

## City Council Questions

### May 24, 2022 Council Meeting

#### **ITEM 4.3 Shoreline Boulevard Interim Bus Lane and Utility Improvements, Projects 16-58 and 18-43-Various Actions**

1. When do we expect this project to get built?

The project is estimated to complete design by December 2022 and start construction in early 2023. The construction duration is estimated to be 18 months.

#### **ITEM 4.4 Active Transportation Plan, Project 21-36-Authorize Professional Services Agreement**

1. How will the Active Transportation Plan take into consideration current and future transit corridors?

Priority transit corridors were identified, with input from VTA, as part of AccessMV and the North Bayshore Circulation Study. This information will be considered as modal priorities of corridors are developed taking into account typical rights-of-way available and overall feasibility. If applicable, transit corridor status will also be accounted for when cross sections are developed for selected corridors.

2. How will the Active Transportation Plan take into consideration street parking?

On-street parking will be considered during the process of developing modal priorities of corridors, taking into account typical rights-of-way available and trade-offs for use of limited right-of-way in relation to the modal priorities. On-street parking will also be considered when cross-sections are developed for selected corridors.

#### **ITEM 4.5 Status Update - Los Altos School District School and City Park Master Planning**

1. In Figure 2, what land use is the blue area?

The blue area in Figure 2 identifies space anticipated for outdoor amenities serving the future school – e.g. blacktop, play areas, gardens, etc. It is in addition to the roughly four-acre joint use open space area (light green), which would have playing fields and amenities pursuant to the City’s Funding and Joint Use Agreement with LASD.

2. While SAPP policies and standards call for new buildings to be located close to and designed to activate streets, does LASD have to follow the SAPP?

LASD has indicated an intent toward a collaborative design process and has factored SAPP requirements into the master planning design work to date but has the ability under State law to preempt the school project from local zoning requirements in the SAPP. Permitting for the LASD school project will be under the jurisdiction of the State.

3. Has LASD decided, and publicly stated, what type of school will be located at this site?

LASD has not yet determined what type of school will be located at this site, beyond the commitment to developing a neighborhood-serving school, which was memorialized in the Funding and Joint Use Agreement. LASD intends to have a public process – to be determined – for the school design development, which will ultimately include an LASD Board decision on the future school type.

4. How do we assure that residents have as much access as possible to the JUOS?

The City has access to the JUOS during non-school hours, pursuant to the Funding and Joint Use Agreement. At the previous October 2021 master planning study session, Council requested staff return with more detailed data on the amount of time the City would have access to the JUOS and opportunities to maximize City access. As noted in the Council report, staff anticipates returning to Council with the requested analysis later this year or early next year, and one option staff is evaluating to increase access opportunities is JUOS lighting to allow expanded evening use.

#### **ITEM 4.7 Northbound Shoreline/101 Off-Ramp Realignment (Computer History Museum Driveway Phase), Projects 15-39 and 20-37-Variou Actions**

1. Figure 2 has an area labeled Future Shuttle Parking. Is that parking for the city’s community shuttle? If not, what shuttle is it?

This lot will be used for charging and parking the Community Shuttle’s new electric buses.

#### **ITEM 6.1 East Whisman Precise Plan Development Impact Fee Nexus Study and East Whisman Development Impact Fee**

1. In Attachment 1 on pdf page 12 it suggests that the impact fee be kept up to date. In Attachment 2 on pdf page 7 it says “The rate may be adjusted as part of the city’s annual budget process by the percentage change in the San Francisco Engineering News-Record Construction Cost Index (ENR-CCI) for the previous year or successor or subsequently identified index.” Since this says may rather than shall, are we going to update the fee each year? If not, what are we going to do? How are we going to keep the costs up to date?

The staff recommendation is to adjust the fees annually for inflation by the percentage change in ENR-CCI as part of the annual budget process, consistent with the City’s current process for updating impact fees. Additionally, as noted in the Impact Fee Study, the City has the ability to conduct more extensive updates of the fee documentation and calculation when significant new data on growth forecasts and/or facility plans become available.

2. In Attachment 1 on pdf page 19, how is table 3.1 read? For example, is it saying that for a 3-bedroom residential unit, 0.43 of a trip will be generated during the peak am hour?

Table 3.1 identifies the existing and new applications of trip demand rates based on the land use category. Yes, the example provided in the question is the appropriate reading of the table.

3. In Attachment 1 on pdf page 49, it says that baseline office trip generation in the nexus study is less than precise plan background office trip generation, since the nexus study baseline assumes some reduction over time of existing buildings' office trips (through Precise Plan measures, trip internalization and some new enforcement). How is trip internalization going to change, meaning what was the assumption in the Precise Plan, and what is the assumption in this nexus study? Same question for enforcement.

There is no difference in the analysis and assumptions between the East Whisman Precise Plan Environmental Impact Report and those in the Nexus Study. However, the "Precise Plan background trip generation", which is in the EIR, represents existing trips from existing floor area (with some adjustment for vacant and approved/unbuilt projects). The "nexus study baseline" represents future trips from existing floor area, both legacy buildings and rebuilt floor area. Because the latter is future trips, it includes internalization and enforcement, while the former does not.

The EIR modeled an overall future internalization rate of 14% of office trips, an increase from 0% today. The EIR modeled a future TDM trip-reduction requirement of approximately 30%, which would apply to new development (including rebuilt floor area). The Nexus Study assumed the same future rates for internalization and TDM trip reduction enforcement.

4. If there is a master plan, and permits for building construction happen over a long period of time, are the fees paid when the building permits are issued for each individual building? In other words, the fees are not set or paid when the master plan is approved, correct?

Fees are paid at the time of issuance of individual building permits, at the rates in place when the fees are paid. A master plan does not set the fee amount and fees are not paid at the time of master plan approval. However, a Vesting Tentative Map prescribes setting the fee amount at the time of Vesting Tentative Map approval. Additionally, a Development Agreement could prescribe the amount and timing of fee payment.

5. What is a zoning permit? I've heard of building permits, occupancy permits, and lots of other permits, but not a zoning permit.

A zoning permit is a general term for any land use (Planning) approvals granted through the zoning ordinance. Examples include Development Review Permits, Planned Community Permits or Conditional Use Permits.

6. High fees have been identified as a constraint in the Housing Element. How would we justify these additional fees on housing in the housing element?

The proposed fee averages about \$4,000 to \$5,000 per market rate unit in a typical multifamily project. This is approximately the same as school impact fees or community benefits in the government constraints analysis conducted by Seifel (see Appendix H of the draft plan, available at [www.mvhousingelement.org](http://www.mvhousingelement.org)). This would be categorized as "minimal" in the analysis, approximately 0.5% – 0.6% of development costs. We did not directly address "minimal" constraints with programs in the draft Housing Element, except for a general review and modification of development standards and fees. However, it can be identified in the draft we send to HCD after Council approves the fee.

In addition, the East Whisman Precise Plan includes a Jobs-Housing Linkage Strategy that requires residential development in conjunction with new office. The intent of this program is to encourage office to help cover constraining costs on residential.

7. If we want to exempt some housing from the fees, what are the requirements we could use? For instance, could multi-family housing that is mapped for condos be exempted? We see condos as an entry point for home ownership.

Any exemptions for categories of development must be supported by a rational basis for the exemption. While there may be a rational basis underlying an exemption for condominium projects – to facilitate entry to home ownership if such opportunities are more limited than other residential options – staff has not had the chance to analyze whether this differential treatment of multi-family housing types (with rental housing subject to fees that ownership housing is not subject to) may potentially have other direct or indirect impacts, including on the City’s obligation to affirmatively further fair housing. For all other City development impact fees to fund infrastructure, multi-family developments are treated the same, regardless of whether they are rental or ownership.

In addition, using condo-mapping as the criterion for an exemption would not capture only ownership units. It is not uncommon for residential developers to condo map a project even though they intend to rent the units for an indefinite period, to maintain flexibility for the future. Staff anticipates that all or almost all residential developments would choose to map their buildings if this exemption is adopted. This would likely result in lost revenue of approximately \$19 million.

8. Is there an estimated jobs/housing ratio for the expected development in E Whisman?

The EIR analyzed an increase of 5,069 dwelling units and an increase of 11,730 jobs from existing conditions in 2017, for a ratio of 2.31 jobs per unit. This also included additional occupancy in vacant buildings, construction of approved/unbuilt projects and the projected Transfer of Development Rights projects (such as 465 Fairchild/600 Ellis and 400 Logue).

9. Have our estimated jobs/housing ratios changed based expected increasing intensity of office use given hybrid work (as described for example in staff’s report on this subject to the Council Sustainability Committee)?

We have not updated those ratios. At this time, it is unknown what the long term changes to workplace arrangements will be.

10. Just to confirm, isn’t the VTA Measure B money from a sales tax levied on purchases mostly by our residents (and other Valley residents) so that the nature of a VTA Measure B grant is to recapture our residents’ sales tax and apply it to uses in our city?

The Measure B sales tax is only collected in Santa Clara County and funds nine programs within Santa Clara County as outlined in the measure. Some of the programs list specific projects, such as extending BART to San Jose and State Route 85 Transit, while others are programmatic with competitive grants awarded by VTA, such as the bicycle and pedestrian capital projects. VTA determines where the funding goes within Santa Clara County and only the pavement maintenance, Caltrain grade separations, and bicycle/pedestrian encouragement (e.g., Safe Routes to Schools) funding comes to the City on a formula basis.

11. Google's letter seems to propose a variable fee depending on what kind of TDM measures they come up with. What does staff think of the viability of planning for infrastructure with that kind of variable?

Staff recommends a more conservative standard fee rather than a variable fee. A standard fee provides certainty for the developer in estimating their costs and for the City in planning and funding the capital projects identified in the Nexus Study. A variable fee that is discounted for developments proposing higher performing TDM measures than assumed in the Nexus Study could not respond to uncertainty about the long term viability of these higher performing TDM measures. If the more aggressive TDM measures are not achieved, the City will have accepted a discounted fee without certainty that the variable fees from future development will provide the level of income expected to help fund the public improvements.

**ITEM 7.1 Adoption of Resolutions to Prohibit Oversized Vehicle Parking on Narrow Streets and Streets Adjacent to Class II Bikeways, and Introduction of an Ordinance and Adoption of Resolutions to Prohibit Parking of All Vehicles from 2:00 a.m. to 6:00 a.m. at Designated Locations**

1. Can staff explain the measurement methodology?

Street widths were measured from flowline (base of curb) to flowline, which accounts for the entire road surface area that can be used for parking and travel purposes. The streets at or near 40' wide were measured by a consultant using a Mobile Laser Scanning System, which is a land surveying method that uses laser systems mounted on moving vehicles to collect data points. The precision of the data acquired by this system is specified to be within 5 millimeters or 0.2 inches. All streets or portions of streets that had widths less than or equal to 40 feet were deemed narrow.

2. Since the Narrow Streets Ordinance does not specify a measurement methodology, does the Council have the discretion to adopt a different methodology?

Staff used a precise measurement device and public works methodology to measure straight across the road surface area. By using flowline to flowline, staff accounted for the entire road surface area available for parking and travel purposes, which is consistent with the traffic safety analysis that the 40' width is based upon. Using a different measuring device or technique is not recommended and would not be more precise in ascertaining whether the road surface area is 40' wide or less than the technical method used by staff.