

CC 12-07-2021

Study Session Item No. 1

# Public Engagement Strategies

Presentation

# Public Engagement Strategies

December 7, 2021



**CUPERTINO**

# Presentation Outline

1. Current Engagement
  - A. Engagement Highlights
2. Outreach
  - A. Public Engagement Framework
  - B. Future Outreach Improvements
3. Special Events
4. City Image

# 1. Current Engagement Activity

- Year-to-Date
  - Over 500 e-notifications
  - Over 900 social media posts
  - About 180 YouTube videos
  - 373 public Zoom webinars with close to 8,000 attendees since late October
  - City website receives between 50,000 to 70,000 visits each month
  - Scene newsletter to over 23,000 households
- Over 50 community special events annually (pre-COVID)

## 1A. Engagement Highlights

- Admin Services: Budget and Bites
- Parks and Recreation: Cupertino Cares (ex. 4<sup>th</sup> of July packages)
- IT: Public presentation on online security
- Public Works: Library Expansion webpage and video tours
- City Manager's Office: Launched of Engage Cupertino [engagecupertino.org/](https://engagecupertino.org/)
- Community Development: Housing Element Engagement

## 2A. Outreach: Public Engagement Framework

- Provides guidance on when and what strategies should be used at a minimum
- Ensure that an effective, consistent process is followed throughout the City
- Three categories:
  - **Inform:** Provide information
  - **Consult:** Gather feedback/input
  - **Collaborate:** Invite community to design the solution

## 2A. Outreach: Public Engagement Framework

Level of Engagement	Appropriate for	Baseline Strategies	Examples
<b>Inform</b> (Provide information)	<ul style="list-style-type: none"> <li>• Providing updates on existing programs</li> <li>• Regular updates on normal procedures</li> <li>• Policies mandated by law</li> <li>• Emergency related updates/policies that need to be delivered quickly</li> <li>• Non-controversial policies/programs with no perceived negative impact</li> </ul>	<ul style="list-style-type: none"> <li>• Give updates on the City website</li> <li>• Provide information in City publications in digital and/or non-digital formats (i.e. email notifications, the Scene, newsletters, flyers, or mailers, social media)</li> <li>• Ensure impacted residents and businesses have access to necessary information</li> </ul>	<ul style="list-style-type: none"> <li>• Local Mask Mandate</li> <li>• Suicide Prevention Policy</li> <li>• Festival Announcements</li> <li>• City Hall Closure</li> <li>• Parks and Rec Class Schedule</li> <li>• Organic Waste Ordinance (SB 1383)</li> </ul>

## 2A. Outreach: Public Engagement Framework

Level of Engagement	Appropriate for	Baseline Strategies	Examples
<b>Consult</b> (Gather feedback/ input)	<ul style="list-style-type: none"> <li>• New programs or changes to existing programs that impact the community</li> <li>• Gathering public feedback on proposed policies, resolutions, and ordinances</li> </ul>	<ul style="list-style-type: none"> <li>• Inform the public with strategies listed above</li> <li>• Ensure information is mailed citywide through Scene or mailer</li> <li>• Receive input from relevant Commissions/ Committees</li> <li>• Gather stakeholder feedback</li> <li>• Host at least one community meeting/ workshop or dedicated Council meeting</li> <li>• Create project webpage on Engage Cupertino, including:               <ul style="list-style-type: none"> <li>• Survey</li> <li>• Q&amp;A section</li> <li>• Idea board</li> <li>• Key timelines</li> <li>• Project updates/ documents</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Flavored Tobacco Ordinance</li> <li>• Via Shuttle Pilot Program</li> <li>• Athletic Field Use Policy</li> <li>• Single-Use Plastics Initiative</li> <li>• Secondhand Smoke</li> <li>• Junipero Serra Trail</li> <li>• Garbage and Recycling Rate Increase</li> <li>• New Playground Structures</li> <li>• Bird Safe / Light pollution ordinances</li> </ul>



## 2A. Outreach: Public Engagement Framework

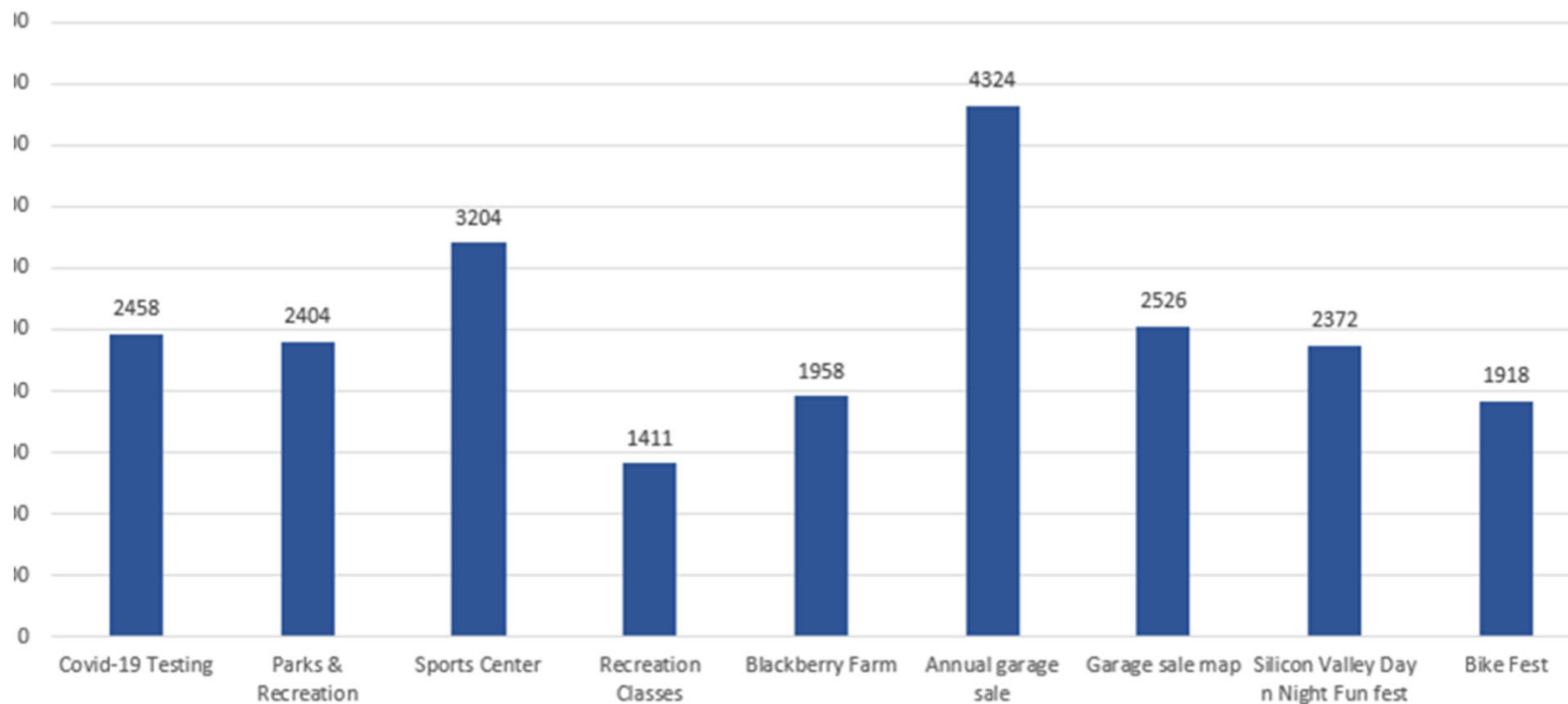
Level of Engagement	Appropriate for	Baseline Strategies	Examples
<b><i>Collaborate</i></b> (Invite community to design the solution)	<ul style="list-style-type: none"><li>• Highest priority programs/policies that will significantly affect residents and/or have a lasting impact on people's livelihood</li><li>• Programs/policies where the City is inviting the community to help design the solution of a project.</li></ul>	<ul style="list-style-type: none"><li>• Inform and consult the public with strategies listed above</li><li>• Host a series of community meetings/workshops (could include charrettes)</li><li>• Set up a project committee, focus group, or task force with key stakeholders</li></ul>	<ul style="list-style-type: none"><li>• Climate Action Plan</li><li>• Housing Element</li><li>• Lawrence Mitty Park Design</li><li>• Memorial Park Master Plan</li></ul>

## **2B. Outreach: Future Improvements**

- Text messaging outreach
- Block Leader and Neighborhood Watch Program as a conduit for community engagement
- Outreach Reports
  - Webpage hits
  - Top Social Media Posts
  - Events summary

# Example: September Top City Webpage Hits

September Top Webpage Hits\*



\*Not Including homepage

## Example: 2021 Top Social Media Posts



- Facebook: 16<sup>th</sup> Annual Garage Sale
- Twitter and Nextdoor: 2021 Cupertino State of the City
- Instagram: 2021 Big Bunny 5K

### 3. Special Events

- Many events hosted virtually during pandemic
- Fully prepared to implement over 50 special events annually post-pandemic
- Councilmember engagement through special events:
  - Town Halls
  - Smaller Q&As like Coffee Talks
  - Council tabling with staff supported set up at City or City-sponsored events

### 3. Special Events

- Exploring expanding existing events
  - Pride Flag Raising and India Independence Day flag raising could be expanded as weekend events
  - Events will be scheduled to encourage public participation as feasible
    - For example, Library expansion opening could span weekday and weekend opportunities
  - If more events or support is needed, the City would need to evaluate staffing resources

## 4. City Image

- Tier 1: Pushing out positive stories
- Tier 2: Targeted Marketing Campaigns
- Tier 3: Opinions/Subjective Communications
- Recommended: Image consultant (est. \$75k-\$150k)

Questions?



**CUPERTINO**



CC 12-07-2021

Study Session Item No. 2

Commissions and  
Committees

Presentation

# Commissions and Committees

December 7, 2021



**CUPERTINO**

# Presentation Outline

1. Background
2. Current Commissions
3. Current Committees
4. Commissions/Committees in Other Cities
  - A. Commissions
  - B. Committees
5. Commission Membership Requirements
7. Senior Services
8. Housing
9. Fine Arts Name Change
10. Committee Charters
11. Scope of the ERC
12. Impact of Adding Commissions
13. Interim City Manager Observations
14. Recommendation

# 1. Background

- FY 2019-20 City Work Program
  - Consider new commissions and committees to address Cupertino's needs.
    - Traffic and Transportation
    - Economic Development
    - Senior Services
- FY 2020-21 City Work Program
  - Review Scope of the ERC

# 1. Background cont.

- FY 2021-22 City Work Program
  - Fine Arts Name Change
  - Develop Charters for:
    - Economic Development Committee
    - Fiscal Strategic Development Committee

## 2. Current Commissions

Commission	Summary Description
<b>Bicycle Pedestrian</b>	Advises Council on transportation matters within Cupertino including bicycle and pedestrian traffic, parking, education, and recreation.
<b>Fine Arts</b>	Advises Council and encourages the realization, preservation, and advancement of fine arts for the benefit of the citizens of Cupertino.
<b>Housing</b>	Advises Council on housing policies and strategies, affordable housing projects, and sources of funding for affordable housing.
<b>Library</b>	Advises Council regarding library service in the community and serves as liaison between the City and the Santa Clara County Library JPA.
<b>Parks &amp; Recreation</b>	Advises Council on parks and recreation related activities, including park site acquisition and development, community activities, and recreation policies.
<b>Planning</b>	Advises Council on land use matters such as specific and general plans, zonings and subdivisions. Reviews other matters as specified by City ordinances or Title VII of the Government Code of California.
<b>-Design Review Committee</b>	A subcommittee of the Planning Commission that reviews aspects of site and architectural design.
<b>Public Safety</b>	Advises Council on areas relating to public safety, traffic, police, fire and other areas where public safety may be of concern.
<b>Sustainability</b>	Advises Council on major policy areas related to the environmental goals in Cupertino's Climate Action Plan and General Plan's Environmental Resources/Sustainability Element.
<b>Teen</b>	Advises Council and staff on issues and projects important to youth in the Cupertino community.
<b>Technology, Information, &amp; Communications (TICC)</b>	Advises Council on all matters relating to telecommunications in Cupertino and provides support for community access television.

### 3. Current Committees

Committee	Summary Description
<b>Audit Committee</b>	Reviews external and internal audit reports, monthly treasurer's report, and city investment policies. Recommends appointment of external and internal auditors and recommends a budget format.
<b>Disaster Council</b>	Supports the City's emergency management and preparedness responsibilities.
<b>Economic Development Committee</b>	Enhances and promotes a strong local economy to provide municipal services that businesses and residents desire and need to maintain the community's quality of life.
<b>Environmental Review Committee</b>	Evaluates the initial study of a proposed project to determine whether the project may or may not have a significant effect on the environment.
<b>Fiscal Strategic Plan Committee</b>	Confers, strategizes, and plans for current as well as future activities that have a fiscal impact on the City.
<b>Legislative Review Committee</b>	Makes recommendations on legislative advocacy issues and authorizes position letters for legislation that aligns with the City's Council-approved Legislative Platform.

## 4. Commissions and Committees in Other Cities

Commissions and Committees in Other Cities

City	# of Commissions and Committees	Population	FTE*
Mountain View	19	82,272	253
Cupertino	17	66,762	198
Milpitas	17	84,196	230
Los Altos Hills	16	8,300	26
Los Altos	15	31,190	95
Palo Alto	14	67,019	711
Santa Clara	14	128,717	530
Gilroy	11	58,756	138
Campbell	11	42,288	104
Sunnyvale	11	156,503	735
Los Gatos	9	31,439	90
Saratoga	9	31,030	57
Morgan Hill	4	45,742	123
Monte Sereno	3	3,492	7

\* Excluding Fire and Police Departments



## 4A. Commissions in Other Cities

Commissions in Other Cities

City	# of commissions	Population	FTE*
Los Altos Hills	15	8,300	26
Milpitas	12	84,196	230
Cupertino	11	66,762	198
Gilroy	11	58,756	138
Los Altos	11	31,190	95
Mountain View	10	82,272	253
Palo Alto	9	67,019	711
Santa Clara	9	128,717	530
Sunnyvale	9	156,503	735
Los Gatos	8	31,439	90
Saratoga	7	31,030	57
Campbell	6	42,288	104
Monte Sereno	3	3,492	7
Morgan Hill	3	45,742	123

\* Excluding Fire and Police Departments

## 4B. Committees in Other Cities

Committees in Other Cities

City	# of Committees	Population	FTE*
Mountain View	9	82,272	253
Cupertino	6	66,762	198
Milpitas	5	84,196	230
Palo Alto	5	67,019	711
Santa Clara	5	128,717	530
Campbell	5	42,288	104
Los Altos	4	31,190	95
Sunnyvale	2	156,503	735
Saratoga	2	31,030	57
Los Gatos	1	31,439	90
Los Altos Hills	1	8,300	26
Morgan Hill	1	45,742	123
Gilroy	0	58,756	138
Monte Sereno	0	3,492	7

\* Excluding Fire and Police Departments

## 5. Commission Membership Requirements

- Generally required to be a resident (some exceptions for business representative or subject matter expert)
- Planning Commission and TICC require "qualified elector"
  - Qualified Elector=18 years old, resident, and US Citizen
- ***Should this be changed to a residency requirement for consistency?***

## 6. Traffic and Transportation

- Complete Streets Commissions
  - Los Altos
  - Los Gatos
- June 2, 2020 City Council Meeting
  - Expanding Bike Ped Commission to Complete Streets Considered and failed
- Bike Ped currently considers multiple modes of transportation to consider options holistically, as if complete streets

## 7. Senior Services

- **6 of 13** SCC cities have a Senior Commission
- Council dissolved Cupertino Senior Commission in 2009 due to overlapping functions with Senior Advisory Council (SAC)
- November 2018 Council evaluated reinstating Senior Commission
  - Decided to continue partnership with SAC

## 8. Housing

- Councilmembers expressed desire to expand scope to include social services
- **County provides social services component**
- Housing Commission reviews and recommends Human Services Grant Funding (\$550k annually)
  - Similar to Sunnyvale's Housing and Human Services Commission, the **only one found** in the survey
- Expanding beyond existing functions would require significant resources and staff time

## 9. Fine Arts Name Change

- FY 2021-22 City Work Program Item
- Codified and originally named in 1987
- Commissioners want to change name in order to:
  - broaden the reach of potential interests
  - explore other arts
  - better align with Commission goals
- **Name change to be completed this FY**

## 10. Committee Charters

- FY 2021-22 City Work Program Item
  - Fiscal Strategic Plan Committee
    - **5 of 13** SCC cities have financial committees
  - Economic Development Committee
    - **2 of 13** SCC cities have similar committees
    - **2 of 13** SCC cities have similar commissions
  - **For completion this FY**



## 11. Scope of the ERC

- **No other city surveyed has an environmental review commission/committee**
- Presented to ERC on April 15, 2021 and resulted in the following suggestions from the ERC:
  - Roll the environmental review duties into the Planning Commission (dissolving the ERC or changing the scope)
  - Expand scope to act in an advocacy capacity and provide education and engagement
  - Changing the composition of the ERC to address the potential for perceived conflicts issues

## 12. Impact of Adding Commissions

- Adding/Expanding Commissions will increase staff time spent on administrative and liaison duties

Commission	Hours Spent Annually
Bicycle Pedestrian	240
Fine Arts	200
Housing	220
Library	350
Parks and Recreation	750
Planning	1100
-Design Review	40
Public Safety	200
Sustainability	220
Teen	300
TICC	120
<b>TOTAL</b>	<b>3,740</b>

Committees	Hours Spent Annually
Audit	230
Disaster Council	30
Economic Development	60
Environmental Review	80
Fiscal Strategic Planning	15
Legislative Review	400
<b>TOTAL</b>	<b>812</b>

- Additionally, Clerk's Office spends over 100 hours on orientations, trainings, agendas, and noticing

## 13. Interim City Manager Observations

- Strong practice of Commissions proposing possible City Work Program ideas for Council consideration
- Independent commission work items can compete with Council priorities and approach direction to staff
- Phase out staff as members of committees as appropriate (such as ERC)
- Additional commissions and committees should be considered on an as-needed basis through the City's Work Program given workload and budget impacts, fully utilizing existing bodies to avoid redundant coverage

## 14. Recommendation

- It is recommended that the City Council review this report and refer the highest priority committee and commission changes, if any, to the next City Work Program.

Questions?



**CUPERTINO**

CC 12-07-2021

#30

Westport Development

Presentation

**Westport Development  
(M-2021-002, ASA-2021-007, EXC-  
2021-003)**

**21267 Stevens Creek Boulevard**

December 7, 2021



**CUPERTINO**

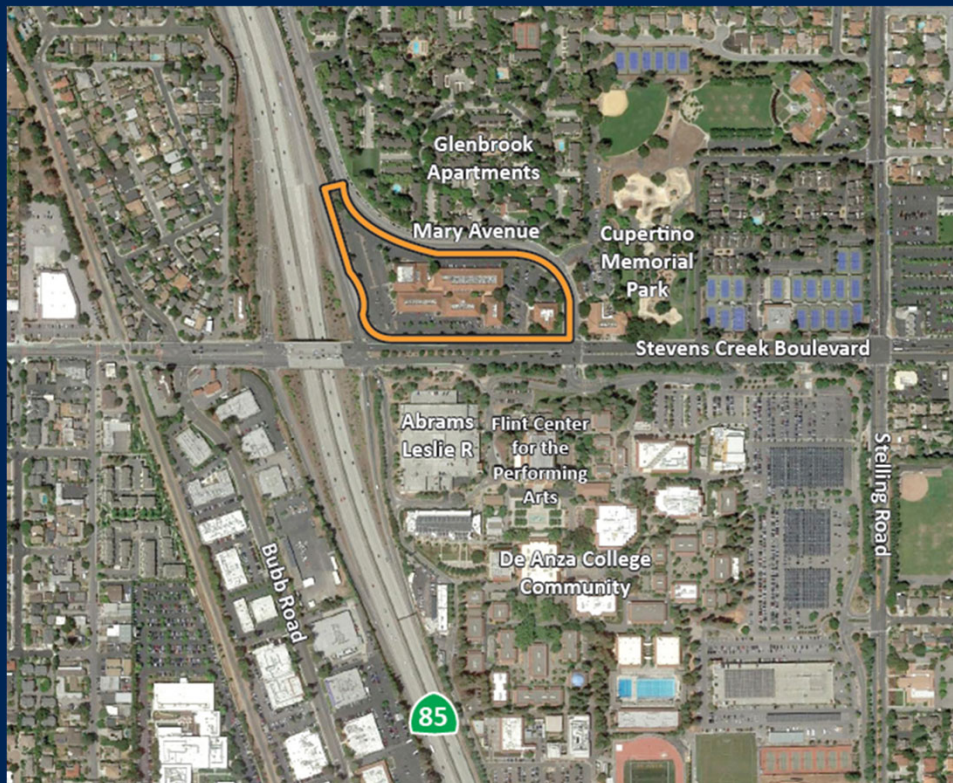
An abstract blue geometric pattern consisting of various shades of blue, including dark navy and lighter cerulean, forming a complex, sunburst-like or star-like shape on the left side of the slide.

## Subject

Consider modifications to the approved Westport Development project which include adjusting unit mix in the assisted living facility (Building 1) to 123 assisted living units and 35 memory care rooms, reclassification of approximately 8,000 square feet of public dining area to private dining, reducing the underground parking to reflect adjustments in uses, and reduction of massing on the top floor to accommodate a sixth-floor aqua therapy pool



# Project Location



- Mix of uses
- Heart of the City Specific Plan Special Area
- Oaks Gateway



# Project Data

- Two residential/commercial buildings:
  - **Building 1:** six-story building with 131 senior residential units, 27 memory care licensed assisted living residences, and 17,600 square-feet of ground-floor retail/commercial space.
  - **Building 2:** six-story building with 48 below market rate (BMR) senior residential units and 2,400 square feet of ground-floor retail/commercial.
- 70 single-family residential townhouses and 18 single-family residential rowhouse condominiums.



## **Director's Minor Modification (DIR-2021-009)**

- Revised underground garage layout to limit the footprint to under Building 1 and add additional subterranean level.
- June 29, 2021

# Vesting Tentative Map (TM-2021-002)

- Three Parcels
  - Parcel A – 4.7 acres
  - Parcel B – 2.5 acres
  - Parcel C - .6 acres
- City Council Approved September 7, 2021

# Proposed Revisions to the Westport Project

- 8,000 square foot ground floor dining facility be limited to residents of Building 1 and their guests
- Adjusting unit mix adding more two-bedroom units; reducing studio units; adding 8 memory care rooms; decreasing unit count by 8.
- Reducing parking space count by 63 spaces to account for dining facility being open only to residents and their guests



## Proposed Revisions to the Westport Project

- Accommodate a sixth-floor aqua therapy pool.
- Minor changes to building:
  - Lowering retail ceiling height from 20 feet to approximately 16 feet.
  - Relocating memory care terrace.
  - Increasing depth of sickle portion of building along Mary Avenue by 5.5 feet.



## **Approval Authority**

Pursuant to CMC Chapter 19.12 (*Administration*) the Director of Community Development referred this application to the City Council for its review and decision.



## Heart of the City (HOC) Exception

- HOC limits uses that do not involve direct retailing of goods or services to no more than 25% of a building frontage along Stevens Creek Boulevard, and no more than 50% of rear of a building.
- Provide 60% of frontage along Stevens Creek and approximately 25% of rear of the buildings as direct retail. 20,000 square feet

# Heart of the City (HOC) Exception

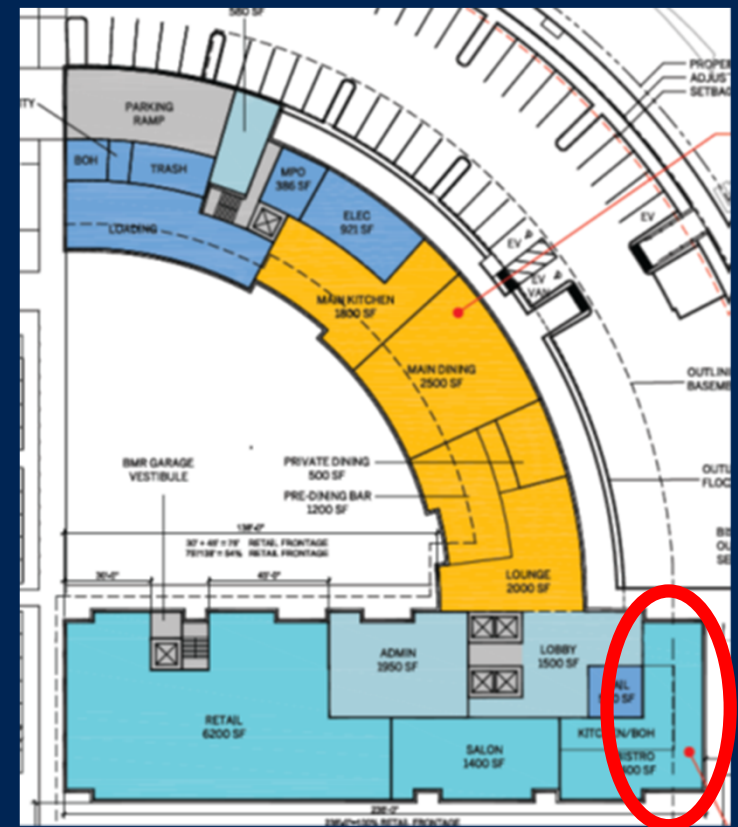
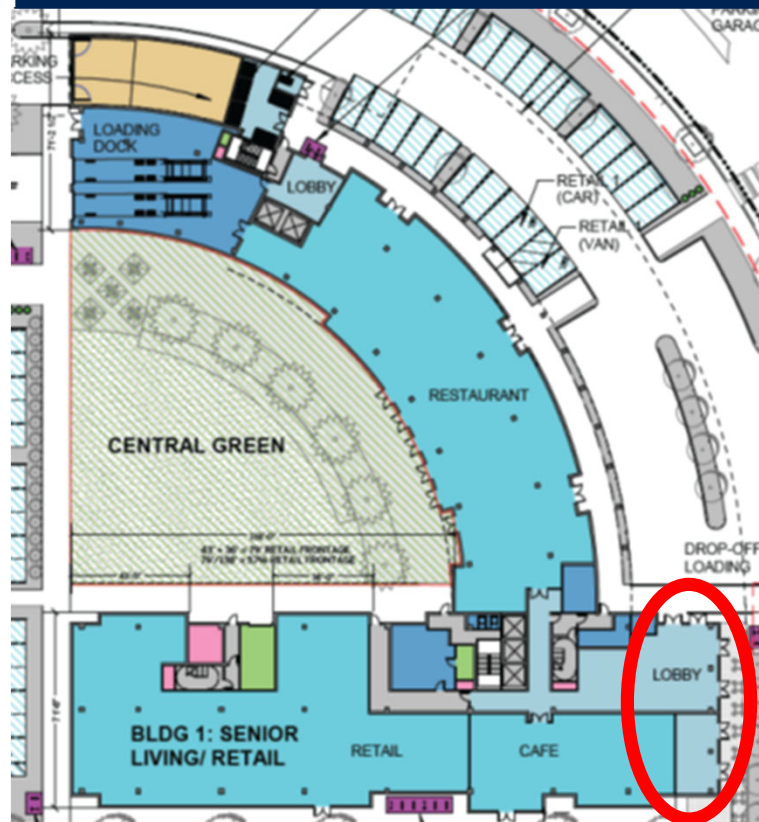
- Busy boulevard would be challenging to lease.
- Close to the Highway 85 on-ramp along Stevens Creek Boulevard.
- Same square footage of retail provided (20,000 square feet) as what would have been needed to meet the Heart of the City retail standard (20,330 square feet).
- Visibility by pedestrians and motorists, retail space clustered on corner of Mary Avenue and Stevens Creek Boulevard would be more successful.



## Heart of the City (HOC) Exception

- All employees and volunteers at a community must undergo thorough criminal background checks.
- State places extra protocols and procedures on assisted living communities and their staff for safety of residents.
- Facility will provide three meals per day as part of monthly fee, impossible for facility operators to oversee public dining combined with pre-paid residents.

# Heart of the City (HOC) Exception





## Memory Care Rooms and Assisted Living Unit Count

- Increase the memory care rooms by eight from 27 to 35 rooms.
- Decrease rooms from 131 units to 123 units.

# Memory Care Rooms and Assisted Living Unit Count

**Table 1 Unit Comparability Between Buildings 1 &2**

<b>Approved Building 1 (131 Units)</b>	Studio	One Bedroom	Two Bedroom
<b>Average Unit Size</b>	537.7 s.f.	691.3 s.f.	1,087 s.f.
<b>Unit Count</b>	26	74	31
<b>Mix Percentage</b>	20%	56%	24%
<b>Proposed Building 1 (123 Units)</b>	Studio	One Bedroom	Two Bedroom
<b>Average Unit Size</b>	530 s.f.	710 s.f.	1,110 s.f.
<b>Unit Count</b>	12	75	36
<b>Mix Percentage</b>	10%	61%	29%
<b>Building 2 (48 Units)</b>	Studio	One Bedroom	Two Bedroom
<b>Average Unit Size</b>	518.6 s.f.	615.7 s.f.	843 s.f.
<b>Unit Count</b>	9	28	11
<b>Mix Percentage</b>	19%	58%	23%

# Memory Care Rooms and Assisted Living Unit Count

BMR Manual's standard of "comparability."

- Shall be comparable to market rate units in terms of unit type, number of bedrooms per unit, quality of exterior appearance and overall quality of construction.
- Unit size should be generally representative of the unit sizes within the market-rate portion of residential project.
- Interior features and finishes in affordable units shall be durable, of good quality and consistent with contemporary standards for new housing.

# Memory Care Rooms and Assisted Living Unit Count

Unit Type	Location	Average Size/Size Range	Number of Bedrooms
35 Memory Care Rooms	Building 1	433 Square feet	Four – Two Beds 29 – One Beds
18 Townhouses	Parcel A (Western Portion of the Development)	2,227 square feet – 2,688 square feet	Three Bedrooms
70 Rowhouses	Parcel A (Western Portion of the Development)	2,357 square feet – 2,998 square feet	

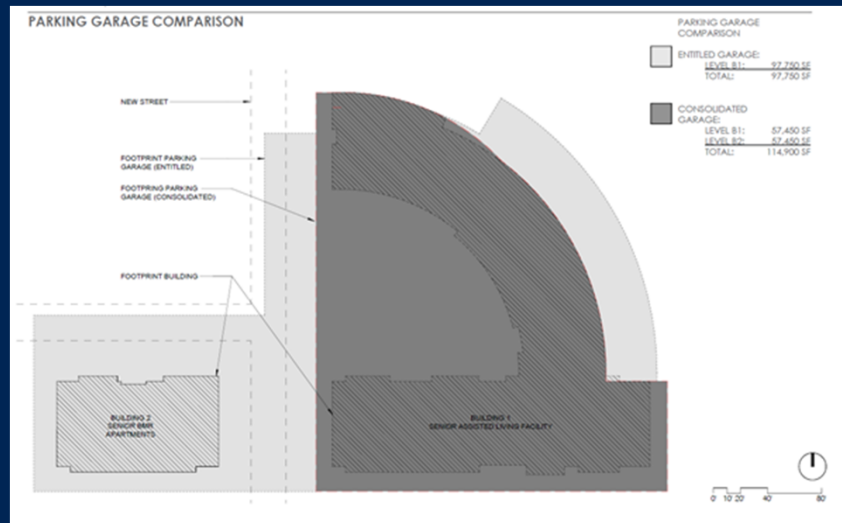


# Parking Analysis

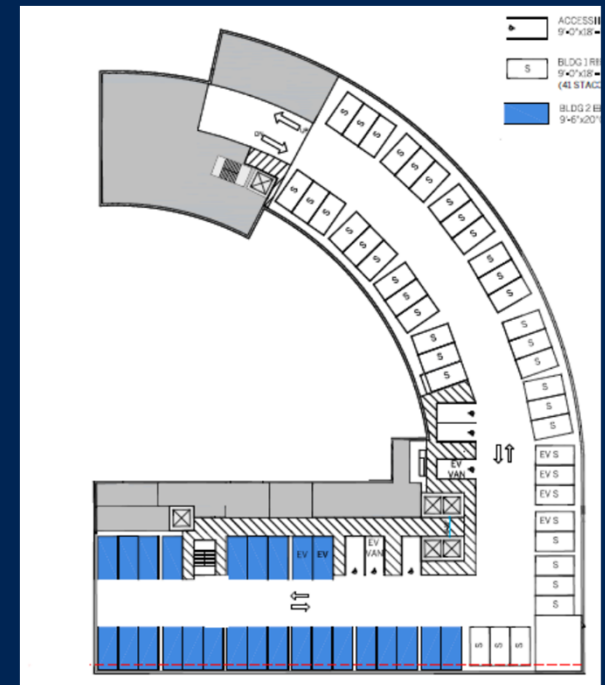
Building	Building Use	Parking Rate	Approved Spaces	Proposed Spaces to be Provided
Building 1	Non-Residential/Memory Care	Retail 1/250 SF	29	31
		Restaurant/café 1 space for every 3 seats + employees	74	10
		Memory Care 1 space per doctor +1 per 3 employees + 1 space per 6 beds	27	28
	Residential (123 Senior Units)	0.5 per bedroom	131 units = 81	123 units = 80
Building 2	Retail (2,400 SF)	1/250 SF	10	10
	Residential	0.5 per bedroom	48 units = 30	48 units = 30
Total Required			211	149
Total Provided for Buildings 1&2			255	192

# Parking Analysis

DIR-2021-009



Current Proposal

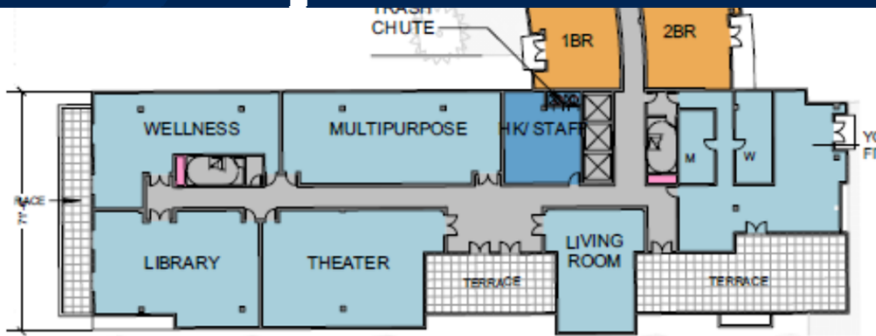




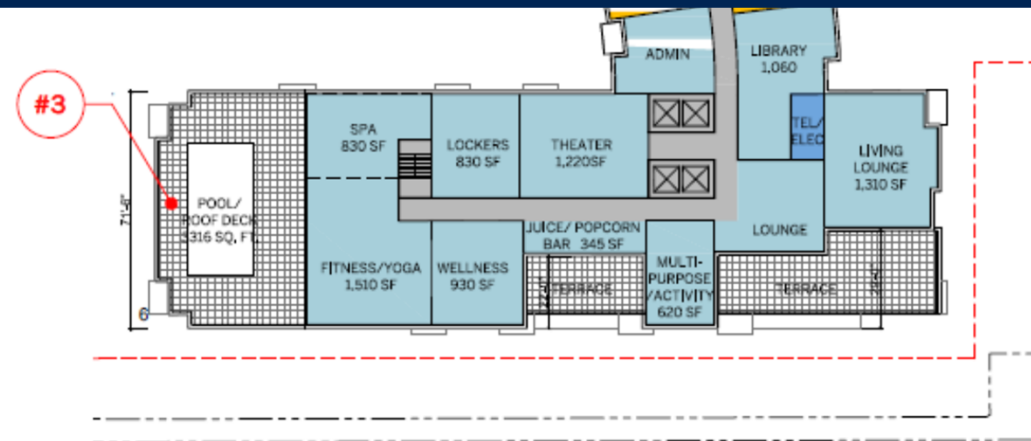
## Building 1 Physical Modifications

- Accommodate a sixth-floor aqua therapy pool.
- Minor changes to building:
  - Lowering retail ceiling height from 20 feet to approximately 16 feet.
  - Relocating memory care terrace.
  - Increasing depth of sickle portion of building along Mary Avenue by 5.5 feet.

# Building 1 Physical Modifications

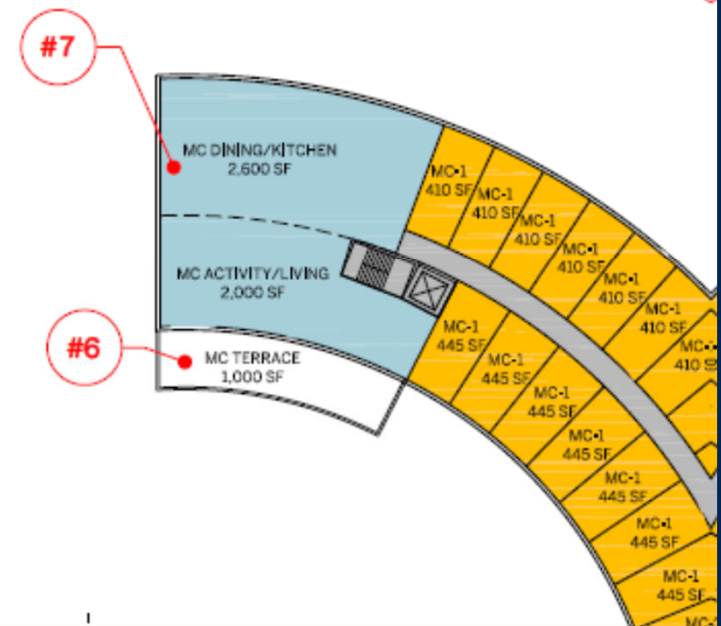
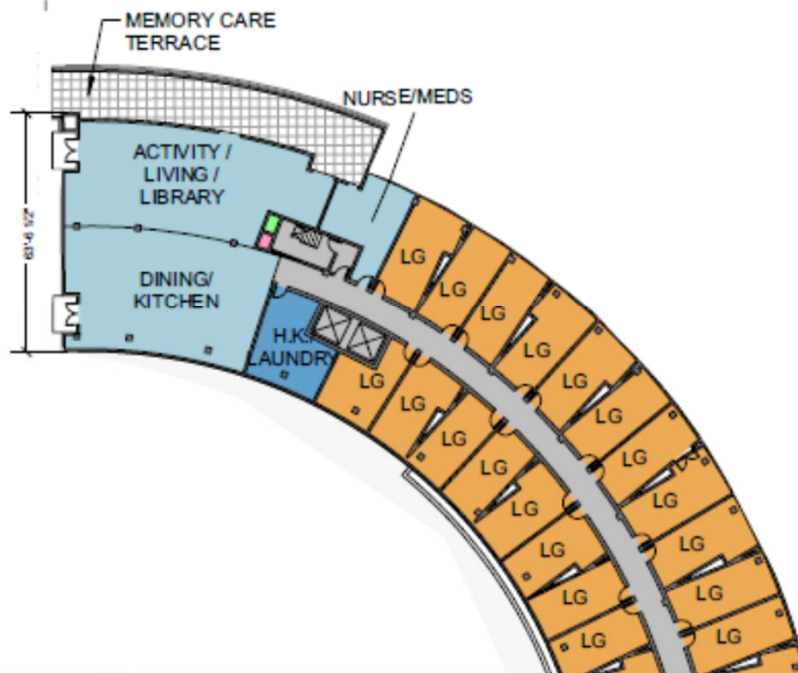


**ENTITLED BLDG 1 LEVEL 6 FLOOR PLAN**



**PROPOSED BLDG 1 LEVEL 6 FLOOR PLAN**

# Building 1 Physical Modifications





## **Environmental Review/EIR**

An Initial Study was prepared and a Final EIR (State Clearinghouse 2019070377) was certified for project. Proposed changes to project would not have any new or substantially more severe significant environmental impacts.

# Denial of Proposed Modifications of Westport Project

- Is inconsistent with the BMR Manual's standard of comparability as the Below Market rate units in Building 2.
- Restaurant/Retail provided along Mary Avenue, exception from HOC retail standard involved least modification of, or deviation from, development regulations prescribed in this chapter necessary to accomplish a reasonable use of parcel.

# Approval of Proposed Modifications of Westport Project

- Is consistent with the BMR Manual's standard of comparability
- That HOC Exception for original project was approved because development frontage is adjacent to the on-ramp for Highway 85.
  - Commercial component is not required to be located along secondary streets such as Mary Avenue.





## **Next Step**

The City Council's decision will be final unless reconsidered within 10 days of the decision.



CC 12-07-2021

#31

SB9 Interim Ordinance

Presentation

# SB 9 Objective Standards and Regulations

City Council  
December 7, 2021



**CITY OF  
CUPERTINO**

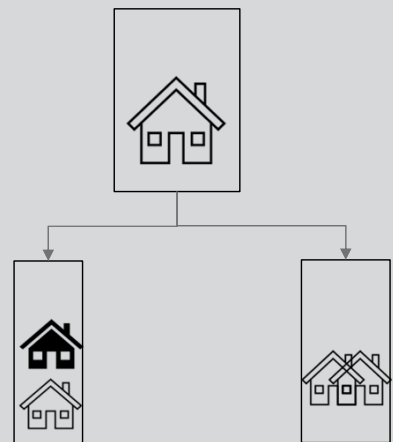
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## Background

- SB 9 (Atkins, 2021) allows ministerial approval of:



Duplex – attached  
or detached



Urban lot split

2



## Applicable SB 35 criteria

- Not prime farmland
- Wetlands
- A state designated very high fire severity zone (subject to limitations)
- Delineated earthquake fault zone (subject to limitations)
- 100 year flood zone (subject to exceptions)
- Regulatory floodway (subject to exceptions)
- Part of a conservation or natural resource protection plan or under conservation easement
- Habitat for species protected under state and federal law

3



## More criteria for both types of SB 9 projects

- Does not result in demolition of BMR or rent controlled units
- Not on property occupied by tenants in past three years
- Not on property that has been withdrawn from rental market under Ellis Act for past 15 years
- Not a property located in a historic district, a State Historic Resources Inventory site, or within county or local landmark or historic property or district

4



## Urban lot split

### Additional criteria

- Not a parcel created through use of SB 9
- Neither owner of parcel being subdivided nor any person acting in concert with owner has previously subdivided an adjacent parcel using an urban lot split
- Lots created must be limited to residential use
- Applicant must sign affidavit stating that they intend to occupy one unit as principal residence for minimum of three years after lot split

5



## Development of up to 2 units

### Regulations

- Objective zoning and design review standards may be imposed provided they do not conflict with following:
  - At least 800 sq. ft. units
  - 4 foot side and rear setbacks
  - Only one parking space/unit unless within ½ mile walking distance of either high-quality transit corridor or a major transit stop, or car share vehicle within one block
  - No more than 25% of the exterior walls of an existing unit may be impacted

6



## **Ministerial approval of lot split Regulations**

- City may impose objective subdivision standards provided they do not conflict with following:
  - New lots must be 40-60% of original
  - Each new lot is at least 1,200 sq. ft.
  - Following cannot be required as conditions of approval:
    - Offsite improvements
    - Correction of existing, non-conforming conditions

7



## **Local Regulation Lot Split – Section 18.20.170**

- Parcel Map Required
- Ministerially processed
- No public hearing required
- Decision of City staff final
- Must comply with objective standards of Municipal Code, Govt. Code Section 64411.7 and new standards in Zoning Code
- Section stays in effect until such time as Govt. Code Section 64411.7 is repealed or superseded. Else null and void

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## **Local Regulation**

### **Definitions – Chapter 19.08.030**

- New:
  - Bay Window
  - Gable End
  - Pie-shaped lot
  - Substantially enclosed
- Amended:
  - Duplex – attached or detached units
  - Floor Area – basements in SB9 units included

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## **Local Regulation**

### **Administration – Chapter 19.12.030/110/170A**

- Add new Miscellaneous Ministerial Permit – for ministerial single family or duplex developments
- Extensions – not allowed
- Noticing – Adjacent noticing required 14 days prior to date of action on application includes:
  - Address
  - Date on which action will be taken
  - Description of proposed project
  - Reference to the application on file
  - Statement that interested persons may contact City for more information
- Appeals – not allowed due to limitations of state law

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## Local Regulation

### Administration – Chapter 19.28.040

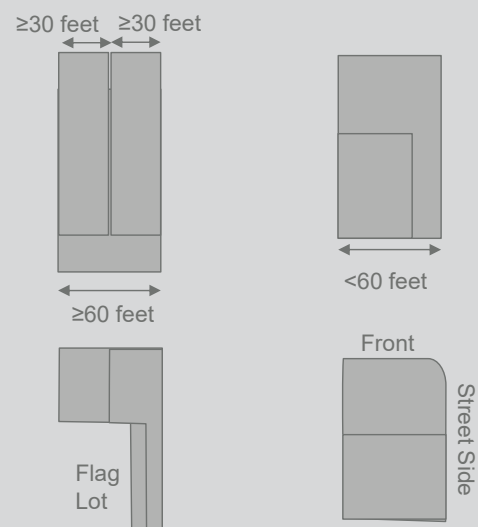
- *Clarify* – One-story single family project does not need a planning permit
- *Add* new Miscellaneous Ministerial Permit – for ministerial one or two-story duplex developments or new two story home or second story addition pursuant to SB 9 standards
- Minimum lot area – between 40-60% split of original lot. Not less than 1,200 s.f.
- No more than two property lines can be added to create new lot

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## Local Regulation

### Administration – Chapter 19.28.040

- Subdivision standards:
  - Lots  $\geq 60$  feet = two lots with street frontage
  - Lots  $< 60$  feet = one lot with street frontage; one flag lot
  - Existing flag lots = two flag lots
  - Corner lots = street side property line must be subdivided



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## Local Regulation Chapter 19.28.040

- Landscaping: 50% of the front yard must be landscaped
- On lots with  $\geq 20\%$  slope:
  - No more than 2,500 cubic yards for original lot
  - Flat yard by grading areas more than 10% limited to 2,500 s.f. (not including driveway)
- Lots with  $\geq 30\%$  slope – no Hillside Exception permitted

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## Local Regulation Chapter 19.28.040

- On-site improvements: 4.5 wide pathway and 4.5 wide planting strip, curb and gutter, curb cut, AC pavements and underground utilities
  - Not required in “semi-rural” designation
- Driveway curb cut standards:
  - Lots  $\leq 35$  feet: 12 feet (one car) curb cut. Min. 22 feet between two one-car curb cuts, else shared driveway
  - Pie-shaped lots:
    - $\leq 70$  feet: Resulting lots 18 feet (two-car) curb cut. Must provide min. 22 feet between curb cuts, else only one car curb cut allowed.

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## Local Regulation Chapter 19.28.040

- Pie-shaped lots:
  - Existing lot > 70 feet: Resulting lots 18 feet (two-car) curb cut. Must provide min. 22 feet between curb cuts, else only one car curb cut allowed.
  - Existing lot ≤ 70 feet: Shared driveway over flat lot access area. No other curb cuts allowed.
- Flag lot access area: between 20-25 feet wide. Min. 16 foot drive aisle and minimum 2 feet landscape planter on either side.
- Shared driveway (not flag lot): 50% of width on each property. Max. 18 feet curb cut
- Covenants and agreements required

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## Local Regulation Chapter 19.28.040

- Other easements and covenants: Utility easements and covenant for maintenance of stormwater treatment facilities required

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Allows City to charge processing fee (to be proposed in early 2022)
- Allows 800 s.f. per unit for duplexes
- Duplex units must be within 200 s.f. of each other
- May be up to 45% of net lot area plus 5% additional for roof overhangs, patios porches etc. if it meets ALL other objective standards (**similar to existing standards**)
- No more than 25% of existing exterior walls of existing unit may be demolished if occupied by tenant in last three years.

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- If no previous dedication required, dedication for right of way and frontage improvements required
- Second story to first story ratio not to exceed 50% except if setbacks are increased or if in R1-a zone (**similar to existing standards**)
- High volume interior areas are double counter for floor area purposes (**similar to existing standards**)
- Front first and second story setbacks are **same as underlying zoning district**
- Garages setback at least two feet from face of living area (**similar to existing standards**)

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Third car spaces: tandem or in detached structure at rear (**due to potential for narrow lots**)
- Flag lots or side oriented garages at rear of building: no need to setback or provide tandem spaces
- First and second floor side and rear setbacks: four feet unless it is an existing or replacement structure in same location and same dimensions and cannot encroach on public or private utility easements
- Corner Triangle: no structures unless it conflicts with state requirement for four feet max. side setback

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Detached structures must be setback five feet eave to eave (**similar to existing standards**)
- Basement setbacks identified (Front -20 feet, side – 5 feet, rear – 20 feet)
- Maximum height: 28 feet (**similar to existing standards**) except in single story overlay zones
- Building Envelope standards:
  - First floor (similar to existing standards)
  - Second floor (allows two 9' plates)

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Basements – only allowed on lots > 5,000 s.f.
- Lightwells limited to minimum number and size required for light and air under building code:
  - Only windows allowed for all emergency egress
  - Only allowed for areas required to provide emergency egress. Transom windows allowed for light and air in these areas
  - Only one exterior exit door allowed for an independent unit
  - Single story home may have one 10 foot by 10 foot light well (**similar to existing standards**)
  - Railings shall have max. 3'6" height

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Lightwells shall not encroach in required setback areas
- Lightwells visible from street shall be screened
- Landscaping:
  - 24" box front yard CA native tree required for two story homes (**similar to existing standards**)
  - Existing tree can be substituted with arborist report on good health
  - Covenant required

22



## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Privacy Protection planting required for second story windows (**similar to existing standards**)
- Second story windows too close to side or rear property line shall be opaque, inoperable or high window sill.
  - Does not apply to skylights or windows with no views into adjacent side or rear yards or that face a street or a non-residential zoning district (**similar to existing standards**)
- Minimum planter width: 3 feet

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Private open space for each unit: 15% of unit area on first floor with no dimension less than 10 feet
- Permitted yard encroachments: **Similar to existing standards** – front entry features and architectural features may encroach up to three feet into required setback but cannot be closer than three feet to property line. Architectural features cannot exceed 50% of the wall they are on, as seen from interior.

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Second story decks – Options for Council
  - No decks
  - No decks if lot width is 50 feet or less at any cross section where deck is proposed or if building pad is five or more feet higher than adjacent properties with minimum setback of 20 feet from side and 30 feet from rear
  - Only allowed if balcony faces front yard of subject property or a public street
  - If allowed, then, limited in size and depth and cannot encroach more than three feet into front setback and if encroaches, may not have a roof

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Design standards related to:
  - Entry features
  - Porch features
  - Exterior or uncovered stairs
  - May not shade more than 10% of existing solar panel array
  - Existing design standards apply (R1-e Eichler)
  - Standards for sloped lots (defer to RHS standards)
  - Window trim standards
  - Garage door standards
  - Roof overhangs
  - Same arch. style and materials
  - Proportion of garage to facade
  - Front elevation requirements
  - Gable end interest
  - Accent materials

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Accessory Buildings – must meet existing standards, except ADUs not allowed if lot subdivided and duplexes built
- Fences and Outdoor lighting – must comply with existing standards
- Refuse, recycling and other containers – min. 3' by 8' space per unit required in an interior yard behind fence
- Parking – complies with state law, no more than one space if it can be required. In enclosed space. If more provided, must meet City Code

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## Local Regulation

### Chapter 19.28.150 (new) – Two units

- Driveways – one car driveway between 10 feet and 12 feet; two car driveway maximum of 20 feet. More spaces, in tandem.
- Short Term Rentals not allowed
- Condominium map – Council option:
  - Not allowed
  - Allowed

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## Local Regulation

### Chapter 19.40.050 (amended)

- New lots between 40-60% of original
- Shall share driveway
- No more than 2 property lines may be added to create new lot and must follow contours of property
- Percolation test required if sanitary sewer connection unavailable
- Building pad on flattest portion of resulting lots closest to an existing or proposed driveway
- No Hillside exceptions allowed for substandard lots created as a result of new state law

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## Local Regulation

### Chapter 19.40.050 (amended)

- No more than 1,250 cubic yards grading for each resultant lot (**half of existing standards**)
- Limit graded areas to within 50 feet of pad
- Limit flat yard area to 1,250 s.f. per lot (**half of existing standards**)
- Require screening of building from prominent intersections on the valley floor
- Projects pursuant to new state law not allowed to encroach into 15% site line from prominent ridge for new structures or further encroach for expansions of existing structures

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## Local Regulation

### Chapter 19.40.050 (amended)

- Lots  $\geq 30\%$  - Grading limited to 500 s.f. (**similar to existing non-discretionary limits**)
  - Allow at least two 800 s.f. units but no other development
- Protect trail linkages anticipated in General Plan
- Require privacy protection for second story windows and special window treatment if too close to side or rear property lines

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## Local Regulation

### Chapter 19.40.060 (amended) – two units

- Floor area – 800 s.f. or if it meets all objective standards, floor area shall be proportionately allocated to new lots based on the percentage of the new lots to the existing lot.
  - E.g, if FAR allows 5,000 s.f. for “existing” lot; after lot split in 50%-50% split, each lot allowed 2,500 s.f.
- Side setbacks four feet for projects under state law
- Extension of legal non-conforming walls not allowed
- Lots split and developed with duplex not allowed ADU or JADU

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## Local Regulation

### Chapter 19.40.060 (amended) – two units

- Design Standards added regarding:
  - Garages
  - Entry Features
- Off-street Improvements may be required for lots that previously did not need to dedicate or make off-street improvements under state law
- Short Term Rentals prohibited
- Other minor clarifications in this section

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## Local Regulation

### Chapter 19.40.090 (new) – two units

- Establishes section authorizing ministerial approval of two units in an RHS zoning district
- Mirrors many design standards already discussed in the context of R1 properties

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## Local Regulation

### Chapter 19.112.060 (new) – ADUs

- ADUs or JADUs not permitted on properties that are subdivided pursuant to Government Code Section 64411.7 and developed with a duplex pursuant to Government Code Section 65852.21

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## Local Regulation

### Redlines as Desk item

- Clarifies some requirements and applies design standards to RHS properties

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## Recommended Action

- Conduct one and only reading of Ordinance no. 21-2232 by title only