

Attachment I

Comments from Planning Commission and City Council Study Sessions

Planning Commission comments: The following is a summary of comments and concerns from Planning Commissioners regarding the proposed Draft Review Procedures:

- Concerns that the Joint Oversight meeting may be perceived as an “approval” meeting while the resolution is clear that the final determination is made by the City Manager.
- Concerns about disapproving an incomplete application without an opportunity for the applicant to correct minor deficiencies.
- Concerns about whether five business days would be adequate time to determine whether a project is complete.
- Consider whether it would be possible to disallow applicants from applying for concurrent review of a streamlined, ministerial project and a discretionary project.
- Concerns that one joint Planning Commission and City Council meeting, prior to determination of SB 35 eligibility of a project, would not be enough public oversight.
- Requiring plans that indicate density bonus baseline for the site when a density bonus application is submitted – suggestion for a future update to the Municipal Code.

Planning Commission comments: The following is a summary of comments and concerns from Planning Commissioners regarding the draft application package:

- Prefer not to use the word “listed” contaminants in item #13 of the Project Checklist in the Application Form.
- Recommend that plans include design specifications for density bonus units in addition to BMR units to address item #20 of the Project Checklist in the Application Form.
- Recommending that specifications for density bonus units not be required to be included in the initial application and a request to research law to determine whether this is lawful.
- Two commissioners recommended that a public hearing be required on Density Bonus incentives/benefits while another suggested that this could be done as part of the Oversight and Consistency meeting if it is done objectively.

City Council comments: The following is a summary of comments and concerns from City Councilmembers:

- Review Kitty Moore's proposed changes and advise on them.
- Tighten up the language in Section 7 that Ms. Moore objects to.
- Look at the BMR section to make sure it reflects the City's BMR program to the extent it can.
- Add language that items will not be added to the checklist midstream when an application has been submitted.
- Add to the recitals language that reflects the history and policy consequences of AB 101. And add language that if in the future it becomes possible to calculate excluding density bonus additions (per HCD's November 2018 guidance), the City intends to do so.
- Add sample calculations for how to calculate 2/3 residential use requirement.
- Clarify that staff has the option to hold the oversight hearing earlier than 5 days before the consistency determination for larger projects if necessary.
- Consider allowing a second oversight hearing regarding the 2/3 residential use requirement earlier at discretion of staff.
- In the section that says the application "needs sufficient" detail/information to determine the 2/3 residential use determination, try to amend to have more specific language and clarify what "sufficient" would be.
- Require applicants to specify the size and number of bedrooms for BMR units (if the draft procedures don't do this already).