

Policy 7.4.14 Legislative Advocacy Positions

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

Additionally, the Legislative Advocacy Positions identify the City's broad advocacy positions on issues and legislation. As defined by the General Plan (Policy 7.3B4), the Legislative Advocacy Positions are short-term in nature, typically speak to pending legislation and current issues, and support the General Plan and guide Council and staff on intergovernmental matters. They are a component of the City's Council Policies, which provide guidelines for City action in all areas of City business. City business is defined as all matters directly related to service delivery, or otherwise contributing to the City's operational success.

POLICY STATEMENT:

- I. Each year the City Manager shall present for Council's consideration draft Legislative Advocacy Positions. Once approved by City Council, these "advocacy positions" become the official City advocacy position on pending legislation.
- II. The LAP is utilized by Councilmembers and staff throughout the year to determine City positions on legislation and intergovernmental issues and minimizes the need for staff to request direction from Council on legislation and issues as they arise. The LAP should not duplicate policies already cited in other Council Policy documents, i.e. the Council Policy Manual, General Plan, Municipal Code, etc.
- III. During the year, staff monitors and researches pending legislation to identify bills that could significantly impact Sunnyvale. Research actions range from web site research to contacting legislative analysts in government offices and city associations. Staff may also conduct limited advocacy should issues arise throughout the year that significantly impact the City, and if Council positions have previously been established by the LAP.
- IV. To consolidate documents, underscore important issues, and focus the City's limited advocacy resources, Policy 7.4.14 includes the City's annual priority issues. Council developed the concept of the LAP in 1982 (RTC 82-590). Following annual Council approval, the current year's City Priorities and Legislative Advocacy Positions are attached to this policy.
- V. Implementation.
The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City

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Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: RTC 95-018 (1/17/1995); Amended: 96-016 (3/23/1996), 97-002 (1/14/1997), 98-008 (1/13/1998), 98-246 (7/14/1998), 98-264 (7/21/1998), 98-304 (8/18/1998), 99-009 (1/12/1999), 00-020 (1/25/2000), 01-002 (1/9/2001), 02-018 (1/15/2002), 03-021 (1/14/2003), 04-018 (1/13/2004) 05-009 (1/11/2005); (Clerical/clarity update, Policy Update Project 12/2005); 06-038 (2/7/2006); (Index added 5/22/06); 07-036 (01/30/2007); Clarity update (6/21/07); 08-063 (2/26/08); 09-046 (2/24/09); 10-016 (1/26/10); 11-022 (2/8/11); Adopted: RTC 12-009 (2/7/12); Amended: RTC: 12-048 (2/28/12); Updated for clarity (9/5/12); Adopted w/ modification: RTC: 13-020 (1/29/13); Adopted w/ modification: RTC 14-006 (1/7/14); Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); Adopted w/ modification: RTC: 15-008 (1/6/15); Adopted w/ modifications: RTC 16-0005 (1/5/16); Adopted w/ modifications: RTC 17-0011 (1/10/17); Information Only RTC 17-0132 (1/24/17); Adopted w/ modifications: RTC 17-0632 (6/20/17); Adopted w/ modifications: RTC 18-006 (1/9/18); Adopted: RTC 18-1064 (1/15/19))

Lead Department: Office of the City Manager

For Reference see also: 7.4.15 Council Advocacy, 7.4.16 Ballot Measure Positions.

2019 Priority Advocacy Issues

1. Investment Funding and Local Control for Workforce Development

“Investment Funding and Local Control for Workforce Development” will continue to be a Priority Issue for the City in 2019. Financial resources from federal and state governments for workforce development, education and training programs are critical to effectively preparing the workforce for the changing demands and churn of the Silicon Valley technology-driven economy as new industries replace the obsolete. This past year, NOVA was ranked No. 1 in the state for the numbers of individuals who have been laid off through the official WARN (Worker Adjustment and Retraining Notification) notices, responding to 110 notifications that impacted 7,887 individuals. Even in a robust economy, workers are being left further behind without the skills to compete in today’s highly competitive job market.. These individuals include the long-term unemployed, veterans, persons with disabilities, and the formerly incarcerated that often face barriers to reemployment. They require job-driven retraining, apprenticeships/internships and support services in order to acquire the skills, credentials and confidence necessary for the new and emerging industries. Last year, NOVA provided 53,286 services to 5,061 customers. The implementation of the federal Workforce Innovation and Opportunity Act (WIOA) has brought new opportunities, as well as potential threats to the local workforce development system. WIOA will not ensure any additional resources to serve the continued high demand from customers. Local government’s authority and control over local/regional planning, one-stop procurement and how best to allocate these limited resources may also be diminished. Given the present climate at the state and federal levels and uncertainty with the current Congressional priorities, funding for and local control of workforce development is vulnerable in 2019 and could potentially threaten the sustainability of these local and essential programs and the economic prosperity of this community.

The City department will continue to apply for private, state and federal grants to address customer need and achieved success in 2018 with grant awards from the California Employment Development Department, U.S. Department of Labor National Dislocated Worker Grants, California Workforce Development Board for the Prison2Employment initiative and LinkedIn for the youth program. The City will track and take positions on federal and state proposals that will impact the education and training of the local community’s workforce and local elected official’s authority over the local workforce development system. This is in alignment with Council Policy 5.0 *Long-term Advocacy Positions - Socio-Economic, Section 5.2 — Economy and Employment and Section 5.3 – Education and Training.*

2. Interoperability/Public Safety Communications System

The Silicon Valley Regional Interoperability Authority (SVRIA) represents the interests of all public safety agencies in Santa Clara County through its 15 municipal members. SVRIA exists to identify, coordinate and implement communications interoperability solutions to its member agencies. The purpose of SVRIA is to develop seamless operation of voice, radio and data communications between law enforcement, fire and rescue service, emergency medical services and emergency management for routine operations, critical incidents and disaster response and recovery. SVRIA provides consolidated guidance and participation in larger regional efforts including participation in the Bay Area Regional Interoperable Communications System (BayRICS) that represents the Bay Area Urban Area Security Initiative (UASI) 10 county region.

Ensuring that our nation’s emergency responders can communicate readily available technology is of the utmost importance, whether during everyday situations or more complex national emergencies. It is a priority for the City to support resolving interoperability problems that affect emergency communications

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systems, remedying the current shortage of broadcast spectrum availability for public safety needs, and providing funding for interoperable equipment.

On February 22, 2012, the Middle Class Tax Relief and Job Creation Act created the First Responder Network Authority (FirstNet). The law gives FirstNet the mission to build, operate and maintain the first high-speed, nationwide wireless broadband network dedicated to public safety. FirstNet will provide a single interoperable platform for emergency and daily public safety data communications allowing more flexibility for collaboration. In 2019, the City will continue to monitor changes in law and advocate when needed at the local, state and federal level to encourage the build-out of the network and an efficient sustainable model.

3. Environmental Regulatory & Conservation Issues

Continued interest in environmental issues at both the state and federal levels will likely result in regulations and legislation that could significantly impact the City. Monitoring and advocacy efforts will be geared to ensuring that emerging legislation is in alignment with the City's interests. Issues of importance to the City include solid waste reduction and recycling; Product Stewardship/ Extended Producer Responsibility programs; marine debris regulation; industrial and municipal storm water permit regulations; potential application of "cap and trade" GHG regulations to landfills; hazardous materials and clean-up of toxic sites; green building standards and requirements; greenhouse gas emissions regulation and climate resiliency; and fossil fuel energy/renewable energy alternatives.

Specific items of interest include:

Water

The City supports provisions of National Pollutant Discharge Elimination System permit regulations that are attainable and reflect local conditions and circumstances. Along the same lines, new regulations and/or permit requirements that include numerical limits for municipal urban runoff discharge should be opposed as infeasible and a very expensive way to address the problem. It is in the City's continued interest to support non-point source discharge regulations, water conservation and recycling and pollution controls that benefit the City. Policies by Regional Water Quality Boards should recognize the goals of the Clean Water Act but apply an appropriate standard based on local circumstances.

Renewable Energy and Community Choice Aggregation

The City will continue to monitor discussions regarding clean energy issues including energy conservation, renewable energy, energy storage, distributed energy, and Community Choice Aggregation (CCA). It is in the City's interest to support policy that enables, accelerates and supports the deployment of clean energy. The City has particular interest in any discussions or actions related to CCA as the City's effective implementation of the Climate Action Plan is heavily reliant on the local CCA Sunnyvale helped to form, Silicon Valley Clean Energy, to implement and further accelerate greenhouse gas reductions. The City should monitor legislation that may have a regional and local impact on greenhouse gas emissions to advocate for effective and equitable approaches to emissions reduction.

AB 32 and SB 32- Climate Change Scoping Plan

AB 32, the Global Warming Solutions Act of 2006, set the 2020 greenhouse gas emissions reduction goal into law. AB32 required the California Air Resources Board (CARB) to develop a Scoping Plan, which contains the main strategies California will use to reduce the greenhouse gases (GHG) that cause climate change. The Scoping Plan was first approved in 2008 and must be updated every five years. The initial Scoping Plan has a range of GHG reduction actions which include direct regulations,

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alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions market-based mechanisms such as a cap-and-trade system, and an AB 32 program implementation fee regulation to fund the program. In December 2017, CARB approved the 2017 Climate Change Scoping Plan. This updated plan strengthens existing programs and seeks to further integrate efforts to reduce both GHG and air pollution, guided by the State target to reduce emissions by 40% by 2030, as established by SB 32 in 2016.

It is in the City's interest to continue to monitor the progress and implementation of the Scoping Plan as they relate to advancement of the City's climate action goals, impacts to City operations and services, and funding for the City's climate action initiatives.

SB 1383 and CARB

In September, 2015, CARB announced its intent to ban landfill disposal of food waste and other organics by 2025 in hopes of further reducing methane emissions from landfills. SB 1383 (Lara), signed into law by Governor Brown on September 19, 2016, reinforced CARB's focus on diverting organics from landfill. The bill establishes 2014 disposal as a baseline, then sets a state target of reducing disposal 50% by 2020 and 75% by 2025. CalRecycle has circulated two informal drafts of regulations to implement the organics diversion provisions of SB 1383 and is preparing to initiate the formal rule-making process. The City commented in mid-2017 on the second informal draft and expressed concern about its detailed, prescriptive approach and the financial and enforcement burdens placed on cities by the draft regulations. Diverting more organics from disposal is consistent with the goals of the City's Zero Waste Strategic Plan and Climate Action Plan. However, creating the composting and anaerobic digester infrastructure needed to process the additional food waste will require overcoming significant statewide funding, siting and land use and environmental permitting challenges. A key issue is the need for a realistic, market-driven definition of "organics." For example, as the City implements its commercial and residential organics diversion services, staff is seeing that the end users of the collected materials have little ability to make useful products or to recover energy from many materials defined by SB 1383 as "organic." Among other problems, this can set up conflicts between well-meaning generators of fiber-based single-use foodware (e.g. large corporate cafeterias) and the end users of the collected "organics"—with the City playing referee in the middle.

It is in the City's interest to continue to monitor the progress and implementation of these efforts as they relate to its utility functions of wastewater, water, and solid waste management and to the City's greenhouse gas reduction goals and approaches.

South Bay Salt Ponds

The salt pond conversion project, to restore the salt ponds to their natural ecosystem and provide flood protection, is ongoing. A large amount of fresh water enters the San Francisco Bay from wastewater treatment plants in South Bay cities, including Sunnyvale. These inputs of freshwater are included in the hydrodynamic modeling work conducted to evaluate the impact of alternatives on such things as salinity, water quality, and water levels. The Project Management Team (Team) is comprised of the California State Coastal Conservancy, the California Department of Fish and Game, the U.S. Fish and Wildlife Service, Santa Clara Valley Water District, Alameda County Flood Control and Water Conservation District, and the U.S. Army Corps of Engineers. The project needs to be tracked, due to its proximity and possible impact on the City's Water Pollution Control Plant.

South Bay Shoreline Study

Shoreline areas along San Francisco Bay, including Sunnyvale, will risk damages from coastal flooding, with potential impacts to human health and safety, due to future sea level rise. The South San

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Francisco Bay Shoreline Project is a Congressionally authorized study by the US Army Corps of Engineers together with the Santa Clara Valley Water District and the State Coastal Conservancy to identify and recommend flood risk management projects for Federal funding. The Corps is looking at projects that will reduce flood risk, restore some of the region's lost wetlands, and provide related benefits such as recreation and public access. This project, and other Bay Area resiliency planning efforts, should be tracked into ensure that Sunnyvale's infrastructure and community assets are considered and protected as the Bay Area plans and constructs resiliency projects.

California Environmental Quality Act Reform

The 2014 California legislative session involved considerable discussion regarding substantive reforms to the California Environmental Quality Act (CEQA). CEQA is recognized as an important tool for ensuring public disclosure of potentially significant environmental impacts and for ensuring that adequate mitigation measures are included to reduce or avoid these impacts.

Growing concerns have been expressed, however, that some groups are using CEQA inappropriately to delay a project, and often the opposition is not truly predicated on environmental concerns.

Environmental impact reports are increasingly challenged in the courts. Along with causing significant project delays, cities must commit considerable staff resources and incur substantial financial costs to defend these legal challenges. While CEQA reform has been a topic of regular discussion with numerous revisions enacted since the law was passed in 1970, the revisions have generally been incremental and ineffective in streamlining the CEQA process.

The 2014 legislative session expected significant CEQA reform, however, an overall CEQA reform proposal did not proceed and SB 731 was introduced, which proposed CEQA reform specific to infill projects. In the last days of the session, SB 731 was shelved and SB 743 was approved. SB 743 includes provisions modifying the expedited judicial review provisions for environmental leadership projects, and adopting some streamlining provisions for infill projects in transit priority areas. SB 743 removes parking, transportation Level-of-Service (LOS), and aesthetics standards as grounds for legal challenges against project developments in urban infill areas. These standards are most commonly used in CEQA litigation to slow or terminate a new development project. The standards will remain in place to demand a higher threshold for green – field developments. It is expected that additional CEQA reform will be necessary in the future.

Industrial Clear-cut Logging in California

The City supports prohibitions on industrial clear-cut logging of forests in California. For the purposes of this issue, “clear-cutting” may be defined as any public or private forest management or timber harvest method in which sixty percent (60%) or more of cubic tree volume of any area greater than two and one-half (2 ½) acres is felled within any fifteen-year period; and “clear - cutting” also refers to any forest management or timber harvesting practice that results in the first image of a clear-cut forest. The Sierra Club reports that such deforestation degrades water quality in the areas where the activity takes place, impacts wildlife habitat, reduces the capacity for carbon sequestration as a greenhouse gas reduction strategy, and makes the impacted area less resistant to fire.

The City has broad interest in the impacts of clear-cutting. Such practices are not an impact to current water supply in Sunnyvale. It is not allowed in the Hetch Hetchy watershed and it does not impact Delta supply. The City has broader interest in the health of California's forests and watersheds. Additionally, the City's Climate Action Plan objectives are well aligned with the interest to protect the carbon sequestration capacity that can be threatened by clear-cutting.

4. Regional and State-wide Water Supply Issues

The City of Sunnyvale has four different sources of water supply readily available. Over 95% of

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Sunnyvale water comes from two sources - the Hetch-Hetchy Reservoir through the San Francisco Public Utilities Commission (SFPUC) and the Santa Clara Valley Water District (District) State Water Project or Central Valley Project. Water supplies were strained due to the four years (2012-2016) of drought, where Sunnyvale residents and businesses stepped up to challenge and reduce water use by 24%.

Following the 2016-2017 winter season, which brought record levels of rain and snow, Governor Brown lifted the drought state of emergency in most California counties, including Santa Clara County. Though the statewide drought emergency may be over, Governor Brown noted that the next drought could be right around the corner and that conservation must remain a way of life in California. Sunnyvale already has water waste prohibitions in effect to make conservation a way of life, as listed in Sunnyvale Municipal Code 12.34.020:

- The application of water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
- The use of a hose that dispenses water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- The application of potablewater to driveways and sidewalks (except for health and safety reasons);
- The use of potable water in an ornamental fountain or other decorative water feature, except where the water is part of a recirculating system;
- The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-tenth of an inch;
- The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other publicplaces where food or drink are served and/or purchased;
- The irrigation of turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalk, except where the turf serves a community or neighborhood function.
- Hotels and motels must provide guests with the option of having towels and linens laundered, and prominently display this option.

On September 15, 2016, the State Water Board released the draft revised Substitute Environmental Document (SED) to update water quality requirements for salinity in the southern Delta and water flows in major tributaries to the San Joaquin River (the Stanislaus, Tuolumne, and Merced Rivers), which drain into the southern Delta. The SED is part of the process to update the Bay-Delta Plan which is required by law to be updated every three years. The goals of the Bay-Delta Plan are to identify beneficial uses of water, set water quality objectives for the Bay-Delta and set a program of implementation for achieving those water quality objectives. The Bay-Delta Plan also lays out water quality protections to ensure various uses such as drinking, agriculture, and fisheries are protected. A decision by the State Water Board is scheduled for December 12.

The Bay Area Water Supply and Conservation Agency (BAWSCA), SFPUC and the District have the lead on the primary regional issues around the water supply. However, it is important for the Council to stay current on the water resource issues as they progress, in order to lend support wherever needed by the suppliers.

5. Local Authority Over Wireless Telecommunications Facilities

The wireless telecommunications industry has made efforts to limit or exempt local control over projects such as new wireless facilities. Several actions by federal and state lawmakers have resulted in: Limiting local authority of wireless telecommunications facility to aesthetics, and not Radio Frequency (RF) exposure or the need for facilities; adding the provision of a “shot clock” requiring local agencies to complete review of projects to a specified time period; and, exempting a type of wireless facility from local permit authority because it is considered a “public utility.” In 2015, the Federal Communications Commission issued an order attempting to clarify rules passed by Congress in 2012 known as 6409 which limits the approval authority by local jurisdictions for co-located wireless telecommunications facilities. The Governor signed into law a “shot clock” that requires local agencies to take action on wireless telecommunications facilities within 90 days for co-locations and 150 days for new facilities. In September 2018, a new FCC order removes barriers to wireless infrastructure deployment of 5G infrastructure (small cell facilities) and reduces the shot clock from 90 days to 60 days for co-locations and from 150 days to 90 days for new facilities. The recent FCC order is intended to accelerate deployment of small cell facilities. Per this order, the short clock will start even if the local agency refuses to accept an incomplete application and local agency has 10 days to issue incompleteness notice. This is more stringent than the Permit Streamlining Act requirement, where the clock does not start until a completed permit application is submitted and the local agency has 30 days to issue incompleteness notice.

These efforts continue to erode the City’s ability to effectively regulate wireless telecommunications facilities. The efforts have continued to take away local authority on facilities that directly affect a city’s residents. The recent FCC order in September 2018 for small cell facilities suggest that a city could not refuse to allow use of city-owned property in the ROW (such as poles) for wireless deployment, as this would have the effect of prohibiting wireless service. It is expected that this order will go into effect in January, 2019, unless the FCC grants a pending petition for reconsideration or litigation is filed and the court delays the new rules from going into effect.

6. School Mitigation Fees

In 1986, the Governor signed into law Assembly Bill 2926 (Chapter 887/Statutes 1986) which authorized school districts to levy development fees to pay for new school facilities and established the maximum fees that can be charged to developers that are building new residential and non-residential projects. This fee is updated every two years as adjusted for inflation. Once the maximum rate is set by the State, it is the responsibility for each school district to establish its own rate.

The school fees are earmarked for improving and expanding school facilities to serve the school-age population that would be generated from new development. Land values and construction costs have dramatically increased since 1986 and the current adjusted maximum rate does not adequately mitigate the school impacts from new development.

With increasing community concern over the ability of school districts to meet the facility needs for a growing school-age population, consideration should be given to increasing the allowable school mitigation fees. Cities and school districts are constrained by the amount set by the State, and the current rate does not adequately cover the cost for new facilities and enhancements to existing facilities. This places a formidable challenge on school districts to implement their school modernization programs while

also responding to the pressures of increasing enrollment. The City would support efforts by the State Legislature and/or Allocation Board to increase the rates and/or inflation calculator to more realistically reflect current school facility costs, or consider other provisions to allow school districts to effectively mitigate the impacts of new development.

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7. Regional Transportation Plan: Taxicabs/Network Companies

The City of Sunnyvale has a long-standing support and focus on transportation for hire in the City (taxicabs, limousines, shuttles, etc.). Transportation network companies (TNCs) also fall under this area of focus; however, like limousines, TNCs are regulated by the California Public Utilities Commission, rather than the City.

California state law supersedes the City Charter and places regulatory authority over limousines and other transportation for hire, including TNCs, with the California Public Utilities Commission.

Recent state laws (AB 1069 and AB 939) have placed the regulatory responsibility for the taxi industry in the hands of regional authority; lacking the presence of a regional authority, taxicab companies will be required to identify the city where the majority of their business is located, and conform to state-mandated regulations in that jurisdiction. Surrounding cities will be required to accept the license that is issued by the taxicab company's base location city/agency. This change will take full effect on January 1, 2019. There is currently no indication that a county-wide taxi authority is going to be formed in Santa Clara County.

During the calendar year January-December 2018, taxicab companies will gather data to establish the base location where the majority of their revenue is generated. The City reviewed and revised its taxicab ordinance, so as to align with new state laws and is prepared for the regulatory changes that take effect January 1, 2019. As the state adjusts to the new regulatory scheme, the City will monitor changes to the law that impact local and regional taxicab regulation.

8. Massage Therapy

In response to AB 1147, the City amended SMC 9.41 to comply with revised state law. AB 2194 (Bonilla) extended the sunset date of the California Massage Therapy Council to January 1, 2021 and made some changes to the existing state regulation of massage businesses. Staff will continue to monitor this legislation that effects state and local law related to the massage industry.

9. Anticipated Legislation regarding the use of Unmanned Aircraft Systems by Law Enforcement and First Responder Immunity when interfering with Unmanned Aircraft Systems

The City anticipates legislation regarding Unmanned Aircraft Systems (UAS, or drones). An example is the currently inactive 2018 AB-3173 (Irwin), which attempted to make it an infraction, with an associated fine of \$250, to operate a UAS without first registering it with the Federal Aviation Administration (FAA). The bill follows several attempts by the State to regulate UAS, including: the recent passage of SB 1355 that prohibits the use of UAS near state prisons or jails and SB 1186 that requires law enforcement agencies to submit a Surveillance Use Policy to their governing bodies; the 2015 vetoed SB 168 (Gaines) and the inactive 2017 SB 347 (Jackson/Roth).

Staff will continue to monitor future legislative proceedings closely and support any legislation that: allows local governments to adopt ordinances governing the safe use of UAS; places reasonable restrictions on law enforcement with regard to use of unmanned aircraft systems; and releases liability restrictions on law enforcement agencies that interfere with drones posing a threat to emergency services.

10. Medical Marijuana/ Recreational Marijuana

In response to Proposition 64, decriminalizing marijuana in California and providing state regulation of

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the recreational marijuana business, the City of Sunnyvale maintained the status quo, banning all commercial marijuana activities. The City amended chapter 9.86 the Sunnyvale Municipal Code and various sections of Title 19 to update the existing prohibition against commercial marijuana activity in the city to expressly include non-medical marijuana. To remain consistent with state law, the city placed reasonable regulations on indoor personal cultivation of marijuana, and prohibited the outdoor personal cultivation of marijuana.

The City has supported legislation that fundamentally promotes public health and safety, while sustaining the ability of local agencies to appropriately regulate businesses and recover costs. Staff will continue to monitor future legislative proceedings and support any legislation that maintains this position. Additionally, staff will support state legislation that promotes public health and safety by mirroring Sunnyvale's existing restrictions imposed on smoking in outdoor areas and public gathering places.

11. Affordable Housing and Homelessness

Affordable housing and homelessness have been topics of intense public interest in the City and region for many years. Public interest in the topic tends to increase sharply during times of economic booms, and wane in times of recession, as home prices and rents (affordability levels) rise and fall, in relative terms. Currently the City and the region are facing housing affordability and supply deficiencies at a level not seen since before the 2008 recession. Cities around the region and in many other major metropolitan areas around the country are struggling to address homelessness and housing affordability concerns of residents and workers, including a severe shortage of housing affordable to lower- and moderate-income households in many California cities.

Housing and homelessness continue to be urgent statewide concerns, leading to increasing public debates about causes and possible solutions. The State of California enacted various new laws (Housing Package) in late 2017 and 2018 aimed at addressing the State's shortage of housing at all levels of affordability, and the increase in homelessness across many parts of the State. The new requirements generally consist of new reporting, new streamlined processes for reviewing new housing development proposals, new standards for court review of local government decisions on development applications that are litigated, and a new way of analyzing local governments' compliance with state housing element law.

The federal government has taken a different approach to housing and homeless issues with continual budgetary proposals seeking to eliminate all or large portions of funding for Community Development Block Grants (CDBG) and HOME grants, and reduce or eliminate funding for various health, nutrition, and human services programs that can affect people's ability to maintain housing. While the various grant programs have remained in the budget the past few years, funding amounts continue to decrease while demands for services steadily rise.

Although Low-income housing tax credits survived the federal tax reform, the modified lower corporate tax rate did have an effect on future LIHTC and private activity bond allocations which can eventually reduce the amount of federal and private investment available for affordable housing projects in California, and impede Sunnyvale's affordable housing goals.

The City has been a regional leader in implementing various policies and programs to provide housing in a variety of types and affordability levels for decades, and continues to refine and implement its programs and policies. Two important policy documents contain many of these policies, programs, and current goals and objectives: the 2015-2023 Housing Element of the General Plan and the 2015-2020 HUD Consolidated Plan. The content of these policy documents is generally sufficient to support City legislative advocacy efforts on the topics of affordable housing and homelessness. However, in order to keep this topic front and center among the City's list of current priority issues, staff has developed this

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priority issue at this time.

- The City should focus advocacy efforts on encouraging the state and federal governments to provide more resources (funding, legal authority, technical support, streamlining of burdensome administrative requirements associated with federal funding, etc.) to local governments to address local housing needs, which includes housing people who are currently homeless, and providing the most vulnerable homeless people with supportive services to help them maintain their housing.
- The City should focus advocacy efforts on encouraging its neighboring cities within the County, particularly in those in North County, to do more to supply their respective fair shares of affordable housing and to play a more active role in supporting the County in its efforts to establish facilities, housing, and programs for homeless residents within their respective city limits.
- By acknowledging the shortage of workforce housing and “missing middle-income” housing, the City should focus advocacy efforts on encouraging the State and County to provide funding resources for the development of affordable rental units within a reasonable commuting distance to the workplaces, and encourage the development of higher-density housing near jobs and transit-rich areas.

The City should focus advocacy efforts at the State level on encouraging the State to engage in constructive dialogue with local governments to seek realistic solutions to local fiscal challenges and challenges in meeting local affordable housing goals, rather than adopting measures that reduce local control and are mainly punitive in nature. Federal advocacy shall focus on encouraging level or increased federal funding for affordable housing and community development programs for local governments; preserving and strengthening the low-income housing tax credit (LIHTC) program and federal tax exemptions for private activity bonds (PAB); preserving federal tax exemptions for state and local taxes (SALT) including state and local property, sales, and income taxes, and maintaining federal tax exemptions for mortgage interest payments on primary residences (at least). Elimination or weakening of the LIHTC and/or PAB programs and/or SALT and mortgage interest deduction could have significant negative impacts on affordable housing production, first-time home buyers, local and state governments’ fiscal health, and the stability of the California housing market.

12. Engagement with the Federal Aviation Administration Regarding Airplane Noise

The City continues to track air noise activity on multiple fronts and from multiple sources that impact our residents. In Sunnyvale, the source of air noise comes from various activities from regional international airports, general aviation airports, and Moffett Federal Airfield. Ultimately, the Federal Aviation Administration (FAA) is primarily responsible for air traffic control and our region continues to advocate for air noise mitigation. While the City does not have direct authority over air space, City staff will continue to work with regional agencies and federal representatives and authorities to mitigate the effect on our residents.

13. Local Government Financing to Support Public Infrastructure, Including Affordable Housing

Among the top priorities for many cities and counties is the need to repair, maintain and build new infrastructure to keep up with population and economic growth. Infrastructure projects such as fixing streets and roads, constructing public safety facilities, upgrading water and sewer systems, deploying broadband for internet connectivity and maintaining parks, while critical, are very expensive to fund. Many times, local governments rely on state and federal funding initiatives that may only partially fund prioritized projects. Sunnyvale would support future infrastructure funding initiatives that will help fund

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prioritized infrastructure projects that improve the quality of life of its residents.

ACA-1 (Aguilar-Curry) was introduced in December 2018, the State constitutional amendment would reduce the local vote threshold for approval of bond and special tax measures from a two-thirds vote to a 55 percent majority. This bill would give cities, counties, and districts expanded funding options for critical infrastructure projects, and empower local communities to address local priorities without the need to rely on state and federal funding initiatives. Sunnyvale will continue to watch its progress through the legislative process and support its passing.

2019 Legislative Advocacy Positions

No additional short-term Advocacy Positions have been identified for 2019 that aren't already reflected in the 2019 Priority Advocacy Issues.