



# CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, December 10, 2024  
*via Videoconference and In Person*

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**PARTICIPATION:** Members of the public may participate by being present at the Los Altos Council Chamber at Los Altos City Hall located at 1 N. San Antonio Rd, Los Altos, CA during the meeting. Public comment is accepted in person at the physical meeting location, or via email to [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov).

**RULES FOR CONDUCT:** Pursuant to Los Altos Municipal Code, Section 2.05.010 "Interruptions and rules for conduct": Understanding that the purpose of the city council meetings is to conduct the people's business for the benefit of all the people, in the event that any meeting of the city council is willfully interrupted by a person or group of persons so as to render the orderly conduct of the meeting impossible, the mayor, mayor pro tem, or any other member of the city council acting as the chair may order the removal of the person or persons responsible for the disruption and bar them from further attendance at the council meeting, or otherwise proceed pursuant to Government Code Section 54957.0 or any applicable penal statute or city ordinance.

**REMOTE MEETING OBSERVATION:** Members of the public may view the meeting via the link below, but will not be permitted to provide public comment via Zoom or telephone. Public comment will be taken in-person, and members of the public may provide written public comment by following the instructions below.

<https://losaltosca-gov.zoom.us/j/82592106690?pwd=adih1NKUN2Khbzpo3OFizPuEEUXelx.1>

**Telephone: 1-669-444-9171 / Webinar ID: 825 9210 6690 / Passcode: 868865**

**SUBMIT WRITTEN COMMENTS:** Prior to the meeting, comments on matters listed on the agenda may be emailed to [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov). Emails sent to this email address are sent to/received immediately by the City Council. Emails sent directly to the City Council as a whole or individually, and not sent to [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov) will not be included as a public comment in the Council packet.

***Please note: Personal information, such as e-mail addresses, telephone numbers, home addresses, and other contact information are not required to be included with your comments. If this information is included in your written comments, they will become part of the public record. Redactions and/or edits will not be made to public comments, and the comments will be posted as they are submitted. Please do not include any information in your communication that you do not want to be made public.***

Correspondence submitted in hard copy/paper format must be received by 2:00 p.m. on the day of the meeting to ensure distribution prior to the meeting. Comments provided in hard copy/paper format after 2:00 p.m. will be distributed the following day and included with public comment in the Council packet.

*The Mayor will open public comment and will announce the length of time provided for comments during each item.*

## AGENDA

### CALL MEETING TO ORDER

### ESTABLISH QUORUM

### PLEDGE ALLEGIANCE TO THE FLAG

### REPORT ON CLOSED SESSION

### CHANGES TO THE ORDER OF THE AGENDA

### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

*Members of the audience may bring to the Council's attention any item that is not on the agenda. The Mayor will announce the time speakers will be granted before comments begin. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "The Brown Act") items must first be noted on the agenda before any discussion or action.*

[12-10-24](#) Written Public Comments

### SPECIAL ITEMS

Issue Proclamation Recognizing County Supervisor Joe Simitian

Issue Proclamation Recognizing Representative Anna Eshoo

### CONSENT CALENDAR

These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

- [1.](#) Approve the Special and Regular Meeting Minutes of November 12, 2024
- [2.](#) Adopt a Resolution accepting the Certification of Election Results from the Santa Clara County Registrar of Voters for the November 5, 2024 General Municipal Election
- [3.](#) Authorize the City Manager to execute Amendment No. 4 on behalf of the City with NBS in the amount of \$37,192.50 for the Sewer Rate Structure Analysis, Administration of Proposition 218 Process for FY 2024-28, and Annual Administration of the City of Los Altos' Sewer Service Charge for FY 2025-26, and authorize the City Manager to execute amendments for two (2) additional years, which are exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15273 (Rates, Tolls, Fares, and Charges), and 15306 (Information Collection)

4. Authorize the City Manager to execute Amendment No. 2 on behalf of the City with Bear Electrical Solutions, Inc. in the amount of \$150,130.00 for maintenance services to the original contract on behalf of the city and find the Council's action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidance Section 15300.2 applies.
5. Authorize the City Manager to execute an agreement with Sanbell (Formerly Bellecci & Associates) for the design of the FY 2024-2025 Annual Resurfacing Project in the amount of \$239,614.00 and authorize the City Manager to execute a change order not to exceed 10% (\$23,961.00) of the total contract amount on behalf of the City and find the Council's action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidance Section 15300.2 applies.
6. Adoption of Zone Text Amendments adding Chapter 14.01 and 14.81 and amending Chapter 14.02 of the Los Altos Municipal Code and find that the proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.
7. Four (4) separate actions for City Council consideration:

Adopt an Ordinance of the City Council of the City of Los Altos Amending Chapter 6.40, to Title 6 Health and Safety of the Los Altos Municipal Code for Regulations on Reusable Bags and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Polystyrene Foam Disposable Food Service Ware Ordinance, Chapter 6.44 of the Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Single-use Foodware Accessories and Condiments Ordinance, Chapter 6.45 of the Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Amending the Los Altos Municipal Code, by Adding Chapter 6.42 Titled Regulations on Disposable Foodware and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

8. Adopt a Resolution accepting completion of the 2024 Street Resurfacing Project, (Projects TS-01001, TS-01004 and TS-01009); and authorize the Public Works Director to record a Notice of Completion as required by law, and find the action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidelines Section 15300.2 applies.

- 9.** Accept North County Library Authority Funds for Main Library Improvements Project and Award Contract for Main Library Improvements Project to Anderson Brule Architects in the amount of \$132,628
- 10.** Adopt a Resolution authorizing the City Manager to execute a Historic Preservation Agreement with the property owners of 236 Eleanor Avenue; and find the project is categorically exempt pursuant to Section 15331 (Historical Resource Restoration/Rehabilitation) of the California Environmental Quality Act (CEQA).

## DISCUSSION ITEMS

### **11. Council Reorganization:**

- a. Remarks from outgoing Councilmember
- b. Remarks from outgoing Mayor
- c. Administration of Oath of Office to new Councilmembers
- d. Remarks from new Councilmembers
- e. Election of Mayor and Vice Mayor
- f. Remarks from new Vice Mayor
- g. Remarks from new Mayor

## INFORMATIONAL ITEMS ONLY

*There will be no discussion or action on Informational Items*

- 12.** Tentative Council Calendar and Housing Element Update Implementation Calendar
- 13.** Recognition of Proclamation Presented to the Chamber of Commerce

## COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

## ADJOURNMENT

**(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)**

## SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body.



If you wish to provide written materials, please provide the City Clerk with 10 copies of any document that you would like to submit to the City Council for the public record.

## Melissa Thurman

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**From:** Maria Bautista <maria@specker.com>  
**Sent:** Saturday, December 7, 2024 1:27 PM  
**To:** City Council; Gabriel Engeland; Manuel Hernandez; Public Comment  
**Subject:** Public Comment: Proposed Art on City Hall

Dear Councilmembers:

Most of the revered architects of the modern era followed the principle of eliminating unnecessary ornament.

Applying artwork to the facade of City Hall is a complete degradation of its iconic architecture, and destroys the aesthetic of the architecturally significant buildings that make up the Civic Center campus. The architecture is the art.

The front of our City Hall would be better served, and dollars better spent, with a coherent and beautiful landscape plan.

Best,

Maria Bautista



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING MINUTES  
TUESDAY, NOVEMBER 12, 2024  
5:30 p.m.  
1 N. San Antonio Rd. ~ Los Altos, CA**

*Jonathan D. Weinberg, Mayor  
Pete Dailey, Vice Mayor  
Neysa Fligor, Councilmember  
Lynette Lee Eng, Councilmember  
Sally Meadows, Councilmember*

**SPECIAL MEETING**

**CALL MEETING TO ORDER:** Mayor Weinberg called the meeting to order at 5:30 p.m.

**ESTABLISH QUORUM:**

Pursuant to AB2449, **Sally Meadows, Councilmember**, requested to attend the meeting remotely due to a medical issue.

Motion by Fligor and Second by Lee Eng to approve the remote attendance of Councilmember Meadows. **Motion carried unanimously by roll call vote.**

**STUDY SESSION**

1. Review and provide feedback on the Draft Downtown Parking Strategy

**Brian Canepa, Principal at W Trans**, provided the presentation.

The following members of the public spoke regarding the item:

- Kim Cranston
- Jon Baer
- Mel Kahn
- Anne Paulson
- Gary Hedden
- Scott Hunter

**Discussion item only. No motion taken.**

**ADJOURNMENT** – The meeting adjourned at 7:07 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of December 10, 2024.

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Jonathan D. Weinberg  
Mayor

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Melissa Thurman, MMC  
City Clerk

The November 12, 2024 City Council Special Meeting recording may be viewed via the following external website: <https://www.youtube.com/@CityofLosAltosCA>

The City of Los Altos does not own or operate YouTube. The video referenced on these minutes were live at the time the minutes were published.



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING MINUTES  
TUESDAY, NOVEMBER 12, 2024  
7:00 p.m.  
1 N. San Antonio Rd. ~ Los Altos, CA**

*Jonathan D. Weinberg, Mayor  
Pete Dailey, Vice Mayor  
Neysa Fligor, Councilmember  
Lynette Lee Eng, Councilmember  
Sally Meadows, Councilmember*

**CALL MEETING TO ORDER** – Jonathan D. Weinberg, Mayor, called the meeting to order at 7:00 p.m.

**ESTABLISH QUORUM** – Pursuant to AB2449, **Sally Meadows, Councilmember**, requested to attend the meeting remotely due to a medical issue.

During the Special Meeting of November 12, 2024 at 5:30 p.m., there was a motion by Fligor and Second by Lee Eng to approve the remote attendance of Councilmember Meadows. **Motion carried unanimously by roll call vote.**

**PLEDGE OF ALLEGIANCE** – **Neysa Fligor, Councilmember**, led the Pledge of Allegiance.

**REPORT ON CLOSED SESSION**

There was no Closed Session meeting.

**CHANGES TO THE ORDER OF THE AGENDA**

There were no changes to the order of the agenda.

**SPECIAL ITEMS**

Receive Presentation from Los Altos Mountain View Community Foundation

**Crysta Krames, Executive Director**, provided the presentation.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

The following members of the public spoke during Public Comment:

- Tim
- Carolyn Biglow
- Lam Lenguyen
- Bill Bassett

**CONSENT CALENDAR**

The following member of the public spoke regarding Item 9 of the Consent Calendar:

- Don Weiden

**Jonathan D. Weinberg, Mayor**, pulled Items 2 and 9 for further discussion.

**Lynette Lee Eng, Councilmember**, pulled Items 4 and 8 for further discussion.

The Mayor moved Item 8 to after the Consent Calendar and Items 2, 4 and 9 after Item 20 on the agenda.

Motion by Dailey and Second by Fligor to approve the Consent Calendar, excluding Items 2, 4, 8 and 9. **Motion carried unanimously by roll call vote.**

1. Approve the Special and Regular Meeting Minutes of October 22, 2024
3. Authorize the City Manager to execute an agreement with Sun Ridge Systems for a computer aided dispatch system for the Tri-Cities Consortium in the amount not to exceed \$257,182.43 for the City of Los Altos' portion. This will include implementation plus Year 1 of support/maintenance (\$182,201.77) and 4 more years of maintenance/support for a term of five (5) years; find the Council's action exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15301(c), and that none of the circumstances in the CEQA guidelines
5. Approve the updated Conflict of Interest Code and Adopt a Resolution updating the Los Altos Conflict of Interest Code for staff and commissioners pursuant to the Political Reform Act of 1974
6. The City Council to reject all bids and terminate the contract awarded to APS Environmental, Inc. for the Sanitary Sewer Video Inspection, Project WW-01011, in the amount of \$303,396.76, and direct City staff to rebid the project, and find the Council's action exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301(b), and that none of the circumstances stated in CEQA Guidelines Section 15300.2 applies
7. Authorize the City Manager to execute Amendment No. 3 on behalf of the City with AIM Engineering Consultants, Inc. in the amount of \$13,740 for professional consulting services for various transportation engineering tasks to the original contract on behalf of the city and find the Council's action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidance Section 15300.2 applies.
10. Three (3) separate City Council actions:

Adopt a Resolution approving an Amended CHAC Joint Powers Agreement and authorizing the City Manager to execute the Amended CHAC Joint Powers Authority Agreement; and

Designate signature authority for the Agency to provide written consent to dissolve the JPA once its remaining obligations are satisfied and provide written notice to CHAC of the designated representative; and

Appoint Assistant City Manager Jon Maginot as the Los Altos Representative to the CHAC Board for the wind up, dissolution, and maintenance of on-going obligations

11. Authorize the City Manager to execute the Subdivision Improvement Agreement and approve Parcel Map of 440 1st Street and find that the proposed amendments are exempt from environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines since it is consistent with the City's General Plan and Zoning Code.
12. Adopt a Resolution approving Contract Amendment 1 with Beauchaine Consulting Group, LLC in the amount of \$250,000 for the Tyler ERP Implementation Project for a total contract not to exceed \$340,000
13. Adopt a Resolution allocating additional funding in the amount of \$100,000 into the Executive Department of FY2024-25 Operating Budget for fire protection services review.
14. Approve the resolution to adopt the Los Altos age friendly action plan that will be submitted to the American Association of Retired Persons (AARP) and the World Health Organization (WHO) for final approval.
15. Adopt a Resolution of the City Council of the City of Los Altos Declaring Weeds, Brush and/or Rubbish on Certain Described Properties to be a Public Nuisance and find that this action is exempt from environmental review pursuant to Section 15301(h) of the California Environmental Quality Act (CEQA) Guidelines.
16. Adopt a Resolution entering into a Side Letter Agreement with the Los Altos Peace Officer Association to extend the existing Memorandum of Understanding for an additional two years.
17. Adopt a Resolution Amending the FY2024-25 CIMMP Budget increasing Capital Improvement and Major Maintenance Program Project expenditures by \$2,676,752.
18. Receive and file the City's Treasurer's Report for the month ending September 30, 2024

## DISCUSSION ITEM

8. Adopt an ordinance to amend the Los Altos Municipal Code by adding Sections 2.04.070 through 2.04.100 to Chapter 2.04, which provide for the election of members of the City Council by five districts, establish the boundaries, identification numbers, the election order of each district, and establishing a residency requirement to seek a Council seat from each district, and related actions

**Lynette Lee Eng, Councilmember**, explained why she requested to pull the item for further discussion.

Motion by Weinberg and Second by Lee Eng to waive second reading adopt by title only, an ordinance to amend the Los Altos Municipal Code by adding Sections 2.04.070 through 2.04.100 to Chapter 2.04, which provide for the election of members of the City Council by five districts, establish the boundaries, identification numbers, the election order of each



district, and establishing a residency requirement to seek a Council seat from each district, and related actions. **Motion carried unanimously by roll call vote.**

*This item was moved from the Consent Calendar.*

## **PUBLIC HEARINGS**

- 19.** Introduce and waive first reading considering the Los Altos Planning Commission October 17, 2024, unanimous recommendation on the proposed ordinance which includes the addition of Chapter 14.01 and 14.81 and amending Chapter 14.02 of the Los Altos Municipal Code and find that the proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines

**Nick Zornes, Assistant City Manager of Land Use**, presented the report.

**Jonathan D. Weinberg, Mayor**, opened the Public Hearing.

There were no speakers during the Public Hearing.

**Jonathan D. Weinberg, Mayor**, closed the Public Hearing.

Motion by Weinberg and Second by Meadows to introduce by title only, and waive first reading considering the Los Altos Planning Commission October 17, 2024, unanimous recommendation on the proposed ordinance which includes the addition of Chapter 14.01 and 14.81 and amending Chapter 14.02 of the Los Altos Municipal Code and find that the proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. **Motion carried unanimously by roll call vote.**

## **DISCUSSION ITEMS**

- 20.** Discuss Theater Capital Campaign Analysis Update and Request for Funding from City

**Vicky Reeder, President of Los Altos Stage Company**, presented the report.

The following members of the public spoke regarding the item:

- Scott Hunter
- Anne Paulson
- Abby Ahyens
- Mark Rogge
- Penny Lave
- Raashina Humayun

The City Council directed staff to explore bringing in a fundraising expert to explore fundraising for a new Downtown Theater.

The City Council took a recess at 9:00 p.m.

The City Council reconvened at 9:10 p.m.

**2. Adopt the 2025 City Council Meeting Schedule**

**Jonathan D. Weinberg, Mayor**, explained why he requested to pull the item for further discussion.

The Council amended the calendar to cancel the regular meeting of September 23, 2025 due to a holiday conflict and replace the meeting with a special meeting on September 30, 2025 at 7:00 p.m. The City Council also added a meeting on November 18, 2025 and December 2, 2025.

Motion by Weinberg and Second by Dailey by to adopt the 2025 City Council meeting schedule, as amended. **Motion carried unanimously by roll call vote.**

*This item was moved from the Consent Calendar.*

**4. Adopt a Resolution adopting a materiality Threshold for GASB No. 87 Leases and GASB No. 96 SBITAS**

**Lynette Lee Eng, Councilmember**, explained why she requested to pull the item for further discussion.

Motion by Lee Eng and Second by Fligor to adopt a resolution adopting a materiality Threshold for GASB No. 87 Leases and GASB No. 96 SBITAS. **Motion carried unanimously by roll call vote.**

*This item was moved from the Consent Calendar.*

**9. Four (4) separate actions for City Council consideration:**

Adopt an Ordinance of the City Council of the City of Los Altos Amending Chapter 6.40, to Title 6 Health and Safety of the Los Altos Municipal Code for Regulations on Reusable Bags and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Polystyrene Foam Disposable Food Service Ware Ordinance, Chapter 6.44 of the Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Single-use Foodware Accessories and Condiments Ordinance, Chapter 6.45 of the

Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Amending the Los Altos Municipal Code, by Adding Chapter 6.42 Titled Regulations on Disposable Foodware and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970

**Jonathan D. Weinberg, Mayor**, explained why he requested to pull the item for further discussion.

Motion by Weinberg and Second by Dailey to continue consideration of an Ordinance of the City Council of the City of Los Altos amending Chapter 6.40, to Title 6 Health and Safety of the Los Altos Municipal Code for Regulations on Reusable Bags; an Ordinance of the City Council of the City of Los Altos repealing in its entirety the Polystyrene Foam Disposable Food Service Ware Ordinance, Chapter 6.44 of the Los Altos Municipal Code; an Ordinance of the City Council of the City of Los Altos repealing in its entirety the Single-use Foodware Accessories and Condiments Ordinance, Chapter 6.45 of the Los Altos Municipal Code; and an Ordinance of the City Council of the City of Los Altos amending the Los Altos Municipal Code, by adding Chapter 6.42 Titled Regulations on Disposable Foodware to the regular meeting of December 10, 2024. **Motion carried unanimously by roll call vote.**

*This item was moved from the Consent Calendar.*

#### **INFORMATIONAL ITEMS ONLY**

*There will be no discussion or action on Informational Items*

21. Woodland Library Patio Update
22. Tentative Council Calendar and Housing Element Update Implementation Calendar
23. New California Attorney General Opinion Regarding Brown Act and Remote Meetings

#### **COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS**

None.

**ADJOURNMENT** – The regular meeting adjourned at 11:31 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of December 10, 2024.

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Jonathan D. Weinberg  
Mayor

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Melissa Thurman, MMC  
City Clerk

The November 12, 2024 City Council meeting recording may be viewed via the following external website: <https://www.youtube.com/@CityofLosAltosCA>

The City of Los Altos does not own or operate YouTube. The video referenced on these minutes were live at the time the minutes were published.



# City Council Agenda Report

**Meeting Date:** December 10, 2024  
**Prepared By:** Melissa Thurman, City Clerk  
**Approved By:** Gabriel Engeland, City Manager

**Subject: Adopt a Resolution accepting the Certification of Election Results from the Santa Clara County Registrar of Voters for the November 5, 2024 General Municipal Election**

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**COUNCIL PRIORITY AREA**

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

**RECOMMENDATION**

Adopt a Resolution accepting the Certification of Election Results from the Santa Clara County Registrar of Voters for the November 5, 2024 General Municipal Election.

**FISCAL IMPACT**

Not Applicable.

**ENVIRONMENTAL REVIEW**

Not Applicable.

**PREVIOUS COUNCIL CONSIDERATION**

Not Applicable.

**BACKGROUND**

The California State Elections Code Section 15400 *et seq.* requires the City to declare elected the person (or persons) having the highest number of votes for office as well as the results of all City ballot measures, if any. An election was held on November 5, 2024 to fill three seats on the City Council.

**ANALYSIS**

The Santa Clara County Registrar of Voters completed the canvass of returns and has counted the ballots cast.

Council Election

A total of 37,351 votes were counted as of December 5, 2024 (voters were allowed to cast up to 3 votes). The following details the results of the election:

<b>CANDIDATE</b>	<b>NUMBER OF TOTAL VOTES</b>	<b>NUMBER OF VOTES BY MAIL</b>	<b>NUMBER OF VOTES AT PRECINTS</b>	<b>% OF VOTES CAST</b>
Sally Meadows	9,786	9,156	630	26.20%
Jonathan D. Weinberg	8,771	8,221	550	23.48%
Larry Lang	7,772	7,139	633	20.81%
Ibrahim Bashir	7,200	6,552	648	19.27%
Eric Steinle	3,822	3,416	406	10.23%

**ATTACHMENTS**

- 1. Resolution
- 2. Certificate of Election Results



**RESOLUTION NO. 2024-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
RECITING THAT A REGULAR MUNICIPAL ELECTION WAS HELD IN THE  
CITY OF LOS ALTOS ON TUESDAY, NOVEMBER 5, 2024, CONFIRMING  
THE RESULTS OF THE CANVASS AND DECLARING THE RESULT**

**WHEREAS**, a General Municipal Election was held and conducted in the City of Los Altos, California on Tuesday, November 5, 2024, as required by law, for the purpose of filling three seats on the City Council; and

**WHEREAS**, notice of the election was given in time, form and manner as provided by law; and

**WHEREAS**, the Santa Clara County Registrar of Voters canvassed the returns of the election and has certified the results to the City Council.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby declares as follows:

That the canvass is confirmed, and that the following are the results of the canvass and of the election:

- A. That the total number of ballots cast in the City of Los Altos in the election is set forth in the Registrar of Voters’ Certificate of Election attached as Exhibit A;
- B. That the candidates for City Council who received the highest number of votes and have therefore been elected to full terms of four years each are:

Sally Meadows  
Jonathan D. Weinberg  
Larry Lang

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 10th day of December, 2024 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

Jonathan D. Weinberg, MAYOR

Attest:

\_\_\_\_\_  
City Clerk

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

I, Matt Moreles, Acting Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A General Election was held in the County of Santa Clara, for the **Councilmember**, on November 5, 2024 for the purpose of electing **one (1) full-term Member, City of Los Altos** to the Governing Board.
2. The official canvass of the returns of this election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.
3. The Statement of Votes Cast, now on file in my office and attached hereto, shows the number of votes for each candidate for the Councilmember of the **City of Los Altos** and in each of the precincts and that the total shown for each candidate are true and correct.

WITNESS my hand and Official Seal this 5<sup>th</sup> day of December 2024.



  
Matt Moreles, Acting Registrar of Voters

CERTIFICATE OF ELECTION

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

This certifies that, at the General Election held in and for the County of Santa Clara on November 5, 2024

**Sally Meadows**

was elected for the office of

**Councilmember, City of Los Altos**

as appears by the official returns of the election and the Statement of Votes Cast now on file in my office.

IN WITNESS WHEREOF, I, Matt Moreles, Acting Registrar of Voters of the County of Santa Clara, hereby issue this official Certificate of Election this 5th day of December 2024.



  
Matt Moreles, Acting Registrar of Voters

OATH OF OFFICE

Councilmember, City of Los Altos

STATE OF CALIFORNIA )
) ss.
COUNTY OF SANTA CLARA )

I, Sally Meadows, do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: \_\_\_\_\_
Person administering oath

(SEAL)

Title: \_\_\_\_\_

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

I, Matt Moreles, Acting Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

- 1. A General Election was held in the County of Santa Clara, for the **Councilmember**, on November 5, 2024 for the purpose of electing **one (1) full-term Member, City of Los Altos** to the Governing Board.
- 2. The official canvass of the returns of this election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.
- 3. The Statement of Votes Cast, now on file in my office and attached hereto, shows the number of votes for each candidate for the Councilmember of the **City of Los Altos** and in each of the precincts and that the total shown for each candidate are true and correct.

WITNESS my hand and Official Seal this 5<sup>th</sup> day of December 2024.



  
Matt Moreles, Acting Registrar of Voters



CERTIFICATE OF ELECTION

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

This certifies that, at the General Election held in and for the County of Santa Clara on November 5, 2024

**Jonathan D. Weinberg**

was elected for the office of

**Councilmember, City of Los Altos**

as appears by the official returns of the election and the Statement of Votes Cast now on file in my office.

IN WITNESS WHEREOF, I, Matt Moreles, Acting Registrar of Voters of the County of Santa Clara, hereby issue this official Certificate of Election this 5th day of December 2024.



  
Matt Moreles, Acting Registrar of Voters

OATH OF OFFICE

Councilmember, City of Los Altos

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

I, **Jonathan D. Weinberg**, do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

\_\_\_\_\_  
Signature

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, proved to  
me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: \_\_\_\_\_  
Person administering oath

(SEAL)

Title: \_\_\_\_\_

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

I, Matt Moreles, Acting Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

- 1. A General Election was held in the County of Santa Clara, for the **Councilmember**, on November 5, 2024 for the purpose of electing **one (1) full-term Member, City of Los Altos** to the Governing Board.
- 2. The official canvass of the returns of this election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.
- 3. The Statement of Votes Cast, now on file in my office and attached hereto, shows the number of votes for each candidate for the Councilmember of the **City of Los Altos** and in each of the precincts and that the total shown for each candidate are true and correct.

WITNESS my hand and Official Seal this 5<sup>th</sup> day of December 2024.



  
Matt Moreles, Acting Registrar of Voters

CERTIFICATE OF ELECTION

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

This certifies that, at the General Election held in and for the County of Santa Clara on November 5, 2024

**Larry Lang**

was elected for the office of

**Councilmember, City of Los Altos**

as appears by the official returns of the election and the Statement of Votes Cast now on file in my office.

IN WITNESS WHEREOF, I, Matt Moreles, Acting Registrar of Voters of the County of Santa Clara, hereby issue this official Certificate of Election this 5th day of December 2024.



  
Matt Moreles, Acting Registrar of Voters

OATH OF OFFICE

Councilmember, City of Los Altos

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

I, **Larry Lang**, do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

\_\_\_\_\_  
Signature

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, proved to  
me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: \_\_\_\_\_  
Person administering oath

(SEAL)

Title: \_\_\_\_\_



## City Council Agenda Report

**Meeting Date:** December 10, 2024  
**Prepared By:** Public Works Department  
**Approved By:** Gabe Engeland

**Subject:** Amendment No. 4 to Professional Services Agreement with NBS Government Finance Group, dba NBS for Annual Administration of the City of Los Altos’ Sewer Service Charge for FY 2025-26

---

### COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### RECOMMENDATION

Authorize the City Manager to execute Amendment No. 4 on behalf of the City with NBS in the amount of \$37,192.50 for the Sewer Rate Structure Analysis, Administration of Proposition 218 Process for FY 2024-28, and Annual Administration of the City of Los Altos’ Sewer Service Charge for FY 2025-26, and authorize the City Manager to execute amendments for two (2) additional years, which are exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15273 (Rates, Tolls, Fares, and Charges), and 15306 (Information Collection)

### FISCAL IMPACT

Amendment No. 4 is in the amount not-to-exceed \$37,192.50 with a total contract in the amount not-to-exceed \$189,897.59.

The following action will cost \$37,192.50 for the consultant’s services for the Annual Administration of the City of Los Altos’ Sewer Service Charge for FY 2025-26.

- Breakdown of funds to be used:
  - \$37,192.50 from Sewer Fund (8110-5270)
- Amount already included in the approved budget: Y
- Total budget requested is \$0

**ENVIRONMENTAL REVIEW**

The agreement amendment is categorically exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15273 (Rates, Tolls, Fares, and Charges), and 15306 (Information Collection).

**PREVIOUS COUNCIL CONSIDERATION**

April 12, 2022, and June 11, 2024

**DISCUSSION/ANALYSIS**

On May 13, 2022, the City entered into a Professional Services Agreement in the amount of \$100,455 with NBS for Sewer Rate Structure Analysis. NBS provided assistance to the City for the following services, which include but not limited to:

- The City of Los Altos performed a Sewer Rate Analysis and goes through the Proposition 218 process in FY 2022-23 to establish the annual sewer service charge rate for the next five years (FY 2023-24 through FY 2027-28).

On December 14, 2022, the City executed Amendment No. 1 in the amount of \$5,000 with NBS for an additional scope of work to cover the Public Engagement and Outreach Services for the City of Los Altos’ Sewer Services Charge.

On October 9, 2023, the City executed Amendment No. 2 in the amount of \$35,700 with NBS for an additional scope of work to cover the Annual Administration of the City of Los Altos’ Sewer Services Charge for FY 2024-25.

On June 18, 2024, the City executed Amendment No. 3 in the amount of \$11,550.09 with NBS for the Annual Sewer Service Charge Mailer for the Notice of Sewer Rates Adjustment for FY 2024-25.

Amendment No. 4 is for Year 3 (FY25-26) of the current 5-Year cycle of the Proposition 218 Process. This amendment is requested to provide additional funds to cover the annual administration of the City of Los Altos’ sewer services charge, that includes the annual sewer service charge mailer for the notice of sewer adjustment FY 2025-26. The services covered the cost of printing the mailers and the cost of postage. The amount of Amendment No. 4 is a not-to-exceed amount of \$37,192.50, which brings the final total contract amount to \$189,897.59.

**ATTACHMENT**

1. Resolution 2024-\_\_\_\_\_

**RESOLUTION NO. 2024-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 4  
TO PROFESSIONAL SERVICES AGREEMENT FOR SEWER RATE  
STRUCTURE ANALYSIS WITH NBS GOVERNMENT FINANCE GROUP (NBS)  
IN THE AMOUNT NOT-TO-EXCEED \$37,192.50**

**WHEREAS**, the Professional Services Agreement was executed with NBS, who was the consultant that provides the services to the City of Los Altos for the project; and

**WHEREAS**, the project, which consists of Sewer Rate Structure Analysis, Administration of Proposition 218 Process for FY 2024-28, and Annual Administration of the City of Los Altos’ Sewer Service Charge for FY 2025-26; and

**WHEREAS**, the project is categorically exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15273 (Rates, Tolls, Fares, and Charges), and 15306 (Information Collection).

**WHEREAS**, there are sufficient funds available in the Sewer Fund.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby:

1. Authorizes approval of Amendment No. 4 to the Agreement Between the City of Los Altos and NBS Government Finance Group. for the Sewer Rate Structure Analysis, Administration of Proposition 218 Process for FY 2024-28, and Annual Administration of the City of Los Altos’ Sewer Service Charge for FY 2025-26.
2. Authorizes the City Manager to execute amendments for two (2) additional years.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 10th day of December, 2024 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jonathan D. Weinberg, MAYOR



Attest:

---

Melissa Thurman, MMC,  
CITY CLERK



## City Council Agenda Report

**Meeting Date:** December 10, 2024  
**Prepared By:** Public Works Department  
**Approved By:** Gabe Engeland

**Subject:** Contract Amendment: Amendment No. 2 with Bear Electrical Solutions, Inc. in the amount of \$150,130.00.

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### COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### RECOMMENDATION

Authorize the City Manager to execute Amendment No. 2 on behalf of the City with Bear Electrical Solutions, Inc. in the amount of \$150,130.00 for maintenance services to the original contract on behalf of the city and find the Council’s action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidance Section 15300.2 applies.

### FISCAL IMPACT

The \$150,130.00 funds for Amendment No. 2 will be appropriated from the Capital Improvement and Major Maintenance Program, In-Road Light System Maintenance, Project No. TS-01057.

### ENVIRONMENTAL REVIEW

Categorically Exempt pursuant to CEQA Section 15301(c). It can be seen with certainty that the contract amendment will not pose a significant effect on the physical environment, and none of the circumstances in CEQA Guidelines Section 15300.2 applies.

### DISCUSSION/ANALYSIS

The Public Works Department is responsible for the maintenance and proper operation of traffic signs and streetlights in the City. For public safety, it is crucial to have properly operating traffic signals and lights, especially around for safe routes to school, a Council priority.

On July 27, 2023, the City of Los Altos entered into an agreement in the amount of \$78,816.00 with Bear Electrical Solutions, Inc. for FY2023/24 to provide maintenance services for traffic signal and streetlights. The City determined, through a request for proposal process, that the

contractor possessed the necessary skills, experience, and certifications required to provide services to the City. The scope of work included but is not limited to the following tasks: 1. Inventory and initial system health check, 2. Traffic signal quarterly maintenance checks, 3. Traffic signal annual maintenance checks, 4. Vehicle radar speed sign (RSS) quarterly maintenance checks, 5. Lighted crosswalk system quarterly maintenance checks, 6. Rectangular Rapid Flashing Beacons (RRFB) lighted crosswalk system quarterly maintenance checks, 7. Additional special services as needed, 8. On-call support services.

Due to numerous complaints from the public about malfunctioning lighted crosswalk signals, RRFBs, and radar speed signs the initial \$78,816.00 was expended rapidly. In order to continue to address additional complaints from the public, Staff requested additional funding from Council. The amendment was necessary to continue maintaining existing equipment to keep it operational or replacement it because it ceased to operate, and repair was not an option. On March 7, 2024, Amendment No. 1 was executed in the amount of \$186,205.00. The available funds were from the Annual Traffic Sign Replacement budget.

With the additional funding allocated by Council, in the past year, four malfunctioning lighted crosswalks were replaced with new RRFB crosswalk systems; two malfunctioning radar speed signs were replaced with new RSS systems; new traffic signal and pole at the intersection of San Antonio Road/W. Edith Avenue were installed; two pole foundation repairs were done for the lighted crosswalk signs at University Avenue/W. Edith Avenue and San Antonio Road/Lyell Street; new circuit boards and/or batteries were installed at several RSS and lighted crosswalks; repaired damaged/blocked conduit and installed new push buttons for the crosswalks at the intersection of Fremont Avenue/Miramonte Avenue; and retrofitted illuminated street signs at Grant Avenue/Covington Road to LED. Even though staff have been able to accomplish numerous repairs and replaced broken equipment, the number of requests and repairs/replacement requests from the public continues. As existing equipment ages, additional equipment will need to be repaired or replaced on top of our current list. Additional funding is needed for continued maintenance and/or replacement for malfunctioning lighted crosswalk signals, RRFBs, and radar speed signs.

**ATTACHMENT**

- 1. Resolution 2024-\_\_\_\_

**RESOLUTION NO. 2024-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2  
TO THE AGREEMENT WITH BEAR ELECTRICAL SOLUTIONS, INC. IN THE  
AMOUNT OF NOT TO EXCEED \$150,130 FOR MAINTENANCE SERVICES  
FOR TRAFFIC SIGNAL AND STREET LIGHTS**

**WHEREAS**, the CITY and CONTRACTOR entered into an agreement for maintenance services for traffic signal and street light maintenance services; and

**WHEREAS**, Bear Electrical Solutions, Inc. was awarded a contract in the amount of \$75,816 on July 27, 2023 and awarded Amendment No. 1 in the amount of \$186,205 on March 7, 2024; and

**WHEREAS**, Amendment No. 2 to Bear Electrical Solutions, Inc.’s contract will carry forth maintenance services; and

**WHEREAS**, there are sufficient funds available in the In-Road Light System Maintenance project budget.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos adopt a resolution to:

1. Authorize the City Manager to execute Amendment No. 2 with Bear Electrical Solutions, Inc. on behalf of the city for maintenance services.
2. The \$150,130 funds for Amendment No. 2 will be appropriated from the Capital Improvement and Major Maintenance Program, In-Road Light System Maintenance, Project No. TS01057.
3. Authorize the City Manager to take such further actions as may be necessary to implement the foregoing amendment, and

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 10th day of December, 2024 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jonathan D. Weinberg, MAYOR

Attest:

---

Melissa Thurman, MMC,  
CITY CLERK



## City Council Agenda Report

**Meeting Date:** December 10, 2024  
**Prepared By:** Public Works Department  
**Approved By:** Gabe Engeland

**Subject:** Design Agreement Award: FY 24-25 Annual Resurfacing Project to Sanbell in the amount of \$239,614.00

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### COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### RECOMMENDATION

Authorize the City Manager to execute an agreement with Sanbell (Formerly Bellecci & Associates) for the design of the FY 2024-2025 Annual Resurfacing Project in the amount of \$239,614.00 and authorize the City Manager to execute a change order not to exceed 10% (\$23,961.00) of the total contract amount on behalf of the City and find the Council’s action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidance Section 15300.2 applies.

### FISCAL IMPACT

In the FY24/25 annual budget, Council budgeted \$2,982,000 (TS-01001) for the Annual Street Resurfacing. The awarding of the design contract project to Sanbell (Formerly Bellecci & Associates) will not have an adverse impact on the project budget. The project is sufficiently funded, and no additional funding is anticipated.

### ENVIRONMENTAL REVIEW

Categorically Exempt pursuant to CEQA Section 15301(c). It can be seen with certainty that the execution of the agreement will not pose a significant effect on the physical environment, and none of the circumstances in CEQA Guidelines Section 15300.2 applies.

### PREVIOUS COUNCIL CONSIDERATION

Not Applicable.

**DISCUSSION/ANALYSIS**

Staff prepared a multi-year list of streets requiring resurfacing before they deteriorate beyond repair. The multi-year list of street resurfacing will cover fiscal years 2024 to 2028. The purpose of preparing a list of streets for multiple years is to provide a priority list and a long-term goal of maintaining the existing streets with anticipated annual funding revenue. The list was prepared based on the Council’s priority, emphasizing safe routes to school first, then the street classification, pavement condition index (PCI), and the need for maintenance and re-stripping streets. A complete list of streets was presented to the Complete Street Commission on September 25, 2024. At this meeting, the public and the Complete Street Commissioners had an opportunity to provide feedback on the proposed streets and the priority of the work. There was no opposition from the Commissioners or the public to the multi-year project list recommended by staff. The only comment received at the September 25<sup>th</sup> meeting was a request by the Complete Street Commissioners to implement recommendations that are outlined in the Complete Street Master plan that was approved by the Council on October 28, 2022.

On September 26, 2024, the staff requested a fee proposal from two (2) consultants currently on the city’s shortlist for civil engineering projects and tasks. The request is to prepare technical plans and specifications for the FY 24-25 Annual Street Resurfacing project. The proposed project locations are shown below:

<b>Street Name</b>	<b>Begin</b>	<b>End</b>	<b>Road Classification</b>	<b>Safe Route to School</b>	<b>Current PCI</b>
Springer Rd	Foothill	Berry Ave	Collector	Y	48
Springer Rd	Berry Ave	905 Berry Ave	Collector	Y/N	57
Laver Ct	St. Joseph Ave	End	Residential	N	44
Shelby Ln	End	Cuest Dr	Residential	N	42
Stoneheaven Dr	End	St. Matthew	Residential	Y	49
University Ave	Edith Ave	Burk Rd	Residential	Y	55
Loma Prieta Ct	Miramonte Ave	End	Residential	N	44
Alicia	Almond Ave	Jardin Ave	Residential	Y	54
Camellia Wy	End	Camellia Way	Residential	Y	48
Newcastle	Grant	Mortan	Residential	Y	51
New Castle	Mortan	Fremont	Residential	Y	56
Jay St	Clark Ave	El Monte Ave	Residential	N	40

The scope of work for the FY 24-25 Annual Streets Resurfacing Project is to mill and overlay various streets and address drainage issues on Loma Prieta Ct, unusual settlement of the cul-de-sac on Shelby Lane, upgrade existing curb returns at various locations to meet current American with Disability Act (ADA) requirements. The proposed streets will implement recommendations from the Complete Street Master Plan as much as possible. If the public resists implementation of the Complete Street Master Plan recommendation on a particular street, given the timeline of the project, that street may be dropped from the FY 24-25 Annual Street Resurfacing Project and may be addressed in the future.

Staff recommends awarding the contract to Sanbell (Formerly Bellucci & Associates) in the amount of \$239,614.00 based on the City’s past experience with the firm, their strong personnel experience, and their understanding of the project scope and challenge.

**ATTACHMENT**

- 1. Resolution 2024-\_\_\_\_\_



RESOLUTION NO. 2024-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF LOS ALTOS WITH SANBELL FOR THE FY 2024-2025 ANNUAL RESURFACING PROJECT**

**WHEREAS**, the City has selected Sanbell Consultant to provide professional engineering design services; and

**WHEREAS**, the FY 24-25 Council-approved CIP budget has adequate funding to fund the project; and

**WHEREAS**, Sanbell Consultant has negotiated an agreement for these services that requires City Council approval pursuant to the Los Altos Purchasing Policy.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos adopt, a resolution to:

1. Authorize the City Manager to execute the Agreement with Sanbell Consultant in an amount of \$239,614.00 and authorize the City Manager to execute a change order not to exceed 10% (\$23,961.00) of the total contract amount on behalf of the City for the design of the FY2024-2025 Annual Resurfacing Project.
2. Authorize the City Manager to take such further actions as may be necessary to implement the foregoing agreement, and

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 10<sup>th</sup> day of December 2024 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Pete Dailey, MAYOR

Attest:

\_\_\_\_\_  
Melissa Thurman, MMC  
CITY CLERK



## City Council Agenda Report

**Meeting Date:** December 10, 2024

**Prepared By:** Nick Zornes

**Approved By:** Gabe Engeland

**Subject: Zone Text Amendments for Zoning Definitions, Administration and Procedures.**

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### **COUNCIL PRIORITY AREA**

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### **RECOMMENDATION**

Adoption of Zone Text Amendments adding Chapter 14.01 and 14.81 and amending Chapter 14.02 of the Los Altos Municipal Code and find that the proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

### **FISCAL IMPACT**

Not Applicable.

### **ENVIRONMENTAL REVIEW**

The proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

### **PREVIOUS COUNCIL CONSIDERATION**

November 12, 2024.

### **BACKGROUND**

The Los Altos Municipal Code contains several rules and regulations as it relates to local land use controls, however, several provisions are contained within State Planning & Zoning law but not explicitly identified within the Zoning Code. Provisions such as Zoning definitions, and general administrative procedures do exist within the Zoning Code today, however they are not comprehensive.

### **ANALYSIS**

The Los Altos Municipal Code Title 14 (Zoning) provides the City with overall land use controls. Title 14 however does not contain comprehensive provisions and procedures for administration of

zoning. The lack of standard applicable procedures leaves the city staff to frequently deviate to State Planning & Zoning law, which is acceptable, however is not best practice or easily accessible to the public. The proposed amendments are allowed under State Planning & Zoning law and help to comingle the existing zoning regulations with necessary administrative procedures for transparency and consistency of the application of zoning.

Chapter 14.01 – Administration of Zoning

The proposed chapter is new, with most regulations not presently within the Zoning Code today. The proposed chapter will incorporate existing procedures and best practices into the code which include:

- Administration (authority and enforcement)
- Discretionary Applications (limit of one discretionary action at a time)
- Discretionary Application Review Procedures
- Expiration and Extensions (allowances for discretionary applications)
- Fees and Deposits (financial requirements for discretionary applications)
- Amendments and Modifications to Discretionary Permits
- Amendments to Land Use Documents (requests for Zone Text or General Plan Amendments)
- Preliminary Reviews
- Appeal Procedures (detailed appeal procedures for zoning)
- Revocation and Modifications (of discretionary applications)
- Administrative Modification of Standards (allowance and procedures for administrative modification procedures or relief from certain zoning provisions)
- Public Notice Requirements
- Indemnification of City of Los Altos
- Public Projects
- No relief from other provisions (statement of requirements)

Chapter 14.02 – Definitions

The proposed chapter is existing, with most regulations present today within the Zoning Code. The proposed chapter incorporates several missing definitions which are necessary for continued consistent application of the code.

Chapter 14.81 – Variance

The proposed chapter is new, with most regulations not presently within the Zoning Code today. The proposed chapter will incorporate existing procedures and best practices into the code which include:

- Applicability
- Submittal Requirements and Review
- Findings and Decision
- Conditions of approval/guarantees
- Precedents
- Runs with the Land (statement of entitlement continuation)

**ATTACHMENTS**

- 1. Draft Ordinance**
- 2. Appendix A – Administration of Zoning**
- 3. Appendix B – Definitions**
- 4. Appendix C – Variance**

**ORDINANCE NO. 2024-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 14.02 AND ADDING CHAPTER 14.01 AND 14.81 OF THE LOS ALTOS MUNICIPAL CODE**

**WHEREAS**, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

**WHEREAS**, the City Council held a duly noticed public hearing on November 12, 2024, and December 10, 2024; and

**WHEREAS**, the adoption of this ordinance helps to provide clear process and procedures within the Los Altos Municipal Code for the Administration of Zoning; and

**WHEREAS**, the amendments was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended; and

**NOW, THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CHAPTER 14.01 OF THE MUNICIPAL CODE.** Chapter 14.01 of the Los Altos Municipal Code is hereby added as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion.

**SECTION 2. AMENDMENT OF CHAPTER 14.02 OF THE MUNICIPAL CODE.** Chapter 14.02 of the Los Altos Municipal Code is hereby amended as set forth in Appendix B to this Ordinance, underline indicating addition, strikethrough indicating deletion.

**SECTION 3. AMENDMENT OF CHAPTER 14.81 OF THE MUNICIPAL CODE.** Chapter 14.81 of the Los Altos Municipal Code is hereby added as set forth in Appendix C to this Ordinance, underline indicating addition, strikethrough indicating deletion.

**SECTION 4. CONSTITUTIONALITY; AMBIGUITIES.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

**SECTION 5. PUBLICATION.** This Ordinance shall be published as provided in Government Code Section 36933.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

**I HEREBY CERTIFY** that the foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on November 12, 2024, and was thereafter, at a regular meeting held on December 10, 2024, passed, and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Jonathan D. Weinberg, MAYOR

Attest:

\_\_\_\_\_  
Melissa Thurman, MMC, CITY CLERK

**APPENDIX A**  
**CHAPTER 14.01**

**APPENDIX B  
AMENDMENTS TO CHAPTER 14.02**



**APPENDIX C  
AMENDMENTS TO CHAPTER 14.81**

**CHAPTER 14.01**

**ADMINISTRATION OF ZONING**

**14.01.010 Intent and Purpose.**

The intent and purpose of this Chapter is to establish regulations for the effective and efficient implementation of this Code. This Chapter contains the procedures for the interpretation of the Code, criteria for acceptance of applications for ministerial, administrative, and discretionary actions, standards for processing of applications and requirements for the notice and conduct of public hearings. This Chapter will work to the benefit of all in the community by providing for the comprehensive management and implementation of this Code.

**14.01.020 Administration.**

- A. Designation and Authority of Zoning Administrator.**
  - 1. The Development Services Director shall serve as the Zoning Administrator for the City of Los Altos. The Development Services Director may designate the Development Services Deputy Director to serve as the Zoning Administrator in their absence.
  - 2. The Zoning Administrator is hereby charged with the duty of providing interpretations of the Zoning Code.
  - 3. The interpretations of the Zoning Administrator are subject to the adopted land use regulations of the City of Los Altos and all federal and state laws.
  - 4. The Zoning Administrator shall resolve any inconsistencies and conflicts within Title 14 of the Los Altos Municipal Code to ensure adherence to the purpose and intent of this code is implemented.
  - 5. The Zoning Administrator shall have the authority to refer any discretionary application to the Planning Commission for consideration when it is determined necessary.
  
- B. Designation and Authority of Planning Commission.**
  - 1. The Planning Commission designation and authority shall be the same as contained within Chapter 2.08 of the Los Altos Municipal Code.
  
- C. Enforcement of this Code.**
  - 1. When any use or structure is found to be in violation of the provisions of this Code, the Zoning Administrator may refer the violation to the City Attorney to commence appropriate civil, administrative, or criminal proceedings for the discontinuation or removal of the illegal use or structure in the manner prescribed by law.
  
- D. Investigation or Inspection of Property.**

1. Any authorized city official may enter any premises, building, or structure at any reasonable hour, after either obtaining the consent of the owner or other responsible individual or pursuant to an inspection warrant, for investigation or inspection of such premises, building, or structure to determine whether said building, premises, or structure is in violation of this Code. Any person who denies, prevents, obstructs or attempts to deny, prevent, or obstruct such access pursuant to an inspection warrant is guilty of a misdemeanor.

E. Penalty for Violation of the Code.

1. Penalty for violation of the Code is described in Los Altos Municipal Code, Title 1 Chapter 1.20 and 1.30.

**14.01.030 Discretionary Applications.**

Submittal of Discretionary Applications for review by the City of Los Altos shall be limited to one (1) project per site at any one time. Subsequent discretionary applications may be applied for however, multiple separate discretionary applications are not allowed until completion, or withdrawal of a prior request.

**14.01.040 Discretionary Application Review Procedures.**

- A. Upon submittal of a development application by an applicant, in accordance with the Permit Streamlining Act, the Development Services Department shall have thirty (30) days to review the development application to determine if the application is complete. Prior to the end of that thirty (30) day period, the City shall notify the applicant in writing of any deficiencies in the application which make the application incomplete. This provision shall not apply to legislative actions by the City.
- B. If an applicant is notified in writing that a development application is incomplete, the applicant shall have (180) days from the date of notification to revise and resubmit the application. If the applicant fails to revise and resubmit the application within the said (180) day period, the application shall be deemed withdrawn. Thereafter, a resubmittal of an application for the same site shall constitute a new development application subject to the payment of new fees and commencing a new timeline for City action on the project.
- C. The Zoning Administrator, at their sole discretion, upon written request by the applicant prior to the end of the (180) day period may provide a one-time extension of sixty (60) days.
- D. The Zoning Administrator or their designee may send a courtesy notice to the applicant that if an incomplete application is not rectified by the submittal of additional information necessary to make the application complete, that the application will be deemed to be withdrawn. However, this notice is strictly a courtesy to an applicant and failure by the City to send, or the applicant to receive such notice shall not operate to negate the effective withdrawal of the application.

- E. When a final action on any given application is a denial and conditions surrounding that application have not substantially changed, the Zoning Administrator shall reject any new applications for any identical or substantially similar proposal for a period of twelve (12) months from the final action date on the original application. There shall be no limitation on subsequent applications for a site on which a project was denied without prejudice.
- F. The provisions of Government Code Section 65920 are applicable to City actions in processing development applications but are not applicable to legislative actions of the City.

**14.01.050 Expiration and Extensions.**

- A. Expiration. Unless otherwise approved in the conditions of approval, any planning permit or entitlement shall expire in two (2) years if the project has not been established on the site.
  - 1. If the project authorized by the permit or entitlement has not been established within the required time, and a time extension is not granted, the permit shall expire and be deemed void without any further action by the city.
  - 2. An approved project shall be deemed to have been established when: a building permit has been issued; an approved use that does not require construction has commenced; a map required by the Subdivision Map Act related to the project has been filed and recorded.
- B. Extensions. A discretionary permit may be extended in accordance with the following provisions:
  - 1. An application, consisting of a written letter requesting an extension, shall be submitted a minimum of 30 days prior to the expiration date of the subject discretionary permit. Request for extension shall be denied if received after the expiration date.
  - 2. A fee, in accordance with the annual fee resolution adopted by the City Council shall be submitted with the letter.
  - 3. The Zoning Administrator may administratively grant a one-time extension for a maximum of twelve (12) months.
  - 4. A request for extension may be approved, conditionally approved or denied. An action to conditionally approve or deny a request for extension may be based on the existence of new requirements or standards which were not in effect at the time of the original approval. Such requirements or standards may be contained in the City's Zoning Code or in the Municipal Code, including the Health, Safety and Building Codes.
  - 5. While the discretionary permit is deemed active during the consideration of an extension request, if the expiration date has passed, the permit may not be implemented unless and until the extension request has been approved.

**14.01.060 Fees and Deposits.**

- A. Filing Fees and Deposits.**
  - 1. Each applicant for an Amendment, Zone Changes, Conditional Use Permit, Variance, Design Review Permit, or other entitlement or relief provided for in this Code shall pay the fees and costs established by Resolution of the City Council upon the filing of an application such entitlement or relief. Said Resolution may be periodically amended by resolution to reflect the cost of processing such applications.**
  - 2. An application shall not be accepted until all required fees have been paid.**
- B. Waiver of Fees.** The City Council may provide for the reduction of filing fees that have been established by Resolution of the City Council. City-sponsored applications shall be exempt from the payment of processing fees.
- C. Refunds.** The following provisions apply when full payment has been made for an application or when an application is withdrawn:
  - 1. If any application is withdrawn within thirty (30) days from the date the application is filed, the City shall refund 50% of the fees paid. This provision shall not apply to any required consultant services provided for the application review and paid by deposit or reimbursement to the City.**
  - 2. If any application is withdrawn after thirty (30) days from the date the application is filed, the City shall refund 25% of the fees paid. This provision shall not apply to any required consultant services provided for the application review and paid by deposit or reimbursement to the City.**
  - 3. No refund shall be made after the notice of hearing has been published.**
  - 4. If the application fee is a deposit based on an hourly rate, the refund will be the difference between the time expended by the City and the amount of the deposit.**

**14.01.070 Amendment and Modifications to Discretionary Permits.**

An approved discretionary permit may be amended or modified if the amendment is found to further the purposes of the Zoning Code and applicable State law(s). An amendment request shall be filed prior to the expiration date of the previously approved permit. The Zoning Administrator make one of the following determinations regarding the request:

- A. Minor Amendments.** If requested amendments are found to be minor in nature and in substantial conformance with the prior discretionary approval by the Zoning Administrator, the amendments may be approved administratively.
- B. Major Amendments.** If the Zoning Administrator determines that the requested amendments are significant enough to require a discretionary review, then the amendments shall be referred to the original decision-making authority. If the original application for the project required a public hearing, then the original decision-making authority's review of amendments shall require a public hearing in accordance with Title 14 of the Los Altos Municipal Code.

**14.01.080 Amendments to Land Use Documents.**

- A. Scope of Amendments.** Amendments may be proposed to change zoning districts, modify district boundaries or to revise the provisions of Title 14 to add, remove, or modify regulations. Amendments may be filed to add, remove, or modify the goals and policies of the General Plan or to change the land use designations therein.
- B. Amendment Initiation.** Legislative action such as, General Plan Amendments, Zone Change Amendments, and Zone Text Amendments and may only be initiated by the City Council, or Zoning Administrator and implemented by adoption of a Resolution or Ordinance of the City Council.

- 1. Any person who can demonstrate an ownership interest in real property located within the City of Los Altos may request General Plan Amendment(s), Zone Change Amendment(s), and Zone Text Amendment(s) to the Zoning Administrator. The request shall be:**
    - a. Provided in writing to the Zoning Administrator. The Zoning Administrator will review said request and may require additional information to understand the potential impacts associated with the request.**
    - b. The Zoning Administrator will take the written request to the City Council for consideration. The request shall be:**
      - i. Authorized or denied to submit a formal application for formal consideration.**

- C. General Plan Amendments.**
  - 1. Frequency of Amendments.** No mandatory Element of the General Plan shall be amended more frequently than four (4) times during any calendar year.
  - 2. Planning Commission Recommendation.** The Planning Commission shall hold at least one (1) public hearing and make a recommendation on the adoption of an amendment to the General Plan. The Planning Commission shall forward its recommendation to the City Council.
  - 3. Public Hearing.** A General Plan Amendment requires at least one (1) public hearing before the City Council.
  - 4. Amendment by Resolution.** The City Council shall adopt amendments to the General Plan and General Plan Land Use Map by Resolution. The City Council may approve, modify, or disapprove the recommendation of the Planning Commission.

- D. Zoning Code Amendments.**
  - 1. Types of Amendments.** There are two types of amendments to the Zoning Code including:
    - a. Zone Text Amendment — a revision, correction, addition or modification to the text of the Zoning Code, including changes to development standards, use regulations or procedures.**

- b. Zone Change — a change to the zoning designation of a property or properties on the Zoning Map.
  - 2. Planning Commission Recommendation. The Planning Commission shall hold at least one (1) public hearing and make a recommendation on the adoption of a Zone Text Amendment or Zone Change. The Planning Commission shall send its recommendation to the City Council.
  - 3. City Council Consideration. The City Council shall hold at least one (1) public hearing for any Zone Text Amendment or Zone Change. The City Council may approve, modify, or disapprove the recommendation of the Planning Commission.
    - a. Amendment by Ordinance. The City Council shall adopt amendments to the Zoning Code or Zoning Map by Ordinance.

**14.01.090 Preliminary Reviews.**

A preliminary review is a request for a pre-submittal evaluation of a project. A preliminary review is not required; however, it is encouraged complex changes in development or land use. The preliminary review will assess the site and architectural design of the proposed project. In addition, this review will consider General Plan consistency, development standards, and land use compatibility. The objective of this exercise is to provide the applicant with a sense of the issues that need to be addressed in the formal application. The preliminary review process is not intended and cannot be used as a process to determine the ultimate decision on the formal application. Information gathered through this process can be used to determine whether a formal application should be filed.

- A. Review Levels. There are two levels of preliminary review available to a prospective applicant, described as follows:
  - 1. Staff Level Review. Staff level review involves an informal assessment of the proposed project by the Development Services and Public Works Staff. This review provides the applicant with an opportunity to receive preliminary comments from the departments who will ultimately make recommendations on a formal application. Staff will provide written comments on the preliminary review.
  - 2. Planning Commission Review. Preliminary review by the Planning Commission is a more formal option available to the applicant. This process is more appropriate for projects which may involve more significant issues of sensitivity or compatibility, or qualitative interpretations of City policy. Through this process, a brief assessment will be prepared by staff to identify the issues pertinent to the proposed project. The applicant will have the opportunity to present the proposal directly to the Planning Commission. Preliminary reviews are considered by the Planning Commission as a Discussion Item at a regular meeting. The Planning Commission is legally limited in the type and amount of

input they can provide at this level. Typically, comments are focused on the identification of potential issues which may be raised during consideration of a formal submittal. General feedback on how key issues or policies might apply to the project may also be provided.

- B. Fees. Accompanied by the payment of a filing fee in such amount as established from time to time by resolution of the City Council.
- C. Submittal Requirements.
  - 1. Electronic plans shall be submitted and include a site plan, floor plan(s), building elevation(s), and any other relevant exhibits.
  - 2. Written project proposal explanation to describe the intended development use, function of the site, and its compliance with the General Plan and Zoning Standards or its reliance on any State law(s).

**14.01.100 Appeal Procedures.**

- A. Decisions May Be Appealed.
  - 1. Any decision rendered under regulations contained within Title 14 of the Los Altos Municipal Code by the Development Services Department staff (administrative discretion) may be appealed by the applicant, or property owner or resident of property within a (300) foot radius of the subject property. Appeals of decisions by the Development Services Department staff (administrative discretion) shall be heard by the Zoning Administrator; the decision of the appeal by the Zoning Administrator shall be final.
  - 2. Any decision rendered under regulations contained within Title 14 of the Los Altos Municipal Code by the Zoning Administrator may be appealed by the applicant, or property owner or resident of property within a (300) foot radius of the subject property. Appeals of decisions by the Zoning Administrator shall be heard by the Planning Commission; the decision of the appeal by the Planning Commission shall be final.
  - 3. Any decision rendered under regulations contained within Title 14 of the Los Altos Municipal Code by the Planning Commission may be appealed by the applicant, the City Council, any property owner or resident of property within a (300) foot radius of the subject property. Appeals of decisions by the Planning Commission shall be heard by the City Council; the decision of the appeal by the City Council shall be final.
- B. Appeal Contents and Filing Procedures. Appeals must:
  - 1. Be made no later than fourteen (14) calendar days after the rendering of the decision being appealed; and
  - 2. Be filed in-person with the City Clerk; and
  - 3. Be filed in writing and clearly identifying the determination or decision from which the appeal is taken and stating the grounds for the appeal, and



- a. Appeals of a housing development shall only be allowed and based on objective standards consistent with state law.
  - 4. Accompanied by the payment of a filing fee in such amount as established from time to time by resolution of the City Council.
- C. Notice of Appeal Hearings. Notice of an appeal hearing shall conform to the same public hearing notice requirements of the project being appealed. The appellant shall be responsible for all noticing materials required in the original application.
- D. Date of Appeal Hearings. The date of an appeal hearing shall be determined by the chair of the hearing body.

**14.01.110 Revocations and Modifications.**

- A. Revocation or Modification of Entitlements. The Zoning Administrator or Planning Commission, on its own motion or by direction from the City Council, may recommend, and the City Council may approve the revocation and/or modification of any previously approved application or granted entitlement, after holding a properly noticed public hearing on the matter where any of the following findings are made:
  - 1. That the approved application or entitlement was obtained by fraud; or
  - 2. That the approved application or entitlement is not being exercised; or
  - 3. That the approved application or entitlement has ceased or has been suspended for a period of time and is causing detriment to the public health, safety and welfare or constitutes a public or private nuisance; or
  - 4. That the use for which the approved application or entitlement was granted or permitted is being or has been operated or used contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law, or regulation; or
  - 5. If any provision of an approved application or entitlement is held or declared invalid, the approved application or entitlement shall be void and all privileges granted thereunder shall lapse.
- B. Notice of Action.
  - 1. Notice of the action taken by the City Council at a hearing for a revocation or modification of an approved application or entitlement shall be sent by certified mail, return receipt requested, to the person owning and operating the property, structure, or use.
  - 2. Notification of the action by the City Council shall be made by serving a notice in the manner required by law.
- C. Effective Date of Revocations and Modifications. An order by the City Council revoking or modifying an entitlement shall become effective immediately.

**14.01.120 Administrative Modification of Standards.**

- A. Intent and Purpose. Standards may be administratively modified by the Zoning Administrator to permit development on property, which is constrained due to lot size, shape, location, access restrictions, physical constraints or other constraints.

Administrative modifications are used only when deviations from Code standards are truly minor, and no potential impact will occur to the health, safety or general welfare of adjacent persons or properties will occur.

- B.** Authority of the Zoning Administrator. The Zoning Administrator shall have the authority to approve, conditionally approve, or deny an application for an administrative modification pursuant to the following limitations:
  - 1.** Reduction of required lot area, minimum floor area, setbacks, courts or open areas, landscaped areas, wall or fence heights, distance between buildings or size and location of parking spaces required by the Zoning Code, reductions shall not be greater than 10% of the standard being modified.
- C.** Procedure for Administrative Modifications.
  - 1.** The Development Services Department shall review the application and shall determine whether the application is complete and whether the application qualifies as an administrative modification within thirty (30) days of the application date.
  - 2.** An administrative modification of standards shall be processed as a Design Review Permit reviewed by the Zoning Administrator.
  - 3.** Notice of the administrative modification shall be provided to property owners within a (300) foot radius of the subject site and shall be considered at a regular meeting of the Zoning Administrator.
- D.** Administrative Modifications Allowance. Only one (1) Administrative Modification of Standards shall be granted per property within the City.

**14.01.130 Public Notice Requirements.**

Unless otherwise specified, the following Public Notice Requirements shall be required of any discretionary application required by Title 14. In the event that there are two public notice requirements which are in conflict, the more stringent notice requirements shall be required.

- A.** Notice of public meetings before the zoning administrator, planning commission, or city council shall be provided pursuant to Government Code Section 65091. Notice of public meetings shall be given at least ten (10) days prior to the date of the meeting by all the following methods:
  - 1.** Mailing of notices via first-class mail to all property owners within three hundred (300) feet of the project site at the mailing address on record with the county assessor; and
  - 2.** Posting of a notice on the project site in accordance with the standards set by the development services director; and
  - 3.** All meetings before the planning commission and/or city council conducted under this section, excluding study sessions, shall be noticed separately and conducted as public hearings and shall satisfy all notification requirements

applicable to public hearings, including a notice published in a newspaper of general circulation within the city.

**14.01.140 Indemnification of City of Los Altos.**

Except as otherwise provided by law, an applicant who receives a permit, license, entitlement, or other approval pursuant to Title 14 of the Los Altos Municipal Code shall defend, indemnify, and hold harmless the City of Los Altos and its officials and employees in any action brought by a third party to overturn, set aside, or void such permit, license, entitlement, or approval. This duty to defend, indemnify, and hold harmless the City of Los Altos and its officials and employees is a condition of approval of all such permits, entitlements, licenses and approvals whether or not expressly set forth in such permit, license, entitlement, or approval.

**14.01.150 Public Projects.**

Notwithstanding any other lawful exemptions to zoning regulations, the provisions of this title shall not apply to any buildings, improvements, lots or premises, owned, leased, operated or controlled by the City or any City Project for public purposes by the City of Los Altos.

**14.01.160 No relief from other provisions.**

Except as otherwise specifically provided, no provision of this zoning ordinance shall be construed as relieving any party to whom a discretionary approval is issued from any other provision, ordinance, rule or regulation of the City requiring a license, franchise, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, use or structure(s).

**Chapter 14.02 ~~GENERAL PROVISIONS AND~~ DEFINITIONS**

**Sections:**

***Article 1. General***

**14.02.010 Short title.**

~~This chapter shall be known and cited as the "zoning regulations of the city."~~

**14.02.020 Purpose.**

~~There is hereby adopted a precise zoning plan for the city. The zoning plan is adopted in order to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the zoning plan is adopted in order to achieve the following objectives:~~

- ~~A. To guide community growth along sound lines;~~
- ~~B. To ensure a harmonious, convenient relationship among land uses;~~
- ~~C. To promote a safe, workable traffic circulation system;~~
- ~~D. To provide appropriate locations for needed community facilities;~~
- ~~E. To promote business activities of appropriate types;~~
- ~~F. To protect and enhance real property values within the city; and~~
- ~~G. To conserve the city's natural beauty, to improve its appearance, and to preserve and enhance its distinctive physical character.~~

**14.02.030 Nature.**

~~The zoning plan consists of a zoning map designating certain districts and a set of regulations set forth in this chapter controlling the uses of land, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, and the areas of sites in the districts; controlling the external appearance of structures in certain districts; and requiring the provisions of off-street parking spaces and off-street loading spaces in certain districts.~~

**14.02.040 Interpretation.**

- ~~A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements.~~
- ~~B. This chapter is not intended to abrogate, annul, impair, or interfere with any deed restriction, covenant, easement, or other agreement between parties; provided, however,~~

~~where this chapter imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures or greater areas of sites than are imposed or required by deed restriction, covenant, easement, or other agreement, the provisions of this chapter shall control, but the provisions of this chapter shall not be construed as limiting in any way the provisions of the Los Altos off-street parking district No. 1.~~

**~~14.02.050 General provisions and definitions.~~**

~~The provisions of this chapter shall apply to all property located within the city except public streets, property and property rights owned by the city, and public utility lines within the public right of way. With the above noted exceptions, this chapter applies to all such property whether the same is owned by private persons, firms, corporations or organizations, or by the state or any of its agencies or political subdivisions, or by any county, or by any city with the exception of the city of Los Altos. Land uses that are not provided for herein as permitted uses, conditional uses, or limited conditional uses, are prohibited.~~

**~~14.02.055 Landscaping required in connection with a development project.~~**

~~Any landscaping required as an objective design standard or as a condition of project approval for a development project approved pursuant to this title shall be maintained by the property owner or occupant of the property for the life of the development project. Failure to do so shall constitute a nuisance.~~

**~~14.02.060 Statement of annexation policy.~~**

- ~~A.—In future annexations of property to the city, the council intends that zoning standards shall conform to those shown in the master plan for land use. In the event the property being considered for annexation is outside the planning area described in the master plan land use map, zoning standards comparable to those shown for similar areas shall be required unless the council shall specifically decree otherwise.~~
- ~~B.—No zoning contrary to that shown in the master plan, no matter by whom previously granted, shall be recognized as binding upon the commission and/or the council until a change of zoning is processed through normal commission-council channels as provided in this chapter.~~

***Article 2. Definitions***

**14.02.070010 Definitions.**

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Abut" means two adjoining parcels of property with a common property line. Where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless

the common property line between the two parcels measures not less than eight feet in a single direction.

"Accessory dwelling unit" means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in California Health and Safety Code section 18007. Formerly referred to as "second living unit."

"Accessory structure" means a building that is incidental to and customarily associated with a specific principal use or facility and is not utilized as sleeping quarters.

"Advertising structure" means any notice of advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purpose of making anything known, the origin or place of sale of which is not on the property with such advertising structure.

"Affordable housing unit" means a for-sale or rental dwelling unit affordable to households with extremely low, very low, low, or moderate incomes as published periodically by HCD for households in Santa Clara County.

"Agriculture" means the tilling of the soil or the raising of crops as a commercial operation.

"Alley" means a public or private right-of-way permanently reserved as a **secondary** means of access to an abutting property.

"Alter" means to make a change which will prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders.

"Animal clinic" means a place where the public may obtain examinations, prescriptions, and treatment for small animals. Major surgery or confinement overnight shall be limited to emergency cases only.

"Animal hospital" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

"Apartment" shall mean, for the purposes of this chapter only, a dwelling in a structure designed or used to house four or more families living independently of each other.

"Approving authority" means the legislative body, commission, committee, or official of the city designated under the provisions of this title as having the authority to approve or deny a particular type of application.

"Arcade" means any business establishment in which there are more than three game machines as defined in this section which are available for use by the public or by business invitees, or both.

“Art Galleries” means a business or place which displays a variety of art and/or artifacts for viewing or purchase.

“Attic” means the unfinished level between the ceiling of the top floor and the roof and enclosed by walls. Attic shall be an uninhabitable area and is excluded from the definition of a “story”.

“Balcony” means a platform that extends from an upper floor of a building and is enclosed by a parapet or railing and has no roof.

"Banks (commercial)" means financial institutions including federally-chartered banks, savings and loan associations, industrial loan companies, and credit unions providing retail banking services to individuals and businesses. This classification does not include payday lending businesses or check cashing businesses, and as a result, the establishment, expansion, or relocation of such businesses is prohibited. The term "payday lending business" as used herein means retail businesses owned or operated by a "licensee" as that term is defined in California Financial Code Section 23001(d), as amended from time to time. The term "check cashing business" as used herein means a retail business owned or operated by a "check cashier" as that term is defined in California Civil Code Section 1789.31 as amended from time to time.

"Basement" means living or storage area which is constructed wholly underground, meaning below the exterior finished grade on all sides, with no more than 20% percent of the lineal footage of the exterior wall broken by light wells, no light well wider than four (4) feet and no light well within four (4) feet of another light well. the following:

- ~~1. For all R1 zoning districts, basement means that portion of a structure located entirely below grade, with the exception of the top of such basement which may extend for a vertical distance not exceeding two feet from the outside grade to the finished floor above. As used herein, the term "grade" shall mean either the natural grade or finished grade adjacent to the exterior walls of the structure, whichever is lower. No portion of any structure with an exposed wall shall be considered a basement, with the exception of below-grade garages that are screened from public view by either topography or built improvements.~~
- ~~2. For all other zoning districts, basement means that portion of a building between the floor and the ceiling, which is wholly or partly below grade and so located that the vertical distance from the grade to the floor below is equal to or greater than the vertical distance from the grade to the ceiling.~~

"Bay window" means a large window or series of windows cantilevered from the outer wall of a building and forming a recess within.

“Below Market Rate Unit” shall have the same meaning as “Affordable housing unit”.

"Board-formed concrete" means concrete that has textured patterns on its finished surfaces that retain the wood grain of boards or molds used to form the wet concrete.

“Building” means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

“Building frontage” means that portion of a building located adjacent to a street.

"Bulk reverse vending machine" is a reverse vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

“Business and Professional Offices shall have the same meaning as “office-administrative”.

"Business, professional, and ~~or~~ trade school" means a use, except a college or university, providing education or training in business, commerce, language, or other similar activity or pursuit, and not otherwise defined as a home occupation or private educational facility.

"Cannabis" means any or all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term "cannabis" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of the California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act). "Cannabis" includes marijuana as defined by Section 11018 of the Health and Safety Code, and includes "cannabis" as defined in Business and Professions Code, Section 26001. For purposes of this code, the terms "marijuana" and "cannabis" may be used interchangeably.

"Cannabis cultivation" means growing, planting, harvesting, drying, curing, grading, trimming, or processing of cannabis, regardless of whether there is an intent to produce, distribute, or sell the resulting product commercially.

"Cannabis delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a cannabis retailer of any technology platform that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

"Cannabis distribution" means the procurement, sale, and transport of cannabis and cannabis products and any other activity allowed under the state distributor license(s), including, but not limited to, cannabis storage, packaging, quality control and collection of state cannabis taxes.

"Cannabis manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Cannabis manufacture includes the production, preparation, propagation, or compounding of manufactured cannabis, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or cannabis products or labels or relabels its container.



"Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. Cannabis products include "cannabis products" as defined in Business and Professions Code, Section 26001.

"Cannabis retailer" means a facility where cannabis or cannabis products are offered, either individually or in any combination, for retail sale to customers, including an establishment that delivers cannabis and cannabis products as part of a retail sale or conducts sales exclusively by delivery. For purposes of this code, the term "cannabis retailer" includes microbusinesses, nonprofits licensed under Business and Professions Code, Section 26070.5, and any other state license designation that authorizes distribution, whether for free or in exchange for any consideration, of cannabis and/or cannabis products to individual customers. For purposes of this code, "cannabis retailer" also includes medical cannabis dispensaries, patient collectives and cooperatives operating, or proposing to operate, pursuant to the Compassionate Use Act (Health and Safety Code, § 11362.5) and/or the Medical Marijuana Program (Health and Safety Code, § 11362.7 et seq.), as may be amended.

"Cannabis testing laboratory" means a facility, entity, or site in the state that offers or performs tests of cannabis or cannabis products and that is both accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state, and licensed by the Bureau of Cannabis Control.

"Carport" means a covered area open on two or more sides designed for the storage of not more than three automobiles.

"C District" means any zone district with a commercial designation.

"Chamfered corner" means a building corner which is cut back at a forty-five (45) degree diagonal from the primary façade to provide a corner surface at least eight feet in length

"Church" shall have the same meaning as "Religious institution".

"Cocktail lounge" means a business establishment which has, as its primary business, the sale of alcoholic beverages for consumption on the premises and where, if food is served, it is incidental to the sale of beverages.

"Collection facility" means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment, except as indicated in Chapter 14.68. Collection facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities that occupy an area of not more than five hundred (500) square feet and may include:
  - a. A mobile unit,
  - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet,

- c. Kiosk type units which may include permanent structures, and
  - d. Unattended containers placed for the donation of recyclable materials; and
3. Large collection facilities that may occupy an area of more than five hundred (500) square feet and may include permanent structures.

"Commercial cannabis use" includes all cannabis cultivation, cannabis manufacture, cannabis distribution, cannabis testing laboratories, cannabis retailers, cannabis delivery, and sale of cannabis and/or cannabis products, whether intended for medical or adult-use, and whether or not such activities are carried out for profit. "Commercial cannabis use" includes "commercial cannabis activity" as defined in Business and Professions Code, Section 26001, and includes any activity that requires a license from a state licensing authority pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, Business and Professions Code, Division 10, as may be amended. "Commercial cannabis use" does not include possession or indoor cultivation of cannabis for personal use that is not sold and in strict accordance with Health and Safety Code, Section 11362.1 et seq.

"Commercial recreation" means a use providing recreation, amusement, or entertainment services, including theaters, bowling lanes, billiard parlors, skating arenas, and similar services, operated on a private or for-profit basis, but excluding uses defined as outdoor recreation services. Commercial recreation also includes art, dance, music, and fitness studios and health clubs that exceed seven thousand (7,000) gross square feet.

"Community housing" and "community housing project" shall mean and include the following:

1. "Residential condominium" as defined in Section 783 of the Civil Code of the state: an estate of real property consisting of an undivided interest in common areas, together with a separate right of ownership in space;

2. "Community apartment" as defined in Section 11004 of the Business and Professions Code of the state: containing two or more rights of exclusive occupancy, excluding nonconforming uses;

3. "Residential planned development" as defined in Section 11003 of the Business and Professions Code of the state: a plan consisting of distinguishable use activity areas, including separately owned parcels of land with contiguous or nearby property owned in common; and

4. Stock cooperative as defined in Section 11003.2 of the Business and Professions Code of the state: property consisting of dwelling units owned by a corporation whereby the tenants are the shareholders of the corporation.

~~"Convalescent hospital" means a building and premises for the care of sick, injured, aged, or infirm persons to be housed, or a place of rest for those who are bedfast or needing nursing care, but not including facilities for the treatment of sickness or injuries or for surgical care.~~

"Country Club" means a private club operated for profit, maintaining and operating but not limited to, a golf course and other associated recreational activities both indoors and outdoors.

"Coverage" means the percentage of net site area covered in structures in excess of six feet in height measured to the outside surfaces of exterior walls and the perimeter of any supports, coverage does not include uncovered porches, verandas, balconies, alcoves, or other similar elements, which are uncovered and open on at least one side.

"Cul-de-sac" means any street having but one outlet for vehicular traffic.

~~"Day care center Daycare facility"~~ means any group day care program, except regular elementary schools. Included are day nurseries, nursery schools, preschools, playgroups, and after-school groups.

"Daylight plane," for lots seventy (70) feet or greater in width, means an inclined plane beginning at a stated height above grade at each side property line and extending perpendicularly from the side property line into the site at a stated upward angle relative to the horizontal. For lots less than seventy (70) feet in width, the daylight plane begins at a stated height above grade at each second story setback line.

"District" means a portion of the incorporated area of the city within which certain regulations common to such portion controlling land use, site area, coverage, yards and other open spaces, height of structures, and other physical development standards apply under the provisions of this chapter.

"Drive-through facility" means any business or service that involves transactions between an attendant and a customer in a vehicle, including drive-in restaurants and car washes.

"Dwelling" means a structure containing one or more rooms and one kitchen designed for human occupancy.

"Emergency shelter" means housing with minimal supportive services for homeless persons in accordance with Health and Safety Code 50801 that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Enclosed accessory structure" means a structure with three or more walls, or an equivalent percentage of enclosure for an area with more than four walls, and a solid roof.

"Façade" means the exterior wall on any side of a building.

~~"Family day care home" means a dwelling where day care is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family day care home may provide care for up to eight children, and a large family day care home may provide care for up to fourteen (14) children, as regulated by the California Health and Safety Code. Both limitations include the number of children residing in the dwelling.~~

"Floor area ratio" means the maximum ratio of gross floor area on a site to the total site area.

"Frontage" means the property line(s) of a site abutting on a street.

"Game machine" means any device, game or contrivance, including but not limited to pinball machines, video games, computer games, electronic games, slot machines, and similar

machines and devices for which a charge or payment is received for the privilege of playing, using or operating the same and which, as the result of such use, operation or playing, does not entitle the person using, operating or playing the same to receive equivalent value in the form of tangible merchandise; excepting, however, pool tables and shuffleboard games.

"Garage" means an accessory structure, or a portion of a main structure designed for the storage of automobiles.

"General hospital" means any building, or portion thereof, used for the accommodation and medical care of sick, injured, or infirm persons, including sanitariums, alcoholic sanitariums, and institutions for the cure of chronic drug addicts and mental patients.

"Grade" means the elevation of the ground surface.

"Grade, adjacent" means the average elevation of the ground immediately next to an existing or proposed structure. Average grade shall include the average elevation along the entire building elevation of an existing or proposed structure.

"Grade, finished" means the elevation of the ground after the completion of a project.

"Grade, natural" means the elevation of the ground which exists prior to the start of any site preparation, grading, or construction related to the project being proposed.

"Gross floor area" means the total floor space under roof of all floors of a building measured to the outside surfaces of exterior walls, finishes, windows and doors including halls, stairways, elevator shafts, ducts, service and mechanical equipment rooms, interior courts, garages, enclosed accessory structures, and carports. In the case of a sloped ceiling or ground surface, the floor area shall be measured to the point at which the interior height is five feet. "Gross floor area" does not include: porches, verandas, balconies, alcoves, or other similar elements, which are open on at least one side; basements or attic areas; unenclosed accessory structures; exterior roof overhangs or chimney projections; porte cocheres; interior heights less than five feet; or structures under six feet in height.

"Gross site area" means the total horizontal area included within the property lines of a single site.

"Height of buildings" means the vertical height of a structure measured as provided in the specific regulations of the for all R1 zoning districts, and as provided in Section 14.66-240 for all other zoning districts unless otherwise specified.

"Height of fences and walls" means a vertical line from the highest point of the fence or wall to a point directly below. Where a fence is constructed upon a retaining wall, the height of the fence shall be the vertical distance measured from the top of the fence to the highest adjacent grade.

"Home occupation" means an occupation carried on in a home, provided no assistants are employed and provided such use is conducted within a dwelling and carried on by the occupants of the property, and is clearly incidental to the residential use of the dwelling, and does not change the residential character or appearance of the dwelling or adversely affect the uses permitted in the residential district of which it is a part, and wherein no product, other

than those produced on the premises, is sold and no mechanical equipment is used, other than that necessary for domestic purposes, and where there is no indoor or outdoor storage of materials, equipment, and/or supplies, other than those necessary for domestic purposes.

Home occupations shall be limited to a maximum of eight (8) visitors a day which include clients and deliveries to and from the property.

"Horticulture/floriculture" means the growing of fruits, vegetables, or ornamental plants as a commercial operation.

"Hotel" means a structure in which there are three or more guest rooms or suites, where lodging with or without meals is provided for compensation, and where provisions for cooking may or may not be provided in any individual guest room or suite.

"Housing unit, nontransient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of more than thirty (30) consecutive days or, if vacant, intended for occupancy as separate living quarters for a period of more than thirty (30) consecutive days. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

"Housing unit, transient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of thirty (30) consecutive days or less or, if vacant, intended for occupancy as separate living quarters for a period of thirty (30) consecutive days or less. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

"Industry" means the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

"Interior courts" as used herein means an area within the structure enclosed on all sides.

"Kennel" means any lot or premises on which four or more dogs and cats at least four months of age are kept, boarded, or trained, whether in special buildings or runways.

"Kitchen" means any room or area intended or designed to be used or maintained for the cooking, storing, and preparation of food.

"Lined" parking refers to a building configuration where residential, commercial, or office uses are located between a street-facing property line and above-ground parking levels. Also referred to as a "wrapped" building.

"Loading space" means an off-street space or berth for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which space abuts on a street, alley, or other appropriate means of access.

"Lodging" means the furnishing of rooms or groups of rooms within a dwelling unit or an accessory structure to persons other than members of the family residing in said dwelling unit;

or in the case of an accessory structure, a dwelling unit on the same site, for overnight occupancy on a residential occupancy basis, whether or not meals are provided to such persons.

“Loft “means a room or space directly under the roof of a structure used as habitable area and open to the rooms below on at least one side.

"Lot" means a parcel of land consisting of a single lot of record.

1. "Lot of record" means a lot which is part of a subdivision and shown on a map thereof as recorded in the office of the county recorder, or a legally created parcel of land described by metes and bounds or shown on a parcel map which has been so recorded.
2. "Corner lot" means a lot abutting the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the intersections of the lot lines with the street lines meet at an interior angle of one hundred thirty-five (135) degrees or less, or if the centerline of the street abutting the lot has an interior angle over the distance of any curve of one hundred thirty-five (135) degrees or less. A lot abutting a street and an alley shall not be considered a corner lot.
3. "Interior lot" means a lot other than a corner lot.
4. "Flag lot" means a lot having access to a street by means of a corridor of land not otherwise meeting the requirements of this chapter for site width.
5. "Double frontage lot" means an interior lot having frontage on two parallel or approximately parallel streets.

“Lot depth” means the horizontal distance between the front and the rear lot lines.

"Lot line" means any boundary of a lot.

1. "Front lot line" means, on an interior lot, the lot line abutting a street, or, on a corner lot, the shortest dimension of the lot fronting the street, or, on a double frontage lot, the lot line abutting the street providing the primary means of access to the lot, or, on a flag lot, the interior lot line most parallel to and nearest the street from which the means of access is obtained, except that where the average width of a flag lot exceeds its average depth and the longer dimension is considered the depth, the front lot line will be the property line from which the front yard is measured. On a corner lot, if more than one property line abutting on a street can be designated as a front lot line without creating a nonconforming lot or structure, then either property line may be deemed the front lot line.
2. "Rear lot line" means the lot boundary opposite, or approximately opposite the front lot line. A lot bounded by only three lot lines will not have a rear lot line.
3. "Side lot line" means any lot line, which is not a front or rear lot line, as follows:
  - a. "Interior side lot line" means any lot line not abutting a street.

b. "Exterior side lot line" means any lot line abutting a street.

4. The city planner shall assign or designate lot lines for irregular-shaped parcels.

"Lot width" means the horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area.

"Low-barrier navigation center" means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

"Maintenance and repair services" means a use, not conducted within an office, providing services for the maintenance or repair of personal effects and not primarily for the sale of goods or merchandise.

"Medical and dental clinic" means a use that provides diagnostic and outpatient care in more than one medical or dental specialty, but is unable to provide long term in-house medical or surgical care. Clinics will commonly have lab facilities, supporting pharmacies and provide a range of services.

"Medical and dental office" means a use that provides diagnostic and outpatient care on a routine basis, but is unable to provide in-house medical or surgical care. Offices will commonly provide specialized or individual physicians. Medical and dental offices include, but are not limited to, physical therapy, acupuncturist, dental services, psychiatric services, chiropractic care, counselor/psychotherapy, diagnostic services and skilled nursing facilities. Medical and dental office does not include medical spas for aesthetic services.

"Medical marijuana collective" or "cooperative or collective" means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of the California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

"Motel" means a group of attached or detached structures containing individual sleeping or living units, designed for or used primarily for transient guests, with a garage attached or

parking space located in proximity to each unit, including auto courts, motor courts, motor ledges, and tourist courts.

"Multiple-family dwelling" means a dwelling or group of dwellings on one site containing separate living units for two or more families that may have joint services or facilities or both.

"Museum" shall have the same meaning as "Art Galleries".

"Net site area" means that portion of gross site area remaining after deducting therefrom the following:

a. Any portion of a site within the right-of-way of an existing public or private street, road, or access easement, except an emergency access street;

b. Any portion of a site within the proposed right-of-way of a future street (except an emergency access street), as shown on an approved tentative subdivision map or a recorded subdivision map;

c. The portion of a flag lot constituting the access corridor lying between the front lot line and the frontage line of the corridor at the street.

"Nonconforming lot" means a lot that no longer conforms to the regulations for the district in which such lot is located.

"Nonconforming structure" means a structure, or a portion thereof, which no longer conforms to the regulations for the district in which such structure is located.

"Nonconforming use" means a use that no longer conforms to the use regulations for the district in which such use is located.

~~"Nursing home" means a structure in which sick, injured, or infirm persons are housed for compensation, including a convalescent home or rest home.~~

"Office-administrative" means uses that predominantly sell professional and/or business services. The contact with the general public is not as frequent as with retail businesses or personal services, and a significant portion of the business may take place at other locations. Examples include ~~banks~~, law offices, accountants, ~~medical and dental offices~~, advertising, real estate companies, financial advisory, and computer support.

"Outdoor recreation service" means a privately owned or operated use providing facilities for outdoor recreation activities, including golf, tennis, swimming, riding, or other outdoor sport or recreation, operated predominantly in the open, except for accessory or incidental enclosed services or facilities.

"Parapet" means a wall or roof structure projecting up from the roof to define a roof line and/or to screen mechanical equipment. Roof elements with a sixty-degree slope or greater may be considered parapets. Parapets may not be used to provide additional usable floor space for dwelling, commercial use, or storage of any type. Parapets shall be integral to the architectural design of the building.

"Parking facility" means an area on a lot or within a building, or both, including one or more parking spaces, together with driveways, aisles, turning and maneuvering areas,



clearances, and similar features, and meeting the requirements established by this title. Parking facility includes parking lots, garages, and parking structures.

"Parking space" means an off-street space, either enclosed in a structure or an open area, the principal use of which is the storage or parking of automotive vehicles.

"Penthouse" means a non-habitable structure housing machinery on the roof of a building intended to provide an architecturally pleasing cover to stairwells, elevator equipment and other building systems that may be found on a roof top.

"Personal service" means a use, not conducted within an office, providing services for the personal care of an individual or the fitting, cleaning, repair, or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal services include beauty shops, barber shops and nail salons, pet grooming, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services. Personal services also include art, dance, music, tutoring centers, fitness studios and health clubs that do not exceed seven thousand (7,000) gross square feet.

"Porte cochere" means a roofed structure covering a driveway that is not designed for the storage of automobiles.

"Precise plan line" means a line established by an ordinance or other action of the council to control the location of structures with respect to an existing or proposed street, alley, parking space, or loading space.

"Principal living unit" means the primary dwelling on a single-family residential lot or parcel which dwelling contains one or more rooms and one kitchen designed for occupancy by one family for living and sleeping purposes.

"Property line" means a line bounding a parcel of real property.

"Qualified employee housing" means employee housing defined in Health & Safety Code section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Health & Safety Code section 50101. Any housing development project approved pursuant to Health & Safety Code section 17021.8 is also "qualified employee housing," and shall be a permitted use notwithstanding anything to the contrary in this code.

"Recycling facility" means center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor shall mean a recycling facility certified by the Department of Conservation of the state as meeting the requirements of the State Beverage Container Recycling and Litter Reduction Act of 1986. Recycling facility shall not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by such residential property, business, or manufacturer.

"Religious institution" means a seminary, retreat, monastery, conference center, or similar use for the conduct of religious activities, including accessory housing incidental thereto, but excluding a private educational facility. Any such use for which a property tax exemption has been obtained pursuant to Section 3(f) of Article XIII of the Constitution of the State of

California, and Section 206 of the Revenue and Taxation Code of the State of California. or successor legislation, or which is used in connection with any church which has received such an exemption, shall be prima facie presumed to be a religious institution.

~~"Residential care home" means a structure in which nonmedical services are provided for persons sixty (60) years of age and over in accordance with California Health and Safety Code Section 1569.2.~~

"Residential care facility" or "residential care facilities" shall be defined consistent with the California Health & Safety Code Section 1502 which may be amended from time to time. The following shall constitute a residential care facility within the City of Los Altos:

1. "Community care facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

a. "Residential facility" means any family home, group care facility, or similar facility determined by the director, for twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

b. "Adult day program" means any community-based facility or program that provides care to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a twenty-four (24) hour basis.

c. "Therapeutic day services facility" means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a twenty-four (24) hour basis to persons under eighteen (18) years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.

d. "Foster family agency" means any public agency or private organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care. Private foster family agencies shall be organized and operated on a nonprofit basis.

e. "Foster family home" means any residential facility providing twenty-four (24) hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.

f. "Small family home" means any residential facility, in the licensee's family residence, that provides twenty-four (24) hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity.

g. "Social rehabilitation facility" means any residential facility that provides social rehabilitation services for no longer than eighteen (18) months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

h. "Community treatment facility" means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Health Care Services pursuant to Section 4094 of the Welfare and Institutions Code.

"Restaurant" means any eating or drinking establishment having seating capacity which sells or offers for sale to the public any food or drink for immediate consumption on the premises, and includes any coffee shop, cafeteria, cafe, tavern, bar, soda fountain, or dining room.

"Retail uses" means uses that predominantly sell products rather than services, directly to the public, and generally for consumer or household use. Retail uses are designed to attract a high volume of walk-in customers and have floor space that is devoted predominantly to the display of merchandise to attract customers. Retail businesses may also provide incidental after-sales services, such as repair and installation, for the goods sold.

1. "Extensive retail" as used with respect to parking requirements, means a retail use primarily selling large commodities such as home or office furniture, floor coverings, stoves, refrigerators, other household electrical and gas appliances, including televisions and home sound systems, and outdoor furniture, such as lawn furniture, movable spas and hot tubs.
2. "Intensive retail" as used with respect to parking requirements, means any retail use not defined as an extensive retail use.

"Reverse vending machine" means an automated mechanical device which accepts at least one or more types of empty beverage containers, including, but not limited to, aluminum cans and glass or plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically, provided the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements

of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

"Scale" means proportionality in the relationship between a building and the size of parts to one another and to the human figure.

"Second living unit" means a second dwelling on a single-family residential lot; refer to the definition of "accessory dwelling unit."

"Service station" means an occupancy that provides for the servicing of motor vehicles, and operations incidental thereto, including retail sales of gasoline, oil, tires, batteries, and new accessories.

"Setback" means the minimum required horizontal distance from a given point or line of reference such as a property line, to the nearest vertical wall or other element of a building or structure.

"Short-term rental" means a use that provides lodging in a dwelling unit, for compensation, for a period of fewer than thirty (30) consecutive calendar days. "Short-term rental" does not include transient lodging in city-approved hotels and motels.

"Single-family dwellings" means a detached building designed for and/or occupied exclusively by one (1) family or household. Also includes factory-built, manufactured or modular housing.

"Single-room occupancy housing" means a residential project with small units between one hundred fifty (150) and three hundred fifty (350) square feet each, with or without integral bathroom and/or kitchen facilities. Individual single-room occupancy units designated for extremely low-income households or designated as supportive housing in accordance with Section 53260 of the Health and Safety Code are exempt from the density limits.

"Site" means a lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this title. ~~as defined in this chapter.~~

1. "Gross site area" means the total horizontal area included within the property lines of a single site.
2. "Net site area" means that portion of gross site area remaining after deducting therefrom the following:
  - a. Any portion of a site within the right-of-way of an existing public or private street, road, or access easement, except an emergency access street;
  - b. Any portion of a site within the proposed right-of-way of a future street (except an emergency access street), as shown on an approved tentative subdivision map or a recorded subdivision map;
  - c. The portion of a flag lot constituting the access corridor lying between the front lot line and the frontage line of the corridor at the street.
3. "Site frontage" means the length of the front lot line.

4. "Site width" means the horizontal distance between side lot lines, measured at right angles to the site depth at a point midway between the front and rear lot lines, or if there is no rear lot line, at the midway points of the intersecting side lot lines.
5. "Site depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.
6. "Site coverage" means the land area covered by all the structures on a site, including all projections except eaves. Site coverage does not include paved surfaces or structures under six feet in height.

"Storage garage" means a structure, or part thereof, used for the storage, parking, or servicing for compensation of automotive vehicles, but not for the repair thereof.

"Story" means a space in a structure between the surface of any floor and the surface of the floor or roof next above, but not including any basement, attic, or underfloor space.

"Street" means a public or private thoroughfare, including the easement area or dedicated public right-of-way, which affords access to two or more sites.

"Structure" means anything constructed or erected which requires a location on the ground, but not including fences or walls used as fences.

"Supportive housing" shall mean a housing development project as defined in Government Code section 65582(g), as may be amended or renumbered from time to time, as being housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone. "Target population" means persons with low incomes who have one or more disabilities as described in section 65582(i) of the Government Code.

"Take-out service" means a characteristic of an eating or drinking service which encourages, on a regular basis, consumption of food or beverages, such as prepared or prepackaged items, outside of a building, in outdoor seating areas where regular table service is not provided, in vehicles parked on the premises, or off-site. Take-out food services do not include ice cream parlors, candy stores, and other similar specialty, primarily retail food businesses.

"Tower" means a building or part of a building that is exceptionally high in proportion to its width and length or tall and slender.

"Transitional housing" shall mean a housing development project as defined in Government Code section 65582(j), as may be amended or renumbered from time to time, as being building(s) configured as a rental housing development, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less

than six months from the beginning of the assistance. Transitional housing is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

"Transportation terminal" means a depot, terminal, or transfer facility for passenger transportation services.

"Wall plate" means the top most structural element of a wall frame.

"Yard" means an area within a lot, adjoining and measured from a lot, street, or plan line for a specified distance, open and unobstructed except for the uses and structures otherwise permitted the regulations of this chapter:

1. Yard measurement. Required yards shall be measured as the minimum horizontal distance from the lot line to a line parallel thereto on the site.
2. "Front yard" means a yard measured into a lot from the front lot line, extending the full width of the lot.
3. "Rear yard" means a yard measured into a lot from the rear lot line, extending the full width of the lot, provided that for lots having no defined rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth to a line parallel to the front lot line. On a corner lot, the rear yard shall terminate at the exterior side yard.
4. "Side yard" means a yard measured into a lot from a side lot line. An exterior side yard is a side yard measured from an exterior lot line or a street or plan line, extending between the front yard and the rear lot line; an interior side yard is a side yard measured from an interior lot line, extending between the front yard and the rear yard.

**CHAPTER 14.81**

**VARIANCES**

**14.81.010 Intent and Purpose.**

California Government Code Section 65906 establishes the authority of the City to grant variances to the development standards and provisions of the Zoning Code in cases where, because of special circumstances applicable to the property, the strict application of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zones.

**14.81.020 Applicability.**

- A. A variance application shall be limited to deviations from any provision of Title 14 of the Los Altos Municipal Code is proposed, including, but not limited to, those standards related to height, lot area, yards, open spaces, setbacks, lot dimensions, signs and parking, unless otherwise specified. Deviations from code requirements not contained within Title 14 shall not be authorized to submit for a variance request.
- B. Variances may not be approved for uses or activities not otherwise expressly authorized by the Zoning Code. A variance is not a substitute for a zone change, zone text amendment, or conditional use permit.
- C. Personal, family, medical, and financial hardships and neighboring violations or legal non-conformities do not represent grounds on which to file a variance application.
- D. Variances to use provisions of the Zoning Code are prohibited.

**14.81.030 Submittal Requirements and Review.**

- A. Filing. An application for a variance shall be filed and processed in compliance with all applicable provisions of Title 14 of the Los Altos Municipal Code. The application shall include the information and materials specified in the Development Services Department handout for variance applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by this chapter.
- B. Project Review Procedures. Following receipt of a completed application, the Zoning Administrator shall investigate the facts necessary for action consistent with the purpose of this chapter.
- C. Notice, Hearings, and Appeals.
  - 1. A public hearing shall be required on a variance application. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 14.01.130 (Public Notice Requirements).
  - 2. The Commission's decision is appealable to the Council in compliance with Chapter 14.01.100 (Appeals).

**14.81.040 Findings and Decision.**

- A. A variance may be granted provided that the Zoning Administrator or Planning Commission, or the City Council on appeal, finds, after a full investigation and public hearing, that all the following are true:
  - 1. The variance does not grant or authorize a use or activity that is not otherwise allowed in the zone; and
  - 2. Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and the same zoning district; and
  - 3. The granting of the variance does not constitute a grant of special right or privilege inconsistent with the limitations upon other properties in the vicinity and the same zoning district; and
  - 4. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.
- B. Failure to make all the required findings shall require denial of the variance.

**14.81.050 Conditions of approval/guarantees.**

- A. In granting a variance, certain safeguards may be required and certain conditions established to protect the public health, safety, convenience and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the particular use on the particular site and in consideration of the location, use, building and characteristics and environmental impact of the proposed use and of existing and potential uses within the general area in which such use is proposed to be located.
- B. The conditions attached to variance may include such provisions concerning height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, site design, operation characteristic, land use compatibility, general character, appearance, environmental impact, time limits for commencing the construction authorized, revocation dates, and other conditions the Zoning Administrator or Planning Commission may deem appropriate and necessary to carry out the purposes of the Zoning Code and Chapter.

**14.81.060 Precedents.**

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior variance is not admissible evidence for the approval of a new variance.

**14.81.070 Runs with the Land.**

Variances shall run with the land and confer the rights granted to and conditions placed upon the applicant onto subsequent property owners.





## City Council Agenda Report

**Meeting Date:** 1/24  
**Prepared By:** Tania Katbi  
**Approved By:** Nick Zornes

### Subject: Single-Use Plastic Foodware and Reusable Bag Ordinances

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#### COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

#### RECOMMENDATION

Four (4) separate actions for City Council consideration:

Adopt an Ordinance of the City Council of the City of Los Altos Amending Chapter 6.40, to Title 6 Health and Safety of the Los Altos Municipal Code for Regulations on Reusable Bags and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Polystyrene Foam Disposable Food Service Ware Ordinance, Chapter 6.44 of the Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Single-use Foodware Accessories and Condiments Ordinance, Chapter 6.45 of the Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Amending the Los Altos Municipal Code, by Adding Chapter 6.42 Titled Regulations on Disposable Foodware and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

#### FISCAL IMPACT

Not applicable.

**ENVIRONMENTAL REVIEW**

The ordinances proposed are exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

**PREVIOUS COUNCIL CONSIDERATION**

In 2020, the Los Altos City Council considered a similar Foodware Ordinance aimed at reducing plastic waste from single use foodware items. However, it was paused due to the onset of the COVID-19 pandemic and to avoid additional burdens on the business community.

**BACKGROUND**

Plastics pose a threat to the environment from origin to end-of-life. Plastic production is responsible for 3.5% of all greenhouse gas emissions—more than the entire aviation sector. To address and mitigate human caused environmental impacts like pollution, waste, and resource depletion, the City of Los Altos is proposing regulations to limit the use of single-use plastics in food and retail businesses.

The City's Climate Action and Adaptation Plan (CAAP), which aims to eliminate single-use plastics by 2035, builds upon the City Council's earlier commitment to reduce single-use plastic foodware and accessories in its 2020 Strategic Priorities Workplan. The CAAP additionally calls for regulations promoting reusable alternatives.

Current City Municipal Code regulations on single-use plastic are as follows:

1. Prohibits the use and sale of expanded polystyrene (EPS) foam foodware.
2. Prohibits the use of single-use plastic carry bags, with an exemption for restaurants bagging takeout orders. Thick plastic bags are allowed, as they are deemed “reusable.”
3. Requires restaurants to provide single-use plastic foodware accessories and standard condiments upon request only.

The Environmental Commission included a Foodware Ordinance in the 2024 Work Plan. A subcommittee formed to provide staff with guidance on policy recommendations and engage with the community. The Commission approved the proposed regulations on single-use plastic foodware and accessories at their meeting on September 11, 2024.

**DISCUSSION**

Building upon current Municipal Code regulations, the Disposable Foodware Ordinance will:

- **Phase-out disposable plastic foodware** and accessories in all food facilities that serve prepared food and drinks and require the use of fiber-based alternatives for takeout orders.
- **Require reusable foodware for on-premises dining**, with limited exceptions for fiber-based accessories.
- **Establish a process for evaluating and granting exemptions** to businesses or individuals who meet specific criteria.

Expanding local ordinances to prohibit single-use plastic foodware and mandate reusable options for dine-in, the City can significantly reduce plastic waste. Single-use plastic ordinances are becoming increasingly more common within the Bay Area and throughout California.

Consolidating the existing polystyrene and upon-request requirements with the new foodware regulations into a single ordinance will enhance code accessibility for the community.

**Phased-Approach**

The ordinance enacts these regulations in two phases:

- Phase 1: The use of non-compliant disposable foodware is restricted to six (6) months from ordinance adoption.
- Phase 2: Reusable foodware for dine-in is required within twelve (12) months from ordinance adoption.

**Compostable Plastics, Traditional Plastic, Fiber-based Products**

Composable plastics, like bioplastics, require specific conditions to decompose properly, which is not met at the City’s composting facility. American Society for Testing and Materials (ASTM) standards allow for up to 180 days, while California composting facilities typically have a 30 to 60-day timeframe.

Bioplastics are not recyclable and can contaminate both compost and recycling streams, causing challenges in collection and confusing residents and restaurant staff. In contrast, paper, wood, bamboo, and other fiber-based compostable foodware items are accepted in the City’s compost program. Prohibiting compostable plastics will help prevent these materials from entering the waste stream.

Furthermore, The United Nations Environment Program reports that only 9% of all plastic ever made has been recycled, demonstrating that recycling is not a working solution at this time.

To combat the issues with the above, on June 30, 2022, the Governor signed the Plastic Pollution Prevention and Packaging Producer into State law. This shifts the plastic pollution burden from consumers to producers and will require the producers and manufacturers of certain plastic packaging and foodware to achieve specific targets by January 1, 2032:

- Reduce the weight and number of plastic items produced by 25% compared to 2023
- All covered items must be recyclable or compostable
- All covered items must be recycled or composted at a 65% rate

**Neighboring Jurisdictions**

The table below provides information on single-use plastic foodware ordinances that require reusable foodware requirements for dine-in and/or fiber-based compostable for take-out in jurisdictions throughout the Bay Area (not exhaustive).

<b>JURISDICTION</b>	<b>Comprehensive Foodware Ordinance</b>	<b>Reusable Foodware Required for Dine-in</b>	<b>Must Be Fiber-Based Compostable</b>
<i>Los Altos</i>	No	No	No
Alameda	Yes	No	Yes
Atherton	Yes	No	Yes
Belmont	Yes	No	Yes
Berkeley	Yes	Yes	No
Brisbane	Yes	No	Yes
Burlingame	Yes	No	Yes
Colma	Yes	No	Yes
Cupertino	Yes	Yes	Yes
Daly City	Yes	Yes	Yes
Foster City	Yes	No	Yes
Half Moon Bay	Yes	Yes	Yes
Hillsborough	Yes	No	Yes
Menlo Park	No	No	No
Millbrae	Yes	No	Yes
Mountain View	Yes	No	Yes
Pacifica	Yes	Yes	Yes
Palo Alto	No	No	Some
Portola Valley	No	No	No
Redwood City	Yes	No	Yes
San Bruno	Yes	No	Yes
San Carlos	Yes	No	Yes
San Francisco	Yes	No	No
San Mateo	Yes	No	Yes
San Mateo County	Yes	No	Yes
San Ramon	No	No	Yes
Santa Clara County	No	No	No
Santa Cruz	Yes	No	Yes
Santa Rosa	No	Yes	No
South San Francisco	Yes	No	Yes
Truckee	Yes	Yes	No
Watsonville	Yes	No	No
Woodside	No	No	No

The City's draft Disposable Foodware Ordinance is largely based on the San Mateo County Single-Use Plastic Foodware Ordinance, which was adopted county-wide in February 2020.

To inform the development of the ordinance, staff consulted with San Mateo County and other cities implementing similar regulations to gain insights into their experiences and challenges. Sustainability Staff participate on two (2) regional foodware groups consisting of other cities to further understand and work together on tackling this complex issue.

**Outreach Efforts**

To ensure broad awareness and understanding of the proposed requirements, City staff conducted a comprehensive outreach campaign targeting the business community. Key outreach methods included:

**Digital Communication:**

- **Targeted Email Campaigns:** Sent direct emails to businesses impacted by the ordinance, informing them of the proposed requirements and seeking feedback.
- **Newsletter Distribution:** Shared information through local newsletters, such as the Weekly News and those of business associations.
- **Dedicated Website Page:** Created a webpage on the City website providing detailed information and resources.

**Community Engagement:**

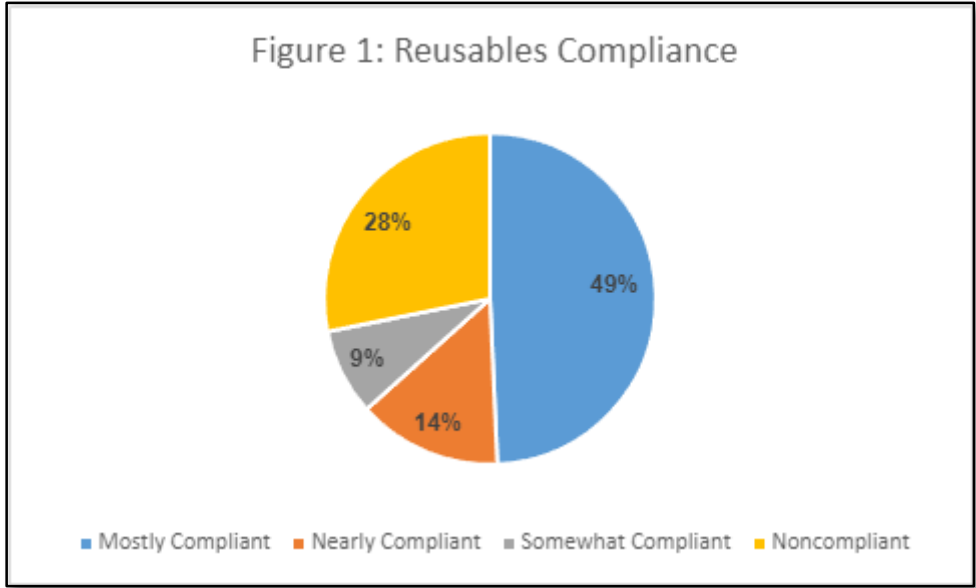
- **Environmental Commission Collaboration:** Discussed and solicited feedback from the Environmental Commission during multiple public meetings.
- **Informational Zoom Sessions:** Hosted two Zoom sessions with the Environmental Commission Subcommittee to address questions and concerns.
- **Farmers Market Engagement:** Tabled at the Los Altos Farmers Market to directly engage with residents.
- **Door-to-Door Outreach:** Conducted in-person outreach to over 100 businesses, providing information, resources, and seeking feedback.

To assess the current situation, staff conducted a survey to gather data on the materials used for takeout and dine-in food and beverages by local businesses, including restaurants, coffee shops, grocery stores, and other food service establishments.

Due to the diverse nature of food businesses and unique product offerings, it was challenging to collect comprehensive data on every type of material. Despite this, observations revealed a wide range of materials used, with traditional plastic being the most prevalent in fast-food and fast-casual businesses. Plastic straws and cups were particularly common at most establishments. However, compostable plastics and fiber-based products were also in use, suggesting increasing awareness of sustainability initiatives.

Observations on businesses with on-premises seating revealed:

- **63%** of businesses are largely compliant with the proposed regulations, needing only minor adjustments like switching to fiber-based straws or reusable condiment cups.
- **37%** of businesses are partially or non-compliant, offering only single-use foodware items or a mix for dine-in customers. Many of these are fast-food/casual establishments with limited seating and focus on takeout orders.



**Potential Challenges and Mitigation Strategies**

There would be an initial cost to purchase reusables, but studies show that business reduce costs from switching to reusables. Challenges include:

- **Materials Confusion:** Some businesses already use bioplastics in their efforts to be sustainable, and this change may be confusing.
- **Cost implications:** Some businesses may face initial costs for purchasing compliant and reusable foodware. Switching to reusables may require investment in washable items and potentially increased dishwashing capacity.
- **Consumer resistance and behavior change:** Some consumers may initially resist the change to fiber-based and reusable foodware.
- **Presentation and Performance considerations:** Food and beverages have unique aesthetic and performance requirements that can vary significantly between businesses. Such as temperature, flavor and appearance (i.e grocery store delicatessen items)

To address these challenges, the city can:

- Further support businesses by hiring a consultant to provide technical assistance to individual businesses post ordinance adoption (similarly to SB 1383).
- Allow exemptions for certain items on a case-by-case basis.

**Reusable Bag Ordinance Amendments**

Los Altos Municipal code (Chapter 6.40) currently prohibits single-use plastic carryout bags at all retail locations, except for restaurants bagging takeout orders. Retail establishments must charge a minimum ten-cent fee for recycled or reusable bags. Reusable bags are defined as durable plastic bags that are at least 2.25 mil thick.

On September 22, 2024, Governor Newsom signed SB 1053, banning the distribution of all plastic bags, including the “thicker” plastic bags, starting January 1, 2026.

According to the United Nations Environmental Programme, up to five trillion (5,000,000,000,000) plastic bags are used worldwide every year. Furthermore, studies have demonstrated that thicker "reusable" bags are often not reused and contribute to plastic waste. The average lifespan of a plastic bag is only 12 minutes, when it was originally intended to be 125 uses.

Proposed Amendments that align with SB 1053:

- **Bans all plastic carryout bags:** Prohibits distribution of any carryout bags for the purpose of carrying purchased goods that is not a recycled paper.
- **Increase the minimum postconsumer recycled material content** for recycled paper bags to 50% by 2028.

In addition to the requirements of SB 1053, City staff are proposing to remove the exemption for food establishments.

**RECOMMENDATION**

Four (4) separate actions for City Council consideration:

Adopt an Ordinance of the City Council of the City of Los Altos Amending Chapter 6.40, to Title 6 Health and Safety of the Los Altos Municipal Code for Regulations on Reusable Bags and find that this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Polystyrene Foam Disposable Food Service Ware Ordinance, Chapter 6.44 of the Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Single-use Foodware Accessories and Condiments Ordinance, Chapter 6.45 of the Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Amending the Los Altos Municipal Code, by Adding Chapter 6.42 Titled Regulations on Disposable Foodware and find that this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

**ATTACHMENTS**

1. **Draft Ordinance – Amending Chapter 6.40**
2. **Appendix A – Chapter 6.40 Text**
3. **Draft Ordinance – Repealing Chapter 6.44**
4. **Draft Ordinance – Repealing Chapter 6.45**
5. **Draft Ordinance – Adding Chapter 6.42**
6. **Appendix A – Chapter 6.42 Text**

**ORDINANCE NO. 2024-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AMENDING CHAPTER 6.40 OF TITLE 6 HEALTH AND SAFETY OF THE LOS  
ALTOS MUNICIPAL CODE FOR REUSABLE BAGS**

**WHEREAS**, the use of carryout bags by consumers at retail establishments and food facilities is detrimental to the environment, public health and welfare.

**WHEREAS**, the manufacture and distribution of carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions.

**WHEREAS**, carryout bags contribute to environmental problems, including litter in stormdrains, creeks, the bay and the ocean.

**WHEREAS**, carryout bags provided by retail establishments and food facilities impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance.

**WHEREAS**, the amendments was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended; and

**NOW, THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF TITLE 6 OF THE MUNICIPAL CODE.** Chapter 6.40 is hereby amended of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance, underline indicating addition, and strikethrough indicating deletion.

**SECTION 2. CONSTITUTIONALITY; AMBIGUITIES.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

**SECTION 3. PUBLICATION.** This Ordinance shall be published as provided in Government Code Section 36933.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on October 22, 2024, and was thereafter, at a regular meeting held on November 12, 2024, passed and adopted by the following vote:



AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman MMC, City Clerk

**APPENDIX A  
AMENDMENTS TO CHAPTER 6.40**

## Chapter 6.40 REUSABLE BAGS

### 6.40.010 Findings and purpose.

The city council finds and determines that:

- A. The use of ~~single-use~~ carryout bags by consumers at retail establishments and food facilities is detrimental to the environment, public health and welfare.
- B. The manufacture and distribution of ~~single-use~~ carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions.
- C. ~~Single-use~~ Carryout bags contribute to environmental problems, including litter in stormdrains, creeks, the bay and the ocean.
- D. ~~Single-use~~ Carryout bags provided by retail establishments and food facilities impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance.

The city council does, accordingly, find and declare that it should restrict the use of ~~single-use~~ carryout bags.

The city has a substantial interest in protecting its residents and the environment from negative impacts from ~~plastic~~ carryout bags.

(Ord. No. 2013-390, § 1, 3-12-2013)

### 6.40.020 Definitions.

- A. "Customer" means any person obtaining goods or prepared food from a retail establishment or food facility.
- B. "Garment bag" means a travel bag made of pliable, durable material with or without a handle, designed to hang straight or fold double and used to carry suits, dresses, coats, or like without crushing or wrinkling the same.
- C. "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501 (c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty (50) percent of its revenues from the handling and sale of those donated goods or materials.
- D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- E. "Prepared food" means foods or beverages, which require no further preparation to be consumed and are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing. "Prepared food" does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.
- F. "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- G. ~~"Public eating establishment"~~ "Food facility" means ~~a restaurant, take-out food establishment, or any other business that receives ninety (90) percent or more of its revenue from the sale of prepared food to be eaten on or off its premises.~~ an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption, as defined by California Health and Safety Code Section 113789 or successor. "Food facility" includes, but is not limited to, restaurants, retail food establishments, caterers, cafeterias, stores, shops, sales outlets, grocery stores, pubs, coffee shops, convenience stores, liquor stores,

supermarkets, delicatessens, fraternal clubs serving the public, itinerant restaurants, mobile food vendors, vehicles or carts, or roadside stands. It includes both permanent and temporary food facilities. Public schools are exempt from the provisions of this chapter.

- H. "Recycled paper bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of ~~forty (40)~~ fifty (50) percent post-consumer recycled content; is one hundred (100) percent recyclable; and has printed in a highly visible manner on the outside of the bag the words "reusable" and "recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.
- I. "Retail establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, prepared food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the City of Los Altos. "Retail establishment" does not include ~~public eating establishments or~~ nonprofit charitable reusers.
- J. "Reusable bag" means ~~either~~ a bag made of cloth or other machine washable fabric that has handles, ~~or of a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.~~ A garment bag may meet the above criteria regardless of whether it has handles or not.
- K. "~~Single-use~~ Carryout bag" means a bag of plastic, paper, or other material that is provided by a store to a customer at the point of sale for the purpose of carrying purchased goods and that is not a recycled paper bag, other than a reusable or bag provided at the check stand, cash register, point of sale or other point of departure, including departments within a establishment for the purpose of transporting food or merchandise out of the establishment. "~~Single-use~~ Carryout bags" do not include bags without handles provided to the customer:
  1. ~~To transport prepared food, produce, bulk food or meat from a department within a store to the point of sale;~~
  2. To hold prescription medication dispensed from a pharmacy; or
  3. To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag.
  4. A nonhandled bag that is designed to be placed over articles of clothing on a hanger, such as a garment bag used in dry cleaning or laundry services.

(Ord. No. 2013-390, § 1, 3-12-2013)

**6.40.030 ~~Single-use~~ Carryout bags.**

- A. No retail establishment or food facility shall provide a single-use carryout bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this section.
- B. A retail establishment and food facility may only make recycled paper bags or reusable bags available to customers if the retailer charges must charge a minimum of ~~ten~~ twenty-five cents (\$0.~~40~~25) per bag.
- C. Notwithstanding this section, no retail establishment or food facility may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized in the sale receipt.
- D. A retail establishment or food facility may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in CalFresh pursuant to Chapter 10 (commencing with Section 18900) Part 6 of Division 9 of the California Welfare and Institutions Code.

(Ord. No. 2013-390, § 1, 3-12-2013; Ord. No. 2014-404 , § 1, 11-25-2014)

**6.40.040 Recordkeeping and inspection.**

Every retail establishment and food facility shall keep complete and accurate record or documents of the purchase and sale of any recycled paper bag or reusable bag by the retail establishment, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the city during regular business hours by any city employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the city shall be a violation of this chapter.

(Ord. No. 2013-390, § 1, 3-12-2013)

**6.40.050 Administrative penalty.**

A penalty may be imposed upon findings made by a city's code enforcement officer that any retail establishment has provided a single-use carryout bag to a customer in violation of this chapter. The amount of penalty and the penalty procedures are contained in the Los Altos Municipal Code, Chapter 1.30, entitled "Administrative Citations and Orders."

(Ord. No. 2013-390, § 1, 3-12-2013)

**ORDINANCE NO. 2024-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS REPEALING IN ITS ENTIRETY THE POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE ORDINANCE, CHAPTER 6.44 OF THE LOS ALTOS MUNICIPAL CODE**

**WHEREAS**, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the City Council repeals in its entirety the Polystyrene Foam Disposable Food Service Ware Ordinance, Chapter 6.44 of the Los Altos Municipal Code; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15378(b)(4) and 15273(a)(1) and 15273(a)(2) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended; and

**NOW, THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF TITLE 6 OF THE MUNICIPAL CODE.** Chapter 6.44 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, and strikethrough indicating deletion.

**SECTION 2. CONSTITUTIONALITY; AMBIGUITIES.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Director of Development Services, in their reasonable discretion, after consulting the City Attorney.

**SECTION 3. PUBLICATION.** This Ordinance shall be published as provided in Government Code Section 36933.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on October 22, 2024, and was thereafter, at a regular meeting held on November 12, 2024, passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK



**APPENDIX A  
AMENDMENTS TO CHAPTER 6.44**

**ORDINANCE NO. 2024-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
REPEALING IN ITS ENTIRETY THE SINGLE-USE FOODWARE  
ACCESSORIES AND CONDIMENTS ORDINANCE, CHAPTER 6.45 OF THE  
LOS ALTOS MUNICIPAL CODE**

**WHEREAS**, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the City Council repeals in its entirety the Single-use Foodware Accessories and Condiments Food Service Ware Ordinance, Chapter 6.45 of the Los Altos Municipal Code; and

**WHEREAS**, this Ordinance is exempt from environmental review pursuant to Section 15378(b)(4) and 15273(a)(1) and 15273(a)(2) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended; and

**NOW, THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF TITLE 6 OF THE MUNICIPAL CODE.** Chapter 6.45 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, and strikethrough indicating deletion.

**SECTION 2. CONSTITUTIONALITY; AMBIGUITIES.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Director of Development Services, in their reasonable discretion, after consulting the City Attorney.

**SECTION 3. PUBLICATION.** This Ordinance shall be published as provided in Government Code Section 36933.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on October 22, 2024, and was thereafter, at a regular meeting held on November 12, 2024, passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

**APPENDIX A  
AMENDMENTS TO CHAPTER 6.45**

**ORDINANCE NO. 2024-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE, BY ADDING CHAPTER 6.42 ENTITLED “REGULATIONS ON DISPOSABLE FOODWARE”**

**WHEREAS**, the production, consumption and end of life management of Disposable Foodware, typically used for only a few minutes before being discarded, have significant environmental impacts including substantial greenhouse gas emissions, litter, marine pollution, environmental contamination, harm to wildlife, the depletion of precious natural resources, decrease of biodiversity, and the generation of hard-to-manage waste.

**WHEREAS**, disposable Foodware substantially contributes to hard-to-recycle wastes. Packaging comprises 27% of California’s disposed waste stream annually. The generation of municipal solid waste in 1960 was just 2.68 pounds per person per day in California and reached 4.9 pounds per person per day in 2018, the last time EPA reported generation rates. In 2018, 28% of municipal solid waste disposed of in the U.S. was packaging.

**WHEREAS**, every year, about 8 million tons of plastic waste escape into the oceans from coastal nations. That’s the equivalent of dumping the contents of one garbage truck into the ocean every minute. Research indicates that as of 2015, there were over 150 million tons of plastics in the ocean. If plastic inputs are not significantly curtailed, the ocean will contain 3 times more plastic by weight than fish by 2025. Over 900 species of marine wildlife have been impacted by plastic ingestion and entanglement.

**WHEREAS**, each year in California and globally, during International Coastal Cleanup Day, seven of the top ten littered items collected on beaches and shorelines are Disposable food and beverage packaging. Almost all of them are plastic.

**WHEREAS**, plastic may last for hundreds and even thousands of years, and has broad, long-lasting negative impacts. Plastics are persistent and accumulating dramatically in oceans worldwide. Scientists document a complex toxicology of plastic micro- and nano- particles in marine life that transfers up the food chain, including to people.

**WHEREAS**, packaging, including Foodware, is a primary user of virgin materials and resources. 55% of paper produced each year is used for packaging. Paper production is responsible for 3 billion trees logged in the U.S. each year, which causes loss of habitat and biodiversity, results in sedimentation of streams, and reduces the availability of trees to capture CO2 from the atmosphere.

**WHEREAS**, the growth of plastics production in the past 65 years has substantially outpaced any other manufactured material. 42% of non-fiber plastics produced are used for packaging and 60% of all plastics produced between 1950 and 2015 were landfilled or entered the environment. Half of all global plastic production is for single-use applications.

**WHEREAS**, reducing the production and disposal of plastic is essential to reducing greenhouse gas emissions. It is estimated that in 2019 alone the global production and incineration of plastic produced more than 850 million metric tons of greenhouse gasses—equal to the emissions from 189 five-hundred-megawatt coal power plants.

**WHEREAS**, disposable Foodware poses numerous threats to human health. Over 12,000 chemicals are used in food packaging and other materials that contact food. Many are known to cause cancer, endocrine disruption, chronic diseases and other illnesses in people, and to harm aquatic and terrestrial

ecosystems. Many of the most toxic chemicals used in Disposable Foodware migrate into food and beverages.

**WHEREAS**, disadvantaged and low-income communities are disproportionately impacted by the human health and environmental impacts of toxic chemicals in Disposable Foodware, plastic pollution, and fossil fuel extraction.

**WHEREAS**, requiring the use of 100% Reusable Foodware for onsite dining and take-out food service in urban cities in the U.S. is estimated to achieve an 86% reduction in Disposable Foodware, equal to 841 billion Foodware items eliminated, 7.5 million tons of waste avoided, \$5 billion in net savings for the food service industry for food service operations, \$5.1 billion saved by business and local government in solid waste management costs, and 17 billion pieces of litter prevented. Meanwhile 193,000 local community-based jobs would be created.

**WHEREAS**, in 2021, Governor Newsom signed into law California Assembly Bill (AB) 1276 (codified at Pub. Res. Code, Sections 42270 et seq.) which prohibits food facilities from providing any single-use Foodware Accessories or condiment packages unless requested by the customer.

**WHEREAS**, State law allows customers to provide their own Reusable Beverage Cups and Reusable Food Containers for service, and, consistent with the Centers for Disease Control and Prevention, the Alameda County Department of Environmental Health allows the use of Reusable Food Service Ware when properly washed, rinsed, and sanitized.

**WHEREAS**, the proposed ordinance requiring food providers to limit Disposable Food Service Ware is intended to reduce the risk of harm to wildlife and improve water quality in City waterways as required by the Stormwater Permit.

**NOW, THEREFORE**, the City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF TITLE 6 OF THE MUNICIPAL CODE.** Chapter 6.42 is hereby added to the Los Altos Municipal Code as set forth in Appendix A to this Ordinance, underline indicates addition, strikethrough indicates deletion.

**SECTION 2. CONSTITUTIONALITY; AMBIGUITIES.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

**SECTION 3. PUBLICATION.** This Ordinance shall be published as provided in Government Code Section 36933.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on October 22, 2024, and was thereafter, at a regular meeting held on November 12, 2024, passed and adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Jonathan D. Weinberg, MAYOR

Attest:

---

Melissa Thurman, MMC, CITY CLERK

**APPENDIX A**  
**ADDING CHAPTER 6.42**



**CHAPTER 6.42 - REGULATIONS ON DISPOSABLE FOODWARE**

**Section 6.42.010 Definitions.**

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

- A. "Aluminum foil-based" means any disposable foodware composed entirely of aluminum, including but not limited to aluminum tray liners, aluminum foil, and aluminum foil baskets.
  
- B. "Biodegradable Products Institute" or "BPI" is a multi-stakeholder association of key individuals and groups from government, industry, and academia, which promotes the use and recycling of biodegradable polymeric materials (via composting). BPI maintains and certifies a list of products that demonstrate that they meet the requirements of ASTM D6400 or D6868, based on testing in an approved laboratory.
  
- C. "Compostable" means an item or material is accepted in the City's available organics collection program as fully compostable, as determined by the City's Development Services Department, and is listed, described, or referenced on the Sustainability Division website as compostable. The City shall list only items or materials that are Fiber-based and will break down into, or otherwise become a part of, usable compost (e.g., soil conditioning material, mulch) in a safe and timely manner. Products or packages made with plastics, either petroleum or biological based, and made with fluorinated chemicals shall not be considered compostable. Only items and materials certified to meet these standards by the Biodegradable Products Institute, Compost Manufacturing Alliance, and/or other third party recognized by the City shall be considered compostable.
  
- D. "City" means the City of Los Altos.
  
- E. "Disposable" means designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple reuses.
  
- F. "Fiber/natural fiber-based" means a plant or animal-based, nonsynthetic fiber, including but not limited to products made from paper, sugarcane, bamboo, wheat stems/stalk, hay, wood, etc. Fiber-based items do not include or contain petroleum-based or biologically-based polymers of any kind.
  
- G. "Foodware" means food contact products used for serving, distributing, holding, packaging, and/or transporting prepared food including, but not limited to plates, cups, bowls, trays, clamshell containers, boxes, utensils, straws, lids, and food contact paper (e.g., wraps, bags, tray liners, etc.). The term "foodware" includes foodware accessories and standard condiment in disposable packaging.

- H. “Foodware accessories” includes different types of foodware such as straws, stirrers, cup spill plugs, cup sleeves, condiment cups and packets, utensils, cocktail sticks/picks, toothpicks, napkins, and other similar accessory or accompanying foodware used as part of food or beverage service or packaging.
  
- I. “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption, as defined by California Health and Safety Code Section 113789 or successor. "Food facility" includes, but is not limited to, restaurants, retail food establishments, caterers, cafeterias, stores, shops, sales outlets, grocery stores, pubs, coffee shops, convenience stores, liquor stores, supermarkets, delicatessens, fraternal clubs serving the public, itinerant restaurants, mobile food vendors, vehicles or carts, or roadside stands. It includes both permanent and temporary food facilities. Public schools are exempt from the provisions of this chapter.
  
- J. “Healthcare facilities” means places that provide healthcare to the public. Healthcare facilities include, but are not limited to, hospitals, clinics, outpatient care centers, nursing homes, psychiatric care centers, medical offices, hospice homes, mental health and addiction treatment centers, orthopedic and other rehabilitation centers, urgent care, birth centers, etc.
  
- K. “Non-compostable” means not meeting the definition of compostable set forth in this chapter.
  
- L. “Non-reusable” means an item that is designed to be used once and discarded and is not specifically designed and manufactured for repeated cleaning, disinfecting, and reuse over an extended period of time.
  
- M. “On-premises dining” means food prepared for consumption on the premises of the food facility either indoors or outdoors.
  
- N. “Off-premises dining” means food prepared for consumption off the premises of the food facility. It includes, but is not limited to, takeout food delivery service, drive-through and catering off site.
  
- O. “Perfluoroalkyl and Polyfluoroalkyl substances (PFAS)” means a class of fluorinated organic chemicals containing at least one (1) fully fluorinated carbon atom.
  
- P. “Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Free” means either of the following:
  - 1. PFAS has not been intentionally added to a product or product component.
  - 2. The presence of PFAS in a product or product component is below one hundred (100) parts per million, as measured in total organic fluorine.

- Q. “Polystyrene-based” means and includes expanded polystyrene, which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term “polystyrene” also includes polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam (expanded polystyrene (EPS)) and clear or solid polystyrene known as oriented polystyrene.
- R. “Prepackaged food” means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer and prepared at an approved source.
- S. “Prepared Food” means food or beverages that undergo a cooking or food preparation technique on the food facility's premises for consumption by the public. Cooking or food preparation technique includes but is not limited to the following:
1. Cooking methods, utilizing the application of heat, such as steaming, microwaving, simmering, boiling, broiling, grilling, frying, or roasting.
  2. Beverage preparation, such as blending, brewing, steeping, juicing, diluting, or pouring.
  3. Food preparation techniques, such as defrosting, rinsing, washing, diluting, cutting, portioning, mixing, blending, assembling, coating, dipping, garnishing, decorating, or icing.
- Prepared Food does not include raw eggs or raw butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.
- T. “Reusable” means foodware and foodware accessories that are manufactured of durable materials and specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time and are safe for washing and sanitizing according to applicable regulations.
- U. “Standard condiment” means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, and includes different types such as ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, and sugar/sugar substitutes.
- V. “Takeout food” means prepared food that is purchased to be consumed off a food facility’s premises. Takeout food includes prepared food delivered by a food facility or by a third-party takeout food delivery service.

- W. “Takeout food delivery service” is a service for online food ordering and delivery of prepared food from a food facility to a customer. This service can be provided directly by the food facility or by a third party.
- X. “Utensils” include different types of instruments used to assist the consumption of food, specifically, forks, knives, spoons, sporks, chopsticks, and tongs.
- Y. “Vendor” means any store or business which sells or offers goods or merchandise, located or operating within the city of Los Altos.

**6.42.020 Disposable Foodware Accessories and Condiments**

Effective as of June 1, 2022:

- A. Disposable Foodware Accessories and Standard Condiments shall be provided only upon request.
  - 1. Food Facilities shall provide Disposable Foodware Accessories or Standard Condiments to customers for takeout and delivery orders only when specifically requested by the customer. Takeout and delivery orders include orders made directly with the Food Facility and orders made using digital ordering/point of sale platforms.
  - 2. Disposable Foodware Accessories and Standard Condiments shall not be bundled or packaged in a manner that prohibits a take-out customer from taking only the specific Disposable Foodware Accessory and/or Standard Condiment desired without also having to take a different Disposable Foodware Accessories and/or Standard Condiment.
  - 3. Disposable Foodware Accessories shall not be individually wrapped and may be provided to customers using refillable dispensers that dispense items one at a time.
  - 4. Takeout Food Delivery Services that utilize digital ordering/point of sale platforms, including but not limited to the internet and smart phone, shall only offer Disposable Foodware Accessories by providing clear options for customers to affirmatively request these items separate from orders for food and beverages. The default option on the digital ordering/point of sale platforms shall be that no Disposable Foodware Accessories are requested. Each individual Disposable Foodware Accessory (e.g., each fork, knife, condiment packet, napkin, etc.) provided with Prepared Food must be specifically requested by the customer in order for a Food Facility to provide it.
  - 5. A Food Facility may ask a drive-through consumer if the consumer wants a Disposable Foodware Accessory if the Disposable Foodware Accessory

is necessary for the consumer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food.

6. For delivery orders, Food Facilities may choose to include specific accessories, such as cup lids, spill plugs, and trays, in order to prevent spills and deliver food and beverages safely.

**Section 6.42.030 Compliant Disposable Foodware for Off-premises Dining.**

Effective 6-months after ordinance adoption:

- A. Food Facilities may provide Prepared Food in Disposable Foodware for Off-premises Dining (e.g., takeout food, grocery delicatessen/hot bar, catering off site, take away leftover food, etc.) provided that:
  1. On or after July 4, 2014, Food Facilities shall not use Polystyrene-based Disposable Foodware.
  2. Disposable Foodware and Accessories shall be Compostable, recyclable glass, or Aluminum Foil-based and PFAS Free.
  3. Disposable Foodware Accessories shall be provided only upon request as outlined in section 6.42.020 of this ordinance.

**Section 6.42.040 Reusable Foodware Required for On-premises Dining.**

Effective 12-months after ordinance adoption:

- A. Food Facilities shall only serve Prepared Food for On-premises Dining with Reusable Foodware except as otherwise provided in subsection B of this section.
- B. Food Facilities may provide the following Non-reusable Foodware Accessories: straws, stirrers, cocktail sticks/picks, toothpicks, napkins, wrappers, and liners so long as they are compostable.
- C. Standard Condiments provided for on-site consumption shall not be served in disposable, individual-serving packets.
- D. Nothing in this section shall prohibit a food facility from offering, upon a customer's request, Non-reusable Foodware for takeout food or to take away leftover food after dining on the premises.
- E. New building permits and new or renewed business licenses for Food Facilities applied for, and/or deemed complete after ordinance effective date shall only be granted to Food Facilities that can demonstrate adequate capacity to comply with this the regulations provided in this chapter.

- F. Food Facilities subject to the requirements of subsection A that do not have onsite or off-site dishwashing capacity and are unable to contract for services to wash, rinse, and sanitize Reusable Foodware, in order to comply with applicable provisions of the California Health and Safety Code, may petition the City Manager for an exemption or extension as outlined in this chapter.

**Section 6.42.050 Distribution of Polystyrene-based Disposable Foodware.**

- A. On or after July 4, 2014, Polystyrene-based Disposable Foodware shall not be sold or provided by any vendor in Los Altos.

**Section 6.42.060 Recordkeeping and inspection.**

- A. Food Facilities shall keep a complete and accurate record or documents of the purchase of the acceptable Disposable Food Service Ware evidencing compliance with this Chapter for a minimum period of three (3) years from the date of purchase.
- B. The records shall be made available for inspection at no cost to the City during regular business hours by City staff authorized to enforce this Chapter. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be made available at the Food Facility address.
  - 1. The provision of false or incomplete information, records, or documents to the City shall be a violation of this Chapter.

**Section 6.42.070 Exemptions.**

- A. Prepackaged Food is exempt from the provisions of this chapter.
- B. Nothing in this chapter shall conflict or be construed to conflict with the Americans with Disabilities Act or any other applicable law concerning the rights of individuals with disabilities. Nothing in this chapter shall restrict, or be construed to restrict, the provision by Food Facilities of Disposable Non-compostable straws to individuals who may request the use of Disposable Non-compostable straws to accommodate medical needs or disabilities. Healthcare facilities may distribute Disposable Non-compostable straws with or without request by a patient at the discretion of the healthcare facility staff based on the physical or medical needs of the patient.
- C. The Food Facility can request an exemption to Disposable Foodware and Accessories banned by Section 6.42.020 of this ordinance and may receive an exemption if the Food Facility demonstrates, in writing, to the satisfaction of the City Manager or their designee, that compliance with the provisions of this Chapter will impose a unique problem not generally applicable to other persons in similar circumstances that will result in an undue economic hardship.

- i. An undue economic hardship could include but is not limited to: overstocked supplies that cannot be returned to the distributor or used at another store outside the city; or unique Foodware accessory needs for which no suitable alternative exists. The Food Facility must demonstrate that no reasonably feasible alternative exists for a specific and necessary prohibited Disposable Foodware item or Accessory.
- ii. The City Manager or their designees shall issue a written decision to grant or deny an exemption and may exempt the food provider for no more than one (1) year from the date of the demonstration. The City Manager's decision shall be final and is not subject to appeal.

**Section 6.42.080 Administrative Penalty.**

A penalty may be imposed upon findings made by a city's code enforcement officer that any Food Facility has provided "Non-reusable/Non-compostable Foodware" in violation of this chapter. The amount of penalty and the penalty procedures are contained in the Los Altos Municipal Code, Chapter 1.30, entitled "Administrative Citations and Orders."



# City Council Agenda Report

**Meeting Date:** December 10, 2024  
**Prepared By:** Public Works Department  
**Approved By:** Gabe Engeland

**Subject:** Project Acceptance: 2024 Street Resurfacing Project to O’Grady Paving Inc., (Projects TS-01001, TS-01004 & TS-01009)

### COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### RECOMMENDATION

Move to adopt Resolution No. 2024 - \_\_\_\_\_ accepting completion of the 2024 Street Resurfacing Project, (Projects TS-01001, TS-01004 and TS-01009); and authorize the Public Works Director to record a Notice of Completion as required by law, and find the action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidelines Section 15300.2 applies.

### FISCAL IMPACT

The project is funded by Gas Tax, Measure B, Vehicle Registration Fee (VRF) and SB1. Based on the funding availability and the bid from O’Grady Paving Inc., any savings from the project will be applied to the FY 24-25 Annual Street Resurfacing Project.

2024 Street Resurfacing Project Funding Source		
Project Funding Source	Project Budget	Final Cost
Construction	\$ 1,362,666.00	\$ 1,201,523.30
Construction Inspection	\$ 59,576.00	\$ 29,968.00
Printing/Environmental Doc/Misc	\$ 600.00	\$ 600.00
Project Total Cost	\$ 1,422,842.00	\$ 1,232,091.30
<b>Total Project Savings</b>		<b>\$ 190,750.70</b>



**ENVIRONMENTAL REVIEW**

The acceptance of the work is categorically exempt from review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(a) (Existing Facilities), in that the project consists of the interior and exterior alterations of existing facilities. Also, the project involves negligible or no expansion of existing or former uses, and none of the circumstances stated in CEQA Guidelines Section 15300.2 apply.

**PREVIOUS COUNCIL CONSIDERATION**

On June 25, 2024, the Council awarded a construction contract to O’Grady Paving Inc., in the amount of \$1,362,666.40.

**SUMMARY**

- The city advertised the Annual Street Resurfacing Project. on May 15, 2024, and May 22, 2024, on the Town Crier and the City website
- On June 12, 2024, the City received one (1) bid and opened it in a public session.
- The lowest responsive and responsible bidder was O’Grady Paving Inc., with a base bid in the amount of \$1,259,206.40. The added alternative for the project was in the amount of \$103,460.00. The total bid award was \$1,362,666.40 for the base bid plus add alternative #1.

**BACKGROUND**

The annual street resurfacing project is dedicated to repairing and maintaining existing asphalt concrete (AC) roadways in the city. The scope of work consisted of grinding and overlaying 0.25’ of AC of Jardin Drive from Valencia Drive to the City of Mountain View city limits; Avalon Drive from Almond Avenue to Jardin Drive; Damian Way from Covington Road to the end of the cul-de-sac; Loma Prieta Court from Miramonte Ave to end of the cul-de-sac; Santa Rita Court from Los Altos Avenue to end; and Mercedes Avenue from Loucks Avenue to Pasa Robles Avenue. The project micro-surfaced Amador Avenue from San Luis Avenue to Benvenue Avenue, Fallen Leaf Lane from Louise Avenue/Fallen Leave Lane to Jones Lane, and Mercedes Avenue from Pasa Robles Avenue to West Portola Avenue. Micro-surfacing consists of applying a mixture of water, asphalt emulsion (AC binder), very small, crushed rock, and - additives. This application is commonly applied to sections where the road has aged, minimal cracking, and fine aggregates (small rocks) have flacked off through the years. At all locations, the project included adjusting the existing utility cover to grade, placing new signage, and installing thermoplastic striping as part of the project.

**DISCUSSION/ANALYSIS**

O’Grady Paving Inc. completed the FY 23-24 Annual Street Resurfacing project construction. The overall project budget saving is \$190,750.70. The major project savings are due to removing the Loma Prieta Court and the geotechnical fabric installation. Before beginning construction, it was determined that Loma Prieta Court had a drainage issue that needed to be resolved before milling and overlaying the cul-de-sac. The problem was not known before the project went out for bid advertisement. Once the issue was brought to the staff’s attention, the mill and overlaying of the cul-de-sac were removed from O’Grady Paving Inc.’s

contract. The drainage problem will be addressed as a part of the FY 24-25 Annual Street Resurfacing Project. The removal of Loma Prieta Court saved the project \$49,983.00. The geotechnical fabric was removed from the project because the thickness of the existing asphalt was less than anticipated. Removing the geotechnical fabric from the project has project savings of \$32,962.00. The remaining project savings came from the actual quantity of material that was utilized for the project. The materials needed for the project were much lower on some streets, while others came in slightly higher. When the material amount was balanced, the project realized overall cost savings. All cost savings from this year's annual street resurfacing will be applied to the FY 24-25 annual street resurfacing.

Staff recommend the adoption of Resolution No. 2024 - \_\_\_\_ accepting completion of the 2024 Street Resurfacing Project (Projects TS-01001, TS-01004, and TS-01009); and authorize the Public Works Director to record a Notice of Completion

**ATTACHMENT**

- 1. Resolution 2024-\_\_\_\_\_

RESOLUTION NO. 2024-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ACCEPTING COMPLETION OF AND DIRECTING THE PUBLIC WORKS  
DIRECTOR TO FILE A NOTICE OF COMPLETION OF THE FY 2023-2024  
ANNUAL RESURFACING PROJECT**

**WHEREAS**, the City of Los Altos and O’Grady Paving Inc. originally entered into a contract agreement dated June 25, 2024; and

**WHEREAS**, the work performed by O’Grady Paving Inc. is satisfactory to this City Council that said work under the contract has been fully completed and done as provided in said contract, and the plans and specifications therein referred to.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby finds and authorizes the following:

1. The acceptance of completion of said work.
2. The Public Works Director is directed to execute and file for record with the County Recorder of the County of Santa Clara a notice of completion thereof, as required by law.
3. That the acceptance of the work is exempt from review pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c), and none of the circumstances in CEQA guidance Section 15300.2 applies.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 10<sup>th</sup> day of December 2024 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jonathan D. Weinberg, MAYOR

Attest:

\_\_\_\_\_  
Melissa Thurman, MMC  
CITY CLERK



## City Council Agenda Report

**Meeting Date:** December 10, 2024

**Initiated By:** City Council

**Prepared By:** Anthony Carnesecca

**Approved By:** Gabe Engeland

**Subject:** Accept North County Library Authority Funds for Main Library Improvements Project and Award Contract for Main Library Improvements Project to Anderson Brule Architects in the amount of \$132,628

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### COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### RECOMMENDATION

City staff recommends that the City Council adopt two resolutions that do the following:

- Accept North County Library Authority Funds for Main Library Improvements Project, Authorize the City Manager to Amend FY24/25 Budget By Transferring \$145,891 Revenue from General Fund to the Capital Improvements and Major Maintenance Program, Recognize \$145,891 Revenue from North County Library Authority, and Appropriate \$145,891 Revenue to Main Library Improvements Project (LI01001).
- Authorize the City Manager to execute a contract for Main Library Improvements Project with Anderson Brule Architects in the amount of \$132,628 and authorize the City Manager to execute a change order not to exceed 10% (\$13,263) of the total contract amount on behalf of the City.

### POLICY QUESTION(S) FOR COUNCIL CONSIDERATION

None

### FISCAL IMPACT

The North County Library Authority has approved the payment of \$145,891 for Phase 1 of the Main Library Improvements project so there will be no fiscal impact.

### ENVIRONMENTAL REVIEW

This resolution is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

**PREVIOUS COUNCIL CONSIDERATION**

January 23, 2024 & June 25, 2024

**DISCUSSION/ANALYSIS**

During the Future Agenda Items Discussion section of the Los Altos City Council meeting on September 26, 2023, Councilmember Dailey requested the Library Commission to bring forward to Council at a Study Session the status of the library and options they have considered for improving the library for consideration of Council, including, but not limited to the potential use of parcel tax funds. Mayor Meadows and Vice Mayor Weinberg supported the future agenda topic.

During the October 5, 2023 Library Commission meeting, Chair Fawcett moved that the Commission form an Ad Hoc Committee consisting of Vice Chair Bedard and Commissioner Crane to work on documents in preparation for the Study Session with City Council focused on possible library improvements as directed at the September 26, 2023 City Council meeting that will terminate upon receipt of the Final Report to the Commission. Commissioner Crane seconded the motion. The motion passed 4-0.

During the January 4, 2024 Library Commission meeting, the final proposal was unanimously approved by the Commission to move onto the City Council.

During the January 23, 2024 City Council Study Session, the Potential Improvements to Library Ad-Hoc Subcommittee presented their recommendations for improvements to the City Council. City Council directed the ad-hoc subcommittee to continue with the process by presenting the information to the North County Library Authority and requesting that the NCLA approve funding an RFP to be issued by the City of Los Altos based on their recommendations.

During the January 29, 2024 NCLA Meeting, the ad-hoc subcommittee presented the same information as presented to the City Council one week prior. The NCLA board unanimously approved a motion to authorize the City of Los Altos to issue an RFP, jointly by the City and the County Library System with NCLA to cover the costs associated with the issuance of the RFP

At the June 25, 2024 City Council meeting, City Council unanimously authorized the City Manager to issue a Request for Proposals for Design Services for Los Altos Main Library Improvements.

The City issued the RFP - Design Services for Los Altos Main Library Improvements on our Bids and Requests for Proposals website on Wednesday, July 17, 2024. The RFP closed on Thursday, August 22, 2024 at 3 pm.

The RFP divided the improvements into three distinct phases. Phase 1 is a Design Alternative Analysis that will investigate the existing condition, create design alternatives, evaluate cost estimates, and garner consensus for a final preferred design. Phase 2 is 65% drawings that will include technical specifications for the building with a more detailed cost breakdown. Phase 3 is bid-ready construction documents and construction transition.

The City received nine proposals for the project. The review committee reviewed all the proposals and invited the highest-ranking proposers to a final interview.

The review committee conducted interviews with the finalists and has selected Anderson Brule Architects (ABA) as the consultant to complete the design work for the Los Altos Main Library Improvements.

During the October 3, 2024 Library Commission meeting, City staff provided an update on the process and next steps, including a request for funds from the North County Library Authority and a contract award from the Los Altos City Council. The Library Commission unanimously recommended approval to move forward in this process.

ABA proposed an initial bid of \$128,765 for the base services of Phase 1 and an additional 3% for reimbursable expenses at \$3,863, totaling \$132,628. City staff recommended an additional 10% contingency. In total, City staff requested \$145,891 in funding from the North County Library Authority for Phase 1 of the RFP.

Their RFP proposed the amount above for Phase 1 and 10% of construction bid award budget determined in Phase 1 for Phases 2 and 3. When Phase 1 is completed, the City will request the additional necessary funds for Phases 2 and 3 from the North County Library Authority. This is anticipated to occur in Summer 2025.

During the November 18, 2024 North County Library Authority meeting, their board unanimously approved the funding allocation to the City of Los Altos for Phase 1 of the Main Library Improvements Project.

The City acknowledges that the Main Library Improvement Project is subject to compliance with all legal requirements, including and but not limited to compliance with the California Environmental Quality Act (CEQA). No financial commitment shall be construed to compel the City to approve or make any particular findings with respect to any environmental documentation that is prepared, pursuant to CEQA, for any portion of the Project. The City retains full discretion to approve any CEQA documents prepared or to analyze environmental impacts or the Project.

**ATTACHMENTS**

- 1. Resolution 2024-XX
- 2. Resolution 2024-XX

## RESOLUTION NO. 2024-\_\_\_

**A RESOLUTION APPROVING THE ACCEPTANCE OF NORTH COUNTY LIBRARY AUTHORITY FUNDS FOR MAIN LIBRARY IMPROVEMENTS PROJECT, AMENDING FY24/25 BUDGET BY TRANSFERRING \$145,891 REVENUE FROM GENERAL FUND TO THE CIMMP, RECOGNIZING \$145,891 REVENUE FROM NORTH COUNTY LIBRARY AUTHORITY, AND APPROPRIATING \$145,891 REVENUE TO MAIN LIBRARY IMPROVEMENTS PROJECT**

**WHEREAS**, during the January 23, 2024 City Council Study Session, the Potential Improvements to Library Ad-Hoc Subcommittee presented their recommendations for improvements to the City Council. City Council directed the ad-hoc subcommittee to continue with the process by presenting the information to the North County Library Authority and requesting that the NCLA approve funding an RFP to be issued by the City of Los Altos based on their recommendations; and

**WHEREAS**, during the January 29, 2024 NCLA Meeting, the ad-hoc subcommittee presented the same information as presented to the City Council one week prior. The NCLA board unanimously approved a motion to authorize the City of Los Altos to issue an RFP, jointly by the City and the County Library System with NCLA to cover the costs associated with the issuance of the RFP; and

**WHEREAS**, at the June 25, 2024 City Council meeting, City Council unanimously authorized the City Manager to issue a Request for Proposals for Design Services for Los Altos Main Library Improvements; and

**WHEREAS**, City staff issued an RFP for the project and selected Anderson Brule Architects as the consultant to complete the design work for the Los Altos Main Library Improvements; and

**WHEREAS**, During the October 3, 2024 Library Commission meeting, City staff provided an update on the process and next steps, including a request for funds from the North County Library Authority and a contract award from the Los Altos City Council. The Library Commission unanimously recommended approval to move forward in this process; and

**WHEREAS**, During the November 18, 2024 North County Library Authority meeting, the board unanimously approved the funding allocation to the City of Los Altos for Phase 1; and

**WHEREAS**, this resolution is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby:

1. Approves the acceptance of the North County Library funds for the Main Library Improvements Project; and
2. Amends the FY24/25 budget by transferring \$145,891 revenue from General Fund to the Capital Improvement and Major Maintenance Program; and
3. Recognizes \$145,891 revenue from North County Library Authority; and
4. Appropriates \$145,891 revenue to the Main Library Improvements Project.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 10<sup>th</sup> day of December, 2024 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jonathan D. Weinberg, MAYOR

Attest:

\_\_\_\_\_  
Melissa Thurman, CITY CLERK



**RESOLUTION NO. 2024-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON  
BEHALF OF THE CITY OF LOS ALTOS WITH ANDERSON BRULE  
ARCHITECTS FOR THE MAIN LIBRARY IMPROVEMENTS PROJECT  
(LI01001)**

**WHEREAS**, the City has selected Anderson Brule Architects to provide professional design services for the Main Library Improvements; and

**WHEREAS**, the North County Library Authority has provided funding for the project; and

**WHEREAS**, this agreement requires City Council approval pursuant to the Los Altos Purchasing Policy.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos adopt a resolution to:

1. Authorize the City Manager to execute the Agreement with Anderson Brule Architects in an amount of \$132,628 and authorize the City Manager to execute a change order not to exceed 10% (\$13,263) of the total contract amount on behalf of the City for the Main Library Improvements Project, and
2. Authorize the City Manager to take such further actions as may be necessary to implement the foregoing agreement.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 10<sup>th</sup> day of December 2024 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jonathan D. Weinberg, MAYOR

Attest:

\_\_\_\_\_  
Melissa Thurman, MMC  
CITY CLERK



## City Council Agenda Report

**Meeting Date:** December 10, 2024

**Prepared By:** Sean Gallegos

**Approved By:** Nick Zornes

**Subject:** Historic Preservation Agreement for 236 Eleanor Avenue

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### COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a Historic Preservation Agreement with the property owners of 236 Eleanor Avenue; and find the project is categorically exempt pursuant to Section 15331 (Historical Resource Restoration/Rehabilitation) of the California Environmental Quality Act (CEQA).

### FISCAL IMPACT

The fiscal impact cannot be established since the assessed value will undergo reevaluation by the Santa Clara County Assessor's Office following Council's approval of the Historic Preservation Agreement (HPA). It is anticipated that upon entering into the HPA contract with the City, there could be an annual reduction in property tax revenue for the subject property ranging from 40 percent to 60 percent. Using the property's most recent tax assessment in 2024-2025 of \$47,809, the reduction after reassessment is estimated to range between \$19,123 - \$28,685 per year. The City receives .057% to .086% of property taxes from the subject site and would therefore see an estimated \$19,123 - \$28,685 reduction in property tax revenue from this property.

### ENVIRONMENTAL REVIEW

The approval of a Historic Preservation agreement is Categorically Exempt from environmental review pursuant to Section 15331 (Historical Resource Restoration/Rehabilitation) of the California Environmental Quality Act (CEQA) because the project involves the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

**PREVIOUS COUNCIL CONSIDERATION**

None

**BACKGROUND**

The 1914 Morris house is associated with the Craftsman architecture style, popular throughout the U.S. from 1905 to 1930. This two-story, wood-frame Craftsman-style residence features a square plan and a side-gabled roof with decorative wood knee brackets and exposed rafter tails. The ground-floor entry porch includes a prominent front-facing gable with a balcony supported by paired, square wood porch posts. The entrance is offset to the right, with two large plate-glass windows to the left, and the house retains its original wood sash windows with smaller upper panes. A circular driveway surrounds a mature palm tree in the front yard.

The Historic Property Record, detailed in Attachment 2, confirms the property’s designation as a historic resource in the City’s Historic Resource Inventory. These forms establish the house’s architectural and historical significance under both state and local preservation criteria, emphasizing its distinctive Craftsman-style architecture and its role in the broader context of the city’s development.

On November 19, 2024, the Historical Commission held a public hearing to consider the HPA application. The Commission discussed the merits of the request from the property owners and acknowledged the Historic Property Record confirms the house’s designation as a Historic Resource. Following the discussion, the Commission voted unanimously to recommend the City Council authorize the City Manager to execute an HPA for the property. The Historical Commission agenda report and attachments are provided as attachment 3.

**DISCUSSION/ANALYSIS**

The Mills Act is a California law (enacted in 1972) that permits Cities to establish programs that provide property tax reductions to owners of qualified historic properties in exchange for their commitment to preserving and maintaining the property according to established preservation standards. This incentive encourages the restoration and protection of historic resources while supporting property owners in managing preservation costs.

To participate in the program, property owners must enter into an HPA, which grants them a reduced property tax rate as determined by the County Assessor. These agreements are governed by Municipal Code Chapter 12.44.170, which authorizes the City Council to approve an HPA as an incentive for the preservation of historic properties. The City of Los Altos currently has HPA’s in place with 16 designated Historic Landmark and Historic Resource properties.

HPA’s have a duration of ten years, with an automatic renewal clause on an annual basis. Both the property owner and the City have the option to revoke the agreement at any time. A key provision of the agreement requires that any savings from reduced property taxes be reinvested into the preservation, restoration, or enhancement of the historic structure. As part of the property owner’s commitment to use the tax savings in the preservation of the historic house, a schedule of proposed improvements to the structure and the property is included in the draft agreement, as outlined in Attachment 4, Exhibit B.

If the request for the HPA for the subject site is approved by the Council, it is estimated that the City would experience an annual property tax revenue reduction ranging from 40 percent to 60 percent. Using the property's most recent tax assessment in 2024-2025 of \$47,809, the reduction after reassessment is estimated to range between \$19,123 - \$28,685 per year. However, it's important to acknowledge that the exact fiscal impact remains uncertain, as the assessed value will be reevaluated by the Santa Clara County Assessor's Office following the City Council's approval of the Mills Act. Consequently, our staff is unable to determine the precise fiscal impact on the City at this time. For reference, in Fiscal Year 2022-2023, the City generated approximately \$33.3 million in property tax revenue.

#### **ATTACHMENTS**

1. Draft Resolution
2. Primary Historic Record
3. Historic Preservation Agreement
4. [Historical Commission Agenda and Attachments, November 19, 2024](#)

**RESOLUTION NO. 2024-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AUTHORIZING THE CITY MANAGER TO ENTER INTO A HISTORIC  
PRESERVATION AGREEMENT WITH THE PROPERTY OWNERS OF 236  
ELEANOR AVENUE**

**WHEREAS**, the applicant, the applicant, Todd Parmacek, submitted an application to request the City Council Authorize the City Manager to enter into Historic Preservation Agreement for the historic property at 236 Eleanor Avenue; and

**WHEREAS**, the City Council authorizing the City Manager to execute a Historic Preservation Agreement for 236 Eleanor Avenue would be categorically exempt from environmental review under Section 15331 (Historical Resource Restoration/Rehabilitation) in that the project is consistent with the Secretary of the Interior’s Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, or Reconstructing Historic Buildings (the “Secretary’s Guidelines”).

**WHEREAS**, Government Code Sections 50280 et seq. authorizes the City to enter into a historical property contract with the owner of any qualified historical property to restrict the use of such property so that it retains its historically significant characteristics in return for which the property owner obtains property tax relief; and

**WHEREAS**, the City of Los Altos is a community that celebrates its history, the rich past that is incorporated into the fabric of the City and provides a link to the community’s heritage and the remaining sites and structures of architectural and/or historic significance that enhance the community’s unique character and contribute to a sense of place; and

**WHEREAS**, by virtue of its adoption of the Historic Preservation Ordinance (LAMC Chapter 12.44), the City Council of the City of Los Altos provides that designated historic resources and landmark structures of merit that are privately owned shall be considered qualified historical properties eligible to enter into Historic Preservation (Mills Act) Agreements with the City; and

**WHEREAS**, in accordance with that Historic Preservation Ordinance (LAMC Chapter 12.44), the house at 236 Eleanor Avenue is a historic resource on the City’s Historic Resource Inventory, and it is more than 50 years in age, retains sufficient historic integrity, and is historically significant; and

**WHEREAS**, the Historical Commission held a public meeting on November 19, 2024 to consider the request to execute a historic preservation agreement on the subject property and recommended approval to the City Council; and

**WHEREAS**, in accordance with the Historic Preservation Agreement, the property owner shall every five years commencing on the fifth anniversary of the effective date of the historic preservation agreement submit to the City an updated ten (10) year schedule of potential home repair, maintenance and improvement, and submit documentation for all repairs, maintenance, and improvements which have been completed since the Effective Date.

**WHEREAS**, on December 10, 2024, the City Council held a duly noticed hearing as prescribed by law and considered any public testimony and evidence and recommendations presented by staff in connection with the Project; and

**WHEREAS**, the finding and conclusions made by the City Council in the Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based on the information provided in this Resolution; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby approves the City Manager execute a Historic Preservation Agreement with the owners of 236 Eleanor Avenue subject to the subject to the terms and conditions outlined the Historic Preservation Agreement.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on December 10, 2024 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Pete Dailey, MAYOR

Attest:

\_\_\_\_\_  
Melissa Thurman, MMC, CITY CLERK

State of California The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings \_\_\_\_\_  
Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 2 \*Resource Name or #: (Assigned by recorder) 236 Eleanor Avenue

P1. Other Identifier: HRI #: 24; Morris House

\*P2. Location:  Not for Publication  Unrestricted

- \*a. County Santa Clara and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)
- \*b. USGS 7.5' Quad \_\_\_\_\_ Date \_\_\_\_\_ T \_\_\_\_; R \_\_\_\_; \_\_\_\_ of \_\_\_\_ of Sec \_\_\_\_; \_\_\_\_ B.M.
- c. Address 236 Eleanor Avenue City Los Altos Zip 94022
- d. UTM: (Give more than one for large and/or linear resources) Zone \_\_\_\_, \_\_\_\_ mE/ \_\_\_\_ mN
- e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)  
170 41 093

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This two-story, wood-frame residence is constructed on a square plan and topped by a side-gabled roof. Gable ends are supported by decorative wood knee brackets and the open eaves reveal exposed rafterails. A large front-facing gable with balcony is set over the ground floor entry porch. The balcony is supported from below by paired, square wood porch posts; this balcony has been remodeled since the property was recorded in 1997 with the square support posts replacing the original angled knee bracket supports. The existing balcony rail was also added at that time. Additional paired porch posts are set at either end of the full-width porch and are connected by simple wood railings. The entrance is offset to the right and two large plate glass windows are located to the left. Other original wood sash windows appear to be extant. Each has a single row of smaller panes across the top. A circular driveway surrounds a single mature palm tree in the front yard. The property appears to be in excellent condition.

\*P3b. Resource Attributes: (List attributes and codes) HP2. Single family property

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)



P5b. Description of Photo:  
Primary Elevation

July 2011

\*P6. Date Constructed/Age and

Source:  Historic  Prehistoric  
 Both

1919  
G. Laffey

\*P7. Owner and Address:

Guido E. & Barbara M. Van Thillo  
236 Eleanor Avenue Los Altos, CA  
94022

\*P8. Recorded by:

Circa: Historic Property Development  
582 Market Street, Suite 1800  
San Francisco, CA 94104

\*P9. Date Recorded: \_\_\_\_\_  
July 2011

\*P10. Survey Type:  
Intensive

\*P11. Report Citation:  
Los Altos Historic Resources Inventory Update Report (Circa: Historic Property Development, March 2012).

\*Attachments:  NONE  Location Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record  Other (List): \_\_\_\_\_



State of California The Resources Agency Primary #  
DEPARTMENT OF PARKS AND RECREATION HRI#  
**BUILDING, STRUCTURE, AND OBJECT RECORD**

\*NRHP Status Code CA Reg. 5S1

Page 2 of 2 \*Resource Name or # (Assigned by recorder) 236 Eleanor Avenue

B1. Historic Name: Morris House

B2. Common Name: \_\_\_\_\_

B3. Original Use: Residential B4. Present Use: Residential

\*B5. Architectural Style: \_\_\_\_\_

\*B6. Construction History: (Construction date, alterations, and date of alterations)  
Built 1919. "Remodel & repair interior of vintage house," 1994.

\*B7. Moved?  No  Yes  Unknown Date: \_\_\_\_\_ Original Location: \_\_\_\_\_

\*B8. Related Features:  
Mature palm.

B9a. Architect: Unknown b. Builder: Unknown

\*B10. Significance: Theme Architecture/Agriculture Area Los Altos

Period of Significance c.1919-1961 (50 year mark) Property Type Residence Applicable Criteria NR/CR/Local

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)  
This bungalow was associated with agriculture, specifically orchards. Originally a part of the 1911 Adams Subdivision, oral history transcripts indicate that the house was occupied by the Morris family. C. W. Morris shows up in 1922 in city directories and is listed as an orchardist. His son Doug indicated that the family owned the surrounding 14 acres in orchard. He also indicates that the residence was built around 1919. It is not clear if the Morris family was the original occupant of the home. The house is one of the few remaining farmhouses left in the city today (G. Laffey).

Character Defining Features: two-story form; side-gable roof with wood knee brackets; open eaves with exposed rafterails; large front-facing gable; paired porch posts set at either end of the full-width porch; original wood sash windows with rows of smaller panes across top; mature palm in front yard.

Evaluation: 236 Eleanor Avenue is a good representative example of its style, is associated with the historical theme of agriculture in Los Altos, and retains a fair degree of integrity of location, workmanship, feeling, design and materials. Therefore, it is listed on the Los Altos Historic Resources Inventory as a Historic Resource and is assigned the California Register Status Code 5S1: "Individual property that is listed or designated locally."

B11. Additional Resource Attributes: (List attributes and codes) \_\_\_\_\_

\*B12. References:  
Los Altos Historical Commission: Los Altos HRI (9.28.1997); McAlester, Virginia and Lee. A Field Guide to American Houses. New York: Alfred A. Knopf, 2002; DPR series forms by G. Laffey (1997); Sanborn Maps; Los Altos HRI (February 2011).

B13. Remarks:  
Vicinity map provided by the City of Los Altos and amended by Circa: Historic Property Development.

\*B14. Evaluator: Circa: Historic Property Development  
\*Date of Evaluation: July 2011

(This space reserved for official comments.)





RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

City of Los Altos  
1 North San Antonio Road  
Los Altos, CA 94022  
Attn: Development Services Director

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RECORDING REQUESTED PURSUANT TO  
GOVERNMENT CODE SECTIONS 6103 and 27383

**HISTORIC PROPERTY PRESERVATION AGREEMENT**

THIS AGREEMENT is made and entered into this \_\_\_\_\_th day of \_\_\_\_\_, 2025 by and between the CITY OF LOS ALTOS, a municipal corporation (“City”) and Todd Parmacek and Jennifer L. Jacobsen, Trustees of the Parmacek Revocable Trust dated April 1, 2004 (collectively, “Owner”).

**RECITALS**

A. California Government Code section 50280, et seq. authorizes cities to enter into contracts with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so to retain its characteristics as property of historical significance;

B. Owner holds fee title in and to that certain real property, together with associated structures and improvements thereon, generally located at the street address 236 Eleanor Avenue, Los Altos, California (the “Historic Property”). A legal description of the Historic Property is attached hereto, marked as Exhibit “A” and is incorporated herein by this reference;

C. On September 28, 1997 the Historical Commission of the City of Los Altos designated the Historic Property as a Historical Resource, pursuant to Chapter 12.44 of the City’s Municipal Code. The Historic Property is a qualified historical property pursuant to California Government Code section 50280.1.

D. City and Owner, for their mutual benefit, now desire to enter into this agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to the Provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

AGREEMENT

NOW THEREFORE, City and Owner, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. **Effective Date and Term of Agreement.** This Agreement shall be effective and commence on \_\_\_\_\_, 2025 (“Effective Date”) and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the Effective Date, such initial term will automatically be extended as provided in paragraph 2, below.

2. **Renewal.** On each anniversary of the Effective Date (hereinafter referred to as the “Renewal Date”), an additional one year term shall automatically be added to the term of this Agreement unless a notice of nonrenewal (“Notice of Nonrenewal”) is served as provided herein. If either Owner or City desires in any year not to renew this Agreement for an additional one year term, Owner or City shall serve a written Notice of Nonrenewal upon the other party in advance of the Renewal Date. Such Notice of Nonrenewal shall be effective if served by Owner upon City at least ninety (90) days prior to the Renewal Date, or if served by City upon Owner, such Notice of Nonrenewal shall be effective if served upon Owner at least sixty (60) days prior to the Renewal Date. If either City or Owner timely serves a Notice of Nonrenewal in any year, this Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal date of this Agreement, whichever may apply.

2.1 **Owner Protest of City Nonrenewal.** Within fifteen (15) days after receipt by Owner of a Notice of Nonrenewal from City, Owner may make and file a written protest of the Notice of Nonrenewal. Upon receipt of such protest the City Council shall set a hearing prior to the expiration of the Renewal Date of this Agreement. Owner may furnish the City Council with any information which the Owner deems relevant, and within ten (10) days after demand shall furnish the City Council with any information the City Council may require. The City Council may, at any time prior to the Renewal Date of this Agreement, but without obligation to do so, withdraw its Notice of Nonrenewal.

3. **Assessment of Valuation.** The parties acknowledge that Owner, in consideration for abiding by the terms of this Agreement, shall be entitled to apply for a reassessment evaluation of the Historic Property pursuant to the provisions of Sections 439 et. seq. of the California Revenue and Taxation Code. Owner acknowledges that tax relief afforded to the Owner pursuant to Chapter 3, Part 2, of Division 1 of the California Revenue and Taxation Code may require negotiation with the Santa Clara County Assessor’s Office. All tax savings realized by Owner in connection with this Agreement shall be used to preserve, maintain, repair, restore and rehabilitate the Historic Property.

4. **Standards for Historical Property.** Owner shall preserve, repair and maintain the Historic Property and it’s Character Defining Features (defined below) as a qualified historic property, in no less than equal to the condition of the Historic Property on the Effective Date. Owner shall, where necessary, restore and rehabilitate the property according to the rules and regulations of the Office of Historic Preservation of the State

Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation and Restoration, the State Historical Building Code, and the City's Historical Preservation Ordinance, as the same may be amended from time to time, and in accordance with the attached ten year schedule of home repair, maintenance and improvement measures prepared by Owner and approved by the City Council, attached hereto as Exhibit "B." Commencing on the fifth anniversary of the Effective Date, and continuing every five (5) years thereafter during the term of this Agreement, Owner shall submit to City an updated ten (10) year schedule of potential home repair, maintenance and improvement measures for the upcoming ten (10) year period, which schedule shall also document all repairs, maintenance, and improvements which have been completed since the Effective Date. Character Defining Features means all historic or other architecturally significant aspects of the Historic Property, including without limitation, the general architectural form, style, materials, design, scale, details, mass, roof line, porch, exterior vegetation and other aspects of the appearance of the exterior and interior of the Historic Property. The Secretary of Interior's Standards for Rehabilitation and Restoration currently in effect (attached hereto and marked as Exhibit "C") shall be incorporated herein by reference and constitute the minimum standards and conditions for the rehabilitation and restoration of the Historic Property. All standards referred to in this Section 4 shall apply to the Historic Property throughout the term of this Agreement. Owner shall not obstruct or obscure the public's ability to view the exterior of the Historic Property from the public right-of-way. Such prohibition shall include, without limitation, a prohibition against the placing of trees, bushes or fences in a location which substantially obscures or obstructs the view from the public right-of-way of the exterior of the Historic Property.

5. **Periodic Examinations.** Owner shall allow reasonable periodic examination, by prior appointment, of the exterior of the Historic Property by representatives of the Santa Clara County Assessor, State Department of Parks and Recreation, State Board of Equalization, and/or the City, as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement.

6. **Provision of Information of Compliance.** Within ten (10) days after request by City, Owner shall furnish City with any and all information requested by the City from time to time which City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.

7. **Cancellation.** City, following a duly noticed public hearing, as set forth in California Government Code Sections 50285, et seq., may cancel this Agreement if it determines that Owner breached any of the provisions of this Agreement or has allowed the Historic Property to deteriorate to the point that it no longer meets the standards for a qualified historic property and such breach is not cured by Owner within thirty (30) days after City gives Owner notice that a breach has occurred. City may also cancel this Agreement if it determines that the Owner has failed to maintain, preserve, restore or rehabilitate the Historic Property in accordance with the terms of this Agreement and such breach is not cured by Owner within thirty (30) days after City gives Owner notice that a breach has occurred. If this Agreement is canceled because of failure of the Owner to maintain, preserve, restore and rehabilitate the Historic Property as specified above,

the Owner shall pay a cancellation fee to the State Controller as set forth in Government Code Section 50286 as the same may be amended or replaced from time to time.

8. **Destruction.** Notwithstanding any provision of this Agreement to the contrary, the Owner may cancel this Agreement without payment of the cancellation fee set forth in Section 7, if the existing single-family residence (the "Structure") on the Historic Property is damaged by fire, earthquake, or other Act of God or accidental cause to the extent (1) the then fair market value of said Structure is reduced by fifty-one percent (51%) or more; or (2) fifty-one percent (51%) or more of said Structure's floor area is destroyed or irreparably damaged; or (3) fifty-one percent (51%) or more of the Structure's Character Defining Features are destroyed or irreparably damaged; or (4) that the cost to the Owner (less any insurance proceeds payable in connection with such damage) to restore the Structure to its prior condition would exceed Ten Thousand Dollars (\$10,000). If the Owner desires to cancel this Agreement under this Section 8, written notice shall be given to the City within ninety (90) days after such damage or destruction occurs.

If the Owner desires to cancel this Agreement due to the circumstances outlined in this Section 8, either party may request a hearing before the City Council to determine (a) the extent of diminution of value, (b) the extent of the damage or destruction to the floor area of the Structure, and/or (c) extent of damage or destruction to the Character Defining Features of the Structure. The City Council may refer any matter relating to (c) to the City's Historical Commission for its findings and recommendations.

If Owner does not cancel this Agreement pursuant to this Section within ninety (90) days after damage or destruction occurs, or the damage or destruction does not exceed the thresholds set forth in the first paragraph of this Section, Owner shall have a reasonable time, not to exceed four (4) months, in which to restore the structure to not less than the condition existing prior to such damage or destruction.

9. **Enforcement of Agreement.** City may specifically enforce, or enjoin the breach of, the terms of this Agreement, if Owner fails to cure any default under this Agreement within thirty (30) days after City gives Owner notice that Owner has breached any of Owner's obligations under this Agreement. If Owner's breach is not corrected to the reasonable satisfaction of the City within thirty (30) days after the notice of breach is given to Owner, then City may, without further notice, declare a default under the terms of this Agreement and bring any action necessary to specifically enforce the obligations of Owner or enjoin any breach under this Agreement, including, but not limited to, bringing an action for injunctive relief against the Owner or such other relief as City may deem appropriate.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement upon a default by Owner. All other remedies at law or in equity which are not otherwise provided for in this Agreement shall be available to the City to pursue if there is a default of this Agreement by Owner. No waiver by City or any breach or default under this Agreement by Owner shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.

10. **Binding Effect of Agreement; Covenants Running With the Land.**

The Owner hereby subjects the Historic Property to the covenants, reservations and restrictions as set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument. City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that the value of the Owner's legal interest in the Historic Property may be affected thereby. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the public and Owner.

11. **Sale or Transfer of Ownership.** Prior to the sale or transfer of ownership of the Historic Property, the Owner is bound by this Agreement to provide a report to the City which outlines how all tax savings realized by Owner in connection with this Agreement were used to preserve, maintain, repair, restore and rehabilitate the Historic Property. The City shall review and approve the report administratively within twenty-one (21) days. If the City takes no action within that time, the report is deemed adequate.

12. **Cost Reimbursement.** Owner shall, within ten (10) days after demand, reimburse City for all reasonable legal fees and costs and all staff time and costs incurred by City in connection with the preparation and review of this Agreement and the administration of the Agreement during the term of this Agreement.

13. **Notice.** Any notice required to be given by the terms of this Agreement shall be in writing and sent by personal delivery or by United States registered or certified mail, postage prepaid, return receipt requested, addressed as set forth in this Section 13 below at any other address as may be later specified by the parties hereto by notice given in the manner required by this Section 13.

To City:  
City of Los Altos  
Attn: Historical Commission Liaison  
One North San Antonio Road  
Los Altos, CA 94022

To Owners:  
Todd Parmacek and Jennifer L. Jacobson  
Isabel Tallam, Trustees of the Parmacek  
Revocable Trust dated April 1, 2004

Mailed notices shall be deemed delivered three (3) days after the date of posting by the United States Post Office.

14. **Notice to Office of Historic Preservation.** Owner shall provide written notice of this Agreement and shall provide a copy of this Agreement to the Office of Historic Preservation of the Department of Parks and Recreation of the State of California within six (6) months following the Effective Date.

15. **Effect of Agreement.** None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto or any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause the parties to be considered joint ventures or members of any joint enterprise.

16. **Indemnity of City.** Owner shall protect, defend, indemnify, and hold City and its elected officials, officers, agents and employees harmless from liability for claims, losses, proceedings, damages, causes of action, liabilities, costs or expense, including reasonable attorneys' fees, which may arise directly or indirectly from the negligence, willful misconduct or breach of this Agreement by Owner or Owner's contractors, subcontractors, agents, employees or other persons acting on Owner's behalf in connection with the Historic Property, or which arise directly or indirectly in connection with Owner's activities in connection with the Historic Property. This Section 16 applies, without limitation, to all damages and claims for damages suffered, or alleged to have been suffered regardless of whether or not the City prepared, supplied or approved any plans, specifications or other documents for the Historic Property.

17. **Binding Upon Successors.** All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties named herein, their heirs, successors, legal representatives, and assigns and all persons acquiring any part or portion of the Historic Property, whether voluntarily or involuntarily, by operation of law or in any manner whatsoever.

18. **Legal Costs.** If legal proceedings are brought by Owner or City to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorneys' fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

19. **Severability.** If any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

20. **Governing Law.** This Agreement shall be construed and governed in accordance with the laws of the State of California.

21. **Recordation.** No later than twenty (20) days after the parties execute and enter into this Agreement, City shall cause this Agreement to be recorded in the Office of the County Recorder of the County of Santa Clara, California.

22. **Amendments.** This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by all of the parties hereto.

23. **Captions.** Section headings and captions of this Agreement are for convenience of reference only and shall not be considered in the interpretation of any of the provisions of this Agreement.

WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first above written.

**OWNERS:**

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Todd Parmacek, Trustee

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Jennifer L. Jacobsen, Trustee

**CITY OF LOS ALTOS:**

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Manager

Attest:

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk

Approved as to Form:

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Attorney

**EXHIBIT "A"**

LEGAL DESCRIPTION

For APN/Parcel ID: 170-36-0008

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ALTOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 2 AS SHOWN ON THAT CERTAIN PARCEL MAP WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON SEPTEMBER 7, 1994 IN BOOK 658 OF MAPS, PAGE 23.



**EXHIBIT “B”**

**SCHEDULE OF IMPROVEMENTS  
2025 – 2035**

Work Task	Type of work	Amount over 10 years
Stucco	Rehab/Restore	63,000
Wooden Windows and Doors (repair, restore)	Rehab/Restore	39,000
Roof (composite shingles)	Maintenance	55,000
Floors (refinishing and maintenance)	Rehab/Restore	12,500
Painting (stucco, windows, decorative details)	Rehab/Restore	54,000
Gable Shingles	Rehab/Restore	14,500
Dryrot Repair	Rehab/Restore	28,000
Foundation shoring and repair	Rehab/Restore	48,000
Framing (Balloon)	Rehab/Restore	55,000
Electrical (knob n Tube)	Rehab/Restore	28,000
Chimney repair and insert	Rehab/Restore	27,000
Unsupported cripple walls need upgrading/retrofit	Rehab/Restore	45,000
Garage Rebuild	Rehab/Restore	50,000
Windows, wood shingles and siding	Maintenance	1,000
Oak Tree Maintenance	Maintenance	6,000
Painting (stucco, windows, decorative details)	Maintenance	2,000
Roof Maintenance	Maintenance	1,000
Gutters		500
<b>Total</b>		<b>529,500</b>

Year	Work Task	Annual Cost	Annual Amortized Cost
Annually	Stucco	\$	2,100.00
Annually	Wooden Windows and Doors (repair, restore)	\$	390.00
Annually	Roof (composite shingles)	\$	1,375.00
Annually	Floors (refinishing and maintenance)	\$	250.00
Annually	Painting (stucco, windows, decorative details)	\$	5,400.00
Annually	Gable Shingles	\$	145.00
Annually	Dryrot Repair	\$	280.00
Annually	Foundation shoring and repair	\$	480.00
Annually	Framing (Balloon)	\$	550.00
Annually	Electrical (knob n Tube)	\$	280.00
Annually	Chimney repair and insert	\$	270.00
Annually	Unsupported cripple walls need updagrading/retrofit	\$	450.00
Annually	Garage Rebuild	\$	500.00
Annually	Windows, wood shingles and siding	\$	1,000.00
Annually	Oak Tree Maintenance	\$	6,000.00
Annually	Painting (stucco, windows, decorative details)	\$	2,000.00
Annually	Roof Maintenance	\$	1,000.00
Annually	Gutters	\$	500.00

**EXHIBIT “C”****SECRETARY OF THE INTERIOR’S STANDARDS FOR  
REHABILITATION AND RESTORATION****Rehabilitation:**

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Restoration:

1. A property will be used as it was historically or be given a new use that interprets the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alterations of features, spaces and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

# CALIFORNIA NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me \_\_\_\_\_,  
(Insert the name and title of the officer)

Personally appeared \_\_\_\_\_

\_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (SEAL)



## City Council Agenda Report

**Meeting Date:** December 10, 2024  
**Prepared By:** Melissa Thurman, City Clerk  
**Approved By:** Gabe Engeland, City Manager

**Subject: Council Reorganization: Submit nominations for Mayor and Vice Mayor for 2024/2025**

---

### COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### RECOMMENDATION

Submit nominations for Mayor and Vice Mayor for 2024/2025

### FISCAL IMPACT

Not Applicable.

### ENVIRONMENTAL REVIEW

Not Applicable.

### PREVIOUS COUNCIL CONSIDERATION

Not Applicable.

### BACKGROUND

Section 2.2 of the Council Norms and Procedures details the process for the Election of Mayor (for complete text of the section, see the [Council Norms and Procedures](#)):

“Election of Mayor. Only Council members elected by the voters may serve as Mayor...the term of office shall be one year. The Council member must have served at least 23 months to be eligible for Mayor. A majority vote of the Council is necessary to designate the Mayor. If there is at least one elected Council member with a minimum of 23 months of service who has not served as Mayor, he or she shall be designated Mayor before those who have already served as Mayor.”

Section 2.3 outlines the process for the Election of Vice Mayor (for complete text of the section, see the [Council Norms and Procedures](#)):

“Election of Vice Mayor. Only Council members elected by the voters may serve as Vice Mayor...the selection process for determining who shall serve as Vice Mayor will follow that of Mayor, except the Councilmember must have served at least 11 months to be eligible to serve as Vice Mayor.”

**ANALYSIS**

The following is a list of Council members in order of seniority and service record:

- Council Member Fligor (re-elected in 2022 with the highest number of votes, elected in 2018 with the highest number of votes, served as Vice Mayor 2019/20 and Mayor 2020/21)
- Council Member Sally Meadows (re-elected in 2024 with the highest number of votes, served as Vice Mayor 2021/22 and Mayor 2022/23)
- Council Member Jonathan Weinberg (re-elected in 2024 with the second highest number of votes)
- Council Member Pete Dailey (elected in 2022 with the second highest number of votes)
- Council Member Larry Lang (elected in 2024 with the third highest number of votes)

Any Councilmember may offer a nomination for the position of Mayor, with no second required. If at least three affirmative votes are cast, the nominated member becomes the Mayor.

Following the selection of Mayor, any Councilmember may offer a nomination for Vice Mayor. A second is not required. If at least three affirmative votes are cast, the nominated member becomes the Vice Mayor.

Seating of Councilmembers

Section 2.1 of the Council Norms and Procedures outlines the process for seating of Councilmembers:

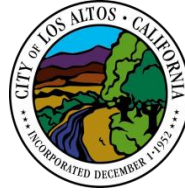
“Seating preferences on the dais shall be made by the Mayor, Vice Mayor and then by seniority of the rest of the members, in that order. If two members have equal seniority based on year elected, then the member with the higher vote count in their most recent election is considered to have higher seniority.”

**DISCUSSION**

Nominations for Mayor and Vice Mayor for 2024/2025

**ATTACHMENTS**

None



## City of Los Altos 2025 Tentative Council Agenda Calendar

**JANUARY 14, 2025**

### **CONSENT:**

- City Council Assignments to Regional Bodies
- Award of Contract for Grant Park Electrical
- Award of Contract for Downtown Park Design Consultant
- 

### **PUBLIC HEARINGS:**

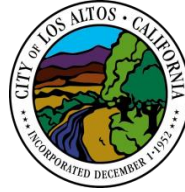
- 1485 Fremont Avenue – Tentative parcel map to subdivide one lot into two lots
- 4896 El Camino Real – Tentative map as part of a mixed-use project

### **DISCUSSION ITEMS:**

- Receive Update on Community Center Café
- Crossing Guards
- Charter City Discussion
- City Council Norms and Procedures

*All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.*





## City of Los Altos 2025 Tentative Council Agenda Calendar

**JANUARY 28, 2025**

### **PUBLIC HEARINGS:**

- 420 San Antonio Road – Tentative map as a part of a mixed use project
- 235 Yerba Santa Avenue – Tentative parcel map to subdivide one lot into two lots

### **DISCUSSION ITEMS:**

- City Council Priority Setting
- Flock Pilot Programs
- Parking Enforcement Contract Award and Code Change
- City Hall Art Recommendation

*Remaining 2025 City Council agenda calendar items are pending and will be published at a later date.*

*All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.*

PROGRAM	SUB PROJECT	INITIATION DATE	HEU COMPLETION DATE	STATUS
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Budget & Hire Planning Technician		December 31, 2022	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Amend ADU Ordinance based upon HCD's letter		6 months or less	COMPLETED
Program 6.G: Housing mobility	Allow more than one JADU (at least two per site)		with ADU Ordinance Update	COMPLETED
Program 3.H: Amend design review process and requirements.	Eliminate 3rd Party Architectural Review		February 28, 2023	COMPLETED
Program 3.H: Amend design review process and requirements.	Dismiss Design Review Commission		February 28, 2023	COMPLETED
Program 3.L: Eliminate the requirement of story poles.			March 31, 2023	COMPLETED
Program 2.E: Conduct annual ADU rental income surveys.	Budget & Hire Housing Manager	March 31, 2023		COMPLETED
Program 4.J: Facilitate alternate modes of transportation for	Adopt VMT Policy &		June 30, 2023	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	RFP-Permit Ready ADU Plans		July 31, 2023	COMPLETED
Program 1.H: Facilitate housing on City-owned sites.	Financial Analysis	July 1, 2023	December 31, 2023	IN-PROGRESS
Program 3.D: Evaluate and adjust impact fees.		August 1, 2023	December 31, 2024	COMPLETED
Program 1.H: Facilitate housing on City-owned sites.	Release RFP	December 31, 2023		COMPLETED
Program 6.C: Target housing development in highest resource areas.	Initial Outreach		September 31, 2023	
Program 6.D: Promote Housing Choice (Section 8) rental assistance program.			September 31, 2023	
Program 2.A: Continue to implement and enhance inclusionary housing requirements.			December 31, 2023	ONGOING
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Housing in-lieu fee.		December 31, 2023	COMPLETED
Program 2.F: Water and Sewer Service Providers.			December 31, 2023	COMPLETED
Program 3.B: Modify building height in mixed-use zoning districts.	Downtown Districts		December 31, 2023	COMPLETED

Program 3.E: Ensure that the density bonus ordinance remains consistent with State law.			December 31, 2023	<b>ONGOING</b>
Program 3.H: Amend design review process and requirements.	Code Amendments		December 31, 2023	<b>COMPLETED</b>
Program 3.K: Standardize multimodal transportation requirements.	Bicycle Storage and Charging Regulations		December 31, 2023	<b>COMPLETED</b>
Program 3.K: Standardize multimodal transportation requirements.	Remove CSC Review of Housing Developments		December 31, 2023	<b>COMPLETED</b>
Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.			December 31, 2023	<b>COMPLETED</b>
Program 4.D: Allow transitional and supportive housing consistent with State law.			December 31, 2023	<b>COMPLETED</b>
Program 4.E: Allow employee/farmworker housing consistent with State law.			December 31, 2023	<b>COMPLETED</b>
Program 4.F: Reasonably accommodate disabled persons' housing needs.			December 31, 2023	<b>COMPLETED</b>
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Prepare Inventory.		December 31, 2023	
Program 6.E: Prepare and distribute anti-displacement information.			December 31, 2023	
Program 1.A: Rezone for RHNA shortfall.			January 31, 2024	<b>COMPLETED</b>
Program 1.G: Rezone housing sites from previous Housing Elements.			January 31, 2024	<b>COMPLETED</b>
Program 3.G: Amend Conditional Use Permits findings applicable to housing developments.			March 31, 2024	<b>COMPLETED</b>
Program 3.I: Allow residential care facilities consistent with State law.			January 31, 2024	<b>COMPLETED</b>
Program 3.J: Explicitly allow manufactured homes consistent with State law.			January 31, 2024	<b>COMPLETED</b>
Program 3.F: Reduce Conditional Use Permit requirement for residential mixed-use and multi-family.			September 31, 2024	<b>COMPLETED</b>
Program 1.B: Facilitate higher density housing in the Commercial Thoroughfare (CT) District.			January 31, 2024	<b>COMPLETED</b>

Program 1.C: Allow housing in the Office Administrative (OA) District.			January 31, 2024	COMPLETED
Program 1.E: Update the Loyola Corners Specific Plan.			January 31, 2024	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Adopt-Permit Ready ADU Plans		December 31, 2024	IN-PROGRESS
Program 3.A: Prepare a Downtown parking plan and update citywide parking requirements.	Downtown Parking Plan		December 31, 2024	IN-PROGRESS
Program 3.A: Prepare a Downtown parking plan and update citywide parking requirements.	Comprehensive Parking Ordinance Update		December 31, 2024	COMPLETED
Program 3.B: Modify building height in mixed-use zoning districts.	Neighborhood (CN) District		December 31, 2024	COMPLETED
Program 3.C: Remove floor-to-area ratio (FAR) restriction at Rancho Shopping Center and Woodland Plaza.			December 31, 2024	COMPLETED
Program 3.M: Modify parking requirements for emergency shelters consistent with State law.			December 31, 2024	COMPLETED
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Commercial linkage fee.	December 31, 2025		COMPLETED
Program 1.D: Allow housing on certain Public and Community Facilities District sites and facilitate housing on religious institution properties.			December 31, 2025	
Program 6.G: Housing mobility	Allow housing on all religious sites within the City		December 31, 2025	
Program 1.F: Rezone Village Court parcel.			January 31, 2024	COMPLETED
Program 4.H: Provide additional density bonuses and incentives for housing that accommodates special needs groups.			December 31, 2025	
Program 4.I: Allow senior housing with extended care facilities in multi-family and mixed-use zoning districts.			December 31, 2025	
Program 1.I: Incentivize Downtown lot consolidation.			July 31, 2026	

Program 4.G: Assist seniors to maintain and rehabilitate their homes.			July 31, 2026	
Program 6.C: Target housing development in highest resource areas.	Follow-up Outreach		September 31, 2026	
Program 1.H: Facilitate housing on City-owned sites.	Entitlement Review		December 31, 2026	
Program 3.N: Modify standards in the R3 zoning districts.			December 31, 2026	<b>COMPLETED</b>
Program 4.J: Facilitate alternate modes of transportation for residents.	Capital Improvement Project for above head pedestrian crossing signals on San Antonio Road near Downtown Los Altos		December 31, 2027	
Program 5.F: Incentivize the creation of play areas for multi-family housing projects.			December 31, 2027	
Program 1.K: Participate in regional housing needs planning efforts.			Ongoing	
Program 1.L: General Plan amendments.			Ongoing	
Program 1.M: SB 9 implementation.			Ongoing	
Program 1.N: Facilitate and monitor pipeline housing projects.			Ongoing	
Program 2.C: Assist in securing funding for affordable housing projects.			Ongoing	
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).			Ongoing	
Program 2.E: Conduct annual ADU rental income surveys.	Annual Survey		Annually	<b>ONGOING</b>
Program 4.A: Support efforts to fund homeless services.			Ongoing	
Program 4.B: Continue to participate in local and regional forums for homelessness, supportive, and transitional housing.			Ongoing	
Program 5.A: Monitor condominium conversions.			Ongoing	

Program 5.B: Continue to administer the City's affordable housing programs.			Ongoing	
Program 5.C: Restrict commercial uses from displacing residential neighborhoods.			Ongoing	
Program 5.D: Implement voluntary code inspection program.			Ongoing	
Program 5.E: Help secure funding for housing rehabilitation and assistance programs.			Ongoing	
Program 6.A: Assist residents with housing discrimination and landlord-tenant complaints.			Ongoing	
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Inform, Evaluate Apply/Submit		Ongoing	
Program 6.F: Affirmatively market physically accessible units.			Ongoing	
Program 7.A: Promote energy and water conservation and greenhouse gas reduction through education and awareness campaigns.			Ongoing	
Program 7.B: Monitor and implement thresholds and statutory requirements of climate change legislation.			Ongoing	