



Agenda Report

20-984

Agenda Date: 10/13/2020

REPORT TO COUNCIL

SUBJECT

Council Input on Enhanced Community Outreach and Community Benefits Policy and Action to Rescind the City's Early Consideration Policy for General Plan Amendment Applications [Council Pillar: Promote Economic, Housing and Transportation Development]

BACKGROUND

At the September 29, 2020 City Council meeting, following the September 14, 2020 recommendations of the Governance and Ethics Committee, the Council provided direction to staff to bring the Early Consideration Policy to the City Council with a recommendation that it be rescinded and replaced with a new policy for community outreach and community benefits.

The Early Consideration Policy was adopted by the City Council on May 16, 2017 (The Report to Council is provided as Attachment #1). The City Council previously adopted a Public Outreach Policy for Planning Applications on June 27, 2017.

DISCUSSION

As discussed at the Governance and Ethics Committee, the Early Consideration Policy is not providing sufficient benefit to the City to warrant continued use of the Policy. The intent of the Policy is to provide an opportunity early in the General Plan Amendment application process for the City Council to review and comment on whether a proposed General Plan Amendment should continue through with a complete application process or whether the request should be denied. The Early Consideration process requires that the City conduct an initial review of the application, the applicant conduct a community meeting and the Council conduct an early consideration hearing within approximately three months of receipt of an application. To date all projects brought to the City Council under this Policy have been allowed to proceed; recent projects have not engendered substantive discussion and, in some cases, have been considered as part of the City Council consent calendar without any discussion. The Early Consideration process is thus adding time and expense to the General Plan Amendment process with providing any clear benefit.

The Governance and Ethics Committee further expressed a desire to replace the Early Consideration Policy with an enhanced outreach program and a community benefit requirement. Staff is seeking Council input on the scope of projects that would be subject to the new outreach and community benefit requirements and the types of community benefits that the Council would like to address through a new Policy that would be brought back to the City Council at a future meeting.

Enhanced Outreach Program

The City's current Public Outreach Policy for Planning Applications sets forth community outreach requirements for planning applications based upon size and type of project. Projects are categorized as Small, Medium, Large and/or Significant Interest projects, with General Plan Amendments

typically considered to be “Significant Interest” projects. The Outreach Policy requires that a community meeting be held within 90 days of the City’s receipt of an application for a Significant Interest project. Significant Interest projects are also subject to increased notification requirements including use of social media and an expanded geographic area for mailed notices.

At this Council meeting, staff will be seeking direction from the Council to clarify the scope of projects (e.g., size, type, public vs. private) for which the City might most benefit from use of a consultant to enhance public outreach activities and the desired types of activities to be conducted by those consultants (e.g., community workshops, deployment of web-based engagement tools, etc.). Input received from the Council will be used to administer a competitive bid process for consultant that can provide enhanced outreach.

Community Benefits

The City has recently been reviewing the concept of community benefits as a criteria for new development. Generally, community benefits associated with new development can be considered to include contributions toward parklands, affordable housing and/or infrastructure improvements that the City obtains when new land use projects are approved. Locally, use of the term ‘community benefits’ has been associated with specific plans in Mountain View and Sunnyvale that allow for density bonuses in exchange for voluntary measures offered by the developer such as contributions to a park fund, extra levels of affordability or use of green building design.

In addition to addressing community benefit requirements through adopted City ordinances, the City has included an opportunity for increased development flexibility for developers that provide community benefits in the draft El Camino Real Specific Plan and is reviewing the potential incorporation of a community benefits program into the Patrick Henry Drive Specific Plan and Downtown Precise Plan, analogous to the approach utilized in Mountain View and Sunnyvale.

In the context of an early consideration or “gatekeeper” hearing for General Plan Amendments, some jurisdictions have prepared a scorecard of community benefits for a project, with a minimum score required in order for the project to proceed through a General Plan Amendment process. Such a scorecard could include benefits anticipated to be received through established ordinances (e.g., payment of Affordable Housing Impact Fees), or items voluntarily proposed by the developer as a part of the project. Formalizing voluntary items would likely require a Development Agreement and other entitlements to accompany the General Plan Amendment.

At this Council meeting, staff will be seeking direction from the Council to clarify the desired components of a community benefits program for developing a policy/program for the Council to consider at a future City Council meeting. Input received from the Council will be used to develop a draft community benefits policy/program to present to Council for consideration.

General Plan Amendment Applications pending Early Consideration

The proposed Resolution would rescind the City’s Early Consideration Policy for General Plan Amendments effective January 1, 2021. The City currently has three General Plan Amendment applications on file which have begun the City’s review process and are scheduled for City Council consideration prior to January 1.

- **3001 Tasman Drive** - GPA from Low Intensity Office to High Intensity Office and text

Amendment to add a policy to allow a Floor Area Ratio of up to 2.5 for High Intensity Office sites within half a mile of a light rail station.

- **906 Monroe Street** - GPA from Community Mixed Use (37 to 50 dwelling units per acre) to Very High Density Residential (51 to 120 dwelling units per acre).
- **500 Benton Street** - GPA from Santa Clara Station Focus Area Regional Mixed Use (37 to 50 dwelling units per acre) to Santa Clara Station Very High Density Residential (51 to 120 dwelling units per acre).

Any new applications received subsequent to this report would not be subject to the current Policy if it is no longer in effect on January 1st.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact other than staff time.

COORDINATION

This report has been coordinated with the City Attorney’s Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

ALTERNATIVES

1. Provide Input on an Enhanced Community Outreach and Community Benefits Policy
2. Adopt a Resolution to Repeal Resolution No. 17-8435 and Rescind the Early Consideration Policy for General Plan Amendment Applications, effective January 1, 2021
3. Take no action at this time

RECOMMENDATION

Alternatives 1 and 2:

1. Provide Input on an Enhanced Community Outreach and Community Benefits Policy; and
2. Adopt a Resolution to Repeal Resolution No. 17-8435 and Rescind the Early Consideration Policy for General Plan Amendment Applications, effective January 1, 2021.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. City's Early Consideration of General Plan Amendments Policy
2. Public Outreach Policy for Planning Applications
3. June 2017 Report to Council - Adoption of the Outreach Policy
4. Resolution