

RESPONSE(S) TO COUNCIL QUESTION(S)
RE: 2/23/2016 AGENDA

Agenda Item #: 1.L

Title: Adopt Council-ranked Study Issue Presentation Dates for 2016, Refer a New Budget Issue, Inflation Adjustment for Planned Supplemental Human Services Funding, to the Recommended Budget, and Approve the Recommended Actions as Identified in the Fiscal Impact of this Report

Question: does the proposed budget supplement represent a one-time CPI adjustment, or does it also represent an ongoing policy change of adopting annual CPI adjustments to this number?

Staff Response: The proposed Budget Issue would consider adjusting Human Services funding by CPI annually.

Agenda Item #: 5

Title: File #: 2015-7539 Location: 845 W. Maude Ave. (APN: 165-41-001) Zoning: M-S (Industrial and Service) Proposed Project: Consideration of an application for a 1.66-acre site: USE PERMIT to allow construction of a 39,233 square foot four-story office/R&D building resulting in approximately 55% Floor Area Ratio (FAR) Applicant / Owner: Peery-Arrillaga / Wizardly Holdings LLC Environmental Review: Mitigated Negative Declaration

Question: 1. The PPSP is likely to include creation of some sort of Peery Park transportation management association. Do we need to be attaching requirements now to projects approved in advance of the PPSP to guarantee their membership in such an association? Or would we be able to apply such a membership requirement to both new and existing facilities in Peery Park? **2.** Regarding TDM requirements, I've been under the impression that the TDM percentage should be a function of project size – that the costs of a TDM program may cause smaller project to be non-viable, when the same requirement can be more reasonably applied to a larger project. Is this a reasonable approach to take to TDM? Don't we tend to increase our TDM percentage for larger projects, at least in an ad-hoc way? **3.** Also, with green building standards, we've observed that achieving the standards has gotten easier and less expensive over time, causing us to increase the requirements to keep pace. Is there any evidence that this is also true for achieving a specific TDM percentage, meaning that we should be increasing the baseline over time anyway? Or is that not the case with TDM?

Staff Response: 1. Condition of Approval GC-5.g) requires future tenants to become members of the TMA. **2.** At this time, the preliminary TDM trip reduction goals for the PPSP are based on project size. The trip reduction requirement for this project is consistent with these preliminary TDM goals for PPSP and with trip reduction

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requirements approved for similar projects. Condition of Approval GC-5 requires “reduction of at least 20% total average daily trips and 25% peak hour trips, or as required by the future Specific Plan for Peery Park if in place at the time of creation of the final TDM plan”. 3. Achieving aggressive TDM goals has not gotten appreciably easier over time however there is more understanding and acceptance of the need for more aggressive goals and communities have increased the requirements.

Continued from 02/09/16 Meeting

Agenda Item #: 6

Title: Designate the Director of Public Works to Take Action on Final Maps and Offers of Dedication Stated on the Final Maps; Determine the Review Frequency of the Subject Delegation of Authority

Question: 1. What happens in a case where the final map is *not* substantially the same as the tentative map, both now and under the proposed ordinance? 2. If this change is approved, is there a Council appeal process if Council has a reason to disagree with the final map?

Staff Response: 1. Under both processes when a final map is not in substantial compliance with the tentative map, it is not approved per section 66473 of the Subdivision Map Act which states “A local agency shall disapprove a map for failure to meet or perform any of the requirements or conditions imposed by this division or local ordinance enacted pursuant thereto...” If a map is not substantially the same, the applicant is provided with comments to address the concerns. 2. Generally an "interested party" may appeal, which almost all cases would be the map applicant whose final map was disapproved by the director. Conceivably a Councilmember could appeal as an interested party if he/she disagreed with the director's ministerial review of the requirements of the final map. ****02/22/2016 Update:** In an effort to further define the appeal process, and based on Council questions regarding this item, staff has edited the proposed ordinance language to address Council calls for review. Council review of the Director's final map determinations will require the support of at least two Councilmembers.

Continued from 02/09/16 Meeting

Agenda Item #: 6

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Question: 1. Who may appeal a decision pursuant to proposed Section 18.20.270(d)?
2. Existing SMC Section 19.98.070 has detailed procedures for zoning appeals such as filing requirements, appeal stays action, withdrawal of appeal, etc. Would it be beneficial to provide similarly detailed procedures in Section 18.20.270?

Staff Response: 1. Generally an "interested party" may appeal, which in almost all cases would be the map applicant whose final map was disapproved by the director. 2. Section 19.98.070 deals with zoning appeals of discretionary planning permits under the Zoning Code, which is a different process than map approvals. Staff does not believe a similar section is beneficial for final maps because final map approvals are governed by the Subdivision Map Act and are ministerial in nature as long as the final map is in compliance with the requirements and conditions of the vesting tentative map. In fact, the final map may only be denied if accompanied by a finding of a failure to meet or perform a specific condition or requirement at the time of approval of the tentative map (See Gov. Code sec. 66473.) ****02/22/2016 Update:** In an effort to further define the appeal process, and based on Council questions regarding this item, staff has edited the proposed ordinance language to address Council calls for review. Council review of the Director's final map determinations will require the support of at least two Councilmembers.
