

EPC Questions – September 16, 2020

Item 5.1 – Accessory Dwelling Units Zoning Amendments

1. p. 4: Please give an example of a non-R1 district which contains a single-family home. Is the only case one where the zoning changed, grandfathering in an existing single-family home?

Lots in the R2 and R3 zones can be developed as single family properties pursuant to the R1 standards. Additionally, if a lot in the R2 or R3 zone doesn't comply with the minimum lot size standards, it can only be developed as a single family property.

2. p. 4: What specifically is the new legislation (SB or AB number) that will remove the 800 square foot maximum for ADUs on lots with existing or proposed ADUs? Haven't we already passed the end of the year for legislation? Isn't there an election pending in November?

AB 3182 is not signed by the Governor yet but has passed through the Senate and Assembly. It would revise previous legislation to clarify that a City can allow an ADU larger than 800 square feet on lots with an ADU and JADU.

3. Under short-term rentals, would you mind expanding on what “detached units created under Sec. 36.12.100.b.1” might include?

Detached units created under Sec. 36.12.100.b.1 are detached ADUs not exceeding 800 square feet where a certain development standard exception was granted to accommodate the ADU. An example would be a detached ADU which resulted in a higher FAR for the lot than would otherwise be allowed in the zoning district.

4. Why are fire sprinklers not required in an ADU if they are not required in the primary residence?

State law prohibits local jurisdictions from requiring fire sprinklers for an ADU when they are not required for the primary residence.

5. Are there any areas in MV that staff is aware of that require permits for parking AND would not offer one to a resident of an ADU?

The residential parking permit program is managed through the Public Works Department. The Public Works department will be evaluating the city's residential parking program in 2021 and parking permits for ADUs could be something that is considered as part of this.

Item 5.2 – School Strategy Precise Plan Amendments

1. I'm trying to understand how it will work under the Citywide School Strategy, when a new project goes through the development review process. Can staff please provide a hypothetical example to illustrate how the new process will work for the school districts, the developer and the City? What are the main differences between the new process and the old?

Under the standards proposed for removal, developments would have been required to come to formal agreements with school districts (including offers of land and/or funding) prior to construction. Under the new standards, that requirement would not apply.

2. Fairly certain the answer is yes, but would these changes preclude offering developers bonus FAR (or other development incentives) if they make a voluntary contribution to the school district?

Yes.

3. Although I understand the reasons for not discussing the school strategy for each individual proposal, what mechanism are in place to ensure that considering the impact of development on school districts occurs on a regular basis?

The City has committed to continue working with the school districts on their facility needs, including regular meetings between decision-makers (Council and School Board members). The Council Policy includes language establishing this commitment.

4. Are there any concerns about the level of funding the state will be able to provide local school districts given the pandemic and its impact on the economy?

The School Strategy process focused on funding and land opportunities over the next several decades, so the current COVID crisis was not considered. There may be concerns to the extent that large, structural State funding changes or housing and demographic changes may occur as a result of the pandemic, but these are difficult to predict.

5. Is there the potential of putting community benefit fees towards the school district funding gap?

Yes. Though the City cannot recognize voluntary contributions from developers as a community benefit, the City may collect those funds for general purposes, then use them to support specific school projects.

6. I assume that the school districts are aware of the proposed changes. Was there any feedback?

Formal feedback from the districts has not been provided. Prior to adopting the Citywide School Strategy, the Districts sent a letter supporting and encouraging the City's ongoing collaboration, while expressing concern about the uncertainty associated with many of the specific strategies (Attachment 5 to Exhibit 2 of the Staff Report).

7. What approach have other cities in our vicinity (Los Altos, Sunnyvale, Palo Alto) taken toward providing funding for schools?

Other cities in California do not take an active role in providing funding for schools. Large developers have been known to voluntarily offer resources for schools in Cupertino and Santa Clara, but the cities did not take active roles in these offers.

8. I understand the common sense reasoning that the proposed amendments are exempt from CEQA. From the bulleted points that demonstrate that the amendments could not result in substantial changes on page 4 of the Staff Report, the first point states that "new schools were not included in the project description or as inputs to the analysis of either EIR". The second bullet point states "the need for new schools was not...identified as an impact in either EIR." I recall that East Whisman was not slated for a school, but I was under the impression that NBS might need one, maybe even two schools for the area. I guess those discussions came after the PP was approved.

If a school is deemed necessary as recent discussions seem to indicate, would that trigger a revised CEQA analysis for the entire PP? Any major consequence of doing so?

If a revised CEQA is needed, when in the process does that happen?

New school facilities were deemed necessary in the EIRs, but State law precludes the City or private development from responsibility for those school facilities under CEQA. If, for example, Whisman School District decides to build a school in North Bayshore, the environmental effects of that action would need to be studied by the District. It would not affect the City's CEQA requirements or analysis.