

The Honorable Anthony Portantino, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

Senate Bill 932 (Portantino): General plans, circulation element
OPPOSE UNLESS AMENDED

Dear Chair Portantino:

The City of Los Altos joins the League of California Cities (Cal Cities) in regrettably taking an “oppose unless amended” position on your Senate Bill 932. SB 932 would make significant, unprecedented, and overly prescriptive changes to the requirements of the circulation element of local general plans; impose costly, unfunded mandates for physical changes to local transportation infrastructure; and expose local governments to significant legal liability.

The City of Los Altos has taken a pro-active approach to meeting the important goals of this bill: to make streets and roads safer for all users. We have partnered with the County of Santa Clara in designing new bike paths along the section of Foothill Expressway that transects the city of Los Altos and integrated those new paths with local streets. This required considerable interagency coordination, but the result is a significant improvement in safe, shared use. In another project, we partnered with the County and with the City of Cupertino to design comprehensive pedestrian and bicycle paths to schools that cross all three jurisdictions. These are the types of critical projects that require flexibility and quick response to the opportunities to work across multiple jurisdictions to improve bicycle and pedestrian safety. They cannot be achieved through a top-down approach that dictates the type of improvements and timing for implementation when multiple jurisdictions are involved.

Most recently we completed a new Complete Streets Master Plan that codifies the integration of improved bicycle/pedestrian paths and safety with routine street maintenance and sets out a long-term plan for making our streets more available to and safer for all users. Unfortunately, the plan will require funding of at least \$44 Million (today’s dollars). Much of the plan remains unfunded, despite planned use of SB 1, Block Grants, fuel tax, and other revenue sources. The requirements of SB 932 are likely even to exceed the ambitious plan we have just developed.

We note that cities that have made safety a priority and that have virtually no fatalities would be penalized under 65302(b)(2)(ii)(III) because the already excellent safety record would not allow for the reductions that are needed to be granted a 10-year extension of time to implement the provisions of SB 932. This is probably unintended and could perhaps be corrected through amendment.

Our city faces significant tradeoffs in prioritizing competing needs for roadway maintenance and improvements. The loss of employees during COVID, escalating costs for materials, and problems with supply chains are all impediments to be overcome. In addition, we need to consider the impact on our business community and the steps we need to take to help them recover and to mitigate changes to infrastructure on their operations. The circulation element must continue to provide flexibility as to the type of transportation improvements warranted in specific contexts, and any timelines for implementation must be developed in consideration of realistically available financial resources. We note that there is significant pressure from the legislature for local agencies to reduce, eliminate or defer development impact fees, which are among the few sources of revenue the small cities need to implement the provisions of this bill.

Finally, SB 932 creates significant new legal liability for local jurisdictions in Santa Clara County that fail to meet the bill's arbitrary implementation timeframes. In addition to the funding constraints and issues discussed above, the new private right of action created by SB 932 will be counter-productive to making progress on improving our local streets. Simply put, every additional dollar that goes toward defending against litigation is one fewer dollar available for improving our local streets and roads. Section 65302(b)(2)B)(iii) must be removed from the bill for our city to remove opposition to SB 932.

We hope you will continue to work with the League of California Cities and others on amendments that will allow us to remove our position of "oppose unless amended."

Sincerely,

DRAFT

The Honorable Chris Holden, Chair
Assembly Appropriations Committee
1021 O Street, Room 8220
Sacramento, CA 95814

**AB 2164 (Lee): Disability Access Funding
SUPPORT**

Dear Chair Stone,

The City of Los Altos is pleased to Support Assembly Bill 2164, which will allow local jurisdictions to continue programs ensuring that Californians with disabilities have barrier-free access to businesses.

For Californians with disabilities, barrier-free access to businesses and other facilities is a constant concern. Federal, state, and local governments provide some resources to help businesses comply with these accessibility requirements and reduce barriers for patrons with disabilities. State law also requires local jurisdictions to collect a dedicated fee of \$4.00 for business licenses and business permit renewals to fund programs improving barrier-free access to businesses (Cal. Gov. Code §§ 4465- 4470). Under current law, this fee will drop to \$1.00 after December 31, 2023.

Many small businesses in our city find the complex requirements challenging, especially for the small storefronts that characterize much of our downtown. Los Altos was founded in 1951, and many of our small businesses operate in older buildings that were constructed before the Americans with Disabilities Act (ADA) was passed into law. These business owners are now subject to frivolous claims or litigation, even as they and the businesses throughout our city strive to assure barrier-free access. We, as elected officials, see this legislation as a way to assist these businesses and continue to fund accessibility related certification, design, construction, and permitting fees so they are accessible and compliant with the law. Therefore, together with our Los Altos Chamber of Commerce, those of several Santa Clara County Chambers of Commerce, and the Cities Association of Santa Clara County, the City of Los Altos supports AB 2164.

Sincerely,

[Addressee depends on status of bill at May 10]

**AB 1944 (Lee): Brown Act Modernization
SUPPORT IF AMENDED**

Dear [depends on status of bill at May 10]

The City of Los Altos supports AB 1944, with a proposed amendment. AB 1944 aims to modernize the Brown Act by giving local legislative bodies the option to waive the requirement that its members who are appearing virtually from a remote location need to publish their private address on the public meeting agenda. AB 1944 also requires a remote participation option for members of the public to address the body.

During the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 that allowed officials of local agencies to appear remotely without having to disclose their private addresses. In 2021, Assemblymember Rivas's Bill 361 further allowed local agencies to continue to meet virtually during a state-declared emergency without having to meet the quorum and other requirements of teleconference meetings under the Brown Act. Our city council has taken advantage of AB 361 and continues to meet virtually.

The City of Los Altos recommends that AB 1944 be amended to require local legislative bodies, which opt to waive the requirement, have its members who are appearing virtually from a remote location provide the legislative body with the address of the remote location. The legislative body would be required not to make the address public. We support this amendment to ensure that members who are appearing virtually from a remote location are participating within the jurisdiction, thus avoiding any potential abuse of the flexibility that AB 1944 provides. This amendment further makes it easier to enforce compliance with the Brown Act quorum requirement. Therefore, the City of Los Altos supports AB 1944 with that amendment.

Sincerely,

The Honorable Chris Holden, Chair
Assembly Appropriations Committee
1021 O Street, Room 8220
Sacramento, CA 95814

**AB 2063 (Berman) Density bonuses: affordable housing impact fees
OPPOSE**

Dear Chair Stone:

The City of Los Altos respectfully opposes AB 2063, which would prohibit cities from collecting certain impact fees on density bonus units. Although the bill was recently amended to eliminate this prohibition on certain public benefit fees, the bill in its current form would have adverse impacts on city revenue collection to provide the services needed as a result of increased development. The fees covered by AB 2063 in its currently amended form (as well as other fees) are already prohibited on the affordable units, and it is unclear why cities and current residents should bear the additional burden of foregoing fees where the benefit seems to accrue only to the developer, with no assurance that any cost savings would result in more affordable housing. For this reason we must respectfully oppose AB 2063.

Sincerely,