



City Council
Legislative Subcommittee Agenda
70 N. First Street, Campbell CA
Wednesday, August 11, 2021, 4:00 pm
VIA Telecommunication

NOTE: To protect our constituents, City officials, and City staff, the City requests all members of the public follow the guidance of the California Department of Health Services, and the County of Santa Clara Health Officer Order, to help control the spread of COVID-19. Additional information regarding COVID-19 is available on the City's website at www.campbellca.gov.

This Legislative Subcommittee Meeting will be conducted via telecommunication and is compliant with provisions of the Brown Act and Executive Order N-29-20 issued by the Governor.

The following Subcommittee members are listed to permit them to appear electronically or telephonically at the Legislative Subcommittee meeting on Wednesday, August 11, 2021: Mayor Elizabeth "Liz" Gibbons and Councilmember Sergio Lopez.

Members of the public will not be able to attend meetings at the Campbell City Council Chamber physically. The Legislative Subcommittee Meeting will be live streamed on YouTube (<https://www.youtube.com/user/cityofcampbell>)

Public comment for the City Council meeting will be accepted via email at clerksoffice@campbellca.gov prior to the meeting. Please indicate in the subject line "FOR PUBLIC COMMENT." Comments will be read during the Oral Requests comment period. Written comments received by 5:00 p.m. on Tuesday, August 10, 2021 will be posted on the website and distributed to the subcommittee before the meeting.

Special Meeting of the Legislative Subcommittee

CALL TO ORDER

PUBLIC COMMENT

New Business

1. 2021 State Legislation - Bills to Watch*

Recommended Action: Continue discussion on 2021 State Legislation

ADJOURN

*2021 State Legislation Bills Matrix

Pursuant to the Executive Order, and in compliance with the Americans with Disabilities Act (ADA), if you need assistance to participate in the Legislative Subcommittee meeting, please contact Diana Johnson in the City Manager's Office at 408-866-2125 or by e-mail dianaj@campbellca.gov

2021 Legislation - Bills to Watch

Bill	Sponsor(s)	Summary	Position	Status
HOUSING				
<u>SB 6 Local Planning: Housing: Commercial Zones</u>	Caballero, Eggman, and Rubio	This bill designates a housing development project, a parcel within a commercial zone not adjacent to an industrial site, as an allowable use on a neighborhood lot if it complies with various requirements, one of which includes: the density for a housing development must meet or exceed the density appropriate for lower income households according to the local jurisdiction. <i>(Similar to AB 115)</i>	Watch	In Assembly – held at desk
<u>SB 8 Density Bonus</u>	Skinner	Extends the existing Housing Crisis Act, which aims to address the housing crisis by requiring the timely processing of permits and includes anti-displacement measures to help keep tenants and low-income families in their homes, by five years to 2030 and makes clarifying changes. <ul style="list-style-type: none"> • Reduces the incentive criteria for LI: 17 percent for two incentives and 24 percent for three incentives (down from 20 percent and 30 percent, respectively). • Increases density bonus maximum to 50 percent for MOD. • Adjustments to transit and parking. 	Watch	6/22/21 Assembly Housing and Community Development – Passed from Committee re-refer to Assembly Local Government Committee
<u>SB 9 Housing Development: Approvals</u>	Atkins, Caballero, Rubio, and Wiener	<ul style="list-style-type: none"> • Allows for split lots in areas currently zoned single-family. • Two-unit projects ministerial approval. • The City can develop standards as long as they do not physically preclude development. 	Mayoral Oppose Letter Submitted on 7/9 CalCities: Oppose	6/23/21 – Passed from Assembly Housing and Community Development; re-refer to Appropriations
<u>SB 10 Planning and Zoning: Housing</u>	Wiener	Would allow for small projects of 10 or fewer units to be approved without going through extended environmental reviews. <ul style="list-style-type: none"> • Focused on jobs-rich, urban infill areas within the City. 	Watch	07/06/21 Assembly Local Government – Third Reading

2021 Legislation - Bills to Watch

Bill	Sponsor(s)	Summary	Position	Status
<u>Development: Density</u>				
<u>SB 15 Housing Development: Incentives: The Rezoning of Idle Retail Sites</u>	Portantino	<p>Grant program to assist local government to rezone idle retail sites (big box or commercial shopping centers) for work force housing. This would be an annual grant.</p> <ul style="list-style-type: none"> • Idle defined as at least 80 percent of leased or rentable square footage not occupied for at least one year. <p>Zoning would be by right.</p> <ul style="list-style-type: none"> • Work force housing for lower- or moderate-income households with 55-year affordability term for a rental and 45-year term for ownership. 	Support – Letter Submitted on 3/30/21	In Assembly – held at desk awaiting referral to a policy committee
<u>AB 215 Housing Element</u>	Chiu	The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the Department of Housing and Community Development (HCD) to determine whether the housing element is in substantial compliance with specified provisions of that law. That law also requires HCD to notify a city, county, or city and county, and authorizes HCD to notify the office of the Attorney General, that the city, county, or city and county is in violation of state law if HCD finds that the housing element or an amendment to the housing element does not substantially comply with specified provisions of the Planning and Zoning Law, or that the local government has taken action or failed to act in violation of specified provisions of law. This bill would add the Housing Crisis Act of 2019 to those specified provisions of law.	Oppose – Letter Submitted on 7/9/21 CalCities: Oppose *Action Alert	7/01/21 Senate Housing Committee
<u>SB 478 Planning and Zoning Law: housing development projects.</u>	Wiener	The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The law also requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to that element, or any specified action or failure to act, does not substantially	Oppose Unless Amended – Letter Submitted on 7/9/21	7/5/21 – Assembly Appropriations

2021 Legislation - Bills to Watch

Bill	Sponsor(s)	Summary	Position	Status
		<p>comply with the law as it pertains to housing elements or that any local government has taken an action in violation of certain housing laws. This bill would prohibit a local agency, as defined, from imposing specified standards, including a minimum lot size that exceeds an unspecified number of square feet on parcels zoned for at least 2, but not more than 4, units or a minimum lot size that exceeds an unspecified number of square feet on parcels zoned for at least 5, but not more than 10, units.</p>		
<p><u>AB 1401 Residential and commercial development: parking requirements.</u></p>	<p>Friedman</p>	<p>Would prohibit a local government from imposing a minimum parking requirement, or enforcing a minimum parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile walking distance of public transit, as defined, or located within a low-vehicle miles traveled area, as defined.</p>	<p>Watch (Need more info) CalCities: Oppose</p>	<p>7/1/21 – Senate Governance and Finance</p>
<p><u>ACA 1 Local government financing: affordable housing and public infrastructure: voter approval.</u></p>	<p>Aguiar-Curry</p>	<p>The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.</p>	<p>Support</p>	<p>Assembly Local Government and Housing and Appropriations</p>
<p><u>AB 71 Statewide Homelessness Solutions Program</u></p>	<p>Luz Rivas, Bloom, Chiu, and Wicks</p>	<p>Establishes a revenue source to fund various State programs focused on solving the homeless crisis. Creates a funding source for developers to develop housing with wrap-around services (continuum of care) in certain jurisdictions.</p>	<p>Watch</p>	<p>07/01/21 Assembly Inactive File</p>

2021 Legislation - Bills to Watch

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<u>AB 115</u> <u>Planning and Zoning:</u> <u>Housing Development</u>	Bloom	Housing development an authorized use on a site designated for commercial if at least 20 percent of the project units are deed-restricted affordable. The development would need to comply with all local standards, including: — Not adjacent to industrial uses and is more infill in nature with urban uses on 75 percent of the perimeter; and — Height limits, FAR, and density thresholds are defined in the law that takes into consideration local standards but is the greatest of the standards. • This bill would sunset on January 1, 2031. <i>(Similar to SB 6)</i>	Watch	Two-Year Bill (active thru Jan 2022) – Appears Inactive
<u>AB 59</u> <u>Mitigation Fee Act: Fees:</u> <u>Notice and Timelines</u>	Gabriel	Current law authorizes any party to protest the imposition of a fee, dedication, reservation, or other exactions imposed on a development project within 90 or 120 days of the imposition of the fee, as applicable, and specifies procedures for those protests and actions. The Mitigation Fee Act imposes the same requirements on a local agency for a new or increased fee for public facilities. Current law, for specified fees, requires any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion. Current law also provides that, if an ordinance, resolution, or motion provides for an automatic adjustment in a fee or service charge and the adjustment results in an increase in the fee or service charge, that any action to attack, review, set aside, void, or annul the increase to be commenced within 120 days of the increase. This bill would increase, for fees and service charges and for fees for specified public facilities, the time for mailing the notice of the time and place of the meeting to at least 45 days before the meeting.	Watch	Two-Year Bill (active thru Jan 2022)
<u>AB 617</u> <u>Planning and Zoning:</u> <u>Regional Housing</u>	Davies	Would authorize a city or county, by agreement, to transfer all or a portion of its allocation of regional housing need to another city or county. The bill would allow the transferring city to pay the transferee city or county an amount determined by that agreement, as well as a surcharge to offset the impacts and associated costs of the additional housing on the transferee	Watch	Two-Year Bill (active thru Jan 2022) – Appears Inactive

2021 Legislation - Bills to Watch

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<u>Needs: Exchange of Allocation</u>		city. The bill would also require the transferring city or county and the transferee city or county to report to the council of governments and the department specified information about the transfer, as provided.		
<u>AB 1258 Housing Element: Regional Housing Need Plan: Judicial Review</u>	Nguyen	Current law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Under existing law, a part of the housing element is an assessment of housing needs, which includes the locality's share of the regional housing need. Under existing law the appropriate council of governments, or for cities and counties without a council of governments, the Department of Housing and Community Development, adopts a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. This bill would subject the final regional housing need plan to judicial review.	Oppose	Two-Year Bill (active thru Jan 2022)
<u>SB 765 Accessory dwelling units: setbacks.</u>	Stern	Gives local governments the option to return to any setback regulations they had established prior to the state law mandating the 4-foot setback that took effect in 2020. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible.	Watch	Two-Year Bill (active thru Jan 2022)
<u>SB 5 Housing Bond Act</u>	Atkins, Caballero, McGuire, Rubio, Skinner, and Wiener	Authorizes Legislature to issue bonds. Proceeds from bonds would be directed toward housing finance activities focused on homelessness and ELI, VLI households. Unclear if the funds would be directed into existing programs that serve these populations or if new programs would be established.	Watch	Inactive

2021 Legislation - Bills to Watch

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TRANSPORTATION				
<u>AB 1091 Santa Clara Valley Transportation Authority: Board of Directors</u>	Berman	Current law creates the Santa Clara Valley Transportation Authority (VTA) with various powers and duties relative to transportation projects and services and the operation of public transit in the County of Santa Clara. Current law vests the government of the VTA in a 12-member board of directors whose terms of office are two years. Under existing law, only members of the county board of supervisors and city council members and mayors of cities in the county are authorized to serve on the board. Current law provides for the appointment of the board members by those local governments, as specified. This bill, on and after July 1, 2022, would reduce the size of the board to 9 members, increase their terms of office to 4 years, and provide for residents living in the county, rather than local officials, to serve on the board, as specified.	Oppose – Letter Submitted 4/15/21	Two-Year Bill (active thru Jan 2022)
BROADBAND				
<u>SB 556 Streetlight poles, traffic signals: small wireless facilities attachments</u>	Dodd	Would prohibit a local government or local publicly owned electric utility from unreasonably denying the leasing or licensing of its street light poles or traffic signal poles to communications service providers for the purpose of placing small wireless facilities on those poles. The bill would require that street light poles and traffic signal poles be made available for the placement of small wireless facilities under fair, reasonable, and nondiscriminatory fees, subject to specified requirements, consistent with a specified decision of the Federal Communications Commission.	Oppose – Letter submitted on 4/15/21 CalCities: Oppose	7/08/21 Assembly Appropriations
<u>AB 14 Communications: Broadband Services: California Advanced Services Fund</u>	Aguiar-Curry	Existing law establishes the State Department of Education in state government, and vests the department with specified powers and duties relating to the state’s public school system. This bill would authorize local educational agencies to report to the department their pupils’ estimated needs for computing devices and internet connectivity adequate for at-home learning. The bill would require the department, in consultation with the Public Utilities Commission, to compile that information and to annually post that compiled information on the department’s internet website.	City: No position CalCities: Support	7/05/21 Senate Energy, Utilities, and Communications

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<u>AB 34 Communications: Broadband for All Act of 2022</u>	Muratsuchi	Would propose a \$10 billion general obligation bond measure on the November 2022 ballot to provide funding for statewide broadband infrastructure in unserved and underserved communities throughout the State, and funds could be allocated to cities, among other entities.		Assembly Privacy and Consumer Protection. Held under submission.
<u>SB 4 Communications: California Advanced Services Fund</u>	Gonzalez	Current law establishes the Governor’s Office of Business and Economic Development, known as “GO-Biz,” within the Governor’s office to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. This bill would require the office to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.	City: No position CalCities: Support	7/07/21 Assembly Communications and Conveyance
GOVERNANCE				
<u>AB 339 State and Local Government: Open Meetings</u>	Lee	Current law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public.	City: No position CalCities: Oppose	7/1/21 – Senate Governance and Finance
<u>SB 278 Public Employees’ Retirement System: disallowed compensation</u>	Leyva	Would establish new procedures under Public Employees’ Retirement Law (PERL) for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on disallowed compensation that conflicts with PEPPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted	Oppose – Letter Submitted on 3/30/21	06/25/21 – Passed Assembly Public Employment and Retirement; re-refer to Appropriations;

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<u>: benefit adjustments.</u>		their administrative or legal remedies. At the threshold, after determining that compensation for an employee member reported by the state, school employer, or a contracting agency is disallowed, the bill would require the applicable employer to discontinue the reporting of the disallowed compensation. The bill would require that contributions made on the disallowed compensation, for active members, be credited against future contributions on behalf of the state, school employer, or contracting agency that reported the disallowed compensation and would require that the state, school employer, or contracting agency return to the member any contributions paid by the member or on the member's behalf.		6/30/21 hearing postponed.
REVENUE AND TAXATION				
<u>SB 555 Local Agencies: Transient Occupancy taxes: Online Short Term Rental Facilitator: Collection</u>	McGuire	<p>This bill would authorize a local agency to enact an ordinance exclusively delegating its authority to collect any transient occupancy tax imposed by that local agency on short-term rentals to the California Department of Tax and Fee Administration and to enter into a contract with the department for purposes of registration, rate posting, collection, and transmission of revenues necessary to collect and administer any transient occupancy tax imposed on a short-term rental as specified in this bill.</p> <p>This bill would require the department to perform those functions, as specified, and would require all local charges collected by the department to be deposited in the Local Charges for Short-term Rentals Fund, which would be created by the bill in the State Treasury. This bill would continuously appropriate all amounts in the fund to the department and would require the department to transmit the funds to the local agencies periodically as promptly as feasible, as provided. Local agencies that do not currently have a TOT collection agreement would be able to opt-in to the program.</p>	<p>Support –</p> <p>Letter re-submitted on 6/21/21</p> <p>Letter Submitted on 3/22/21</p>	<p>7/13/21 Assembly Judiciary hearing</p> <p>6/22/21 Passed Assembly Revenue and Taxation; re-refer to Assembly Judiciary</p>
<u>AB 1181 Fees: business licenses:</u>	Nguyen R	Would prohibit cities and counties, including charter cities and counties, from imposing or collecting license fees from restaurants from January 1, 2020, to December 31, 2021, as provided, and would require the city or	Oppose	Two-Year Bill (active thru Jan 2022)

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<u>alcoholic beverages: health permits</u>		county to refund to a restaurant any license fees collected during that period. By imposing new duties on cities and counties with respect to imposing or collecting specified license fees, and by requiring that the fees be refunded, this bill would impose a state-mandated local program.		
ENERGY				
<u>AB 987 Electrical Corporations: Reporting.</u>	Low	Would require increased reporting for Investor Owned Utilities on planned and unplanned electricity outages (City of San Jose is a sponsor)	Support	Two-Year Bill (active thru Jan 2022)
<u>SB-67 Clean energy: California 24/7 Clean Energy Standard Program</u>	Becker	Current law establishes as policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. This bill would revise that policy to establish a goal that 100% of electrical load be supplied by eligible clean energy resources, as defined. The bill would establish the California 24/7 Clean Energy Standard Program, which would require that 85% of retail sales annually and at least 60% of retail sales within certain subperiods by December 31, 2030, and 90% of retail sales annually and at least 75% of retail sales within certain subperiods by December 31, 2035, be supplied by eligible clean energy resources, as defined.	CalCities: Watch	Two-Year Bill (active thru Jan 2022)
ENVIRONMENTAL				
<u>SB-619 Organic waste: reduction regulations</u>	Laird	Current law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve those targets for reducing organic waste in landfills, and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by the department for noncompliance. Current law provides that those regulations shall take effect on or after January 1, 2022, except that the imposition of penalties	CalCities: Watch.	6/23/21 – Passed Assembly Natural Resources; re-refer to Appropriations

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		<p>by local jurisdictions pursuant to the regulations shall not take effect until 2 years after the effective date of the regulations. This bill would delay the effective date of the regulations from January 1, 2022, to January 1 of an unspecified year, and would provide that the operative date of each of the requirements in the regulations in effect as of December 31, 2021, shall be an unspecified amount of years after the operative date identified in the regulations.</p>		
<p><u>AB 377 Water quality: impaired waters.</u></p>	<p>Rivas</p>	<p>Would require all California surface waters to attain applicable beneficial uses by January 1, 2050. The bill would require the state board and regional boards, when issuing an NPDES permit, a waste discharge requirement, or a waiver of a waste discharge requirement, to require that the discharge to surface water does not cause or contribute to an exceedance of an applicable water quality standard in receiving waters, and to not authorize the use of a best management practice permit term to authorize a discharge to surface water that causes or contributes to an exceedance of an applicable water quality standard in receiving waters.</p>	<p>Oppose- Letter Submitted on 4/13/21</p>	<p>Two-Year Bill (active thru Jan 2022)</p>