

INTEROFFICE MEMORANDUM
City of Santa Clara



Date: September 19, 2014

To: City Manager for Ad hoc Neighborhood Protection Ordinance Committee

From: Director of Planning & Inspection

Subject: Draft Ordinance Amendments – Update for NPOC Meeting of September 22, 2014

This is the fifth meeting of the Neighborhood Protection Ordinance Committee. Following the meeting of August 18, staff evaluated the comments provided at the meeting and the direction from the Committee and prepared the attached updated version of proposed City Code amendments addressing boarding houses in single family districts and unruly behavior on residential properties. It is anticipated that the Committee will take additional comments and engage in further discussion before giving staff direction to move the proposed amendments forward to City Council with a recommendation.

In the intervening time, the City Manager and staff have met with members of the executive leadership of Santa Clara University to discuss student housing needs in the area. Staff also met with separately representatives of property owners in the area who provide housing in the vicinity of the University.

The focus of the proposed ordinance amendments remains as a cap on growth of homes that operate as a boarding house or rooming house in single family neighborhoods, but at the same time raises the standards for property maintenance and responsible behavior. It does not take away the rental opportunity from existing properties operating in this way so long as they register through an administrative permit process. As a result of the discussions with the owners representatives, staff is willing to consider the use of the Rental Unit Business Tax (SCCC 3.40.350) as a registration tool, but that license by itself would not confer land use rights in the way that issuance of a zoning permit would, and the license process does not afford the appeal procedure conferred by and already contained in the Zoning Administrator permit process. This is reflected in section 10 of the draft.

The Boarding House definition has been altered to set a threshold of 5 or more unrelated adults in a rental arrangement, rather than the number of bedrooms to define this use. The Committee should discuss and determine if that is a suitable number to address the concerns that have been articulated by the public and interested parties. This is reflected in Section 2 of the draft.

A key effort in updating this draft has been to provide as much protection as possible to community care facilities, both licensed and unlicensed, including group homes that serve special needs populations. This is reflected in Section 3 of the draft.

With respect to home additions under the City architectural review process, the draft contains language, as before, that R1 proposals resulting in four or more bedrooms be reviewed by the Architectural Committee rather than staff, but has added the specific provision that the Committee consider adequate parking as a criteria for granting a substantial number of sleeping rooms. This is reflected in Section 7 of the draft.

As a reminder, in a previous meeting an independent but related set of changes to the property maintenance standards and public nuisance sections of Title 8 were presented by the City Attorney, and

those are moving forward for Council consideration regardless of the outcome of the Committee's work on the boarding house issue.

The attached draft documents have been circulated electronically to persons included on the e-mail list and these have been made available in the Permit Center as of September 19, 2014 to any interested parties.

Staff is prepared to respond to the Committee's comments and direction. When the Committee is prepared to present its recommendations, the Council will determine if these amendments go forward to the public hearing review process, either as recommended by the Committee or with further changes.

Kevin L. Riley
Director of Planning & Inspection