



City of Palo Alto City Council Staff Report

(ID # 14913)

Meeting Date: 11/7/2022

Report Type: Action Items

Title: Policy and Services Committee Recommendation that the City Council Adopt the 2023 Citywide Legislative Guidelines and Support the Tentative 2023 Legislative Work plan

From: City Manager

Lead Department: City Manager

Recommendation

The Policy and Services Committee recommends that the City Council approve the 2023 Federal and State Legislative Guidelines (**Attachment A**) and support the tentative 2023 Legislative Workplan.

Background

As part of the City's legislative program, staff and the City's contracted federal and state advocates work to identify and analyze potentially impactful legislation and communicate the City's public advocacy positions to legislators. The program is guided by the Advocacy Process Manual, last updated and approved by City Council on January 13, 2020 (CMR #10772). Additionally, the City Council in June 2021, also reaffirmed the strategy desired for the City's legislative actions. That reaffirmation is shown in the staff report ([CMR #12344](#); [Minutes](#)) from June 22, 2021. The overall decision was to continue the strategy of Strategically Weighing in on Issues of Interest to the City in the legislative approach taken by the consultant advocates and City staff.

The City also maintains a City Council-approved set of legislative guidelines (guidelines) that provide additional City Council policy direction to staff and the City's state and federal legislative advocates. These are reviewed annually. The guidelines were discussed at the Policy & Services Committee on October 11, 2022 ([CMR #14827](#)) and the Committee made a few suggested changes. Prior to that Policy and Service discussion, the last time the full City Council approved the Guidelines was on February 7, 2022 (at the same meeting City Council approved the legislative guidelines for the Utilities Department; [CMR 13904](#); [Minutes](#)).

Staff and the legislative advocates often come to Policy and Services Committee and the full City Council to discuss updates. The last legislative update to the Policy and Services Committee was on May 10, 2022 ([CMR 14379](#); [Minutes](#)).

Discussion

The Policy and Services Committee reviewed the draft 2023 legislative guidelines and proposed the guidelines attached in this report as **Attachment A**. The changes include basic information such as the year and other technical changes such as a title change to the Environmental section and the addition of a new bullet point in that section. The changes are clearly shown as tracked changes in **Attachment A**.

What are the Legislative Guidelines

The Legislative Guidelines enhance and add content to the City Council's overarching priorities; they do not supplant them. The guidelines provide direction to staff and the City's legislative advocates on issues that are both (a) important to the City Council, and (b) likely to become a legislative issue in 2023. The guidelines are not rank ordered and are intentionally reasonably broad rather than specifically narrow to allow for a flexible and quick response.

Further, the guidelines are not proactive instructions; they act as a means by which staff and advocates can respond to federal and state government action, without returning to the City Council each time a bill is introduced or amended.

Utilities Legislative Guidelines

The City Council also annually adopts the Utilities Legislative Guidelines after review and recommendation by the Utilities Advisory Commission. The Commission will make their recommendations soon, reflecting recent City Council actions and bring the proposed 2023 Utilities Legislative Guidelines for City Council adoption on Consent in early 2023.

Legislative Update

The City's legislative advocates in Sacramento (Townsend Public Affairs) and legislative advocates in Washington, D.C. (Van Scoyoc Associates) provided updates in the October 11 2022 Policy and Services Committee. Those reports are available in **Attachment B** and also online in the [October 11, 2022](#) Policy and Services Committee packet (CMR #14827).

One bill that has drawn significant attention is AB 2097, which prohibits a city from imposing parking requirements on developments that are within 1/2 mile of a major public transit stop, as defined in state law. The bill includes limited exceptions in the event a city can make certain findings, supported by a preponderance of the evidence. To take advantage of these exceptions, the City would have to develop evidence to support findings that the absence of parking requirements would have a substantially negative impact on:

- 1) the City's ability to meet its share of RHNA for lower income households;
- 2) the City's ability to meet special housing needs identified in its housing element for the elderly or persons with disabilities; or
- 3) existing residential or commercial parking within one-half mile of the housing development project.

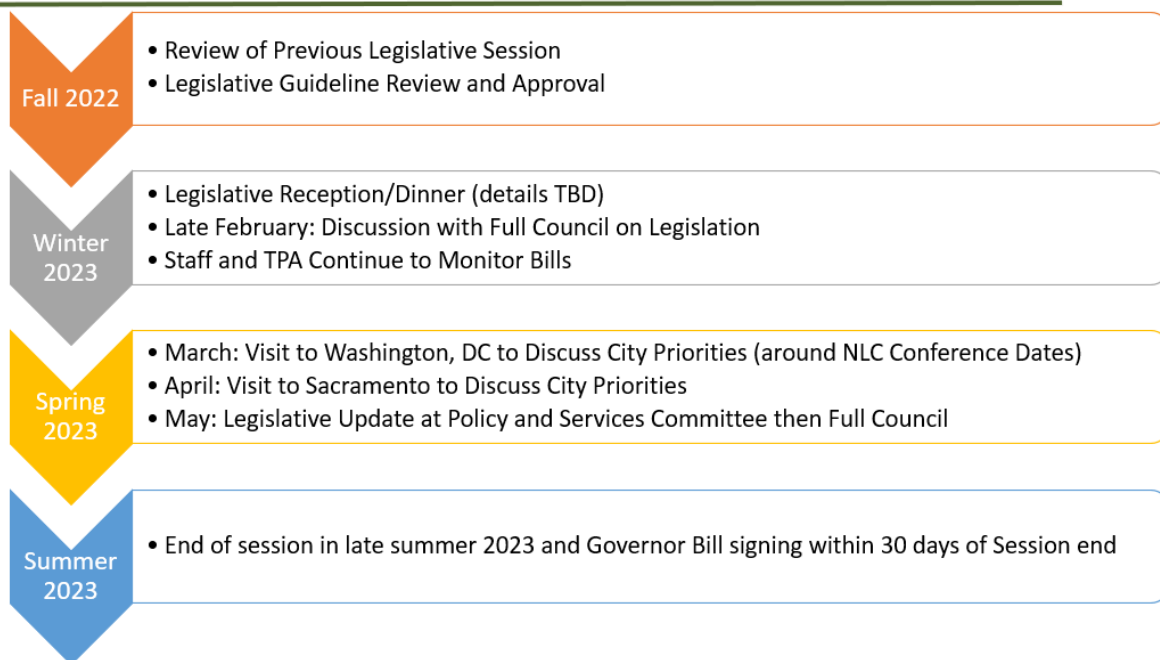
Of these three options, the third appears to have the broadest applicability; however, it only

speaks to housing development projects. In other words, this would not be a basis for imposing parking requirements on commercial projects under AB 2097. In addition, where housing projects are concerned, AB 2097 provides several exceptions to these exceptions. For housing projects, a city may not use these findings to impose parking requirements if: 1) the project reserves at least 20 percent of its units for moderate income households, students, elderly persons, or persons with disabilities; 2) the project contains fewer than 20 units; or 3) the project is subject to other state laws that permit reduced parking. In short, there is only a very limited class of projects for which the City could utilize findings to impose parking requirements: large housing projects that do not provide at least 20 percent of units for moderate income households, students, elderly persons or persons with disabilities.

Tentative Legislative Workplan

To plan for the upcoming legislative session, staff has drafted the following tentative workplan for City Council awareness, review, and comment.

TENTATIVE WORK PLAN FOR 2022-2023 LEGISLATIVE SESSION



Resource Impact

There is no resource impact associated with adopting legislative guidelines. Items on the tentative legislative workplan have costs associated with them such as any potential visits to Sacramento and Washington, D.C. It is anticipated that should these activities be approved by the Council, these costs will be supported by the City Council contingent account in FY 2023.

Staff has started the procurement process (request for proposals) for the state and federal legislative advocacy work. At the appropriate time staff will bring the contracts to City Council

for review and approval. The City Council has already allocated funds for these contracts and services.

Stakeholder Engagement

Staff from multiple departments are involved in the legislative process in helping to review the impacts of bills as well as discussing grant opportunities linked to state and federal programs.

Environmental Review

Approval of the 2023 Federal and State Legislative Guidelines and tentative workplan are not projects under the California Environmental Quality Act., See CEQA Guidelines section 15378(b)(2) (general policy making activities).

Attachments:

- **Attachment12.a:** October 11, Legislative Update to Policy & Services Cmte