to coordinating formal action through the City Council, the City Manager and the Assistant to the City Manager will administer the city's Legislative Platform.

Responding to Legislative Proposals

Upon the Legislative Framework adoption, the following process will be followed in response to legislative proposals:



- Once a determination has been made that a legislative proposal may impact the City, a letter outlining the City's position will be drafted for the Mayor's or City Manager's signature
- If a legislative proposal or regulation arises that is not addressed by the adopted Legislative Framework and it is determined that it may impact the City, a draft position letter will be prepared for the City Council to review
- A copy of all legislative letters will be distributed routinely to the City Council.

Pleasanton Legislative Focus Areas 2020

Housing

- Work with Tri-Valley Cities to promote Housing and Policy Framework to State Legislators
- Work collaboratively to problem solve with legislators by providing amendments to key housing legislation
- Support a balanced approach to housing solutions that consider housing, jobs and transportation together
- Support efforts to improve laws regarding ADU's
- Work to protect reduction or removal of impact fees
- Work with legislative leadership regarding housing production that promotes solutions to building affordable housing

Fiscal Sustainability

- Oppose local, regional, state or federal mandates that are unfunded or partially funded
- Support effective options for cities to address unfunded pension liabilities that will ensure that cities remain financially stable and are able to provide services to their residents.
- Support an update to the local government tax structure to respond to the new e-commerce that ensure equity of sales tax allocation to cities
- Support efforts to provide funding for local government Covid-19 response and recovery efforts

Foster Economic Prosperity

- Support Valley Links

Pleasanton's Infrastructure

Streets

- Protect existing and support new funding directly to cities that plans for the preservation, maintenance, rehabilitation and development of local streets infrastructure

Water/Sewer

- Support efforts to address PFOA and PFAS in drinking water and secure funding for treatment.



- Support efforts to secure funding for regional recycled water project
- Support efforts to secure funding to address water supply, sewer, storm water, flood control, development of new infrastructure

Telecommunications

- Support local control over installation of telecommunication infrastructure

Protect Local Control

- Work to protect local authority for cities in all aspects of planning and development of housing in their cities

Safe and Secure Community

- Support efforts to increase funding for homelessness prevention and services
- Support efforts to secure additional funding for mental health services for Pleasanton and the Tri-Valley
- Monitor Law Enforcement reform legislation
- Support efforts to address local concerns regarding PG&E Public Safety Power Shutoff program, especially addressing local government impacts and costs
- Support Emergency Preparedness legislation that addresses local government needs and concerns

Sustainable Development

- Support efforts to increase funding for affordable housing

Regional Collaboration

- Support efforts to collaborate with regional partners on legislative issues where there is alignment with the City's Legislative Framework. For example, regional partners may include Pleasanton Unified School District, Livermore Amador Valley Transit Authority, Zone 7, East Bay Regional Park District, StopWaste, Alameda County, etc.



Appendix

- Tri-Valley Cities Legislative Framework 2018-2020 available online at:

<http://www.cityofpleasantonca.gov/documents/2018-2020%20Tri-Valley%20Cities%20Legislative%20Framework.pdf>

- Tri-Valley Cities Housing and Policy Framework as a Supplement to the Tri-Valley Cities Legislative Framework on Housing Matters available online at:

<https://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=33502>



DRAFT 2020 Positions on Bills

Assembly Bill/ Senate Bill	Summary	Guiding Principle	Recommended City Position	TVC Position	League of CA Cities Position
<p>SB 1385 (Caballero) The Neighborhood Homes Act</p>	<p>This bill would make housing an allowable use and allow for streamlined ministerial approval of housing projects, meeting certain criteria, on land zoned for office or retail commercial use when the site has been vacant or severely underutilized. Determination of a site as “underutilized” would be based on at least 50% of available square footage being vacant for at least three years.</p>	<p>Housing</p>	<p>Oppose</p> <p>Typically, allowing housing on a commercially-zoned property requires a discretionary zoning change, allowing for deliberate and thoughtful consideration of design, site planning and mitigation of impacts that can occur when introducing residential uses into predominantly commercial areas. This bill would remove this local control and discretion. Further, this bill could impact economic vibrancy of the commercial/retail sector in the future, and impact sales tax revenue, by reducing the amount of amount and availability of commercial property. And, the bill could reduce or impact convenient shopping opportunities for residents, by encouraging conversion of neighborhood shopping centers into housing, potentially increasing distances residents need to travel to shop or dine.</p>	<p>Oppose</p>	<p>Watch</p>

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<p><u>SB 995 (Atkins)</u> Environmental quality: Jobs and Economic Improvement through Environmental Leadership Act of 2011: housing projects.</p>	<p>This bill provides California Environmental Quality Act, (CEQA) relief by expanding the existing AB 900 process for the Environmental Leadership Development Project for housing projects, particularly affordable housing. This bill creates a new tool for housing developers who may have been interested in utilizing the AB 900 process, but did not meet the existing investment threshold to qualify. The bill would require a minimum investment of \$15 million (as opposed to the current \$100 million threshold), 15% of residential units in the project must be affordable; the bill would also allow projects to take advantage of an expedited 270-day CEQA litigation process, and would extend the overall program through January 1, 2025.</p> <p>The bill would also broaden the application and utilization of the Master Environmental Impact Report (MEIR) process that allows cities to do upfront planning and CEQA review that streamlines housing approvals on an individual project level.</p>	<p>Housing</p>	<p>Support</p> <p>This legislation promotes affordable housing, including a minimum percentage of affordable housing with long-term affordability agreements. It provides additional opportunities for cities to voluntarily revise and adopt local community plans and policies to support more housing, and to reform funding and administrative processes to encourage affordable housing production. Further, the bill would retain local control and the ability to make projects subject to CEQA review and will ensure that any judicial review will be completed in a streamlined manner.</p>	<p>Support with clarification</p>	<p>Watch</p>

DRAFT 2020 Positions on Bills

Assembly Bill/ Senate Bill	Summary	Guiding Principle	Recommended City Position	TVC Position	League of CA Cities Position
<p><u>SB 902 (Wiener)</u> Planning and zoning: housing development: density.</p>	<p>This bill allows local governments to choose to pass a zoning ordinance that is not subject to CEQA, for projects that allow up to 10 units, if they are located in one of the following priority areas: transit rich, jobs rich or urban infill site. A City may, but is not required to, take such action.</p>	<p>Housing</p>	<p>Support</p> <p>Since the bill would retain local control, to the extent that adopting any zoning change would be at the discretion of the City, staff recommends support of this bill.</p>	<p>Support with proposed amendment to go above 10 units</p>	<p>Watch</p>
<p><u>SB 1085 (Skinner)</u> Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.</p>	<p>This bill will expand existing Density Bonus Law by increasing the number of incentives provided to developers in exchange for providing more affordable units, and aims to incentivize the production of moderate-income units by increase the level of density bonus, and number of concessions available for projects providing moderate-income units. This bill would also require the elimination of impact fees, in-lieu fees, and other public benefit fees to be imposed on a housing development's affordable units or bonus units.</p>	<p>Housing</p>	<p>Oppose</p> <p>Additional concessions could; 1) result in projects that are oversized for their communities, 2) deem a local jurisdiction's development standards as obsolete, and 3) erode community character, without necessarily delivering large numbers of affordable units. The proposed law takes a one-size-fits all approach, where additional incentives cannot be equally applied across the State because housing production and pricing is market driven. Eliminating the ability to levy impact fees on affordable units, would reduce the city's ability to fund the infrastructure and services improvements needed to support those that will reside in the housing development.</p>	<p>Oppose</p>	<p>Oppose unless amended</p>

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Assembly Bill/ Senate Bill	Summary	Guiding Principle	Recommended City Position	TVC Position	League of CA Cities Position
<p><u>AB 3269 (Chiu)</u> State and local agencies: homelessness plan.</p>	<p>This bill will require a statewide needs and gaps analysis to identify state programs that provide housing or services to persons experiencing homelessness and create a financial model that will assess certain investment needs for the purpose of moving persons experiencing homelessness into permanent housing. It will require the state Housing and Community Development Department to approve or work with local agencies (county's) to identify appropriate benchmark goals to reduce homelessness for each local agency and cities within each local agency. This bill will require each city in the local agency's jurisdiction to participate in the plan, and each local agency would be required to request and actively seek the participation of all homeless continuums of care that serve the local agency's jurisdiction. The plan is to include a description and the amount of all funding sources the local agency and any incorporated jurisdiction and continuum of care, has</p>	<p>Housing</p>	<p>Oppose unless amended</p> <p>This bill would create new unfunded mandate to the city, diverting responsibility from the state and county to the local jurisdiction. It would also require adoption of the local agency plan, to be prepared by Alameda County. The bill connects the local jurisdiction to a Countywide plan and may be legally held accountable for not meeting established benchmarks. Based on past experience, it may prove challenging to adopt a Countywide plan that meets the needs of Pleasanton and East County.</p>	<p>No position</p>	<p>Watch</p>

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<p><u>AB 3269 (Chiu)</u> Continued...</p>	<p>earmarked or committed to addressing homelessness, mental illness, and substance abuse within the jurisdiction. This bill also establishes an independent state officer, the Housing and Homelessness Inspector General, within the department of Housing and Community Development, with the authorization to request the court to bring an action against the state, a local agency, or a city that fails to adopt a plan or fails, within a reasonable time, to make progress in accordance with their adopted plan. And if the court finds that the state or applicable local agency or city has not substantially complied it would authorize the Inspector General to request the court to issue an order or judgment directing the state, local agency, or city to substantially comply and would allow the imposition of a civil penalty.</p>				
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Assembly Bill/ Senate Bill	Summary	Guiding Principle	Recommended City Position	TVC Position	League of CA Cities Position
<p><u>AB 2560 (Quirk)</u> Water quality notification and response levels: procedures.</p>	<p>The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state. The act requires the state board to adopt drinking water standards for contaminants in drinking water based upon specified criteria and requires any person who owns a public water system to ensure that the system, among other things, complies with those drinking water standards. This bill would require the state board to comply with specified public notice and comment procedures when establishing or revising notification or response levels, except as specified.</p>	<p>Pleasanton Infrastructure</p>	<p>Support</p> <p>Currently the state board is able to establish certain standards without a public notice and comment period. This would allow water retailers, local jurisdictions and interested members of the public to provide feed back regarding the proposed standards prior to them going into effect.</p>	<p>None</p>	<p>Watch</p>



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Assembly Bill/ Senate Bill	Summary	Guiding Principle	Recommended City Position	TVC Position	League of CA Cities Position
<p><u>AB 2178 (Levine)</u> Emergency Services</p>	<p>Existing law defines the terms “state of emergency” and “local emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would additionally include a deenergization, defined as a planned public safety power shutoff, as specified, within those conditions constituting a state of emergency and a local emergency.</p>	<p>Safe and Secure Community</p>	<p>Support</p> <p>In past PSPS events, the City could not declare a state of emergency as a PSPS event did not legally fit the definition of an emergency. This law would add deenergization to the definition and allow the City to declare a local emergency if needed.</p>	<p>None</p>	<p>Support</p>
<p><u>AB 1196 (Gipson)</u> Peace officers: use of force.</p>	<p>This bill would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined, and techniques or transport methods that involve a substantial risk of positional asphyxia, as defined. This bill contains other related provisions and other existing laws.</p>	<p>Safe and Secure Community</p>	<p>Support with amendments</p> <p>Amend language related to positional asphyxia, which is overly vague and will create uncertainty in the application.</p>	<p>None</p>	<p>Watch</p>

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Assembly Bill/ Senate Bill	Summary	Guiding Principle	Recommended City Position	TVC Position	League of CA Cities Position
<p><u>AB 1299 (Salas)</u> Peace officers: employment.</p>	<p>This bill would require any agency that employs peace officers to notify the Commission on Police Officer Standards and Training. when an officer separates employment, including details of termination or resignation in lieu of termination. It would require an agency to notify the commission if an officer leaves with a complaint, charge, or investigation pending, and would require the agency to complete the investigation and notify the commission of its findings. The bill would require the commission to include this information in an officer's profile and make information available to parties including any law enforcement agency that is conducting a preemployment background investigation of the subject of the profile.</p>	<p>Safe and Secure Community</p>	<p>Support</p>	<p>None</p>	<p>Watch</p>
<p><u>AB 1506 (McCarty)</u> Police use of force.</p>	<p>This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.</p>	<p>Safe and Secure Community</p>	<p>Support</p>	<p>None</p>	<p>Watch</p>

DRAFT 2020 Positions on Bills

Assembly Bill/ Senate Bill	Summary	Guiding Principle	Recommended City Position	TVC Position	League of CA Cities Position
<p><u>AB 1950</u> (Kamlager) Probation: length of terms.</p>	<p>Existing law authorizes courts that have jurisdiction in misdemeanor cases to suspend the sentence and make and enforce terms of probation in those cases, for a period not to exceed 3 years, except when the period of the maximum sentence imposed by law exceeds 3 years, in which case the terms of probation may be imposed for a longer period than 3 years, but not to exceed the time for which the person may be imprisoned. This bill would instead restrict the period of probation for a misdemeanor to no longer than one year, except as specified. This bill contains other related provisions and other existing laws.</p>	<p>Safe and Secure Community</p>	<p>Watch</p>	<p>None</p>	<p>Watch</p>

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Assembly Bill/ Senate Bill	Summary	Guiding Principle	Recommended City Position	TVC Position	League of CA Cities Position
<p><u>AB 2342 (McCarty)</u> Parole.</p>	<p>Existing law requires that specified persons who have been released on parole from state prison who were not imprisoned for a violent felony, a serious felony, or an offense requiring registration as a sex offender, and who have been on parole for a period of 6 months, be discharged from parole unless the Department of Corrections and Rehabilitation recommends to the Board of Parole Hearings that the person should be retained, and the board, for good cause, determines that the person is to be retained. This bill would create a program under which the length of a parolee's period of parole could be reduced through credits earned by successfully completing specified education, training, or treatment programs, or by participating in volunteer service, while adhering to the conditions of parole. The bill would make this program inapplicable to a person who is required to register as a sex offender.</p>	<p>Safe and Secure Community</p>	<p>Watch</p>	<p>None</p>	<p>Watch</p>

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Assembly Bill/ Senate Bill	Summary	Guiding Principle	Recommended City Position	TVC Position	League of CA Cities Position
<p><u>SB 776 (Skinner)</u> Peace officers: release of records.</p>	<p>Existing law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Existing law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Existing law requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act. This bill would make every incident involving use of force subject to disclosure. The bill would remove the requirement that a complaint relating to sexual assault or dishonesty be found to</p>	<p>Safe and Secure Community</p>	<p>Oppose unless amended</p> <p>This bill requires the disclosure of non-sustained and exonerated cases and all use of force incidents. This is overly punitive to officers who have done nothing wrong and also will be costly to implement.</p>	<p>None</p>	<p>Watch</p>

DRAFT 2020 Positions on Bills

<p><u>SB 776 (Skinner)</u> Continued...</p>	<p>be sustained following an investigation in order to be subject to disclosure. The bill would require records relating to sustained findings of wrongful arrests and wrongful searches to be subject to disclosure. The bill would also require the disclosure of records relating to an incident involving prejudice or discrimination on the basis of specified protected classes. The bill would require the retention of all complaints currently in the possession of a department or agency.</p>				
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