

**DATE: 10/10/23**

**TO: COUNCILMEMBERS**

**FROM: CITY MANAGER**

**SUBJECT: COUNCIL Q&A FOR OCTOBER 10, 2023 CITY COUNCIL REGULAR MEETING**

**Agenda Item 1 (Minutes)**

- See accompanying pdf.  
**Answer: No changes.**

**Agenda Item 4 (Housing Element Implementing Ordinance):**

- To accommodate the Council's desire to mandate some commercial use of any redevelopment in the CN zones, Director Zornes prepared a memo regarding the specifics of how the ordinance would have to be modified. (Attachment 13 to the agenda item in this week's packet.) Please identify precisely where in the proposed statute Director Zornes' proposals have been incorporated into the ordinance.

**Answer:**

**14.40.030 – “Residential Only Development(s)” – REMOVED FROM ORDINANCE**

**14.40.030 – “Mixed Use Development(s) which shall consist of residential uses and a minimum floor area ratio of twenty (20) percent nonresidential uses or a maximum thirty-three (33) percent nonresidential uses; and” – AMENDED DRAFT ORDINANCE TO REFLECT**

**14.40.070 – “a. Mixed Use Development(s) shall have no maximum floor area ratio within the Commercial Neighborhood (CN) Zoning District. b. Non-Residential Use Only Development(s) shall have a maximum floor area ratio of thirty-five (35) percent of the total area of the site.” – AMENDED DRAFT ORDINANCE TO REFLECT**

**14.40.140 – Height of Structures (CN) – “Residential Only Development(s) building height shall be a maximum of forty (40) feet and four (4) stories.” – REMOVED FROM ORDINANCE**

- What would be necessary to require any setback for the Rancho Parcel on Berry Street to be 36' rather than 26'? What would be the implications of such a change? If the Council wanted to increase this setback, how could it be accomplished?

**Answer: Adding the increased setback would delay the adoption of the ordinance. Staff does not recommend delaying the adoption. Program 3.B – removes all “increased setback standards in the CN District”.**

- We agreed to the suggested change (Attachment 13), "Remove the allowance of “Residential Only Development(s)” from the Permitted Uses of Section 14.40.030.”. Despite this, can a developer request a concession or waiver through density bonus to allow a lesser % of commercial than 20%, up to even as little as 0%, in CN?

**Answer: Yes. Pursuant to Government Code Section 65915 by requesting that the non-residential requirement be waived by use of a concession/incentive.**

- Under 14.44.030 Permitted uses. Maintenance and repair services is crossed out. Currently a large portion of the community uses the services Reitmeir for auto repair. Can we reinstate B. Because it is an essential service used by our community. We do not want to increase the vehicle miles traveled for our residents to seek the auto services needed.

**Answer: Adding the use back into the permitted use section would delay the adoption of the ordinance. Staff does not recommend delaying the adoption. The specific location and use noted in the Council question would not be required to close the establishment; the existing business operation would be allowed to lawfully continue.**

- Under 14.80.050 - please clarify what is a personal wireless facility? Is this something a homeowner or developer installs or is this a service provider equipment?

**Answer: "Personal wireless services" means the same as defined in 47 U.S.C. Section 332(c)(7)(C)(i), as may be amended, which currently defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.**

#### **Agenda Item 5 (Special Events Fees):**

- What is the impetus for bringing this forward? Have there been complaints about fees? By whom?

**Answer: The impetus for editing the Municipal Code is that there are multiple ongoing events that have not been "special events" under the current Municipal Code. These events have been provided City resources at no charge due to the current definition. Under the proposed changes, these events would be considered a special event and would pay for their required City services.**

**There have not been any complaints about fees under the current special event ordinance. However, there are organizations that currently operate events as described above. These organizations believe the existing application fee would be cost prohibitive.**

- Staff suggests that even though the city will lose revenue with less expensive fees, the city would make that up with more applications. How many more applications would the city need to receive under the proposed fee schedule to make up for the lost revenue?

**Answer: That's a difficult question to answer as there are a number of events that currently do not pay application fees as they are fully-sponsored or partially-sponsored events.**

- Does staff have reason to believe that less expensive fees will lead to more applications? If so, please explain staff's reasoning. Are there any organizations that have expressly said that they would apply for a special event permit if the fees were reduced?

**Answer: Staff believes that the new definition and less expensive fees will lead to more special events as more events that are currently happening will be incorporated into this category. Further, organizations may be willing to host more special events if the barrier to entry is lowered.**

- Why are our fees so much more expensive than our peer cities'? Have other cities been reducing their fees?

**Answer: City staff cannot speak to why the fees are currently so much higher than peer cities or whether other cities are reducing their fees.**

- What is the salary costs for police, fire, public works and other city staff in covering all of the special events this past year? Please provide a breakdown by individual events and what the assessment would be by the current plan and under the new method. (E.g. - farmers market, Art & wine festival, Art in the Park, Pet Parade, and Festival of Lights, etc.)

**Answer: This would be very difficult to try to pull in such a short period of time. The salary costs will not change under the new fee structure because the lower fees will only apply to the application fee, not staff costs so it would not change for the current events moving forward.**

- What are all the different departments and services that would be assessed for their actual costs rendered?

**Answer: Police Department, Public Works, Parks & Recreation, and any other departments.**

- Would there be any subsidies? (E.g., over time)  
**Answer: There are currently no subsidies proposed.**
- The staff report indicates that we have 23 applications so far this year, what is the maximum number of special events that our law enforcement, public works, and staff are able to manage in the course of 1 year.  
**Answer: There would be no maximum amount that would cause management issues per se because some events require assistance while others do not. It's difficult to judge what the impact would be until City staff starts receiving applications for new events.**
- How will an increase in events affect current staffing levels?  
**Answer: An increase in events is not anticipated to affect current staffing levels.**

### **Tentative Council Calendar:**

- On items that are designated in-Progress, ongoing, or to be completed, will there be opportunities for public input.  
**Answer: Items that are identified as Completed are now codified, no additional outreach will be completed. However, resident feedback is always obtained and considered as appropriate. Items that are identified as In-Progress are scheduled for Public Hearings, or Community Meetings, or are being studied and evaluated by Staff or Third-Party Consultants and will return to the appropriate Commissions, and Council. Some In-Progress Items will have a Study Session, while others will have Community Meetings. Not all Items on the Housing Element Implementation Calendar warrant a community meeting or require an amendment to the Municipal Code.**
- When are the City Public meetings scheduled?  
**Answer: Public Hearings for the required programs adoption are scheduled City Council 10/10/2023, Planning Commission 10/19/2023, City Council 11/14/2023, City Council 11/28/2023. All of which have been noticed in the newspaper. Additionally, the City will conduct a Housing Element Implementation Community Meeting on 10/25/2023; the purpose of this meeting is to further present the required changes to the public between the first public hearing before the planning commission on 10/19/2023 and the introduction of the ordinance to the city council on 11/14/2023.**
- What additional methods of outreach are we utilizing to seek input on items “not completed”?  
**Answer: The amendments that are being prepared for implementation of the various housing element programs explicitly identify the required changes to the Municipal Code. Specific changes to the municipal code were adopted and certified in the housing element which require us to now take final action by integration into our code.**