



1 North San Antonio Road  
Los Altos, California 94022-3087

## MEMORANDUM

**DATE:** 11/15/22

**TO:** Councilmembers

**FROM:** City Manager

**SUBJECT:** COUNCIL Q&A FOR NOVEMBER 15, 2022 CITY COUNCIL REGULAR MEETING

### Item 2. Emergency Declaration Resolution:

**Question:** Governor Newsom has announced that the State's COVID-19 State of Emergency will end on February 28, 2023. But AB 361, which allows us to continue to hold virtual meetings while under a declaration of emergency, applies to local agencies until January 1, 2024. Will AB 361 end when the state's State of Emergency ends on Feb 28, 2023, or might it still be in effect if local jurisdictions keep passing emergency resolutions until Jan 1, 2024?

**Answer:** AB 361 applies if a "legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing." As the State Emergency Order is ending at the end of February, staff assumes that the City will no longer be able to meet this requirement and therefore, the provisions of AB 2449 will apply. The City will still be able to hold virtual meetings but will need to comply with all elements of the Brown Act.

### Item 3. Minutes

**Question:** Minute edits sent via attached pdf

**Answer:** Noted

### Item 4. Introduce an Ordinance Adopting by Reference the 2022 California Building Codes with Amendments, and Set a Public Hearing on November 29, 2022, for Adoption of the Ordinance

**Question:** When will we be receiving the additional language of the Municipal codes being added?

**Answer:** Language is included in the Draft Ordinance.

**Question:** Could you please provide a chart of what appliances are allowed now and the changes if any of those affected by this ordinance.

**Answer:** The table below shows the differences between the mandatory 2022 California Building Codes, and the differences between the Los Altos Reach Codes. Per City Council direction the ordinance has been prepared to readopt the existing Reach Codes in addition to the

2022 Building Codes. The only difference for residential requirements existing in the local requirement for Clothes Drying to be Electric and removes the option for Gas Appliances. Lastly, it is important to note that these provisions only apply to NEW Buildings in Los Altos, and do NOT include renovations or additions to structures.

	<b>2022 CA Building Code (MANDATORY)</b>	<b>Los Altos Reach Codes (Amendments before City Council Tonight)</b>
<b>New Buildings Appliances</b>		
Air Heating/Cooling	EHP	EHP
Water	EHP or G	EHP or G
Clothes Drying	E or G	E
Cooking/Fireplaces	E or G	E or G
<b>Exterior (Pool, Spa, Firepit)</b>	N/A	N/A
EHP= ELECTRIC HEAT PUMP E= ELECTRIC G= NATURAL GAS		

**Question:** Please confirm that the existing reach codes in Los Altos remain in place.

**Answer:** The Draft Ordinance that is before the City Council tonight includes re-adoption of the existing Reach Codes. In some cases, the new 2022 California Building Codes are more stringent than the existing Reach Codes, in this instance the 2022 CBC prevails as the City is required to meet minimum code requirements of the State.

**Question:** it would be very helpful for Council and the public to have a chart with the following info for single-family (this was discussed and requested following the EC presentation). With respect to each type of appliance and to auto charging: 1. the current requirement/options (e.g. Elect. only or E/Gas owner option), 2. requirement/options under the proposed new ordinances and indicating for each item whether it represents a new building code requirement or is a proposed "reach" requirement.

**Answer:** Please see the response to question above for table. The changes for EV requirements are too extensive to summarize in a table. The terminology alone has changed significantly from the 2019 CBC to 2022 CBC. Additionally, triggers for EV requirements have changed fully. The requirements contained in the 2022 California Building Codes are mostly more stringent than the existing Los Altos Reach Codes. However, in one example the existing reach codes exceeds the new EV requirements; the City requires (2) EV Chargers to be installed at a NEW Single Family Dwelling.

**Question:** Please provide links so that we can review the state's proposed update to the codes in Title 12 of the CCR. (I understand that each of the codes are very long and technical documents.)

**Answer:** Link to California Building Standards Code  
[Codes \(ca.gov\)](https://www.ca.gov/)

**Item 6. Review and Provide Direction: Request for Transit Service Planning on San Antonio Road Corridor**

**Question:** what is the current ridership from the Los Altos stops on San Antonio Bus Route?

**Answer:**

<b>Average Daily Ridership by Stop</b> (Weekday and Weekend Combined)		
<b>VTA 40 - Los Altos Stops</b>	<b>Onboarding</b>	<b>Offboarding</b>
San Antonio & ECR S	25	6
San Antonio & ECR N	8	38
SA & Portola S	1	0
SA & Portola N	0	1
SA & Pine S	2	3
SA & Pine N	2	1
SA & Yerba Buena N	0	4
SA & Almond S	1	13
SA & Almond N	17	1
SA & Edith S	1	14
SA & Angela N	8	1
SA & Hillview S	3	11
SA & Hillview N	15	1
SA & Whitney S	0	12
SA & Pepper N	6	0
SA & Lyell S	1	3
SA & Lyell N	3	3
<b>TOTAL</b>	<b>93</b>	<b>112</b>
<b>VTA 40 - Signifiant Nearby Stops</b>	<b>Onboarding</b>	<b>Offboarding</b>
Foothill College Main Stop	79	80
Foothill College Planitarium	13	6
Foothill College Transit Center	14	5
<b>TOTAL</b>	<b>106</b>	<b>91</b>

Data was collected in February 2020.

**Question:** Could please provide a diagram of the San Antonio bus route.

**Answer:**



**Question:** Is staff prepared to show how making the Los Altos part of San Antonio Road (from Foothill to El Camino) a high-quality transit corridor will affect future development rules, given new State law changes that go into effect Jan. 2023? The issues that come to mind are (1) whether any multi-family development within ½ mile of San Antonio Road, for the entire length, could not be required to provide any parking, and (2) what exceptions as to height and/or density would be allowed? There may also be implications for any SB9 projects that might be proposed within ½ mi. of San Antonio Road (and there may be other issues).

**Answer:** The proposed request is that VTA direct transit service planning resources to the San Antonio Road corridor. This could result in an expansion of transit service, but the request did not specify the creation of a high-quality transit corridor, nor a major transit stop.

AB 2097 does not apply to the request as proposed. A housing development would need to be within ½ mile of a major transit stop to qualify for the provisions of AB 2097. A major transit stop is defined as two intersecting bus lines with 15-minute headways. The 22 Line along ECR has a

15-minute headway, so if the planning process proposed results in increasing the frequency of the 40 Line from 30-minute headways to 15-minute headways, AB2097 would impact only developments within ½ mile of the intersection of ECR and N San Antonio.

SB 9 requires that there should be one parking space per unit except if the parcel is located within ½ mile of high-quality transit corridor (bus line with 15-minute headway) or major transit stop (or if the parcel is located within one block of a car-share vehicle lot or space). Only a planning process is proposed as part of this request. If the planning process along N San Antonio ultimately leads to increasing the headway of the 40 Line from 30-minutes to 15-minutes along N San Antonio, this corridor would qualify as a high-quality transit line. A high-quality transit line is not requested in the study.

### **Item 7. Annual Development Impact Fees Report for Fiscal Year 2022**

**Question:** Why did we raise so little TI fees last year when we raised so much in PIL fees?

**Answer:** All City fees were raised at the rate of CPI, this does not require the City to undergo an extensive Fee Study in order to raise the rates of the adopted fees. In order to increase the Fee further the City must initiate a Comprehensive Fee Study, this will yield the Nexus of the Fee being charged, and the need of the Fee.

**Question:** With respect to the expenditures of TI fees, where did funds to fill the gap of \$247,969 come from? Where is this indicated in our budget?

**Answer:** During the FY22 Year-end closing process, General Fund advanced the Gap as of June 30, 2022 due to the fund can't carry over the negative fund balance. However, this transaction/advance was reversed on July 1, 2022. Therefore, the TI fee fund is waiting for the TI revenues to come in to fill the gap.

**Question:** What is the City's plan to accommodate our financial needs given the drastic decrease in TI fees the City has raised over the past several years?

**Answer:** The City must consider a Comprehensive Fee Study in order to evaluate the appropriateness of the fees being collected and the expenditures.

### **Item 8. Municipal Regional Stormwater Permit: Overview of New Requirements**

**Question:** Do we know yet if we will need to hire additional staff or contract for consultant services to comply with MRP 3.0?

**Answer:** At this point, the existing staff will most likely be able to complete the requirements in the existing MRP 2.0 and new MRP 3.0 with the assistance of the SCVURPPP staff. There may be a possibility that the City will need to contract for consultant services to comply with the new MRP 3.0, but this will be determined at a later date.

**Question:** Please provide links to MRP 2.0 and MRP 3.0.

**Answer:**

[https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/MRP/R2\\_2015\\_0049\\_amended.pdf](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/R2_2015_0049_amended.pdf)

MRP 3.0

[https://www.waterboards.ca.gov/sanfranciscobay/board\\_decisions/adopted\\_orders/2022/R2-2022-0018.pdf](https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0018.pdf)

**Question:** What is MRP 3.0's anticipated impact on our budget over the next several years?

**Answer:** The CIP projects may need additional budget to meet the new Green Stormwater Infrastructure (GSI) requirements per the MRP 3.0. The cost will vary based on specific projects and will be determined during the design phase of the projects.

**Question:** What is going to be Los Altos' GSI project? When will it commence? When will it finish? What is its anticipated cost?

**Answer:** The Los Altos' GSI project was going to be Milverton Road Storm Drain Improvement. However, the City only received one bid which was rejected because the bid came out to be a lot higher than the available budget. The bid was in the amount of \$1,212,690 causing a project shortfall of \$612,042.

**Question:** How will MRP 3.0 affect the City's plans with respect to the Milverton (and other) catch basins?

**Answer:** The City of Los Altos must construct GSI projects during permit term to meet the MRP 3.0 target of 3 acres treated per 50,000 population (City of Los Altos target is 1.81 acres). The target can be met at the countywide level; however, the City of Los Altos must individually implement at least one GSI project, with a minimum of 0.2 acres treated. The Milverton Project was one of several ways for the City to comply with MRP 3.0.

**Question:** Does staff anticipate that the city will meet its 90% reduction milestone by July 1, 2023? If not, what will the Revised Long-term Trash Load Reduction Plan propose and/or obligate the City to do?

**Answer:** The City of Los Altos Trash Load Reduction rate through FY21/22 was 96%. MRP 2.0 allowed the City of Los Altos to receive credits for source control ordinances (e.g., plastic bag and expanded polystyrene food service ware bans) and offsets for creek/shoreline cleanup activities, however under MRP 3.0, these offsets/credits will be eliminated after June 30, 2025. With the elimination of these offsets/credits, the City of Los Altos will likely need to expand the extent of trash controls implemented to achieve the 90% and 100% trash reduction benchmarks. The City is currently working through SCVURPPP and internally to evaluate whether additional trash controls are needed and the associated costs of complying with MRP 3.0 provision C.10 requirements. If the City cannot achieve the 90% reduction milestone (without source control credits and offsets) by July 1, 2023, the City will be required to submit a Revised Long-term Trash Load Reduction Plan to the Regional Water Board by September 2023 that describes the enhanced/new controls that will be implemented to achieve the 100% benchmark by July 2025.