

DATE: 5/14/2024

TO: COUNCILMEMBERS

FROM: CITY MANAGER'S OFFICE

SUBJECT: COUNCIL Q&A FOR MAY 14, 2024 CITY COUNCIL REGULAR MEETING

Agenda Item 1 (Minutes):

- Please see the accompanying pdf
Answer: Updated.

Agenda Item 2 (Call for Election):

- Resolution: In section two, the comma before the last word (“and”) should be a semi-colon.
Answer: Noted, this will be modified in final version.
- Why has the cost of the election services doubled?
Answer: Costs of service are rendered by the County of Santa Clara. Every election cycle, they adjust their costs accordingly. For the City of Los Altos in 2022, there were only two seats for the election cycle, whereas 2024 will have an election for three seats. The addition of the third seat, and the adjustment of rates, has meant our invoice will be much higher than 2022. We will not have an exact figure until after the election has concluded and all services by the County are rendered.
- In the future should the City go to districts would the cost be multiplied by the number of districts?
Answer: Costs for districting election services would be based on the amount of registered voters are receiving ballots per district; as well as other costs related to the elections cycle the County performs. This may change the cost, but those costs would be determined by the County, and therefore the city is unable to guess what the costs may be.

Agenda Item 4 (Microtrenching):

- What effect does microtrenching have on streets? Does it shorten their lifespan? Will they require more maintenance more often? If so, can we charge carriers a fee to help offset those costs?
Answer: The proposed restoration for micro-trenching shown on detail SU-19A matches the existing SU-19 detail for trench paving, backfill and pipe bedding sections closely. If the contractors follow the proposed detail with the 12- inch “T” cut on both sides of the microtrench, we do not foresee shortening the lifespan of the streets any more than regular trenching does.

- Have any carriers requested permission to microtrench yet?
Answer: Microtrenching has become increasingly more popular in jurisdictions throughout the Bay Area. Utility providers have made requests or inquiries about the City of Los Altos becoming another municipality that allows for this type of construction activity.
- How quickly will fiber optic connections be made available to all R-1 zones?
Answer: This is unknown at this time, but it is likely that microtrenching will help to expedite the deployment of fiber.
- The engineering diagram (attachment 2) only identifies how the fiber is supposed to be microtrenched. How does it enter the trench? How does it exit? Will there be a trench from each home into the street to meet the fiber?
Answer: The conduits are installed in the microtrench, and the fiber is pulled through the conduit. The fiber that is inside the conduit enters and exits the microtrench and connects to a pullbox that services properties. Then the fiber continues from the pullbox to the home through existing or new conduits that are installed from the pullbox to the home, similar to other services provided. A new trench from each home may not be required since some homes in the City have trenches with underground cable service and existing conduits that could be utilized.
- In the Resolution, the first Whereas has the wrong date, it should be October 8, 2021 according to the staff report.
Answer: Noted. This will be changed in the final resolution before signature.

Agenda Item 5 (Hazardous Waste):

- Because the contract expires on June 30, 2024, will the \$96,037 only cover us till June 30th 2024?
Answer: \$96,037 is for fiscal year 2024/25. It will cover from July 1, 2024, to June 30, 2025.
- When will the contract amendment to establish a new schedule and augmentation amount be returning to council?
Answer: This is the new augmentation amount for fiscal year 2024/25. Staff will return to Council with augmentation for fiscal year 2025/26 sometime in May or June 2025.

Agenda Item 6 (OBAG Grant):

- Please provide a description of the public input the City intends to elicit for this project.
Answer: Once the City obtains permission from the granting agency to proceed with the project staff will be working with a consultant to prepare preliminary layout of the project that has various features as mentioned in the grant application. Once a preliminary layout has been prepared, staff will have public outreach to discuss the project with various stake holders. Also, staff will take this project in front of the Complete Street Commission (CSC) for their comments. At this time, staff anticipate four (4) public outreach meetings and two (2) CSC presentations.

- Please share any draft plans or concept drawings that staff has developed for this project.
Answer: At this time, the Transportation Division staff do not have a concept drawing. This will be developed once the funding agency gives authorization to proceed with the project.
- Please describe how class IV bike lanes will impede (if at all) the ingress and egress of emergency vehicles.
Answer: The intent of the project is not to impede any emergency vehicle ingress and egress within the limits of the project.
- Resolution: Top of page 2 – the word “warrant” should be plural.
Answer: Resolved.
- Is Los Altos matching 20% or more needed to complete the project?
Answer: The grant requires the City to provide a match to the grant. The grant amount is fixed and any cost overrun will be bore by the City. For this reason, the staff will be working diligently to ensure we do not exceed the grant amount.
- Is the City of Los Altos considered to be the project sponsor?
Answer: The City is the project sponsor
- As the sponsor, are we required to add in another 11.47 %?
Answer: The grant amount and the amount of the match is fixed. We do not need to add an additional amount of money to the project unless there is a cost overrun.
- Does what we are doing bind us to any future changes in the laws even if the changes are not mandatory?
Answer: The grant amount and requirement are fixed. The requirement cannot be modified without both parties agreeing to the grant terms.
- Could the project exceed 12 million dollars?
Answer: The grant total is \$9,122,000. We do not anticipate the project exceeding the grant amount.
- Why is this project tied to the development of ADUs?
Answer: OBAG 3 grant incorporated the State’s Housing and land use elements as well at Senate Bill 375. For this reason, the City must self-certify that we will be in compliance with adopted housing elements by resolution.
- Please provide the accident and fatality data involving bicycle accidents and pedestrian fatalities on San Antonio for 2018 to 2023.
Answer: 12 pedestrian accidents, 34 bike accidents and 0 fatalities from 2018 to 2023.
- Please provide a copy of the report and the breakdown by years for the pedestrian and bicycle accidents.
Answer: please see the table below for pedestrian and bicycle accidents broken down by years. Please note the large number of bike accidents in 2022 and 2023.

2018

1 ped accident/ 2 bike accidents/ 0 fatalities

2019

1 ped accident/ 4 bike accidents/ 0 fatalities

2020

1 ped accident/ 1 bike accident/ 0 fatalities

2021

0 ped accident/ 1 bike accident/ 0 fatalities

2022

7 ped accidents/ 12 bike accidents/ 0 fatalities

2023

2 ped accidents/ 14 bike accidents/ 0 fatalities

Agenda Item 7 (West Coast Arborist):

- Was the pruning and removal of vegetation not initially included in the contract for the Hetch Hetchy?

Answer: When the annual on-call contract with West Coast Arborist was executed the pruning and removal work at Hetch Hetchy was not defined. There was not a contract for the Hetch Hetchy work.

- Please provide the initial scope of work and contract with West Coast Arborists?

Answer: The initial scope of work with West Coast Arborists was to provide time and material on-call tree maintenance service for parks, pathways, medians and streets throughout the city.

- In the first page of the staff report, the amended amount is proposed to come from Park in Lieu although the original amount came from Parks & Rec's Operating budget. Why is Hetch Hetchy Trail Vegetation Management specified for Park in Lieu fund when we do not own the land?

Answer: The work at Hetch Hetchy was an improvement project for a trail in Los Altos that the City is responsible for under the terms of the agreement with the SFPUC. Park-In-Lieu funding for this project was approved by City Council in June 2023.

Agenda Item 8 (Police Radios):

- In the title of the Resolution, it states that the \$471,000 is grant revenue from the State of CA but everywhere else it refers to the grant being from the LAMV Community Foundation. Please clarify.

Answer: That was inadvertent, it is in fact from the LAMV Community Foundation.

Agenda Item 9 (SB9 Implementation Ordinance):

- Are we rescinding resolution 2021-57 in its entirety because the objective standards we can apply are all in the proposed new Chapter 14.64?

Answer: Yes, that is correct.

- 14.64.020.F: It seems like someone could get around this restriction by forming a trust, LLC, or other entity. Can language be inserted to close this loophole?

Answer: Yes, the City Council can make a recommendation to modify the presented text.

- 14.64.040: “The layout of proposed lots shall be designed to minimize site disturbance in terms of cut and fill and the removal of trees.” This seems subjective. As a practical matter, how will this be enforced objectively?

Answer: This provision is difficult to make entirely objective as SB9 is allowed for existing lots that are vacant and nonvacant. The creation of an SB9 lot could be impacted by an existing development that is not planned to be removed, thus making an objective standard very challenging. Staff would recommend removing in its entirety, or remaining the text as presented with the understanding that it is largely unenforceable giving the unknown of the lot, and existing or proposed structures.

- 14.64.090: Floor Area Ratio: What is the “net lot area?”

Answer: Pursuant to Chapter 14.02, Article 2 – Definitions:

"Site" means a lot, as defined in this chapter.

1. "Gross site area" means the total horizontal area included within the property lines of a single site.

2. "Net site area" means that portion of gross site area remaining after deducting therefrom the following:

a. Any portion of a site within the right-of-way of an existing public or private street, road, or access easement, except an emergency access street;

b. Any portion of a site within the proposed right-of-way of a future street (except an emergency access street), as shown on an approved tentative subdivision map or a recorded subdivision map;

c. The portion of a flag lot constituting the access corridor lying between the front lot line and the frontage line of the corridor at the street.

- 14.64.100.2.(iii)”: How far back does the garage door need to be set back?

Answer: There has not been a prescriptive requirement for the setting back of one door from another.

- 14.64.100.3: Does the one driveway rule apply even if there are two primary units on just one lot?

Answer: As drafted, that is correct.

- 14.64.100.6: What about back entrances? Side entrances? What about an ADU or JDU that isn't oriented toward the street?

Answer: This provision would be applicable to the primary structures for the primary entrance that are constructed, for ADU/JADUs those standards would be found in the other Zoning Code Chapter. The provision should be modified to read: “Primary building entrances shall be oriented towards the street when building frontage is along a public roadway.”

- The FAR is proposed to be changed to increase FAR for lots <10,000 square feet to 40 percent. This means that a house at slightly >10,000 square feet can have less developable area than one at just under 10,000 square feet. Similarly, larger lots greater than 11,000

square feet would be required to have a FAR that would have lead to more open space than would be required for homes on typical 10,000 square foot lots. How can we have a FAR that allows a more equitable sliding scale for FAR?

Answer: Staff would recommend removal of FAR in its entirety for SB9 projects.

Typically, you only see multiple site constraints such as FAR, Lot Coverage, Height and Setbacks in Old and Outdate Zoning practices such as Euclidean Zoning. If the City of Los Altos were to remove FAR from its SB9 regulations we would still be left with Setbacks, Height, and Lot Coverage which are considered the primary and most commonly utilized zoning standards.

Agenda Item 10 (Remote Meeting Participation):

- What are “hybrid format(s) with limitations?”

Answer: Some of the agencies who responded “with limitations” did not clarify further. Those that did, the feedback was included. Due to the quick pace this topic is changing in cities, some of the information may have changed. For example, Palo Alto now allows remote public comment, although they recently had not allowed it. Many agencies are still reviewing their policies whether remote participation is currently allowed or not currently allowed, and unless the changes are provided to the City Clerk, we may not have full up-to-date information.

- The 10 agencies that allow a hybrid format with limitations, please explain what limitations the speakers are given.

Answer: Feedback was included from agencies who provided that feedback.

- Can the City Manager or Assistant City Manager manage the virtual public comments?

Answer: Additional information would be needed from Council if a decision is made to allow remote public comment.

- In the staff report, the previous Council consideration of this item was not at a closed session on July 11, 2023, it was held at the end of the October 24, 2024 meeting and was reported out on the agenda for the November 14, 2024 meeting.

Answer: Noted.