

**DATE:** 4/30/2024

**TO:** COUNCILMEMBERS

**FROM:** CITY MANAGER'S OFFICE

**SUBJECT:** COUNCIL Q&A FOR APRIL 30, 2024 CITY COUNCIL REGULAR MEETING

**Study Session:**

- Please request VTA provide the study of the amount of vehicle, bicycle, and pedestrian accident reports that have warranted the need for the Homestead improvements.  
**Answer: Please see page 14 and Figure 4 (Collision History 2013-2018) of the May 2019 Homestead Road Safe Routes to School Study Final Report.**  
[Homestead Road SR2S Final Report.pdf \(santaclaracounty.gov\)](#)
- How many accidents have we had reported in Los Altos?  
**Answer: Los Altos PD provided the information shown below.**  
**2019: 19 vehicle vs vehicle/ 0 vehicle vs pedestrian**  
**2020: 9 vehicle vs vehicle/ 2 vehicle vs pedestrian**  
**2021: 8 vehicle vs vehicle/ 0 vehicle vs pedestrian**  
**2022: 9 vehicle vs vehicle/ 1 vehicle vs pedestrian**  
**2023: 11 vehicle vs vehicle/ 0 vehicle vs pedestrian**  
**2024: 2 vehicle vs vehicle/ 0 vehicle vs pedestrian**

**Agenda Item 1 (Minutes):**

- Please see the accompanying pdf  
**Answer: Edits made and redline version sent**
- Page 3 of 5, #7 states that there was a motion by Dailey to cancel Tiny Tots effective at the end of the 24/25 school year but I think his suggestion was to cancel it at the end of 23/24, please confirm.  
**Answer: Resolved**

**Agenda Item 2 (ADU):**

- How do we incentivize property owners to encourage property owners to have their ADUs be provided for affordable housing?  
**Answer: The Development Services Department will look for opportunities in the future to work with property owners to provide ADUs at affordable rates to renters.**
- Can the size of an ADU be larger than that of the primary House on the property?  
**Answer: A detached ADU can be 1200 square feet.**

- Regarding 14.14.120 - the survey is voluntary. How do we obtain accurate data?  
**Answer: The Development Services Department will review the survey responses and obtain information verification as necessary.**

**Agenda Item 3 (425 First Street):**

- Why are the proposed BMR units (16, 17, and 18) all bunched together? Doesn't the Council have a policy of spreading out the BMR units?  
**Answer: 14.28.030 - Standards. Applicable housing development projects shall be subject to the following standards:**  
**A. Calculations for the required affordable housing resulting in fractional units shall be rounded up to the next whole number.**  
**B. The action that approves a project shall contain sufficient conditions to ensure compliance with the provisions of this chapter.**  
**C. Unless otherwise approved by the city council, all affordable units in a project shall be constructed concurrently with market rate units, shall be dispersed throughout the project, and shall not be significantly distinguishable by size, design, construction or materials.**  
**D. As an alternative to providing the affordable housing units required by this chapter, payment of an in-lieu fee may be approved by the city council.**  
**E. The requirement to provide affordable housing may be waived, adjusted or reduced by the city council if the developer can demonstrate, based on substantial evidence, that providing onsite affordable housing units will be financially infeasible.**

**The dispersion requirement is required pursuant to subsection C. However, pursuant to subsection E the city council can waive, adjust or reduce provisions.**

- Where are the garbage/recycling areas for the property? Are they all behind units 16, 17, and 18? What is behind units 16, 17, and 18?  
**Answer: Garbage and trash facilities are located in the below ground garage, there are no trash rooms on each floor. The property directly behind 425 1<sup>st</sup> Street is an undeveloped surface level parking lot.**
- How many other 2-bedroom condos are BMR restricted in Los Altos? How many does staff anticipate will come on the market in the next year?  
**Answer: The City has 30 one-bedroom units, 18 two-bedroom units, and 12 three-bedroom units. Not included in this total are: 1 studio unit, 2 one-bedroom units, and 2 two-bedroom units.**

**The city will lose five Below Market Rate units by June 2025 as the affordability covenant will expire.**

- Will we be updating our inclusionary zoning requirements since they are no longer consistent with HCD's guidance?

**Answer: Yes, the staff intends to bring forward an update to the inclusionary ordinance in the summer.**

**Agenda Item 4 (Public Arts Fund):**

- Can this fund be used to contribute to the development and/or operation of a new theater?  
**Answer: *If the recommended changes are adopted, the art funds could potentially be used for programs or events hosted or sponsored by the theater, but not general operations. Additionally, the arts funds could be used to incorporate and fund specific artistic elements into the theater's design, but not to pay for the building's general construction.***
- Under additional staff report recommendations referencing the language from the City of Livermore. Under the first and the The third bullet points which states 1st bullet - “The design, construction, operation and maintenance of art gallery space of cultural arts” 3rd bullet - “funding the design, construction, operation, and maintenance of cultural and arts’ facilities”. Would the addition of these recommendations allow for funds to be used to build and maintain a theatre downtown?  
**Answer: Please see the response above.**
- Would this contradict the commitment that City Council has made that city funds would not be used to build the theatre?  
**Answer: The changes in the ordinance will not change or alter any Council direction.**
- Can the public art fund be utilized to pay for artistic features in our new dog park (such as benches and fencing)?  
**Answer: Yes.**
- Could the art fund be used to expand our summer concert series?  
**Answer: Yes.**
- In the Ordinance under 3.52.050 and 3.52.060 please use the correct title of the Commission.  
**Answer: Noted. Thank you.**

**Agenda Item 5 (Impact Fees):**

- Why are impact fees calculated differently for single family residences and multi-family developments? Is this allowed under AB 602?  
**Answer: Yes, it is based upon the impact associated with the type of development.**
- Please confirm: This study identifies the *maximum amount* the City can charge for each impact fee, correct? May the Council elect to charge less than the maximum amount?  
**Answer: Yes, the Nexus Study establishes the maximum justifiable fee allowed.**

- Are cost-of-living or other adjustments permitted year-to-year?  
**Answer: Cost of Living or Consumer Price Index is not permitted for annual increases, however, Construction Cost Index is (CCI) is allowed. However, the Nexus Study is only valid for a maximum of 8 years.**
- Please confirm the process: Once the Council accepts the draft report, it will be finalized for Council acceptance. Thereafter, the Council will adopt (by resolution) the impact fees it wants to assess on developments. Is that correct? What is the timeline for this?  
**Answer:**
  - 1. The Council will receive the Nexus Study overview tonight, and can provide staff with direction on how to return to the City Council with Development Impact Fee recommendations consistent with their policies set.**
  - 2. The Council will receive the Nexus Study at its second meeting in May. The Council will need to adopt the Nexus Study which establishes the maximum justifiable development impact fees, this must occur standalone, and prior to the Council taking any action on any new fee, or modification of existing fee.**
  - 3. Staff will return with a Fee Resolution to the first meeting in June, the Council will then have the ability to adopt Development Impact Fees consistent with their policy.**
  - 4. Any new or modification to existing development impact fees will become effective 60-days post adoption.**
- The report assumes that our population will increase by 1,939 by 2040. But our RHNA number for the sixth cycle along is 1,958. These numbers are fundamentally inconsistent. How do we account for this?  
**Answer: Population growth, and housing needs are two different numbers. In theory the city already has some of the population living within the city limits, but we do not have enough units for each household to have their own independent living unit.**
- Why does the arts impact fee apply only to multifamily projects, and not other projects?  
**Answer: The Art In-Lieu Fee is applicable to all development within the City, with exception of the R1 District. This provision could be changed and applied to all development within the City of Los Altos.**
- Please provide a detailed description of how the consultant concluded that the average square footage of a single-family residence in Los Altos is 4,934 sq. ft. (P. 13 of the report; table 10; footnote 13). This seems much larger than the actual average-sized home in Los Altos. Please provide the same analysis for determination of the average size of a unit in a multi-family development.  
**Answer: this will be discussed during the consultant presentation.**
- Why are our commercial and office public safety impact fees so much higher than Palo Alto's and Morgan Hill's?  
**Answer: Morgan Hill does not have a recently completed Development Impact Fee study publicly accessible. Morgan Hill has, however, adopted an annual Fee Schedule which reflects minor increases annually. Palo Alto has multiple Nexus Studies for each**

**component of the Development Impact Fee schedule, some completed in 2016, and some in 2017, etc. The fee studies are not recently completed which could reflect the differences identified. However, it is important to note that Development Impact Fees are much like Cost for Service fees, or permit fees, the comparison cities are only for frame of reference and does not mean the same need is warranted in each city.**

- Please provide a chart that shows the, the category, the current impact and linkage fees , and the new proposed fees, and the proposed percentage change. (This we'll help clarify the proposed changes)

**Answer:**

<b>Parks and Recreation Impact Fee</b>		
<b>Category</b>	<b>PROPOSED</b>	<b>EXISTING</b>
Single-Family	\$12.12/sqft.	\$77,500.00/per unit
Multi-Family	\$44.15/sqft.	\$48,800.00/per unit
<b>Public Art Development Fee</b>		
All Development	1% of Construction Cost	1% of Construction Cost
<b>Public Safety Impact Fee</b>		
Single-Family	\$0.09/sqft.	No Existing Fee
Multi-Family	\$0.34/sqft.	No Existing Fee
Commercial/Retail	\$1.22/sqft.	No Existing Fee
Office	\$1.62/sqft.	No Existing Fee
<b>General Government Impact Fee</b>		
Single-Family	\$0.13/sqft.	No Existing Fee
Multi-Family	\$0.48/sqft.	No Existing Fee
Commercial/Retail	\$2.14/sqft.	No Existing Fee
Office	\$2.86/sqft.	No Existing Fee
<b>Transportation Impact Fee</b>		
Single-Family	\$1.55/sqft.	\$6,774.20/per unit
Multi-Family	\$6.29/sqft.	\$4,159.00/per unit
Commercial/Retail	\$10.71/sqft.	\$12,408.73/per 1000 sqft
Office	\$9.45/sqft.	\$9,993.93/per 1000 sqft
<b>Commercial Linkage Fee</b>		
Commercial/Retail	\$35.10/sqft.	No Existing Fee
Office	\$12.25/sqft.	No Existing Fee
*Commercial Linkage Fee is set at 5% of the Full Cost allowed.		

**Agenda Item 6 (Sourcewise Advisory Council):**

- For each of the Cities with a representative on the council, what process do they use to select a representative?

**Answer: Staff has not reached out to all the cities with a representative, but has been in contact with the City of Mountain View. Mountain View City Clerk's Office receives the request from Sourcewise with a request for the Mayor to appoint a representative. The Mayor would defer to the Senior Advisory Committee to see if a standing member was interested in the role. Each time a seated Senior Advisory Committee member would accept and the appointment would be made by the Mayor.**