



CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, November 14, 2023
via Videoconference and In Person

Please Note: The City Council meeting will be held in-person only.

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.

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/85161316926?pwd=ooKDhmKbbSyy151O94fNvJD6Uxb3M1.1>

Telephone: 1-669-444-9171 / Webinar ID: 851 6131 6926 / Passcode: 976722

SUBMIT WRITTEN COMMENTS: Prior to the meeting, comments on matters listed on the agenda may be emailed to 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 will not be included as a public comment in the Council packet.

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 OF ALLEGIANCE

REPORT ON CLOSED SESSION

On October 24, 2023, the City Council held a Closed Session special meeting pursuant to Government Code Section 54957: Threat to Public Services or Facilities. Although not required to report out on this matter, the City Council provided staff with direction to suspend all Zoom and/or remote participation at City Council and Commission public meetings. The City Council will re-evaluate this direction no later than May of 2024 and determine if further changes are necessary. Members of the public may view the meetings via the Zoom details provided on each agenda but may only provide public comment in-person or by submitting written comment as instructed on the agenda.

CHANGES TO THE ORDER OF THE AGENDA

SPECIAL ITEM(S)

Issue proclamation recognizing "United Against Hate Week"

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.

[11/14/23](#) Written Public Comments

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 regular meeting minutes for the meeting of October 24, 2023
- [2.](#) Adopt a Resolution of the City Council of the City of Los Altos: 1) Authorizing the Finance Director to amend the FY 2023/24 CIP budget in the amount of \$441,159; 2) Authorizing the City Manager to execute contract Amendment No. 1 to include the additional work in the amount of \$441,159 for a total contract of \$6,946,891; 3) Accepting completion and directing the Public Works Director to file a notice of completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and 4) Finding that the Council's action exempt from review under CEQA

pursuant to CEQA Guidelines Section 15301 and that none of the circumstances under Section 15300.2 apply

PUBLIC HEARINGS

- 3.** Introduce and Waive Further Reading of Zoning Ordinance Text Amendments which implement programs identified in the adopted housing element, Program 1.A: Rezone for RHNA Shortfall; Program 1.B: Facilitate Higher Density Housing in the Commercial Thoroughfare (CT) District; Program 1.C: Allow Housing in the Office Administrative (OA) District; Program 1.E: Update the Loyola Corners Specific Plan; Program 1.F: Rezone Village Court Parcel; Program 1.G: Rezone Housing Sites from Previous Housing Elements; Program 3.I: Allow Residential Care Facilities Consistent with State law; Program 3.J: Explicitly Allow Manufactured Homes Consistent with State law; and consideration of the City of Los Altos Planning Commission's October 19, 2023 decisions 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 since there would be no possibility of a significant effect on the environment

DISCUSSION ITEMS

- 4.** Report Out on Shared Police Services Study With Los Altos Hills: Discuss the initial analysis and information in this staff report and provide direction as to whether the City Council would like to further study shared Police services with Los Altos Hills.
- 5.** Discuss the Council issuing a potential resolution, or any possible action, denouncing the Hamas attacks against Israel

INFORMATIONAL ITEMS

There will be no discussion or action on Informational Items

- 6.** Tentative Council Calendar and Housing Element Update Implementation Calendar

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.

From: [Lisa Lombardi](#)
To: [City Council](#)
Subject: [An open letter to the Los Altos City Council regarding zoning changes](#)
Date: [Thursday, November 8, 2023 at 10:37:50 AM PST](#)

Hello Los Altos City Council,

We are writing to support the below perspective on re-zoning. We believe it has to be done thoughtfully, and with care, involving all the right entities. This takes time to do it right and that is a good thing.

Thank you,
Durga

----- Forwarded Message -----
From: Friends of Los Altos <foalocalcommunications@gmail.com>
To: "Durga" <foalocalcommunications@gmail.com>
Sent: Wednesday, November 8, 2023 at 10:37:50 AM PST
Subject: An open letter to the Los Altos City Council on regard zoning changes -that will affect every Los Altos resident

[View in Browser](#)

Friends of Los Altos (FOLA)



An open letter to the Los Altos City Council as regard zoning changes –that will affect every Los Altos resident

This is a letter to our City Council on the subject of making critical and impactful changes to our zoning laws which will have considerable permanent, long-term effects on Los Altos. It's written as an Open Letter because of the importance to every resident in our community and to how much we should all be aware of what these changes will mean for our town.

Work in haste, repent at leisure. Don't throw out the baby with the bathwater. The grass is always greener on the other side of the fence. There are these and many other expressions that urge caution when making change. Contrary to what some may proffer, these witticisms aren't meant to stop change, but to ensure that responsible change occurs.

Council began updating the Housing Element Update by making changes to the zoning of various districts within the City. The effort began in late September and will continue with the upcoming Council meeting in November (and subsequent meetings up through January 31, 2024). The January date is a State-imposed, non- negotiable deadline to make changes that were part of the approved/adopted Housing Element.

No one likes that deadline, but it should not be used as an excuse for making changes to our zoning that are not well thought out and will haunt all of us for decades to come. Silicon Valley has finally learned that the mantra should be move fast but DON'T break things. We need to heed that wisdom.

Zoning changes have already been made to the downtown (often abbreviated in "planning speak" as CD, CRS and CD-R3), commercial districts like Rancho and Homestead (CN zone) and the multifamily areas such as along Gablan, Lassen, Tyndall, etc. (R3). Up next at the November 14th City Council meeting are the OA zone, which is primarily located along San Antonio Road and Altos Oaks Drive (and includes smaller areas on Distel Circle and in Loyola Corners), and the commercial thoroughfare zone (CT zone) which runs along El Camino Real.

While we will address here the changes that should be made to the OA district, many of these comments apply to the other zones as well. Furthermore, residents who do not live adjacent to commercial districts in town need to be keenly aware of the proposed zoning changes. Why? Because Los Altos, like essentially every city in the state, is unlikely to meet its 4-year housing target at the midpoint of the 8-year Housing element timeframe. The State law mandates that missing the target unleashes further draconian steps in the State legislation which will allow almost anything to be built anywhere in the City. And even if we do, by some miracle, meet the 8-year housing target, the next cycle will necessitate allowing large, multifamily construction in every neighborhood, perhaps next door to you or across the street from your house.

We want to specifically address the changes that should be made to the OA district (quick reminder—the OA district is along San Antonio and Altos Oaks), although there are many similar changes that should be applied to the CT zone as well.

1. Minimize impact of new housing on adjacent single-family residence

- If the City Council is serious about putting housing in along San Antonio Road, then change the zoning to residential only (i.e., no commercial or mixed-use buildings) and make existing commercial use non-conforming. This would accelerate the development of residential housing and eliminate the possibility of mixed-use buildings, which staff and planning commission have recommended with a height limit greater than "residential only" development. Better for residential neighbors, more housing, a win-win.
- Do not allow balconies that face adjoining single family residential lots – they will have a direct negative impact on the privacy of surrounding single-family residences as all the properties directly abut residents side or backyards. This limitation was actually applied at 5150 El Camino, for example. So, codifying it for all projects in the OA district makes sense.
- Incentivize lower impact, townhouse-type units. At the January 10, 2023, meeting members of Council agreed that any development along San Antonio should be "consistent with and compatible with the surrounding single family residential neighborhoods". There was talk about townhouse units that could provide needed housing while being of a height and scale compatible with the neighborhood. Unfortunately, at present, there is nothing in the zoning which encourages townhouses and disincentivizes overly tall, bulky, and out-of-scale buildings that are not compatible with the surrounding neighborhood and which are better suited for sites in the downtown.
- While we continue to support additional housing and more importantly affordable housing in the City, there needs to be a balance to ensure undue impact on surrounding neighbors. At that very same meeting in September that Council took up the rezoning of the CN and other districts, a resident was appealing a Planning Commission ruling on a new deck on their house that would have had little to no effect on the neighbor's privacy. The appeal was denied as 3 of the council members (all of whom have coincidentally been the most vocal advocates of adding housing with little regard to the impact on surrounding residents) voted against it, justifying their position that a variance for the deck setback would have undue impact on the neighbor and the neighborhood. We wish that same sensitivity permeated the discussions around where and how housing was added to areas that abut existing single family residential neighborhoods. It is puzzling that Council is seemingly willing to "protect" one neighbor deemed impacted from development but ignore larger scale development that impacts far more residents.

2. Recognize and mitigate parking impacts

- Do a better job of planning for where the cars associated with the new housing will park. Our prior experience indicates that projects, that intentionally do not meet parking demand generated on site, will be under-parked by 20% or more. This translates into a need to park 25-30 cars at unknown, offsite locations if the City meets its target of 30 units per acre minimum at the 10 identified sites, encompassing 3.82 acres, are developed along San Antonio Road. The existing side streets along San Antonio are narrow and serve as the primary pathways for residents to get to the downtown; they cannot easily accommodate extra vehicles without creating a safety hazard for pedestrians, bicyclists and emergency vehicles.

3. Be honest with the neighborhoods and overall community about heights, parking impacts and other impacts of state mandate which allow developers to exceed our zoning limitations.

- We remain disappointed that residents have not been given a detailed understanding of the changes that are being made to the zoning. Existing as well as proposed height limits and setbacks and the heights that will likely result from "benefits" under state law need to be clearly stated.
- Residents deserve to know that in almost every new development that is proposed, those projects will need to meet the 20% inclusionary affordable housing requirement and required densities – which in turn allows greater height, reduced setbacks, and less parking than specified in the nominal zoning. These are the consequences when development triggers numerous development incentives and waivers, from the City's list of incentives and state mandated bonuses.
 - Very simply stated, while we can talk about the OA district going from 30 feet height currently to "only" another 10 feet, to 40 feet total height, reality is far different. Every developer will take advantage of the additional 11-foot height increase available to them so projects will be more like 50' tall. And while setback to existing single family residential lot is proposed to be 25 feet, a developer can and will ask for a reduction in that setback, claiming they cannot build the project otherwise.
 - A further way to mitigate impact on adjacent neighborhoods is to prohibit roof-top amenities that have otherwise been allowed on El Camino and First Street so as to preclude further height and privacy issues for adjoining single-family homes.
 - We have prepared a chart which is our best assessment at what the proposed zoning changes really mean to the OA district. In some cases, a developer will get only some of the bonuses and incentives shown on the table. But it does serve to illustrate how the nominal zoning does not reflect what will actually be approved and built. As time permits, we expect to generate those for the other areas of town as well. The chart can be viewed on our website <https://url.avanan.click/v2/...www.friendsoflosaltos.org...4YXAzOmxcv2FsdG8zY2E6YTpvOjExOWU3MjlnYmVhZG50ZjJmNmODI4MTY0MjZmZy3OjY6NjBjNjOTQ2MzA3OWFINDU3MzJmMmT5NmY0MDY3NnMjYwZGU5ODk3ZmE2MDVjOWU5ZDEwY2NjZTASyZmVwODY0ZmY2OnQ6VA>

4. Be honest about the impacts to date and the lack of affordable housing that has resulted from the changes to date in our zoning rules

- Our final point is that the City and community need to take a critical look at what the policies and rezoning to date have yielded. While we have had some new development, particularly along First street and El Camino, the truth is that there has been very little affordable housing built. In fact, most of the housing has been relatively high- priced condos. Even some of the ADU changes have yielded lackluster results; most of those units serve as guest houses for the residents or worse yet are just bonus space that a developer can add to the square footage of a house by using the junior ADU provision. (That provision in the State law allows adding space to a primary residence with the only requirement being the bedroom must have a separate entrance and bathroom. There is no need for separate cooking facilities.) We have seen multiple examples of developers using this loophole and the resulting houses are selling in the \$5-6M range. The result is an ESCALATION in housing prices without any additional housing, giving lie to the State's supposed intention. That loophole needs to be closed.
- The City staff and City Council need to do a better job of factoring in the impact of zoning changes on the residents. At the meeting to discuss zoning changes at Rancho (the CN zone), Council member Pete Dailey expressed his enthusiasm for bigger, more dense buildings, which would have even a greater impact on the immediately adjacent neighbors. While we appreciate the enthusiasm for additional housing, we wish he would factor in the negative impact of a taller building on the adjacent residents and find ways to keep projects modest in size for each developed site.

We do understand the urgency to meet the State-mandated deadline for zoning changes and we do support additional housing and more importantly affordable housing. But putting in flawed zoning rules with insufficient input from the public because they haven't been adequately informed borders on irresponsible. We hope the City Council agrees and makes good changes for the benefit of the overall community, not just those who directly benefit from the rezoning effort.

What can you do? Write the city council and let them know how you feel about these zoning changes (email PublicComment@losaltosca.gov) Attend the council meeting on November 14th which starts at 7 pm. And forward this article to your neighbors.

And that's the way we see it.

Friends of Los Altos Board of Directors

Jonathan Baer
Lou Becker
Ron Packard
David Casas
Kenneth Lorell

[Email us at Los Altos](#)

Friends of Los Altos
Los Altos, CA 94022 & 94024

You received this email because you signed up on our website
or made a purchase from us.
[unsubscribe](#)

From: [Terry Rettig](#)
To: [Public Comment](#)
Subject: City council
Date: Wednesday, November 8, 2023 4:24:22 PM

As a public servant, you are there to serve the will of the people of LOS ALTOS. That is the reason all public servants are elected/appointed and you have obviously forgotten you are a public servant. You are not supposed to implement your "personal" viewpoint on **ANY** matter.

Your track record on housing /zoning shows you do what you want and not what your constituents want. You have displayed weakness when we need strength and are destroying our town, its beauty, and its history where I have lived for 48 years. You lack pride about this town, what made it so special, and any sense of decency.

A concerned resident of Los Altos
Terry Rettig

From: [Ozlem Ozturk](#)
To: [Public Comment](#)
Subject: Fwd: Zoning changes
Date: Thursday, November 9, 2023 11:37:51 AM

----- Forwarded message -----

From: **Ozlem Ozturk** <ozlem.ozturk@alumni.stanford.edu>
Date: Wed, Nov 8, 2023 at 10:17 PM
Subject: Re: Zoning changes
To: Jonathan Weinberg <jweinberg@losaltosca.gov>

Thank you very much for your detailed response Jonathan. As I mentioned during the pandemic including last year, I am sure we are not alone, our families and health took most of our time. We missed those community outreach sessions.

I don't see the same level of development in woodside or portola valley as in the Los Altos even though they have more open lands available. Why is there such a discrepancy? I was also wondering why we didn't consider only Elcamino area of Los Altos instead of pushing this type of commercial development across the town, everywhere rancho, Loyola etc. it seems that it is too late to have any say in any of these while we are going to live with the negative consequences.

When I look at the mushrooming commercial development in our town vs towns such as woodside or portola (maybe others too), I still feel that Los Altos council seems to be too willing to comply with state requirements and develop new condos and commercial buildings. I still believe our town is taken over by commercial interest and too much representation by real estate agents and family members.

Thank you,

Ozlem Ozturk

On Nov 8, 2023, at 17:17, Jonathan Weinberg <jweinberg@losaltosca.gov> wrote:

Dear Mr. Ozturk:

Thank you for your email and for sharing your concerns about rezoning Los Altos to allow the development of housing. I appreciate your taking the time to organize your thoughts and to present a very clear and cogent outline of your (and the community's) concerns.

The rezoning is required by the housing element of our city's general plan. The housing element was adopted by the Council in January after a

very long process. As I'm sure you are aware, California is in the midst of a housing crisis. State law requires cities and counties to rezone parts of their communities to allow for more and denser housing.

Because of the tension between state mandates and our community's desire to maintain the quiet and serene character of our City, the housing element update was a difficult process. In the end, the community valued maintaining the single-family residence zoning of our neighborhoods above all else. That meant, in order to comply with state law, the City had to allow for the development of housing in all of our commercial zones, including Rancho.

After an arduous process, the State just recently approved our housing element update. That approval is important as it allows the City to maintain control over the development process. However, it also means that our housing element update ("HEU") is essentially a contract by and between the City and the State. Since the rezoning is a part of that contract, the City is obligated to move forward that process. Moreover, all the rezoning called for in the HEU needs to be completed by the end of 2023. That is why it feels like this rezoning is moving so quick.

In 2022, the City actively solicited input from residents. The development of the HEU had one of the most robust public outreach processes in the history of Los Altos. Public meetings (pop-up events) happened over a four month period:

- Tree Lighting/First Friday in Downtown Los Altos: December 3, 2021
- Grant Park Community Center: December 8, 2021
- Los Altos Library: December 10, 2021
- Mini Holiday Market at State Street Market: December 20, 2021
- Woodland Library: January 5, 2022
- Draegers: February 25, 2022
- Los Altos Library: March 10, 2022
- Grant Park Community Center: March 23, 2022

Community workshops were held on January 13 and March 1, 2022. The City Council met jointly with the Planning Commission on December 14, 2021 and April 26, 2022.

Draft versions of the housing element were considered by the Planning Commission on July 7, 2022 and the City Council on July 12, 2022. The City Council held a study session on November 29, 2022. All of these meetings were open to the public and publicized with signs around town, advertisements in the newspaper, and through social media.

In November and December of 2022 City staff met with smaller, private groups seven times.

The City had (and still has) a website dedicated to the HEU process to let residents know what was being considered and how the approval process is progressing. (<https://www.LosAltosHousing.org>)

The State of California requires Los Altos to adjust its zoning and related rules to allow for the creation of 1,958 new units. A “unit” can be a single family home, an apartment, a townhome, etc. The 1,958 units is broken down into income classes:

<image.png>

Since our residents did not want to allow higher density housing inside of neighborhoods zoned for single family residences, to accommodate all the new housing for which the City needs to plan, all of our commercial zones must be rezoned to accommodate higher density housing. This is true downtown, along the El Camino corridor, Woodland, San Antonio Road, Altos Oaks, Village Court, etc.

The developments downtown complied with state requirements. As such, the City Council approved them because there was no legal basis to deny them. No new developments have been submitted (let alone approved) for Rancho or Loyola Corners. However, that will probably change in future. If a developer proposes a project that complies with our objective standards and state law, then the Council would have no legal basis to deny the projects.

Thank you again for writing to express your concerns. If you would like to discuss this further, please let me know.

Sincerely:

- Jonathan

Jonathan D. Weinberg | Vice Mayor, Los Altos City Council

Los Altos City Hall

1 North San Antonio Road | Los Altos, CA 94022

Main: (650) 947-2790 | jweinberg@losaltosca.gov

<Outlook-t0wb1bwc.png>

From: Ozlem Ozturk <ozlem.ozturk@stanfordalumni.org>

Sent: Wednesday, November 8, 2023 4:15 PM

To: Public Comment <publiccomment@losaltosca.gov>

Subject: Zoning changes

Hi,

I have lived in Los Altos since 1998, first as a renter on gabilan and then at our

current home at 1020 alegre avenue. When my husband and I looked to purchase our house, we explored other similar towns such as Saratoga, Menlo Park, Portola Valley but always came back to Los Altos because it offered the best lifestyle.

Pandemic took our focus away from other things as we worried about our families and health. It feels that we all woke up one day and faced a town that puts commercial interests over all else. It feels that our town is run by commercial real estate agents and their family members.

It is nice to see many great restaurants in downtown Los Altos, once a sleepy place with few restaurant options that stayed open after 9pm. But beyond this (which probably is not due to our town counsel), as a resident, I feel Los Altos is losing its character due to all the cheap condo constructions mushrooming everywhere. Now, I hear the Rancho center is going to turn into a santana row like place. When we took large mortgages and spent our youth paying them, we didn't sign up to live in Sunnyvale or Santa clara, or mountain view. We already suffer greatly because Mountain View is a very commercially oriented town and unfortunately they impact traffic in our streets. We chose Los Altos because of the rustic, quiet, safe neighborhood lifestyle it offered.

I object to all of these new zoning. I do not want Loyola Corners and the Rancho center to turn into the same cheap condo/commercial development we now have in our downtown. Who approved those developments? Why do we need them? I feel as a resident we have no voice!

Instead of protecting our town's lifestyle (for example, I prefer our town counsel to work with St Francis School and curtail some of their expansions), our town counsel is destroying it. How can we stop this much commercial interest making decisions on behalf of us?

Thanks,
Ozlem Ozturk

From: [Agarwal, Naveen](#)
To: [Public Comment](#)
Subject: Housing Element Update - Letter to Mayor to visit our family and see the impact
Date: Wednesday, November 8, 2023 3:56:39 PM

This is reference to the Housing Element Update changing zoning of various districts within the City .

We will like to propose for the Mayor to come to our property and see what the proposed changes would do to it. It could be a 5 minute visit. We are not far from City hall and we will love to host Mayor and his family to our backyard and enjoy a glass of wine and discuss possibilities and impact. We want to extend the same offer to other council members too. Engaging with local community to understand and really see what we are discussing is critical to a broader perspective. We say this with deep respect to public service. Views that incorporate real feedback lead to better community. It's part of our civic duty, and part of community outreach. We will love to host you.

Why do we write this letter? We are a young and busy family and we love our home and our city. We moved here in 2002. Our place is close to downtown, and but we have the narrowest backyard facing San Antonio (we are a flag lot) and a 30 feet building will turn our small sunny backyard into darkness. Our entire home except of living room will face concrete. We are a flag lot and consequences are deeply troubling. A visit may help see this and bring appreciation on how we can work together and solve. We believe in community and our request is to be part of this community. Please visit us.

The history here is above politics and start prior to current mayor term etc. We are very concerned about the haphazard manner in which the decisions were/are made. It's very clear that city was under pressure and as a result made hasty decisions with regard to a problem that we all want solved. We are for more housing and more affordable housing. The city seemed to be sluggish at start and then with deadlines approaching hired a firm to build a proposal. The firm admitted that they did not have time (I was in a meeting that went up to 2 AM at night with the past mayor when consultant presented) and said that they did the best they could in the short time made available to them. Decisions were clearly made with focus on expediency.

Why are we concerned when we support the macro objectives? Issues are always more pertinent when they are in your backyard e.g. we were building a shed which is less than 11 feet tall and we were ordered to move it so that the light pane of our neighbors was not impacted. While it costed us more, we moved the shed to be in compliance. Contrast this with...if we are going to build a 30 feet property (let's hope not taller) with 20 feet setback from our property, we have a very thin back yard, our place will be in complete dark. The same rules that applied to the shed applies to houses around our property. The shed is very small. You will see it when you visit us! If the property is 40+ feet I don't even know what to say. Our bedroom, kitchen and entire house will be in permanent shade and darkness. If someone walked into our backyard, they can easily say that would turn from a small sunny yard space that we use every day to a dead/dark stare at concrete space. We have the narrowest side/back yard since ours is a flag lot. Good purpose, bad execution is not how our city should be defined.

We are not sure how best to appeal since there is literally no posters or signs that ask for appeal. Our neighbors alerted us to this. When there is minor variances we get postcards. This

is a major proposal and the city is not really interested in communicating. Yes, I am sure all this is available on City's website and we can find it. There is no proactive communication, period. Esp to homes that will be impacted. Also some assurance that city is not just jamming a "viewpoint" and will take reasonable considerations on setbacks and heights when there are situations that demand so.

We look forward to hosting the mayor, council members and their families at our home.
Thank you.

Jessica & Naveen Agarwal

50 Marvin Ave

Los Altos CA

1. Minimize impact of new housing on adjacent single-family residences

1. If the City Council is serious about putting housing in along San Antonio Road, then

change the zoning to residential only (i.e., no commercial or mixed-use buildings) and make existing commercial use non-conforming. This would accelerate the development of residential housing and eliminate the possibility of mixed-use buildings, which staff and planning commission have recommended with a height limit greater than "residential only" development. Better for residential neighbors, more housing, a win- win.

2. Do not allow balconies that face adjoining single family residential lots – they will have a direct negative impact on the privacy of surrounding single-family residences as all the properties directly abut residents side or backyards. This limitation was actually applied at 5150 El Camino, for example. So, codifying it for all projects in the OA district makes sense.
3. Incentivize lower impact, townhouse-type units. At the January 10, 2023, meeting members of Council agreed that any development along San Antonio should be "consistent with and compatible with the surrounding single family residential neighborhoods". There was talk about townhouse units that could provide needed housing while being of a height and scale compatible with the neighborhood. Unfortunately, at present, there is nothing in the zoning which encourages townhouses and disincentivizes overly tall, bulky, and out-of-scale buildings that are not compatible with the surrounding neighborhood and which are better suited for sites in the downtown.
4. While we continue to support additional housing and more importantly affordable housing in the City, there needs to be a balance to ensure undue impact on surrounding neighbors. At that very same meeting in September that Council took up the rezoning of the CN and other districts, a resident was appealing a Planning Commission ruling on a

new deck on their house that would have had little to no effect on the neighbor's privacy. The appeal was denied as 3 of the council members (all of whom have coincidentally been the most vocal advocates of adding housing with little regard to the impact on surrounding residents) voted against it, justifying their position that a variance for the deck setback would have undue impact on the neighbor and the neighborhood. We wish that same sensitivity permeated the discussions around where and how housing was added to areas that abut existing single family residential neighborhoods. It is puzzling that Council is seemingly willing to "protect" one neighbor

deemed impacted from development but ignore larger scale development that impacts far more residents.

2. Recognize and mitigate parking impacts

a. Do a better job of planning for where the cars associated with the new housing will park.

Our prior experience indicates that projects, that intentionally do not meet parking demand generated on site, will be under-parked by 20% or more. This translates into a need to park 25-30 cars at unknown, offsite locations if the City meets its target of 30 units per acre minimum at the 10 identified sites, encompassing 3.82 acres, are developed along San Antonio Road. The existing side streets along San Antonio are narrow and serve as the primary pathways for residents to get to the downtown; they cannot easily accommodate extra vehicles without creating a safety hazard for pedestrians, bicyclists and emergency vehicles.

3. Be honest with the neighborhoods and overall community about heights, parking impacts and other impacts of state mandate which allow developers to exceed our zoning limitations

We remain disappointed that residents have not been given a detailed understanding of the changes that are being made to the zoning. Existing as well as proposed height limits and setbacks and the heights that will likely result from "benefits" under state law need to be clearly stated.

1. Residents deserve to know that in almost every new development that is proposed, those projects will need to meet the 20% inclusionary affordable housing requirement and required densities – which in turn allows greater height, reduced setbacks, and less parking than specified in the nominal zoning. These are the consequences when development triggers numerous development incentives and waivers, from the City's list of incentives and state mandated bonuses.
2. Very simply stated, while we can talk about the OA district going from 30 feet height currently to "only" another 10 feet, to 40 feet total height, reality is far different. Every developer will take advantage of the additional 11-foot height increase available to them so projects will be more like 50' tall. And while setback to existing single family residential lot is proposed to be 25 feet, a developer can and will ask for a reduction in that setback, claiming they cannot build the project otherwise.
3. A further way to mitigate impact on adjacent neighborhoods is to prohibit roof-top amenities that have otherwise been allowed on El Camino and First Street so as to preclude further height and privacy issues for adjoining single-family homes.
4. At the end of this document is our best assessment at what the proposed zoning changes really mean to the OA district. In some cases, a developer will get only some of the bonuses and incentives shown on the table. But it does serve to illustrate how the nominal zoning does not reflect what will actually be approved

and built. As time permits, we expect to generate those for the other areas of town as well.

4. Be honest about the impacts to date and the lack of affordable housing that has resulted from the changes to date in our zoning rules
1. Our final point is that the City and community need to take a critical look at what the policies and rezoning to date have yielded. While we have had some new development, particularly along First street and El Camino, the truth is that there has been very little affordable housing built. In fact, most of the housing has been relatively high-priced condos. Even some of the ADU changes have yielded lackluster results; most of those units serve as guest houses for the residents or worse yet are just bonus space that a developer can add to the square footage of a house by using the junior ADU provision. (That provision in the State law allows adding space to a primary residence with the only requirement being the bedroom must have a separate entrance and bathroom. There is no need for separate cooking facilities.) We have seen multiple examples of developers using this loophole and the resulting houses are selling in the \$5-6M range. The result is an ESCALATION in housing prices without any additional housing, giving lie to the State's supposed intention. That loophole needs to be closed.
2. The City staff and City Council need to do a better job of factoring in the impact of zoning changes on the residents. At the meeting to discuss zoning changes at Rancho (the CN zone), Council member Pete Dailey expressed his enthusiasm for bigger, more dense buildings, which would have even a greater impact on the immediately adjacent neighbors. While we appreciate the enthusiasm for additional housing, we wish he would factor in the negative impact of a taller building on the adjacent residents and find ways to keep projects modest in size for each developed site.

We do understand the urgency to meet the State-mandated deadline for zoning changes and we do support additional housing and more importantly affordable housing. But putting in flawed zoning rules with insufficient input from the public because they haven't been adequately informed borders on irresponsible. We hope the City Council agrees and makes good changes for the benefit of the overall community, not just those who directly benefit from the rezoning effort.

What can you do? Write the city council and let them know how you feel about these zoning changes (email PublicComment@losaltosca.gov) Attend the council meeting on November 14th which starts at 7 pm. And forward this article to your neighbors.

And that's the way we see it.

From: [Drew Watson](#)
To: [Public Comment](#)
Subject: Housing mandates
Date: Thursday, November 9, 2023 10:02:53 PM

Hello,

My husband and I have lived in Los Altos since graduating grad school in 1990. I attended the housing meeting last night and felt frustration with the absurdity of our current situation. The gentleman leading the meeting was extremely motivated to push this agenda, with little regard for us, and seemed impatient with our questions. The woman from United Methodist Church literally asked why three churches on Magdalena had been targeted as sites, asking 'do you hate churches?' To that the leader should overwhelmingly reassured her that this was not the case. I understand that the housing plan is to help poor families have housing. Poor people that can't afford these housing situations will end up renting and I'm not sure how it is better off than any other place. Their rent will go into the coffers of the owners of the building, and make them wealthy, our government (us) will be poorer for subsidizing the builders, and the poor people will continue to be poor. As Warren Buffett's response to poor living in a mobile homes, where the value of the land continues to go up, but the tenants don't participate in the wealth growth, and continue to stay poor. We all want people who are financially striving to do well. But it's not organic to plop them into a wealthy area, where they can't afford the cost of goods, don't have a car to maneuver to the least expensive places to shop and the public transportation is an adequate for those who can't afford a car. For these reasons the locations on or near El Camino make more sense, but still have so many concerns. Furthermore, unless things change, we will be mandated to do this yet again in eight or so years? The hubris of this is amazingly irresponsible, with serious consequences. I love my community and feel we have a lot to loose if this doesn't work. Trying something on a smaller scale before committing to such changes that affect so many would be more prudent. Usually I feel like the city of Los Altos, and our city Council has our best interest at heart, but I did not feel that way after this meeting. I felt like we were getting something crammed down our throat that we didn't want. I felt sorry for the woman who spoke last night who owned a townhouse near the El Camino shopping center across from Chef Chus, that was a site for development of a four or five story building. I felt like her concerns were not listen to and alternatives were not given to her. A gentleman resident suggested using the poles to allow people to acclimate to the new 4 story heights, but the speaker said that this was not possible, not sure why. No one suggested her comments were important, and that she should direct them to anyone specific. Can you please let us know if there is a better process to voice our concerns and hopefully work together to improve our current situation?

Very sincerely,
Dr. Martha Watson

Sent from my iPhone



November 13, 2023

Dear Mayor Meadows and Councilmembers,

LAAHA supports the zoning changes proposed by Staff in accordance with the Housing Element Update for Programs 1.A, 1.B, 1.C, 1.E, 1.F, 1.G, 3.I, and 3.J.

More specifically –

The CT district has capacity for higher density housing and is the logical place to add housing due to access to transit and amenities. We approve of changing our code to allow 5 stories before a density bonus in the CT zone.

Housing should be allowed in the OA district, and we support increasing the maximum densities there to 30 du/acre.

The Loyola Corners Plan should be rescinded as it has stifled meaningful development and upgrades. We appreciate elimination of the 20 unit density cap, the dwelling size requirement, and the height limitation. In all, creating a Loyola Corners that is consistent with all other CN districts makes sense.

Village Court should be consistent with other CT zones, and we support the rezoning at this major intersection.

We support these actions so that our Element remains in compliance with State laws. We also see that these zoning changes on the whole create greater consistency within our city's specified zones, eliminate ambiguity, and increase density in areas of our city that can accommodate more density. These are strategic changes that we hope will lead to more units of housing.

Respectfully,
LAAHA Steering Committee

Los Altos Affordable Housing Alliance

Committed to educating and inspiring the Los Altos community to build housing that is affordable for those who live and work in Los Altos

<https://losaltosaffordablehousing.org/>

From: [Jp McNulty](#)
To: [Public Comment](#)
Subject: Large buildings adjacent to residential homes
Date: Wednesday, November 8, 2023 4:07:13 PM

Hello,

In considering how you will create additional housing in Los Altos, please be sensitive to the negative impact that taller buildings will have on adjacent residents and find ways to keep projects modest in size for each site where existing homes will be affected.

Sincerely,
Joan McNulty.

From: [carol little](#)
To: [Public Comment](#)
Subject: Loyola Corners Specific Plan
Date: Tuesday, November 14, 2023 12:24:44 AM

Dear City Council,

I am writing as a resident, not as a PARC commissioner.

I have a request. Please direct staff, with input from residents and business owners, to create objective standards for not only Loyola Corners, but also for other distinctly Los Altos areas such as Village Court and Woodland Acres. None of these areas actually “fit” the one size fits all approach of the CT and CN objective standards as they are now.

Specific to Loyola Corners, the LCSP plan can be of great help. It was created with much resident and business owner input and was updated/amended similarly, with much input. Additionally, within the LCSP, a very thorough job was done with regard to understanding how Loyola Corners functions and is laid out.

As a result of the LCSP, there are positive relationships between the businesses and neighbors. Residents of Loyola Corners are extremely loyal to the businesses and the businesses are great supporters of the residents. Loyola Corners has a sense of community unique to the area.

It would be a tragedy to lose that simply because the state has mandated changes to housing in California.

No where do the state mandated changes say that all cities must become carbon copies of each other. We can, and must, maintain our sense of place, and we can, and must preserve our small businesses. We can do this by including residents and business owners in the planning.

There is no one on staff who has experienced the history of the Loyola Corners area. Nor is there anyone on staff who has the knowledge or understanding of the way the businesses and Loyola Corners community support each other. This is evident by the way staff talks about not only the Loyola Corners area, but also Village Court, Woodland Acres and other parts of our lovely city. There is a lack of understanding as to why previous buildings were opposed. It was not the housing that was opposed. In one case, it was the impact on the creek as well as the neighbors directly across from the proposed building. In other situations it was the noise that would bounce into the neighborhoods due to the echo effect. There was also opposition to some very poorly designed buildings that would create large traffic issues. Our community know our area. The LCSP was developed with this knowledge. The lack of history and knowledge is understandable as most of our staff are new hires.

There is no reason to rescind all of the plan. However, if you do rescind the entire plan, please take the next important step of creating a fabulous Loyola Corners, within the new housing law limitations. You can do this by directing staff to work with residents to tease out the aspects of the plan that can be used for objective standards that fit Loyola Corners and that help retain a specific to Loyola Corners sense of place. The residents and business owners can help identify the sense of place details, while the staff can ensure to use only the parts of the plan that will not create an issue with regard to the state housing laws. Using the LCSP to create neighborhood specific objective standards provides a short cut that will reduce staff time and cost.

Furthermore, by directing staff to work with residents and business owners, you will be creating an opportunity for our city staff to get to know the community they work for. This will be a huge win for everyone!

A few examples of what is still relevant within the plan include the noise mitigation, covered arcades for continuity, types of, and location of businesses. Screened equipment (on roofs and elsewhere), types of materials, protecting residential areas from noise that travels due to the echo effects (this is not spelled out within the plan in these exact words, but the concept, based on the thoroughness of the LCSP plan understood this issue.

I'd also like to ask that City Council discuss how we can incentivize developers to work with the flow and style of the neighborhoods. Not only in Loyola Corners, but also in other areas of our city. I have limited knowledge regarding how to incentivize townhouses (a positive way to create more homeownership, not simply rentals) in neighborhoods. It would be wonderful to find a way to pepper our city with more housing that reflects what residents want as opposed to what developers want. I have daily that that with resident input, staff effort and a willingness from City Council, we can create housing that meets our RHNA numbers while not losing our sense of place.

Let's all roll our sleeves up and get busy creating housing that meets our RHNA numbers while keeping what works within the Loyola Corners Specific Plan and keeping what makes the Loyola Corners area special.

Respectfully yours,

Teresa Morris

P.S. As a side note, in addition to creating objective standards specific to Loyola Corners, we need to look at how to mitigate traffic issues in Loyola Corners.

From: [Deb Skelton](#)
To: [City Council](#); [Sally Meadows](#); [Jonathan Weinberg](#); [Pete Dailey](#); [Neysa Fligor](#); [Lynette Lee Eng](#)
Cc: [Gabriel Engeland](#); [Administration](#); [Public Comment](#)
Subject: Loyola Corners Specific Plan
Date: Tuesday, November 14, 2023 1:09:27 PM

Dear Los Altos City Council Members,

I am writing today to discuss the Loyola Corners Specific Plan (LCSP).

The purpose of the LCSP is to create attractive and functional shopping and commercial use facilities in order to increase use and provide for long term viability, and sense of community.

It has become clear that changes to the LCSP need occur to be in compliance with the State housing plan. However, there are unique elements of the LCSP that would not be in conflict with the housing mandate. In an effort to maintain the uniqueness of the Loyola Corners District, I am requesting that the LCSP be revised (as has been done in the past) to reflect current needs, as well as maintain certain important elements. I am hopeful that City representatives can work with residents and business owners to revise the plan; there is precedence, as this has occurred several times. While not an inclusive list, the following provides some elements of the LCSP that should be considered in addition to the CN objective standards to help maintain a unique and viable business district that incorporates more housing, and fits well into the community.

- Establish a circulation system to provide for convenient and safe travel ways for motorized and non-motorized travel. Provide for and encourage pedestrian and bicycle safety and usage. Widen A Street to include bike lanes.
- Repurpose B street for parking, farmers market and potentially other neighborhood activities. Use Carob Street as a more formal entrance to Loyola Corners. City to provide appropriate signage.
- Retain and provide covered arcade element along Fremont Avenue. Use this as a principle, unifying architectural design element.
- Retail and personal services only are permitted at the ground level fronting on Fremont Avenue from Miramonte Avenue to Dolores Avenue. Encourage a mix of appropriate commercial uses which provide a range of desirable neighborhood commercial uses.
- Encourage the use of historical elements. Incorporate the Streetscape elements including pavers, planting and benches, leaving the more unifying elements to the City to implement.
- Trash receptacles, mechanical equipment and utilities should be screened, and placed away from R1 lots. Locate utilities underground whenever possible.

While this may not be a complete list, it does demonstrate that there are elements of the LCSP that will work with CN objective standards and meet the requirements of the housing mandate. I am asking that you take this into consideration as we move forward.

Thank you,
Debbie Skelton



November 12, 2023

Re: November 14, 2023, Meeting, Agenda Item # 3 (Zone Text Amendments)

Dear Mayor Meadows and Members of the City Council:

The League of Women Voters (LWV) supports policies that encourage the development of housing, particularly affordable housing, and government transparency.

The LWV supports recommendations that the staff is submitting to the City Council. The Planning Commission has endorsed these recommendations. These proposed amendments to the Zoning Code should encourage housing development that will allow Los Altos to meet its Regional Housing Needs Allocation (RHNA) goals. Additional height limits in the Commercial Thoroughfare zone, allowing residential uses in the Office Administration zone (OA), changing the zoning for Village Court, and repealing the Loyola Corners Specific Plan were all included in the Housing Element Update (HEU) approved by the State of California. It is critical that Los Altos pass ordinances implementing the commitments it made in its HEU. We anticipate that these changes will provide greater incentives to build housing.

Given the extensive proposed changes, we are pleased that staff held public informational meetings to supplement the Planning Commission's public hearing and the City Council is also holding a public hearing. These meetings provided an opportunity for residents to become better informed about the proposed zoning changes and to receive answers to their questions.

Please send any questions about this email to Sue Russell, Co-Chair of the Housing Committee, at housing@lwvlamv.org.

Sincerely,

A handwritten signature in blue ink that reads "Katie Zoglin".

Katie Zoglin, President
Los Altos-Mountain View Area LWV

C: Gabe Engeland, City Manager
Melissa Thurman, City Clerk
Nick Zornes, Development Services Director
PublicComment@losaltosca.gov

From: [Tom Ferry](#)
To: [City Council](#); [Sally Meadows](#); [Jonathan Weinberg](#); [Pete Dailey](#); [Neysa Fligor](#); [Lynette Lee Eng](#)
Cc: [Gabriel Engeland](#); [Administration](#); [Public Comment](#)
Subject: Need for specific zoning regulations for Loyola Corners beyond typical CN regulations
Date: Monday, November 13, 2023 6:52:51 PM

To: Los Altos City Council
Cc: Los Altos City Manager
From: Thomas Ferry, Los Altos resident
Subject: Need for specific zoning regulations for Loyola Corners beyond typical CN regulations
Date: November 13, 2023

Loyola Corners is a unique area that would greatly benefit from specific rules, different than standard CN regulations, that can be crafted to retain and enhance benefits for residents while still providing the housing required by the state.

I am asking City Council to instruct City Staff to work with residents and business owners to create an addendum to the CN zoning regulations with specific rules for Loyola Corners.

Carefully considering how to modify a few zoning regulations for this area will require work by staff, the Planning Commission, City Council, business owners, and residents, but the outcome will affect our residents for many generations to come. So, I and many residents believe it's worth a little extra effort.

In the face of the difficulties of the housing crisis and strict state laws, I hope the Council and Staff employ a 'Yes, if...' approach rather than defaulting to 'No, because...'. The result will be much better for such impactful decisions; decisions that will affect our community for decades.

What are the unique elements of Loyola Corners compared to other CN zones like Downtown, Lucky's, Homestead, Rancho?

1. Most/all buildings face streets/public on all sides. This feature affects how service area screening, sidewalks, crosswalks, vehicle flow, etc. should be regulated.
2. Loyola Corners is small and lots are more densely packed on all sides compared to other CN's so more setbacks, tighter articulation rules, etc. are needed to avoid claustrophobic effect.
3. Loyola Corners is in a complicated, heavily trafficked location in which many routes come together in a non-Manhattan layout. This makes providing optimal, safe egress for automobiles, pedestrians, and bicycles difficult.
4. Access to useful public transit is almost nonexistent, so parking and traffic flow must be carefully considered.
5. The retail businesses provide an essential service for residents of South Los Altos and it is imperative to ensure a business owner and customer-friendly design.

Here are a few suggestions for CN regulations that should be considered for modification due to the unique characteristics of Loyola Corners. This list is simply an example of areas to be considered. If these suggestions don't work, what can we do to meet not only state laws, but the residents' desires?

1. Upper story setbacks
5 feet on all sides for stories 2 and above since Loyola Corners buildings face streets/public on all sides, rather than on stories 3 and above in the CN regulations. I anticipate the answer will be "No, we can't do that because...", but if that is the case, what can we do to be compliant AND create a more aesthetically pleasing design that avoids creating a 'canyon

effect'?

2. Vertical articulation

Façade bays with 3 foot recesses whenever façade exceeds 50 feet in length, instead of the 75 feet stated in the CN regulations.

3. Landscaping/Sidewalks

Landscaping and sidewalk rules that ensure practical needs of pedestrians, i.e., two adults can comfortably pass each other going in opposite directions without having to step off sidewalk into the street or brush against landscaping branches. ADA requires 36 inch-wide sidewalks, but maybe wider sidewalks would improve safety and walkability of the area.

4. Automobile/bicycle/pedestrian traffic flow/safety

Automobile work/school commuter traffic through Loyola Corners from Highway 85, Interstate 280 via Foothill Expressway and Fremont Ave is heavy and will likely continue to increase.

The current layout of streets, sidewalks, and traffic signals is difficult to navigate and, at peak times, dangerous for pedestrian and bicycle traffic and is not optimal for current peak automobile traffic loads.

Street layout, traffic signals, sidewalks, crosswalks and building design should include rules/guidelines to handle current and expected traffic loads in a manner that provides safe, efficient egress to and through Loyola Corners.

For example, wider than minimum sidewalks to avoid pedestrians using the street, adequate bicycle lanes, avoid blind spots at street corners caused by building structures, etc.

5. Service area screening

Because most lots in Loyola Corners face streets and the public on all sides, special consideration for locating service areas is needed.

Thank you for your consideration of my input.

Regards,

Thomas Ferry

From: [Roberta Phillips](#)
To: [Public Comment](#); [City Council](#)
Subject: Nov 14 ,2023 Council MeetingItem#3 Public Comment
Date: Saturday, November 11, 2023 11:34:52 AM
Attachments: [Public Comment Item # 3 Nov 14 Council Meeting.docx](#)

Dear Council and Staff

Please add my comment attached to the Public Comments for th City Council Meeting on
Nov.14 2023

Sincerely

Roberta Phillips

650-941-6940

From: baeric@earthlink.net
To: [Public Comment](#)
Cc: [City Council](#)
Subject: november 14th council meeting comments re zoning changes to oa and ct zones, agenda item #??
Date: Wednesday, November 8, 2023 2:31:14 PM
Attachments: [image001.png](#)

An open letter to the Los Altos City Council

As regard zoning changes that will affect every Los Altos resident

This is a letter to our City Council on the subject of making critical and impactful changes to our zoning laws which will have considerable permanent, long-term effects on Los Altos. It's written as an Open Letter because of the importance to every resident in our community and to how much we should all be aware of what these changes will mean for our town.

Work in haste, repent at leisure. Don't throw out the baby with the bathwater. The grass is always greener on the other side of the fence. There are these and many other expressions that urge caution when making change. Contrary to what some may proffer, these witticisms aren't meant to stop change, but to ensure that responsible change occurs.

Council began updating the Housing Element Update by making changes to the zoning of various districts within the City . The effort began in late September and will continue with the upcoming Council meeting in November (and subsequent meetings up through January 31, 2024). The January date is a State-imposed, non-negotiable deadline to make changes that were part of the approved/adopted Housing Element.

No one likes that deadline, but it should not be used an excuse for making changes to our zoning that are not well thought out and will haunt all of us for decades to come. Silicon Valley has finally learned that the mantra should be *move fast but DON'T break things*. We need to heed that wisdom.

Zoning changes have already been made to the downtown (often abbreviated in "planning speak" as CD, CRS and CD-R3), commercial districts like Rancho and Homestead (CN zone) and the multifamily areas such as along Gabilan, Lassen, Tyndall, etc. (R3). Up next at the November 14th City Council meeting are the OA zone, which is primarily located along San Antonio Road and Altos Oaks Drive (and includes smaller areas on Distel Circle and in Loyola Corners), and the commercial thoroughfare zone (CT zone) which runs along El Camino Real.

While we will address here the changes that should be made to the OA district, many of these comments apply to the other zones as well. Furthermore, residents who do not live adjacent to commercial districts in town need to be keenly aware of the proposed zoning changes. Why? Because Los Altos, like essentially every city in the state, is unlikely to meet its 4-year housing target at the midpoint of the 8-year Housing element timeframe. The State law mandates that missing the target unleashes further draconian steps in the State legislation which will allow almost anything to be built anywhere in the City. And even if we do, by some miracle, meet the 8-year housing target, the next cycle will necessitate allowing large, multifamily construction in every neighborhood, perhaps next door to you or across the street from your house.

We want to specifically address the changes that should be made to the OA district (quick reminder--the OA district is along San Antonio and Altos Oaks), although there are many similar changes that should be applied to the CT zone as well.

1. Minimize impact of new housing on adjacent single-family residences

- a. If the City Council is serious about putting housing in along San Antonio Road, then change the zoning to residential only (i.e., no commercial or mixed-use buildings) and make existing commercial use non-conforming. This would accelerate the development of residential housing and eliminate the possibility of mixed-use buildings, which staff and planning commission have recommended with a height limit greater than “residential only” development. Better for residential neighbors, more housing, a win-win.
- b. Do not allow balconies that face adjoining single family residential lots – they will have a direct negative impact on the privacy of surrounding single-family residences as all the properties directly abut residents side or backyards. This limitation was actually applied at 5150 El Camino, for example. So, codifying it for all projects in the OA district makes sense.
- c. Incentivize lower impact, townhouse-type units. At the January 10, 2023, meeting members of Council agreed that any development along San Antonio should be “consistent with and compatible with the surrounding single family residential neighborhoods”. There was talk about townhouse units that could provide needed housing while being of a height and scale compatible with the neighborhood. Unfortunately, at present, there is nothing in the zoning which encourages townhouses and disincentivizes overly tall, bulky, and out-of-scale buildings that are not compatible with the surrounding neighborhood and which are better suited for sites in the downtown.
- d. While we continue to support additional housing and more importantly affordable housing in the City, there needs to be a balance to ensure undue impact on surrounding neighbors. At that very same meeting in September that Council took up the rezoning of the CN and other districts, a resident was appealing a Planning Commission ruling on a new deck on their house that would have had little to no effect on the neighbor’s privacy. The appeal was denied as 3 of the council members (all of whom have coincidentally been the most vocal advocates of adding housing with little regard to the impact on surrounding residents) voted against it, justifying their position that a variance for the deck setback would have undue impact on the neighbor and the neighborhood. We wish that same sensitivity permeated the discussions around where and how housing was added to areas that abut existing single family residential neighborhoods. It is puzzling that Council is seemingly willing to “protect” one neighbor deemed impacted from development but ignore larger scale development that impacts far more residents.

2. Recognize and mitigate parking impacts

- a. Do a better job of planning for where the cars associated with the new housing will park. Our prior experience indicates that projects, that intentionally do not meet parking demand generated on site, will be under-parked by 20% or more. This translates into a need to park 25-30 cars at unknown, offsite locations if the City meets its target of 30 units per acre minimum at the 10 identified sites, encompassing 3.82 acres, are developed along San Antonio Road. The existing side streets along San Antonio are narrow and serve as the primary pathways for residents to get to the downtown; they cannot easily accommodate extra vehicles without creating a safety hazard for pedestrians, bicyclists and emergency vehicles.

3. Be honest with the neighborhoods and overall community about heights, parking impacts and other impacts of state mandate which allow developers to exceed our zoning limitations
We remain disappointed that residents have not been given a detailed understanding of the changes that are being made to the zoning. Existing as well as proposed height limits and setbacks and the heights that will likely result from “benefits” under state law need to be clearly stated.

- a. Residents deserve to know that in almost every new development that is proposed, those projects will need to meet the 20% inclusionary affordable housing requirement and required densities – which in turn allows greater height, reduced setbacks, and less

parking than specified in the nominal zoning. These are the consequences when development triggers numerous development incentives and waivers, from the City's list of incentives and state mandated bonuses.

- b. Very simply stated, while we can talk about the OA district going from 30 feet height currently to "only" another 10 feet, to 40 feet total height, reality is far different. Every developer will take advantage of the additional 11-foot height increase available to them so projects will be more like 50' tall. And while setback to existing single family residential lot is proposed to be 25 feet, a developer can and will ask for a reduction in that setback, claiming they cannot build the project otherwise.
 - c. A further way to mitigate impact on adjacent neighborhoods is to prohibit roof-top amenities that have otherwise been allowed on El Camino and First Street so as to preclude further height and privacy issues for adjoining single-family homes.
 - d. **At the end of this document is our best assessment at what the proposed zoning changes really mean to the OA district.** In some cases, a developer will get only some of the bonuses and incentives shown on the table. But it does serve to illustrate how the nominal zoning does not reflect what will actually be approved and built. As time permits, we expect to generate those for the other areas of town as well.
4. Be honest about the impacts to date and the lack of affordable housing that has resulted from the changes to date in our zoning rules
- a. Our final point is that the City and community need to take a critical look at what the policies and rezoning to date have yielded. While we have had some new development, particularly along First street and El Camino, the truth is that there has been very little affordable housing built. In fact, most of the housing has been relatively high-priced condos. Even some of the ADU changes have yielded lackluster results; most of those units serve as guest houses for the residents or worse yet are just bonus space that a developer can add to the square footage of a house by using the junior ADU provision. (That provision in the State law allows adding space to a primary residence with the only requirement being the bedroom must have a separate entrance and bathroom. There is no need for separate cooking facilities.) We have seen multiple examples of developers using this loophole and the resulting houses are selling in the \$5-6M range. The result is an ESCALATION in housing prices without any additional housing, giving lie to the State's supposed intention. That loophole needs to be closed.
 - b. The City staff and City Council need to do a better job of factoring in the impact of zoning changes on the residents. At the meeting to discuss zoning changes at Rancho (the CN zone), Council member Pete Dailey expressed his enthusiasm for bigger, more dense buildings, which would have even a greater impact on the immediately adjacent neighbors. While we appreciate the enthusiasm for additional housing, we wish he would factor in the negative impact of a taller building on the adjacent residents and find ways to keep projects modest in size for each developed site.

We do understand the urgency to meet the State-mandated deadline for zoning changes and we do support additional housing and more importantly affordable housing. But putting in flawed zoning rules with insufficient input from the public because they haven't been adequately informed borders on irresponsible. We hope the City Council agrees and makes good changes for the benefit of the overall community, not just those who directly benefit from the rezoning effort.

What can you do? Write the city council and let them know how you feel about these zoning changes (email PublicComment@losaltosca.gov) Attend the council meeting on November 14th which starts at 7 pm. And forward this article to your neighbors.

And that's the way we see it.

Friends of Los Altos Board of Directors
Jonathan Baer
Lou Becker

Ron Packard
 David Casas
 Kenneth Lorell

OA District	Current zoning	Proposed zoning	Zoning if Project meets mandatory inclusionary requirements	Maximum Allowed with state and local bonuses
Maximum Height				
Commercial	30'	30'	30'	30'
Mixed use		45'	56'	Developer driven
Residential		40'	51'	Developer driven
Front setback	18'	5'	5'	Likely 5'
Side setback	10'	5'	5'	Likely 5'
Rear setback (abut residential/commercial)				
Commercial 1 st floor	25'/10'	30'/15'	30'/15'	30'/15'
Commercial 2 nd floor	25'/10'	30'/15'	30'/15'	Developer driven
Residential/mixed use 1 st floor	-	30'/15'	10'	10'
Residential 2 nd floor	-	30'/15'	Negotiable- may be 10'/5'	Developer driven
Residential 3 rd floor	-	35'/20'	Negotiable- may be 15'/10'	Developer driven
Residential 4 th floor	-	35'/20'	Negotiable- may be 15'/10'	Developer driven

Friends of Los Altos
 Los Altos, CA 94022 & 94024

https://url.avanan.click/v2/___https://friendsoflosaltos.org___YXAzOmxvc2FsdG9zY2E6YTpvOmI2MjU2ZmIzNGE4ZTlmODhiNTEzNmIzZTQ0NjdhMzlmOjY6MzNmNzo1YzkwYjA3YmIyN2VhZjYwNGMwNWl3NzFmNTg5NzkxOTVmNjZkNDg3YTdhNTY4Y2FmMGY5OTA1YTJlYzNiOWVmOnQ6VA

From: [K Z](#)
To: [Public Comment](#); [Gabriel Engeland](#); [Melissa Thurman](#); [Nick Zornes](#); [City Council](#)
Cc: housing@lwvlamv.org
Subject: Nvoember 14, 2023 Meeting, Agenda Item #3
Date: Sunday, November 12, 2023 3:33:21 PM
Attachments: [LWV Letter to LACC Nov 14, 2023 Meeting.pdf](#)

Attached is a letter to the Mayor and members of the City Council regarding Item number 3 on the agenda for the November 14, 2023, meeting.

Thank you for your attention to this matter.

Sincerely,

Katie Zoglin

President, Los Altos-Mountain view Area

League of Women Voters

From: [K Z](#)
To: [Public Comment](#); [Gabriel Engeland](#); [Melissa Thurman](#); [Nick Zornes](#); [City Council](#)
Cc: housing@lwvlamv.org
Subject: Nvoember 14, 2023 Meeting, Agenda Item #3
Date: Sunday, November 12, 2023 3:33:21 PM
Attachments: [LWV Letter to LACC Nov 14, 2023 Meeting.pdf](#)

Attached is a letter to the Mayor and members of the City Council regarding Item number 3 on the agenda for the November 14, 2023, meeting.

Thank you for your attention to this matter.

Sincerely,

Katie Zoglin

President, Los Altos-Mountain view Area

League of Women Voters

From: [Los Altos Affordable Housing Alliance](#)
To: [Public Comment](#)
Cc: [Nick Zornes](#)
Subject: Public Comment Agenda Item #3 - Zoning Ordinance Text Amendments
Date: Monday, November 13, 2023 10:31:35 PM
Attachments: [LAAHA Letter to CC 11.14.23.pdf](#)

Hello City Councilmembers,

Please find attached a letter supporting the zoning text amendments on the agenda this week.

Thank you,
LAAHA Steering Committee

--

Los Altos Affordable Housing Alliance

To educate and inspire the Los Altos community to build housing that is affordable for our workforce.

Nov 14,2023 Council Meeting Public Comment Item# 3

I am writing to Council to respectfully request that in the OA district under 14.34.040" Permitted Uses", that you remove item C. This is "mixed use", as a permitted use. I spoke to Gabe Engeland and Nick Zornes and HCD does not require mixed use in this district. It was added in by Nick, but does not need to be there and he told me it could be removed. We obviously want to add residential and keep office administrative. Allowing mixed use will add height to permitted buildings by an additional five feet on top of the additional 10 feet proposed.. We do not need to add commercial uses. The OA district is near downtown where we already have retail businesses. We don't want to end up with vacant first floor space that would be better used for housing. We already have a lot of vacant sites downtown.

We are already increasing the lot coverage from 50% to 75% and increasing the building heights from 2 stories (30 feet) to 4 stories (40 feet) this is before the California Density Bonus law kicks in. So, we are already increasing density and height and the developer has an opportunity to add more height and request additional waivers and incentives.

When I spoke to Nick and Gabe, they told me that in the OA district we could have low impact buildings (perhaps townhome) and still meet our commitment of 20 units per acer. There would be No Net Loss.

I believe we can incentivize the developers to build low impact living units. Townhomes for example, would solve problems of parking, as they usually have a garage and driveway, where residents can park. It would also mitigate privacy concerns. As you know, OA along South San Antonio Rd abut Single family homes. We already have the tools to incentivize developers such as the "OFF Menu and ON Menu" options in the California Density Ordinance for Los Altos. We already have design review guide lines and objective standards that can be reviewed to successfully integrate new housing with existing housing.

Sincerely

Roberta Phillips

650-941-6940

From: [Bill Hough](#)
To: [Public Comment](#)
Cc: [City Council](#)
Subject: Public Comment on Item# 3 on Nov 14,2023 Council Meeting agenda
Date: Sunday, November 12, 2023 9:31:52 AM

Why is Item C - "mixed use", as a permitted use - in the OA district under 14.34.040" Permitted Uses?" HCD does not require mixed use in this district, so you can remove it.

If the goal is to increase the supply of homes, you should be encouraging telecommuting, so we can build housing where offices exist today. COVID was awful but it taught that lots of former office work can be performed remotely.

From: [Helen Armer](#)
To: [Public Comment](#)
Subject: Rezoning of neighborhoods in Los Altos
Date: Sunday, November 12, 2023 11:07:47 AM

To Members of the Los Altos City Council and the Mayor:

I live in Los Altos near Loyola Corners. I am writing to express my concern over the rapid and hastily legislated changes that are being made to zoning laws in Los Altos, the result of which will be high density housing in our neighborhood.

I am disappointed that residents have not been given a detailed understanding of the changes that are being made to the zoning.

The first point relates to height limits. Existing and proposed height limits and the heights that will likely result from “benefits” under state law need to be clearly stated and communicated to residents. Residents deserve to know that in almost every new development that is proposed, those projects will need to meet the 20% inclusionary affordable housing requirement and required densities – which in turn allows greater height, reduced setbacks, and less parking than specified in the nominal zoning. These are the consequences when development triggers numerous development incentives and waivers, from the City’s list of incentives and state mandated bonuses. In particular as pertains to the OA district, every developer will take advantage of the additional 11-foot height increase available to them for affordable housing, so projects are likely to reach 50’ height. Adding to this are roof-top amenities that add additional height and create privacy issues for neighbors.

The second point pertains to setbacks. While setback to existing single family residential lots is 25 feet, a developer can and will ask for a reduction in that setback, claiming they cannot build the project otherwise.

Third, many of the recently built projects do not include sufficient parking, which results in cars being parked on neighboring streets and creating

parking issues for residents of those streets. Something needs to be done to require adequate on-site parking at new developments.

Fourth are environmental concerns. Much is being learned about the impacts of over-development on flooding. When too much land surface area is paved over or covered with impermeable landscaping (such as "astro turf lawns"), the land doesn't drain properly, water pools, and flooding results. This happened in Cupertino last winter during the heavy rainstorms. Many houses in Los Altos are built on slabs, and these homes will become susceptible to flooding as more and more of the city is overdeveloped.

Please don't cater to the interests of the developers who only need to make a profit from their project. Poor decisions will enrich them and leave the rest of us holding the bag.

Sincerely,

Helen Armer

Estate Drive, Los Altos

From: [Jonas Bordo](#)
To: [Public Comment](#)
Cc: [Los Altos Town Crier](#)
Subject: Support for new zoning changes
Date: Thursday, November 9, 2023 8:00:39 AM

Los Altos City Council -

I am a Los Altos resident writing in support of the recent zoning changes made to allow our city to meet its commitments to house Californians.

Our state and city are desperately short of housing - we have approximately [3.5M fewer homes than we need](#) across the state for our current population and of course, the Bay Area needs a significant share of those homes.

Assuming we must and we will find a way to build those homes, we have two choices for building. We can build new homes on new land, consuming existing farmland and open space, or we can increase density.

I am for increasing density and protecting our precious open spaces.

Greater density brings a host of benefits, including:

- More business for our retailers (particularly important in Los Altos, where we lack sufficient office space to support our retail footprint);
- Fewer car trips from reduced commutes (bringing both parking and environmental benefits); and,
- Property value increases (as we do more with less land).

Of course, many (myself included) enjoy the benefits of our community as it is, but a slight reduction in the number of single-family homes on large lots and welcoming a few multifamily communities is a small price to pay for the benefits above.

In addition to those benefits, as a parent of three, I'm worried that our children will have no choice but to move far away if more housing is not made available. The [median home price in Los Altos last month was over \\$4M](#), requiring annual income in excess of \$800,000 in order to afford a home in our town. I'm sure it goes without saying that few have income in that lofty territory.

As we move towards implementing our housing element, it is critical that we move as quickly as possible towards approving new housing and erect as few barriers to it as possible. Development of new homes takes long enough without the hurdles that virtually every community in California has erected. We must streamline approval processes and move towards implementation of the housing element with the utmost speed.

We have had decades for debate and discussion. We are past a crisis point, we have a hard-won plan in hand and it is time to implement that plan.

Please accept my support and appreciation for your good work in encouraging additional

housing in our town. I was proud that Los Altos progressed effectively towards an approved housing element and I look forward to supporting new developments and meeting new neighbors in the years to come.

Respectfully,

Jonas Bordo
216 Garland Way

Jonas Bordo
415.517.6874
jbordo@gmail.com

From: [Ozlem Ozturk](#)
To: [Public Comment](#)
Subject: Zoning changes
Date: Wednesday, November 8, 2023 4:16:55 PM

Hi,

I have lived in Los Altos since 1998, first as a renter on gabilan and then at our current home at 1020 alegre avenue. When my husband and I looked to purchase our house, we explored other similar towns such as Saratoga, Menlo Park, Portola Valley but always came back to Los Altos because it offered the best lifestyle.

Pandemic took our focus away from other things as we worried about our families and health. It feels that we all woke up one day and faced a town that puts commercial interests over all else. It feels that our town is run by commercial real estate agents and their family members.

It is nice to see many great restaurants in downtown Los Altos, once a sleepy place with few restaurant options that stayed open after 9pm. But beyond this (which probably is not due to our town counsel), as a resident, I feel Los Altos is losing its character due to all the cheap condo constructions mushrooming everywhere. Now, I hear the Rancho center is going to turn into a santana row like place. When we took large mortgages and spent our youth paying them, we didn't sign up to live in Sunnyvale or Santa clara, or mountain view. We already suffer greatly because Mountain View is a very commercially oriented town and unfortunately they impact traffic in our streets. We chose Los Altos because of the rustic, quiet, safe neighborhood lifestyle it offered.

I object to all of these new zoning. I do not want Loyola Corners and the Rancho center to turn into the same cheap condo/commercial development we now have in our downtown. Who approved those developments? Why do we need them? I feel as a resident we have no voice!

Instead of protecting our town's lifestyle (for example, I prefer our town counsel to work with St Francis School and curtail some of their expansions), our town counsel is destroying it. How can we stop this much commercial interest making decisions on behalf of us?

Thanks,
Ozlem Ozturk

From: nancerz@aol.com
To: [Public Comment](#)
Subject: Zoom meeting public comment
Date: Saturday, November 11, 2023 12:17:03 PM

Hello City Council members

I am writing to encourage you to reopen the option for public comments on the part of the community members who chose to participate on Zoom. It seems that perhaps due to fear of zoom bombing that the council felt the need to shut down all public comments from those participating on zoom. This seems very drastic to me and in not in keeping with the idea of democracy and free speech. There are people that for reasons of disability (can't drive at night, or are less mobile) or have child care responsibilities cannot attend in person. The on line option to join City Council meetings actually opens up the dialog to more members of the community which is the point of having public access.

If you want to address zoom bombing, there are better ways to handle this problem (if it exists) such as removing the offending participant through the security settings if and when this situation arises. It seems like those managing the zoom meeting can come up with better ways to address concerns of disruption that to eliminate the conversation. and dialog entirely.

Please reopen the discussion feature on zoom and be more accessible to the public at large.

Nancy Phillips
Los Altos resident

From: [Amer Diwan](#)
To: [Public Comment](#)
Subject: [External Sender]Concern about resolution being discussed on November 14th
Date: Monday, November 13, 2023 8:36:12 PM

As a 7 year resident of Los Altos, I'd like to express dissatisfaction with Agenda #5 in the meeting on 14th November:

"Discuss the Council issuing a potential resolution, or any possible action, denouncing the Hamas attacks against Israel"

This agenda makes no mention of the Palestinians that have been killed since October 7th. Since October 7th Israeli forces have [killed](#) nearly 10 Palestinians for every Israeli killed on October 7th. This includes children and women. Israel has [used phosphorus](#) against Palestinians since October 7th; this is a violation of international humanitarian law. Amnesty International calls out Israel's [war crimes](#) Since October 7th. Why isn't the Los Altos City Council condemning this violence and is only concerned with the deaths on the Israeli side?

The agenda makes no mention of Israel's occupation of the West Bank and Gaza since 1967. Palestinians are denied basic human rights and Israel continues to push them out of their homes and kill them as it sees fit. The United Nations Security Council has repeatedly [stated](#) that Israel expanding settlements in that territory are a "flagrant violation of international law". According to [Amnesty International's secretary general](#), "For 16 years, Israel's illegal blockade has made Gaza the world's biggest open-air prison – the international community must act now to prevent it becoming a giant graveyard.". Has the Los Altos City Council considered speaking out against this apartheid?

The agenda makes no mention of Israel using phosphorus long before October 7th, 2023 and makes no mention of the 18,600 Palestinians [killed](#) by Israel while Palestinians have killed 1500. Did the Los Altos City Council discuss condemning Israel at those previous incidents?

If the Los Altos City Council wants to pass a resolution on this topic, it needs to reflect history and reality (which is readily reported in the news). Otherwise any resolution on this topic is offensive, ignorant, and one-sided.

Amer

From: [Jeanine Valadez](#)
To: [Public Comment](#)
Subject: [External Sender]Public Comment Item 5 2023_11_14
Date: Monday, November 13, 2023 2:51:37 PM

Mayor Meadows, Vice-Mayor Weinberg, and Councilmembers Lee Eng, Fligor, and Dailey,

As you discuss Nov 14's Item 5 on the Agenda, I ask you to strongly consider choosing to focus ONLY on your determination to demand that our community not devolve into dialogue or actions founded in superiority, discrimination, bigotry, or hate. Tribal responses, especially in writing, are not helpful at this time. Even if you are comprehensive in listing all "sides" to this situation, the order in which you list them can itself lead to misunderstanding and triggering!

Instead, speak in the spirit of ubiquity, inclusiveness, and unity:

Denounce the killing of civilians, terrorism, occupation, collective punishment, violence, and war, including their enabling financial machinations.

Uplift and demand the necessity for humanitarian action and aid, negotiation, diplomacy, empathy, and peace.

Denounce the bundling of all Palestinians into the policies of Hamas and other similar non-state organizations, or assume they agree with the worst methods of resistance; i.e., terrorism.

Denounce the bundling of all Jewish people into the war-and-obliteration focussed policies of their leader or in the worst of state-building; i.e., ethnic cleansing.

Uplift the principles of those of us who speak for peace, ceasefire, diplomacy, and co-existence; who realize that good and bad actions by those involved are inevitable and human; that people can change their mind if they are empathetic, that absolutism helps no one.

Uplift every people's right to self-determination. Uplift every parent's right to make a safe home for their children, to have a means of providing for their family, and to have a voice in their community.

Uplift a philosophy founded in humanitarian universalism instead of one founded in division and segregation.

And, if you need a quick solution to this challenge you face, just reflect on the words of President Barack Obama shown below, as he does all of the above.

Thank you,

Jeanine Valadez

Disclosure: I am a PARC commissioner but am writing as a member of the public.

=====

Statement by President Barack Obama on Isreal and Gaza, October 23, 2023.

It’s been 17 days since Hamas launched its horrific attack against Israel, killing over 1,400 Israeli citizens, including defenseless women, children and the elderly. In the aftermath of such unspeakable brutality, the U.S. government and the American people have shared in the grief of families, prayed for the return of loved ones, and rightly declared solidarity with the Israeli people.

As I stated in an earlier post, Israel has a right to defend its citizens against such wanton violence, and I fully support President Biden’s call for the United States to support our long-time ally in going after Hamas, dismantling its military capabilities, and facilitating the safe return of hundreds of hostages to their families.

But even as we support Israel, we should also be clear that how Israel prosecutes this fight against Hamas matters. In particular, it matters — as President Biden has repeatedly emphasized — that Israel’s military strategy abides by international law, including those laws that seek to avoid, to every extent possible, the death or suffering of civilian populations. Upholding these values is important for its own sake — because it is morally just and reflects our belief in the inherent value of every human life. Upholding these values is also vital for building alliances and shaping international

opinion — all of which are critical for Israel's long-term security.

This is an enormously difficult task. War is always tragic, and even the most carefully planned military operations often put civilians at risk. As President Biden noted during his recent visit to Israel, America itself has at times fallen short of our higher values when engaged in war, and in the aftermath of 9/11, the U.S. government wasn't interested in heeding the advice of even our allies when it came to the steps we took to protect ourselves against Al Qaeda. Now, after the systematic massacre of Israeli citizens, a massacre that evokes some of the darkest memories of persecution against the Jewish people, it's understandable that many Israelis have demanded that their government do whatever it takes to root out Hamas and make sure such attacks never happen again. Moreover, Hamas' military operations are deeply embedded within Gaza — and its leadership seems to intentionally hide among civilians, thereby endangering the very people they claim to represent.

Still, the world is watching closely as events in the region unfold, and any Israeli military strategy that ignores the human costs could ultimately backfire. Already, thousands of Palestinians have been killed in the bombing of Gaza, many of them children. Hundreds of thousands have been forced from their homes. The Israeli government's decision to cut off food, water and electricity to a captive civilian population threatens not only to worsen a growing humanitarian crisis; it could further harden Palestinian attitudes for generations, erode global support for Israel, play into the hands of Israel's enemies, and undermine long term efforts to achieve peace and stability in the region.

It's therefore important that those of us supporting Israel in its time of need encourage a strategy that can incapacitate Hamas while minimizing further civilian casualties. Israel's recent shift to allow relief trucks into Gaza, prompted in part by the Biden administration's behind-the-scenes diplomacy, is an encouraging step, but we need to continue to lead the international community in accelerating critical aid and supplies to an increasingly desperate Gaza population. And while the prospects of future peace may seem more distant than ever, we should call on all of the key actors in the region to engage with those Palestinian leaders and organizations that recognize Israel's right to exist to begin articulating a viable pathway for Palestinians to achieve their legitimate aspirations for self-determination — because that is the best and perhaps only way to achieve the lasting peace and security most Israeli and Palestinian families yearn for.

Finally, in dealing with what is an extraordinarily complex situation where so many people are in pain and passions are understandably running high, all of us need to do our best to put our best values, rather than our worst fears, on display.

That means actively opposing anti-semitism in all its forms, everywhere. It means rejecting efforts to minimize the terrible tragedy that the Israeli people have just endured, as well as the morally-bankrupt suggestion that any cause can somehow justify the deliberate slaughter of innocent people.

It means rejecting anti-Muslim, anti-Arab or anti-Palestinian sentiment. It means refusing to lump all Palestinians with Hamas or other terrorist groups. It means guarding against dehumanizing language towards the people of Gaza, or downplaying Palestinian suffering — whether in Gaza or the West Bank — as irrelevant or illegitimate.

It means recognizing that Israel has every right to exist; that the Jewish people have claim to a secure homeland where they have ancient historical roots; and that there have been instances in which previous Israeli governments made meaningful efforts to resolve the dispute and provide a path for a two-state solution — efforts that were ultimately rebuffed by the other side.

It means acknowledging that Palestinians have also lived in disputed territories for generations; that many of them were not only displaced when Israel was formed but continue to be forcibly displaced by a settler movement that too often has received tacit or explicit support from the Israeli government; that Palestinian leaders who've been willing to make concessions for a two-state solution have too often had little to show for their efforts; and that it is possible for people of good will to champion Palestinian rights and oppose certain Israeli government policies in the West Bank and Gaza without being anti-semitic.

Perhaps most of all, it means we should choose not to always assume the worst in those with whom we disagree. In an age of constant rancor, trolling and misinformation on social media, at a time when so many politicians and attention seekers see an advantage in shedding heat rather than light, it may be unrealistic to expect respectful dialogue on any issue — much less on an issue with such high stakes and after so much blood has been spilled. But if we care

about keeping open the possibility of peace, security and dignity for future generations of Israeli and Palestinian children — as well as for our own children — then it falls upon all of us to at least make the effort to model, in our own words and actions, the kind of world we want them to inherit.

Here are links to some useful perspectives and background on the conflict:

- [*Israel Is About to Make a Terrible Mistake*](#) by Thomas L. Friedman
- [*'I Love You. I Am Sorry': One Jew, One Muslim and a Friendship Tested by War*](#) by Kurt Streeter
- [*A Timeline of Israel and Palestine's Complicated History*](#) by Nicole Narea
- [*Gaza: The Cost of Escalation*](#) by Ben Rhodes

From: [Cindy Sidaris](#)
To: [Public Comment](#); [Cindy Sidaris](#)
Subject: [External Sender]Thoughts on a possible City Council Resolution on the war in Gaza
Date: Monday, November 13, 2023 1:45:19 PM

Mayor Meadows,
Vice Mayor Weinberg,
Council Members Fligor, Lee Eng, and Dailey,

I understand you may be considering a Resolution to condemn the war in Gaza. I urge you to make a resolution that recognizes all of the complexities of the situation - Hamas's attack on Israel citizens **AND** the ensuing Israeli attacks on Hamas and Gaza that are resulting in so many civilian casualties. The statement needs to acknowledge the threats, pain, and losses of both Jewish and Palestinian people.

President Barak Obama issued an eloquent and thorough statement about the tragic situation on Medium::

<https://barackobama.medium.com/my-statement-on-israel-and-gaza-a6c397f09a30#:~:text=But%20if%20we%20care%20about,we%20want%20them%20to%20inherit.>

He emphasizes support for Israel's right to defend their citizens. But that Israel must abide by international law, including minimizing the suffering and slaughter of innocent Palestinian civilians.

I'll include portions of his statement:

"...we should call on all of the key actors in the region to engage with those Palestinian leaders and organizations that recognize Israel's right to exist to begin articulating a viable pathway for Palestinians to achieve their legitimate aspirations for self-determination — because that is the best and perhaps only way to achieve the lasting peace and security most Israeli and Palestinian families yearn for."

"Finally, in dealing with what is an extraordinarily complex situation where so many people are in pain and passions are understandably running high, all of us need to do our best to put our best values, rather than our worst fears, on display.

"That means actively opposing antisemitism in all its forms, everywhere. It means rejecting efforts to minimize the terrible tragedy that the Israeli people have just endured, as well as the morally-bankrupt suggestion that any cause can somehow justify the deliberate slaughter of innocent people.

"It means rejecting anti-Muslim, anti-Arab or anti-Palestinian sentiment. It means refusing to lump all Palestinians with Hamas or other terrorist groups. It means guarding against dehumanizing language towards the people of Gaza, or downplaying Palestinian suffering — whether in Gaza or the West Bank — as irrelevant or illegitimate.

"It means recognizing that Israel has every right to exist; that the Jewish people have claim to a secure homeland where they have ancient historical roots; and that there have been instances in which previous Israeli governments made meaningful efforts to resolve the dispute and provide a path for a two-state solution — efforts that were ultimately

rebuffed by the other side.

"It means acknowledging that Palestinians have also lived in disputed territories for generations; that many of them were not only displaced when Israel was formed but continue to be forcibly displaced by a settler movement that too often has received tacit or explicit support from the Israeli government; that Palestinian leaders who've been willing to make concessions for a two-state solution have too often had little to show for their efforts; and that it is possible for people of good will to champion Palestinian rights and oppose certain Israeli government policies in the West Bank and Gaza without being anti-semitic.

"Perhaps most of all, it means we should choose not to always assume the worst in those with whom we disagree. In an age of constant rancor, trolling and misinformation on social media, at a time when so many politicians and attention seekers see an advantage in shedding heat rather than light, it may be unrealistic to expect respectful dialogue on any issue — much less on an issue with such high stakes and after so much blood has been spilled. But if we care about keeping open the possibility of peace, security and dignity for future generations of Israeli and Palestinian children — as well as for our own children — then it falls upon all of us to at least make the effort to model, in our own words and actions, the kind of world we want them to inherit.

Respectfully,
Cindy Sidaris
Los Altos Resident

From: [Anam Soomro](#)
To: [Public Comment](#)
Subject: 11/14 - Council Meeting Discussion Item 6
Date: Tuesday, November 14, 2023 12:03:53 PM

Dear council member,

I urge the council to maintain a sustainable perspective when making a statement regarding what is happening in the Middle East right now. Your words hold power, there your constituents across many religions and ethnicities are feeling divided and pitted against each other. It does not have to be this way.

Justice has no exceptions. While there is no excuse for innocent life lost at the hands of a terrorist organization, there most certainly is no excuse for innocent life lost at the hands of one of the top sophisticated militaries in the world funded and defended by America. Condemning Hamas without condemning Netanyahu's regime would be slanted, unjust, and further perpetuating divides in our community.

What Mayor Klein, Vice Mayor Din, and Councilmembers Mehlinger and Ciscneros have done empathizing with all children lost in conflict but recognizing the ongoing terror on Palestinian children was an honorable decision. They expect to be divided, but I am hopeful that your leadership has the integrity to separate the perpetrators from the victims and stand on the side of humanity.

Sincerely,
Anam Soomro

From: [Ola Albaroudi](#)
To: [Public Comment](#)
Subject: 11/14/23 Agenda Item Number 5
Date: Monday, November 13, 2023 4:47:03 PM

Hi,

I am following up on item #5 in the Agenda for the City Council meeting on Nov 14.

5. Discuss the Council issuing a potential resolution, or any possible action, denouncing the Hamas attacks against Israel

While I understand that this issue is close to many people's hearts, I would like to point out that by making an assertion on what is a very contentious issue the council will then have to subsequently in good faith commit to what the UN has asserted and now increasingly the US government has pointing out as well is that there should be a ceasefire of hostilities and a commitment to protect civilian lives.

The Council should hence either have a more nuanced resolution which covers the entire issue as laid out by the UN or simply just abstain and focus on city affairs. Venturing into this will additionally set a precedent where most international issues will technically be eligible. I can then imagine this council debating what resolution to pass and with what language every month.

Best regards,

Ola Albaroudi

[Sent from Yahoo Mail for iPhone](#)

From: [Andeleeb Khan](#)
To: [Public Comment](#)
Subject: 11/14/23 Meeting Agenda Item #5
Date: Monday, November 13, 2023 4:06:42 PM

Dear Mayor Meadows, Vice-Mayor Weinberg, Councilmember Lee Eng, Councilmember Fligor, and Councilmember Dailey,

Good afternoon. I have been a Los Altos resident for the past 8 years. During these current times I know that there are many members of our community that are extremely affected by the ongoing war in Gaza and also facing bias and fear right here due to a rise in anti-semitism and Islamophobia.

If you are considering passing a resolution in Los Altos, I would support a resolution that condemns Hamas, condemns the collective punishment inflicted upon the 2.2 million people of Gaza by the Israeli government, and stands with the families of the hostages and the people of Palestine in calling for a return of hostages and an immediate ceasefire. Here is the resolution that was adopted by the city of Richmond that stands with the Palestinian people of Gaza: <https://contracostaherald.com/wp-content/uploads/2023/10/118-23-Adopted-Resolution-Affirming-Richmonds-Support-for-Gaza-10-24-2023.pdf>. And this is a similar resolution that the city of Cudahy, CA passed (see page 41 onwards): https://www.cityofcudahy.com/AgendaCenter/ViewFile/Agenda/_11072023-391

But I would also support a Unity resolution that focuses and supports those who are hurting here in Los Altos and to make sure that hate does not permeate our town. For that reason, a fellow Los Altos resident has drafted a sample Unity Resolution that calls for supporting all members of our community that are impacted. Please let me know if you would be

interested in discussing this further.

Sincerely,

Andeleeb

From: [Emad Ahmed](#)
To: [Public Comment](#)
Subject: A Request
Date: Tuesday, November 14, 2023 1:54:50 PM

Dear council members and whom it may concern,

I strongly suggest the council to maintain a fair perspective when making a statement regarding what is happening in the Middle East right now. Your words hold power, your constituents across many religions and ethnicities are feeling divided and pitted against each other. It does not have to be this way.

Justice has no exceptions. While there is no excuse for innocent life lost at the hands of a terrorist organization, there most certainly is no excuse for innocent life lost at the hands of one of the top sophisticated militaries in the world funded and defended by America. Condemning Hamas without condemning Netanyahu's regime would be slanted, unjust, and further perpetuating divides in our community.

Just to give you an idea over 11000 Palestinians have been killed, at least 4000 of which are children. This is way beyond self defense for any reasonable person and targeting civilians is violation of international law <https://www.reuters.com/graphics/ISRAEL-PALESTINIANS/GAZA-JABALIA/byprrdygjpe/>

What Mayor Klein, Vice Mayor Din, and Councilmembers Mehlinger and Ciscneros have done in empathizing with all children lost in conflict but recognizing the ongoing terror on Palestinian children was an honorable decision. They expect us to be divided, but I am hopeful that your leadership has the integrity to separate the perpetrators from the victims and stand on the side of humanity.

Please understand that loss of life and oppression goes beyond politics and this is about human rights, not defending one country or another.

Regards,
Emad

From: [Asim Memon](#)
To: [Public Comment](#)
Subject: Agenda for 11/14
Date: Monday, November 13, 2023 7:53:53 PM

Hello,

I am following up on item #5 in the Agenda for the City Council meeting on Nov 14.

5. Discuss the Council issuing a potential resolution, or any possible action, denouncing the Hamas attacks against Israel

While I understand that this issue is close to many people's hearts, I would like to point out that by making an assertion on what is a very contentious issue, the council will then have to subsequently in good faith commit to what the UN has voiced and now increasingly the US government pointing out as well is that there should be a humanitarian ceasefire of hostilities and a commitment to protect civilian lives.

The Council should then either have a more nuanced resolution which covers the entire issue as laid out by the UN or simply just abstain and focus on city affairs. Venturing into this will additionally set a precedent where most international issues will technically be eligible. I can then imagine this council debating what resolution to pass and with what language every month.

Thank you

From: [Zia Syed](#)
To: [Public Comment](#)
Subject: agenda item #5 concerns for Nov 14th meeting
Date: Monday, November 13, 2023 9:01:43 PM

Hello Everyone, I hope you are all doing well. I have been a resident of Los Altos for the last 6 years and just learned about agenda item #5 for tomorrow's meeting.

Hamas attacks were horrible and should be condemned in the strongest possible way. What surprises me is to see such an item on a local city's agenda. Are you going to pass resolutions to support the UN's support for a ceasefire too? Did the council pass a resolution condemning September 11 attacks? Or the Russian invasion of Ukraine?

In addition, how many cities and towns will pass such resolutions and who are we trying to appease? Isn't the US government level statement against these attacks enough? Or are we worried that there is open support for Hamas and we have to take such a position?

I'll appreciate it if the council can fight the pressure to take on such agenda items in future and focus city's resources on the mandate given to the council.

Thanks,
Zia Syed
1540 Kensington Cir
Los Altos, CA 94024

From: [Renee Rashid](#)
To: [Public Comment](#)
Subject: CC Meeting 11/14/23 Item #5
Date: Monday, November 13, 2023 2:25:14 PM
Attachments: [Sample LA Resolution.pdf](#)

As a long time Los Altos resident, I know that there are many members of our community that are extremely affected by the ongoing war in Gaza and also facing bias and fear right here due to a rise in anti-semitism and Islamophobia.

If you are considering passing a resolution in Los Altos, I would support a resolution that condemns Hamas, condemns the collective punishment inflicted upon the 2.2 million people of Gaza by the Israeli government, and stands with the families of the hostages and the people of Palestine in calling for a return of hostages and immediate ceasefire. Here is the resolution that was adopted by the city of Richmond that stands with the Palestinian people of Gaza: <https://contracostaherald.com/wp-content/uploads/2023/10/118-23-Adopted-Resolution-Affirming-Richmonds-Support-for-Gaza-10-24-2023.pdf>. And this is a similar resolution that the city of Cudahy, CA passed (see page 41 onwards): https://www.cityofcudahy.com/AgendaCenter/ViewFile/Agenda/_11072023-391

But I would also support a Unity resolution that focuses and supports those who are hurting here in Los Altos and to make sure that hate does not permeate our town. For that reason, I have drafted a sample Unity Resolution that calls for supporting all members of our community that are impacted. Please let me know if you would be interested in discussing this further.

Sincerely,

Renee Rashid

From: [Hira Khanzada](#)
To: [Public Comment](#)
Subject: Comment on Israel Palestine Issue
Date: Tuesday, November 14, 2023 1:42:34 PM

Dear council members,

My email is with regards to the council's recent statements on the Israel Hamas conflict. I urge you to take a more balanced approach- your comments are one-sided and isolating an entire segment of your constituency.

Justice has no exceptions. While there is no excuse for innocent life lost at the hands of a terrorist organization, there most certainly is no excuse for innocent life lost at the hands of Israel and the USA, two developed and very safe countries.

What Mayor Klein, Vice Mayor Din, and Councilmembers Mehlinger and Ciscneros have done was exemplary in taking a stand to voice for a ceasefire. Please follow suit or at least provide recognition that a ceasefire will allow more targeted efforts at finding Hamas to occur.

Sincerely,

Hira Khanzada
Family Psychotherapist and Licensed Clinical Social Worker
Silicon Valley Resident and Serving Silicon Valley Families

From: [Aifra Ahmed](#)
To: [Public Comment](#)
Subject: Concerns about agenda Item #5 on Nov 14 City Council Meeting
Date: Monday, November 13, 2023 10:12:26 PM

Dear Council Members,

I hope this email finds you well.

I am writing to express my concerns about agenda item #5 to be discussed at tomorrow's city council meeting, specifically addressing the Hamas attacks against Israel.

As a long time resident of the city of Los Altos, a local physician and a public school parent volunteer, I pride myself on raising my family in a town that upholds the values of inclusion and diversity. I am deeply concerned that the city council's decision to discuss this polarizing topic will not do anything to unite the residents at this challenging time, rather it will further divide them.

I would like to understand how a resolution that focuses on an international conflict has become the responsibility of the City Council to comment on and how does this matter align with the City Council's charter.

I strongly recommend the City Council to not take a side on this international conflict. And if you must, then a "unity" resolution should be considered that acknowledges the suffering of all parties involved, and in alignment with the UN's stance, calls out the atrocities including war crimes that have been and continue to be committed on both sides of this conflict and the ongoing human rights violations against children.

Thank you for your consideration.

Aifra Ahmed

From: [Malika Junaid](#)
To: [Public Comment](#)
Subject: Concerns Regarding Agenda Item #5 on Nov 14 City Council Meeting
Date: Tuesday, November 14, 2023 12:45:55 PM

Dear Council Members,

I trust this letter finds you well. I am writing to express my reservations about Agenda Item #5 scheduled for discussion during the upcoming City Council meeting on November 14, specifically addressing the Council's potential resolution or action denouncing the Hamas attacks against Israel.

First and foremost, I want to emphasize my longstanding commitment to the City of Los Altos and my deep involvement spanning over two decades. Throughout this time, I have proudly supported and advocated for City of Los Altos inclusive and diverse atmosphere. It is with this commitment in mind that I raise concerns about taking a stance on an international affair, such as the conflict between Hamas and Israel.

I would like to draw your attention to the City Council's charter, which outlines the responsibility of determining **city policies and service standards**. As articulated in the charter, the Council's primary focus is on **issues directly impacting the City of Los Altos**. Engaging in matters of international conflict sets a precedent that may lead to unintended consequences, potentially conflicting with the Council's core mission.

I have two key points for consideration that I would like to elaborate on:

1. Why take a stance on an international affair?

- a. The Council's charter underscores its role in shaping local policies and service standards.
- b. Venturing into international conflicts may risk misalignment with established global perspectives, such as those presented by the United Nations.
- c. The Council should either adopt a comprehensive resolution covering the entire issue in line with UN perspectives or abstain from taking a stance on international matters to maintain neutrality.

2. Addressing the Impact on Youth:

- a. If the Council adopts a resolution on this international matter, it raises the challenge of explaining the selection of one event over others to our youth.
- b. We must consider how to justify this decision to our younger generation in the context of potential misalignment with the UN's stance on the conflict. Is UN not an important body?
- c. Adopting a resolution on international conflicts could set a precedent for future decisions, and we need to thoughtfully address how this aligns with our values as a community and thus effect the future leaders, our Youth.

In conclusion, I strongly recommend that the Council abstain from taking a position on this matter. Instead, let us encourage unity and collaboration within our community during these challenging times. Focusing on our local charter and responsibilities will help maintain the inclusive and harmonious atmosphere that makes the City of Los Altos truly exceptional.

Thank you for your attention to this matter, and I remain hopeful for a thoughtful, inclusive, and considerate discussion during tomorrow's City Council meeting.

Thank you,
Malika Junaid



Malika Junaid Principal Architect

M. Designs Architects

Website: mdesignsarchitects.com

Email: malikajunaid@mdesignsarchitects.com

Phone: 650.565.9036

Cell: 408.431.9289

Office: 4131 W El Camino Real, Suite 200

Palo Alto, CA 94306



From: [Einav Garten](#)
To: [Public Comment](#)
Subject: Condemning Hamas and Supporting Israel
Date: Thursday, November 9, 2023 8:56:00 PM

Hello. My name is Einav Garten, I am a 14 year old American-Israeli jew living in Los Altos. My entire life, I have always felt that Israel is my home, and visiting my grandparents and relatives every year connected me to my Israeli culture and roots furthermore.

On October 7th, my home was changed forever. For the past month, I see news and videos online and fear for my family's faces among the victims. I am a freshman at Los Altos High school, and recently there was a pro-Palestine march, kids watching American news channels and pretending they are educated. I wonder, what are they supporting? From the river to the sea, palestine will be free? The extermination of jews in all of Israel? The murder, torture, rape and kidnapping of men, women, elderly, children, and babies?

I cannot fathom what kind of "freedom fighters" use their own people as human shields, use children's hospitals as their base of operations, and post videos of their horrendous actions, taking pride in what they have done. They have ruined my home, millions of people's home, and the idea that jews will ever be treated equally with other people.

I have never imagined feeling unsafe wearing a shirt with hebrew writing, fearing that someone who supports terrorism against civilians might hurt me. How am I the one who is afraid? The one who has already lost family members to Hamas. How is it a debate when a country defends itself from horrific terrorism? How is this two sided? How is the world not unified against them? How?

From: [Debra strichartz](#)
To: [Public Comment](#)
Subject: Discusiion of Staement from City Council regarding Israeld and Gaza
Date: Monday, November 13, 2023 1:59:18 PM

As a long time member of the Los Altos community and a Jewish adult I hope that a measured unity statement can be determined by the Los Altos City Council.

In the midst of the ongoing conflict between Israel and Gaza, the people on all sides need to stand together in recognition of the immense suffering and loss experienced. I condemn the violence and loss of life and call for an immediate ceasefire. It is only through dialogue, mutual understanding and a commitment to coexistence that a lasting resolution can be achieved. My thoughts are with all of those impacted and urge all parties to work towards a sustainable peace that respects the dignity and rights of all individuals in the region.

Debra Strichartz
100 Sioux Lane
Los Altos, CA 94022
650-224-9490

From: [Chen Attar](#)
To: [Public Comment](#)
Subject: For the city council meeting Nov.14 - Urgent Concern - Rising Anti-Israel Anti-Semitism and Anti-US acts of hate
Date: Monday, November 13, 2023 2:42:42 PM

Dear Mayor, Vice Mayor, and Esteemed City Council Members,

I write to you today with grave concern regarding the alarming surge in anti-Israel, anti-Semitic, and anti-American acts that have unfolded this past week.

1. In LA a Jewish man was killed by pro-palestinian man, who happens to be a computer science professor, during a rally: <https://www.nbcnews.com/news/us-news/man-dies-hitting-head-israel-palestinian-rallies-california-officials-rcna123942>

2. In NY city , on Veteran's day, US and UN flags were thrown and were replaced with Palestinian flags :
<https://www.newsweek.com/videos-show-ny-chaos-anti-israel-protestor-tears-down-us-flags-1842847>. (if you scroll - you'll see the movie)

3.Prominent universities such as Stanford, Harvard, Columbia, and most recently, MIT, have experienced disturbing displays of hatred, as exemplified by this recent incident at MIT last week:
<https://nypost.com/2023/11/10/news/jewish-students-at-mit-blocked-from-attending-classes-by-hostile-anti-israel-protesters/>

4.In Israel, IDF forces in the Northern of Gaza find a copy of Adolf Hitler "Mein Kampf " in Hamas base , which is the Nazi's manifesto , translated to Arabic, replete with notes and marked sections:
<https://www.timesofisrael.com/herzog-arabic-copy-of-mein-kampf-found-on-hamas-terrorist-shows-what-war-is-about/>

These incidents, which have occurred within the past week alone, underscore a distressing ideological conflict, with Hamas driven by a destructive anti-Semitic agenda that seeks to replicate the horrors of history. Chants such as "From the river to the Sea, Palestine will be free" effectively advocate for the eradication of the Jewish people.

We cannot stand idly by while history threatens to repeat itself, and we are profoundly alarmed and afraid by the current state of affairs. As our trusted community leaders, we implore you to take decisive action against these acts of hatred and the inflammatory rhetoric accompanying them. We kindly request that you initiate a clear resolution condemning recent terrorist acts, sending a powerful message of unity against hate.

Thank you for your immediate attention to this matter. We look to you for leadership in these troubling times.

Chen

From: [Ravid Haselkorn-Galatin](#)
To: [Public Comment](#)
Subject: Fw: Condemn Hamas Terrorism and Fight Riding Antisemitism
Date: Thursday, November 9, 2023 8:49:00 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,

Ravid Galatin
Resident

[Sent from AT&T Yahoo Mail for iPhone](#)

From: [Vadim Katz](#)
To: [Public Comment](#)
Subject: Fwd: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 7:58:29 PM

Dear Mayor Meadows and Esteemed Council Members,

Please read this message entirely. It is important and thank you.

We want to express our appreciation for the mayor's recent statement published in the local newspaper. This statement deeply resonated with our family as well as with all Jewish and Israeli residents of our community, serving as a source of support and leadership during these trying times.

We want to share our concerns about the challenges our community currently faces. Our social media feeds and news are full of images of pro-Palestinian demonstrations. There are graphic images of human suffering and structural destruction that very effectively appeal to any normal human being to express support for the immediate end of the conflict and as a mean to achieving it find who is empowered to make it possible. This mostly has led to calls against Israel's actions or US support since a few days after October 7th. So, why are most of such expressions anti-Semitic and why do we call upon you to issue an official proclamation condemning the terrorist attack by Hamas and emphasize the importance of recognizing bias against Israel and the Jewish People?

We had only two people among friends and co-workers reach out to check on us by Monday, October 9th. This is after two days of processing the information including our posts on LinkedIn that the terrorist attack on October 7th was Israel's and Jewish 9/11 times 10! This is not ok. Not only we are not ok because of the actual event, we are not ok knowing that so many close friends and work partners failed to recognize our need for their support. Why did so many good people who have supported each other through Covid fail us this time? We think the answer is being numb due to the history of conflict and suffering in the Middle East. Our friends, colleagues, and community members unconsciously protected themselves from yet another bad news. This is why we respectfully suggest you continue to act. John C. Maxwell, an American author and Christian leader once said: "Leadership is not about titles, positions, or flowcharts. It's about one life influencing another." Your influence as the leaders of Los Altos is essential to help good people recognize that silence is not an option if we want to maintain an inclusive community. We need your help to spread the message that a month after the terrorist attack, 240 people of various nationalities including Americans are still held hostage and the families of 1500 will forever miss their loved ones. This should not be hard if the moral stance is your only guiding principle.

Israel has the right to defend itself and its citizens. So, why so many people are so loudly

and often violently condemning Israel for its actions after it was attacked on October 7th? They include students in Los Altos High and the most prestigious universities like Stanford just a few miles away, academics as well as political and business leaders. Thomas Friedman of the New York Times got it right when he said, "Criticizing Israel is not anti-Semitic, and saying so is vile. But singling out Israel for the opprobrium and international sanction - out of all proposition to any other party in the Middle East - is anti-Semitic, and not saying so is dishonest". None of these people expressed any concerns when Saudi Arabia killed 15,000 civilians during its bombing campaign in Yemen. They have not called for Hamas to release hostages or considered that Hamas is perhaps the one who has occupied Palestinian people by using them as human shields building missile factories under and inside schools, mosques, and hospitals. They did not march on Veterans Square here in Los Altos condemning Turkey for killing Kurds or ISIS for raping Yazidi women. They don't do that because they are all biased against the Jews. Their behavior is anti-semitic. Your voice is essential in exposing this for what it is. The Jewish community needs your support. You have an unfortunate opportunity to define your legacy as Los Altos city leaders by proactively condemning anti-semitism and facing those who may challenge you. We, the Jews, do it all the time and this time we need your allyship.

Thank you for your time and attention. We remain hopeful for a positive response to this request and eagerly look forward to continuing our collaborative efforts to make Los Altos a place of inclusivity and mutual respect for all.

Sincerely,
Vadim Katz and Tania Bekerman

From: [Sameena Usman](#)
To: [Public Comment](#)
Subject: Hamas resolution
Date: Monday, November 13, 2023 11:09:14 AM

Dear Los Altos councilmembers,

I believe in the sanctity of life, especially for those who are children and noncombatants. I also believe in the universal right to freedom, which has been stripped away from the people of Gaza, who have been living in an open air prison/concentration camp for the past 15 years without the ability of freedom of movement and access to humanitarian needs. In the past month, 11,000+ people have been murdered at the hands of the Israeli government, half of those who are children.

Hospitals and places of worship have been bombed, and those who are not under the rubble has been picked off by Israeli snipers. So, to introduce a resolution that is calling out Hamas, without recognizing the conditions that have led to the creation and the actions of Hamas is unjust and one-sided.

I pray for the safe return of the 230 people who have been held hostage by Hamas, as well as the 10,000+ Palestinians (including thousands of women/children) held in Israeli military detention camps. Please do not support this one-sided resolution and instead speak for truth and justice for all
Sameena

From: [Roberta Phillips](#)
To: [Public Comment](#)
Subject: Item #5 Council Meeting Nov 14, 2023
Date: Monday, November 13, 2023 10:39:11 AM

Dear Council Members

I support a resolution by the City Council to support Israel's right to defend themselves against terrorist attacks.

Roberta Phillips
650-941-6940.

From: [Jill Levitt](#)
To: [Public Comment](#)
Subject: Los Altos Against Terror
Date: Thursday, November 9, 2023 10:48:26 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Warmly, Jill Levitt

--

Jill Levitt, Ph.D. PSY 21706
Adjunct Clinical Faculty, Stanford University Department of Psychiatry
Director of Training, Feeling Good Institute



650.468.6646
2660 Solace Place, Suite D2, Mountain View, CA 94040
jilllevitt@feelinggoodinstitute.com
FeelingGoodInstitute.com
sfbayareatherapy.com



LuxSci: Secure communications

From: [Dana Nachman](#)
To: [Public Comment](#)
Subject: Los Altos should condemn terror
Date: Thursday, November 9, 2023 8:22:12 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Dana Nachman

From: [Siema Zia](#)
To: [Public Comment](#)
Subject: Meeting agenda #5
Date: Tuesday, November 14, 2023 11:14:43 AM

Dear Council ,
I am writing regarding your item #5 listed below on your agenda :

Discuss the Council issuing a potential resolution, or any possible action, denouncing the Hamas attacks against Israel .

As a local Los Altos resident for over 15 years , I am extremely concerned that you have this on your agenda for tonight's meeting as an international issue and an obvious stance on a one sided narrative that fails to recognize the 11000+ Palestinian lives lost including over 5000 children .

We need to draw more on unity , inclusivity, peace , collaborations, mourning and honoring together all the lives that have been lost in this conflict as EVERY human life matters .

Thank you.
Siema

Sent from my iPhone

From: [egcom](#)
To: [Public Comment](#)
Subject: November 14th meeting - Support condemnation of Hamas and hate crimes
Date: Friday, November 10, 2023 10:12:21 PM

Dear Leaders,

I am a resident of Los Altos with three kids in Los Altos schools. I love the city and it's diverse community and quality of life it offers.

The acts of Pure Evil by the terrorist group of the Hamas and Islamic Jihad that occurred within the legal territory of Israel are unimaginable and are equivalent to Isis behavior on steroids.

As a community of people that promote living in peace and understanding of all faiths and nationalities I hereby request you to publicly separate yourself from Pure Evil like Hamas by condemning them publicly in the strongest and most visible way. It is not about the israeli-palestinian conflict, it's about humanity vs. evil.

If we don't stand United as the good side against evil and instead stay silent we signal to our own community and to the terrorists that we don't care and that repeating such Acts maybe accepted by the world community. I also think that the city should publicly state that he has zero tolerance to any hate crimes including anti-Semitic and islamophobic behavior. We should educate our community that such Acts will not be tolerated in our peaceful City.

Eli G.
North Los Altos resident.

From: [Shirit Rosenberg](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT - AGENDA ITEM 05 - 11/14/2023 Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Sunday, November 12, 2023 5:19:09 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official resolution condemning recent terrorist acts and promoting inclusivity in our community. This resolution would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,

Shirit Kamil-Rosenberg, EdD, ACSM CEP

From: [Karen Dayan](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT - AGENDA ITEM 05 - 11/14/2023 Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Monday, November 13, 2023 12:16:25 PM

Dear Mayor and Council Members,

My family and I, residents of Los Altos for several years, appreciate the mayor's recent statement against hatred and violence.

We continue to be worried about rising anti-Semitism in the area and feel worried about the safety of ourselves and our children. We ask you to make a resolution condemning terrorism and anti-Semitism, to show unity against hate.

Your support can make a big difference in our community. Please consider this request.

Thank you for your time.

Sincerely,
Karen Dayan
2120 Stonehaven Dr. Los Altos

From: [Nellie Brook](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT - AGENDA ITEM 05 - 11/14/2023 Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Friday, November 10, 2023 10:55:11 PM

Dear Mayor and Esteemed Council Members,

First and foremost, we wish to convey our profound gratitude for the heartfelt statement made by the mayor, as it was published in the local newspaper. This statement touched the hearts of Jewish and Israeli residents in our community. It served as a beacon of hope and solidarity, reminding us of the importance of local leadership in promoting understanding and harmony.

We also wish to candidly share our concerns regarding the precarious state of our community. The Jewish and Israeli population in Los Altos currently experiences a sense of isolation and vulnerability. We watch with increasing anxiety as anti-Semitism rises across the United States, causing distress and fear within our community. It is at times like these that we turn to our community leaders, such as yourselves, as the moral compass to guide our community through these tumultuous times.

Your collective voice holds tremendous power. A clear and unequivocal statement from our city's leadership, condemning acts of terrorism and, importantly, expressing a resolute stance against anti-Semitism and hatred, can have a profound impact. It would not only bolster the sense of belonging of the Jewish and Israeli community in Los Altos but also help in stemming the tide of anti-Semitic incidents that have become all too common.

We humbly request that the City of Los Altos consider issuing a proclamation condemning the recent terrorist acts of Hamas and emphasizing the importance of eradicating anti-Semitism and promoting inclusivity in our community. Such a statement would send a powerful message of unity, demonstrating that our city stands firmly against hate, intolerance, and violence.

In closing, we earnestly hope that you, our esteemed Mayor and City Council, will consider our request and take action to issue an official statement. Your support in this matter would not only provide solace to our community but also contribute to a stronger, more harmonious Los Altos.

Thank you for your time and attention. We remain hopeful for a positive response to our request and look forward to continuing our collaborative efforts in making Los Altos a place of inclusivity and mutual respect for all.

Sincerely,
Nellie Brook

From: [Einat Meisel](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT - AGENDA ITEM 05 - 11/14/2023 Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Sunday, November 12, 2023 6:33:26 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official resolution condemning recent terrorist acts and promoting inclusivity in our community. This resolution would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,

EINAT MEISEL

Partner | Fenwick & West LLP | Direct +1 650-335-7818<tel:+1%20650-335-7818> | Cell +1 650-646-1463<tel:+1%20650-646-1463> | emeisel@fenwick.com<<mailto:emeisel@fenwick.com>>

Admitted to practice in Israel and California

From: [Aviad Pinkovezky](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT - AGENDA ITEM 05 - 11/14/2023 Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Monday, November 13, 2023 11:05:49 AM

Dear Mayor and Esteemed Council Members,

We want to express our appreciation for the mayor's recent statement, which was published in the local newspaper. This statement deeply resonated with the Jewish and Israeli residents of our community, serving as a source of hope and unity during these trying times.

We also wish to share our concerns about the challenges our community currently faces. The Jewish and Israeli population in Los Altos is feeling isolated and vulnerable as anti-Semitism continues to rise across the United States, causing distress and fear. During such times, we look to our community leaders, like yourselves, to provide guidance and leadership.

Your collective voice holds significant influence. A clear and unwavering statement from our city's leadership, condemning acts of terrorism, and firmly denouncing anti-Semitism and hatred, can have a profound impact. Such a statement would not only strengthen the sense of belonging within the Jewish and Israeli community in Los Altos but also play a crucial role in combating the surge of anti-Semitic incidents.

We respectfully request that the City of Los Altos consider issuing an official resolution condemning the recent terrorist acts of Hamas and emphasizing the importance of eradicating anti-Semitism while promoting inclusivity in our community. This resolution would send a powerful message of unity, affirming that our city stands united against hate, intolerance, and violence.

We sincerely hope that you, our esteemed Mayor and City Council, will give thoughtful consideration to our request and take action to issue this official statement. Your support in this matter would provide comfort to our community and contribute to a stronger, more harmonious Los Altos.

Thank you for your time and attention. We remain hopeful for a positive response to our request and eagerly look forward to continuing our collaborative efforts to make Los Altos a place of inclusivity and mutual respect for all.

Sincerely,

Aviad Pinkovezky

From: [Yana M.](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT - AGENDA ITEM 05 - 11/14/2023 Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Monday, November 13, 2023 10:05:00 AM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official resolution condemning recent terrorist acts and promoting inclusivity in our community. This resolution would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Yana Mlynash

From: [Tanya Maluf](#)
To: [Public Comment](#)
Subject: Public Comment Item #5,11/14/23
Date: Monday, November 13, 2023 9:10:36 PM

Dear Mayor Meadows, Vice-Mayor Weinberg, and Councilmembers Lee Eng, Fligor, and Dailey,

I am unclear why now, 38 days later, a decision is being made about denouncing the Hamas attack. It was a heinous act and should be denounced and now any resolution or action must also address a release of the hostages and the disproportionate response by the Israeli government that continues to this day. On October 27th Israel launched a ground invasion into Gaza. The bombings have been relentless. Family lines have ended for about 40 Palestinian families. The oldest Christian community in the world lives in Gaza. They now fear extinction. Drinkable water is unavailable. The already spotty provision of electricity has devolved into none leaving patients in hospitals relying on machines for survival, to die. The value of a Hamas militant's life is proving to be more valuable than that of innocent civilians, some thinking they would be safe taking refuge in schools and hospitals. More than 11,000 Gazans have been killed since the ground invasion began. 4,609 were children.

I beg you to reflect the value of a Palestinian's life as equal to that of an Israeli's life in whatever you decide to do as a Council. Please do not continue the historic pattern of Palestinian erasure. You have constituents from both sides of this war who are suffering.

You have the ability to make a difference.

Respectfully yours,

Tanya Maluf

"History, despite its wrenching pain, cannot be unlived, but if faced with courage, need not be lived again." - from Maya Angelou's poem, *On the Pulse of Morning*.

From: [Bill Hough](#)
To: [Public Comment](#)
Cc: [City Council](#)
Subject: public comment regarding item #5 on 11/14/2023 agenda
Date: Thursday, November 9, 2023 6:51:23 PM

The Hamas attacks against Israel were an atrocity. It is difficult for me to discuss terrorism without using inappropriate language. I was in New York on 9/11, so I have first-hand knowledge regarding how awful the indiscriminate killing of innocent non-combatants can be. I was close enough to the World Trade Center site to smell the unpleasant odor of burnt flesh that was present after the atrocity.

That said, there is no reason beyond stupid virtue signaling for the Los Altos City Council to waste time and effort to state the obvious. It is not Council's place to opine on foreign events, regardless of how awful these events might be. There are enough issues in governing this town without wasting time on inappropriate virtue signaling.

Council needs to stay in its lane and deal with City issues.

From: [aaiza khalid](#)
To: [Public Comment](#)
Subject: Re Condemning Hamas without condemning Israel
Date: Tuesday, November 14, 2023 1:24:49 PM

Dear council members,

I urge the council to maintain a sustainable perspective when making a statement regarding what is happening in the Middle East right now. Your words hold power, your constituents across many religions and ethnicities are feeling divided and pitted against each other. It does not have to be this way.

Justice has no exceptions. While there is no excuse for innocent life lost at the hands of a terrorist organization, there most certainly is no excuse for innocent life lost at the hands of one of the top sophisticated militaries in the world funded and defended by America. Condemning Hamas without condemning Netanyahu's regime would be slanted, unjust, and further perpetuating divides in our community.

What Mayor Klein, Vice Mayor Din, and Councilmembers Mehlinger and Ciscneros have done empathizing with all children lost in conflict but recognizing the ongoing terror on Palestinian children was an honorable decision. They expect us to be divided, but I am hopeful that your leadership has the integrity to separate the perpetrators from the victims and stand on the side of humanity.

Sincerely,
Aaiza Khalid

From: [Luba Palant](#)
To: [Public Comment](#)
Subject: Request for Official Proclamation Against Anti-Semitism
Date: Thursday, November 9, 2023 8:18:31 PM

Dear Mayor and Council Members,

We appreciate your recent statement in the local newspaper, providing hope and unity to our Jewish and Israeli community. We are also concerned about the escalating anti-Semitism causing fear and isolation. As community leaders, your strong stance against terrorism, anti-Semitism, and hatred would greatly enhance our sense of belonging and help counteract such incidents. We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate. Thank you for your attention, and we anticipate your positive response in fostering mutual respect and inclusivity in Los Altos.

Sincerely,

Luba and Igor Palant

From: laura.myszne@gmail.com
To: [Public Comment](#)
Subject: Request to condemn Hamas Terrorism and Fight Raising Anti-Semitism
Date: Thursday, November 9, 2023 8:38:35 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, this causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would set the tone and greatly influence our sense of safety, belonging, and help combat anti-Semitic incidents.

We respectfully would like to request an official proclamation condemning the recent terrorist acts, promoting therefore a sense of safety, belonging and inclusivity in our community. This proclamation would send a powerful, clear message of unity against hate.

Thank you for your attention.

We look forward to your positive response in making Los Altos a safe and inclusive place.

Sincerely,
Laura and Jorge Myszne

Sent from my iPhone

From: [Zachi Rosenberg](#)
To: [Public Comment](#); [City Council](#)
Subject: Request To Condemn Hamas Terrorism and Fight Rising Anti- Semitism
Date: Friday, November 10, 2023 8:55:06 AM

Dear Mayor and Council Members,

My name is Zachi Rosenberg, I have been a resident of Los Altos for eight years now, and have three daughters that are attending schools here.

I deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

I also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

I respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. I look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Zachi Rosenberg
Los Altos, CA

--

Zachi Rosenberg

From: [Tal Shalon](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 8:24:41 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Tal Shalon

From: [Monique Edmondson](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Tuesday, November 14, 2023 7:49:38 AM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Monique LeFors

From: [Ilai Tamari](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 7:24:06 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely, Ilai Tamari

From: [etamari100](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 7:29:42 PM

Dear Los Altos Mayor Sally Meadows, Vice Mayor Jonathan Weinberg, and Council Members,

My family and I, along with many of the Israeli and Jewish members of this community, are going through one of the most difficult times in our lives. Most of us have hardly slept since the horrific, barbaric events of October 7, when more than 1,000 Israeli civilians were slaughtered – not just killed, slaughtered – in Israel. It feels as if we are perpetually falling inside an abysmal pit, living through a never-ending nightmare.

Israel is a very small country. Having spent most of my childhood in Israel, one is bound to be related in one way or another to victims of these atrocities. What has been unleashed against Israeli citizens was pure evil. The number of parents who buried their own children is beyond imagination. It is heart-shattering. These terrorists murdered and tortured civilians deliberately in the worst possible ways, no different than ISIS.

I deeply appreciate the recent statement from Mayor Meadows that was published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

Dear council members: I ask that you all stand with your fellow community members in their time of need. I ask that you stand with us and denounce the barbaric acts of Hamas, and that you help us raise the light of hope. We are all observing a rising surge of anti-Semitism sentiment, and groups of people taking advantage of this situation to unleash hatred throughout the country.

To quote the words of President Biden from a few weeks ago:

“There is no place for hate in America – not against Jews, not against Muslims, not against anybody. We reject – we reject – what we reject is terrorism. We condemn the indiscriminate evil, just as we’ve always done. That’s what America stands for.”

Dear council members: these words need to resonate in each and every house throughout the community. They need to be spoken loud and clear, so that we can all stand together and spread light where there is darkness. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hate of any kind would greatly influence our sense of belonging in our community. An official proclamation from the city council condemning the recent terrorist attacks and promoting inclusivity would send a powerful message of unity against hate.

Sincerely,
Eran Tamari
Los Altos Resident

From: [Elinor Tamari](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 7:43:28 PM

Dear Mayor and Esteemed Council Members,

We want to express our appreciation for the mayor's recent statement, which was published in the local newspaper. This statement deeply resonated with the Jewish and Israeli residents of our community, serving as a source of hope and unity during these trying times.

We also wish to share our concerns about the challenges our community currently faces. The Jewish and Israeli population in Los Altos is feeling isolated and vulnerable as anti-Semitism continues to rise across the United States, causing distress and fear. During such times, we look to our community leaders, like yourselves, to provide guidance and leadership.

Your collective voice holds significant influence. A clear and unwavering statement from our city's leadership, condemning acts of terrorism, and firmly denouncing anti-Semitism and hatred, can have a profound impact. Such a statement would not only strengthen the sense of belonging within the Jewish and Israeli community in Los Altos but also play a crucial role in combating the surge of anti-Semitic incidents.

We respectfully request that the City of Los Altos consider issuing an official proclamation condemning the recent terrorist acts of Hamas and emphasizing the importance of eradicating anti-Semitism while promoting inclusivity in our community. This proclamation would send a powerful message of unity, affirming that our city stands united against hate, intolerance, and violence.

We sincerely hope that you, our esteemed Mayor and City Council, will give thoughtful consideration to our request and take action to issue this official statement. Your support in this matter would provide comfort to our community and contribute to a stronger, more harmonious Los Altos.

Thank you for your time and attention. We remain hopeful for a positive response to our request and eagerly look forward to continuing our collaborative efforts to make Los Altos a place of inclusivity and mutual respect for all.

Sincerely,
Elinor Tamari

Sent from Gmail Mobile

From: [Carla Bahri](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 8:15:21 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Carla Bahri

Jellop has been named Kickstarter's Digital Advertising Partner! Learn more [here](#).

Carla Bahri, PhD
Co-founder, Jellop
www.jellop.com
Los Altos, CA
609-751-7593

From: [gilad arwatz](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 8:15:42 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Gilad Arwatz

From: [Sagit Manor](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 8:17:59 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Sagit Manor

From: [Smadar Agmon](#)
To: [Public Comment](#)
Subject: Request to condemn Hamas terrorism and fight rising anti-semitism
Date: Thursday, November 9, 2023 8:33:18 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Smadar Agmon

From: [Ziv Attar](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 8:47:00 PM

Dear Mayor and Esteemed Council Members,

We want to express our appreciation for the mayor's recent statement, which was published in the local newspaper. This statement deeply resonated with the Jewish and Israeli residents of our community, serving as a source of hope and unity during these trying times.

We also wish to share our concerns about the challenges our community currently faces. The Jewish and Israeli population in Los Altos is feeling isolated and vulnerable as anti-Semitism continues to rise across the United States, causing distress and fear. During such times, we look to our community leaders, like yourselves, to provide guidance and leadership.

Your collective voice holds significant influence. A clear and unwavering statement from our city's leadership, condemning acts of terrorism, and firmly denouncing anti-Semitism and hatred, can have a profound impact. Such a statement would not only strengthen the sense of belonging within the Jewish and Israeli community in Los Altos but also play a crucial role in combating the surge of anti-Semitic incidents.

We respectfully request that the City of Los Altos consider issuing an official proclamation condemning the recent terrorist acts of Hamas and emphasizing the importance of eradicating anti-Semitism while promoting inclusivity in our community. This proclamation would send a powerful message of unity, affirming that our city stands united against hate, intolerance, and violence.

We sincerely hope that you, our esteemed Mayor and City Council, will give thoughtful consideration to our request and take action to issue this official statement. Your support in this matter would provide comfort to our community and contribute to a stronger, more harmonious Los Altos.

Thank you for your time and attention. We remain hopeful for a positive response to our request and eagerly look forward to continuing our collaborative efforts to make Los Altos a place of inclusivity and mutual respect for all.

Sincerely,
Ziv Attar
Los Altos resident and Los Altos business owner

From: [Matty Robbins](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 9:17:22 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,

Matty Robbins

Get [Outlook for Android](#)

From: [Tamar](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 9:18:36 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,

Tamar Robbins

Sent from my iPhone

From: [Janel Moses](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Thursday, November 9, 2023 10:14:07 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,

Janel Moses

From: [Tamar Bar](#)
To: [Public Comment](#)
Cc: [Tamar Bar](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Friday, November 10, 2023 1:46:55 AM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Tamar Bar 6509193991

From: [Keith Feingold](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Friday, November 10, 2023 7:42:12 AM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,

Keith

Keith Feingold

(408) 656-6388

khfeingold@gmail.com

From: [Keith Feingold](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Friday, November 10, 2023 7:44:00 AM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,

Caryn

Caryn Feingold

From: [Noa Grant](#)
To: [Public Comment](#); [City Council](#)
Cc: [Guy Gecht](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Friday, November 10, 2023 11:35:47 PM

Dear Mayor and Council Members,

As a long time resident of the city of Los Altos, we truly and deeply appreciate the recent statement by mayor Sally Meadow offering hope and unity to our Jewish and Israeli community during these sad and challenging times.

We are witnessing an unparalleled rise in antisemitism, causing fear and isolation in our community. As our elected leaders, your clear and firm statement against hatred, and in particular against terrorism and antisemitism, would greatly influence our sense of belonging to our precious community and help combat unwelcome incidents.

We respectfully request that the city council issue an official proclamation condemning the recent terrorist acts and promoting inclusivity in our community. Such proclamation would send a powerful message of unity.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,

Noa Grant

From: [Bob Petersen](#)
To: [Public Comment](#)
Subject: Request to Condemn Hamas Terrorism and Fight Rising Anti-Semitism
Date: Sunday, November 12, 2023 12:08:08 PM

Dear Mayor and Council Members,

We deeply appreciate the recent statement from the mayor published in the local newspaper, offering hope and unity to our Jewish and Israeli community during these challenging times.

We also want to share our concerns about rising anti-Semitism, causing fear and isolation in our community. As community leaders, your clear and firm statement against terrorism, anti-Semitism, and hatred would greatly influence our sense of belonging and help combat anti-Semitic incidents.

We respectfully request an official proclamation condemning recent terrorist acts and promoting inclusivity in our community. This proclamation would send a powerful message of unity against hate.

Thank you for your attention. We look forward to your positive response in making Los Altos a place of mutual respect and inclusivity.

Sincerely,
Robert Petersen
Los Altos

UNITY RESOLUTION

Resolution Strongly Denouncing Antisemitism, Islamophobia, and anti-Middle Eastern North African (MENA) Hate

WHEREAS, the Los Altos City Council is resolute in its dedication to fostering a safe and supportive city where our community members stand up for each other, promote unity, and speak out against antisemitism, Islamophobia, bigotry, hatred, and intolerance; and

WHEREAS, the Los Altos City Council condemns all forms of hate, discrimination, and violence, and stands firmly against any actions that promote hatred and violence,

WHEREAS, the Los Altos City Council condemns the horrific terrorist attacks by Hamas on October 7, 2023 that resulted in 1200 civilians dead; and

WHEREAS, the Los Altos City Council condemns the taking of 240 civilian hostages by Hamas

WHEREAS, the Los Altos City Council condemns collective punishment of the Palestinian people including shutting off all access to electricity, fuel, drinking water, food, and humanitarian aid to 2.2 million people; and

WHEREAS, the Los Altos City Council condemns the mass atrocities being committed in Gaza and the West Bank, including large-scale, systematic violence against civilian populations that have resulted in over 10,000 civilian killed, and

WHEREAS, the Los Altos City Council condemns the grave human rights violations against children, as identified by the UN, including

- The killing of over 5000 Palestinian children by the Israeli military,
- The killing of 30 Israeli children by Hamas
- The abduction of children by Hamas
- The maiming of children by the Israeli military
- Attacks against schools, hospitals, refugee camps, mosques and churches by the Israeli military
- Denial of humanitarian access by the Israeli military

WHEREAS, the Los Altos City Council is committed to upholding the human dignity and human rights of all people; and

WHEREAS, the Los Altos City Council is committed to upholding the physical and emotional safety and security of our community and protecting them from antisemitism, Islamophobia,

hate, violence and discrimination; and

WHEREAS, there has been a steep increase in antisemitic, Islamophobia, anti-MENA attacks and threats locally and regionally, highlighting the urgency of addressing and condemning this hate; and

WHEREAS, Muslim and MENA, and especially our Palestinian families, whose cultural self-expression and very identity are routinely conflated with terrorism, are feeling targeted, and report experiencing hatred, silencing, intimidation and exclusionary behaviors; and

WHEREAS, there has been hatred against Jewish people, who are also feeling targeted and experiencing hatred and intimidation

THEREFORE, BE IT RESOLVED that the Los Altos City Council: Strongly condemns all terrorist attacks, recognizing the immense harm and suffering they have caused and the suffering that continues

Calls elected leaders to support the return of hostages and declaration of a ceasefire to minimize further loss of innocent life

Expresses its unwavering denunciation of antisemitism, Islamophobia, and anti-MENA hate in all their forms and commits to creating a physically and emotionally safe and inclusive environment for community members

Encourages all members of the Los Altos community to embrace compassion and unity, and steadfastly oppose injustice and hatred in all its manifestations

Continues its efforts to provide a safe and welcoming city for all, working with local partners

From: [Freddie ParkWheeler](#)
To: [Public Comment](#)
Cc: [Gabriel Engeland](#)
Subject: Correction- Retraction
Date: Monday, November 13, 2023 1:05:58 PM

Dear Mayor Meadows, Vice Mayor Weinberg, Council Members Lee Eng, Fligor, and Dailey and City Manager Engeland,

I am writing to correct a mistaken, incorrect statement I made in the Public Comment I submitted earlier this morning. I have since learned that the type of Zoom bombing that I encountered as a Library Commissioner several months ago is different than what is happening today. The measures to avoid the older types of Zoom bombing that Mr. Engeland referred to previously do not work to prevent the newer types of attacks.

City Manager Engeland advises that over the past several months since our conversation, technology has evolved to allow people and bots to penetrate most security measures and that the protection he described in the past is no longer effective.

Accordingly, I retract my statements referencing Mr. Engeland's past comments about Zoom bombing and my use of them to question the technological need of discontinuing remote public comments.

I sincerely apologize to Mr. Engeland for misusing his past statements. I was completely unaware that this information was no longer accurate when I wrote to Council this morning.

I do believe there is a legitimate question regarding whether the "cost" of disallowing the public to comment remotely is worth the "benefit" of not being subjected to indignities very infrequently.

My sincere apologies,
Freddie Wheeler

Freddie Park Wheeler
Sent from my iPhone

From: [Roberta Phillips](#)
To: [Public Comment](#); [City Council](#); [Gabriel Engeland](#)
Subject: Nov 14 Council Meeting Public Comment on Items not on the Agenda
Date: Thursday, November 9, 2023 12:50:54 PM
Attachments: [Public Comments via Zoom.docx](#)

Dear Council Members

Please see the attached letter for Items not on the agenda for the nov.24. 2023 Council meeting

Dear Council Members and City Manager

I read the agenda and it states "On October 24, 2023, the City Council held a Closed Session special meeting pursuant to Government Code Section 54957: Threat to Public Services or Facilities. Although not required to report out on this matter, the City Council provided staff with direction to suspend all Zoom and/or remote participation at City Council and Commission public meetings."

I am writing to strongly protest this action. As a caretaker to my handicapped husband, I am writing to represent all the caretakers who find it almost impossible to attend meetings in person in order to participate verbally. I am writing to represent all the Seniors who no longer can drive at night. I am writing to represent all the parents of young children who want to participate and make verbal comments, but can't because they need to care for their children.

I have attended every City Council meeting over the past 8 years and have had the privilege of being allowed to ask questions and comment via Zoom since Covid began. You are now taking this privilege away from me All the people who wish to participate in our democracy. You are limiting participation rather than encouraging it.

This decision was made in Closed Session and the public did not understand that the topic was to eliminate public comments via Zoom. It was described as " Threat to Public Service or Facilities pursuant to Government Code 54957" No one could possibly interpret this as the topic to be discussed. Additionally Public Comments on the Closed session was denied if the participant was not in the audience. This was announced prior to the Closed Session Meeting, before any discussion or direction was given to staff. The mayor had announced that participants via zoom could comment and then 10 minutes later (after the break) the City Manager retracted the mayor's statement and I was not allowed to make a public comment.

I ask that you have a public meeting where residents can give their opinion on the topic. Covid is still with us. It has not ended. I have to wear a mask when I go to the Palo Alto Medical Foundation.

The foundation of our Democracy is based on Freedom of Speech

This includes use of certain offensive words and phrases to convey political messages.

Cohen v. California, 403 U.S. 15 (1971).

I have heard the excuse that ZOOM bombing is a reason to deny our verbal participation via Zoom. Zoom-bombing still happens but security experts say it is far less prevalent than it was in 2020. Zoom helped tame Zoom-bombing partly by making its product more difficult for you (and for online harassers) to use. Jan. 24, 2023

I implore you to reconsider the action you took at the Closed Session and restore our right to speak remotely. City Council members may participate remotely as Jonathan Weinberg did recently from Los Vegas. There has to be a better solution. Have you considered exceptions ?

Sincerely

Roberta Phillips

650-941-6940

I

From: [Laura Foster](#)
To: [Public Comment](#)
Subject: November is National Homeless Youth and Runaway Prevention Month
Date: Tuesday, November 14, 2023 12:06:50 PM
Attachments: [image001.png](#)
[image002.png](#)
[image002.png](#)

Good Afternoon,

My name is Laura Foster and I'm a Division Director with Bill Wilson Center – a local nonprofit here in Santa Clara County that is working to end youth and family homelessness. I am writing to let everyone know that November is Runaway and Homeless Youth Prevention Month. This is a nationwide campaign occurring each November to increase awareness about homelessness among youth and young adults in our community and the resources available. This is especially critical since Santa Clara County has the ***third*** highest population of unhoused individuals in the entire nation, 12% of who are under 24 years of age.

Bill Wilson Center has been serving youth, young adults and families experiencing homelessness for 50 years. Our goal is to provide an integrated system of care that will help our unhoused participants attain stable housing; either through family reunification or economic self-sufficiency. We not only offer immediate shelter, but other supportive services, such as -- mental health counseling, job assistance, substance abuse treatment, and much more.

If you would like to know more about our agency, and the work we do in the community please visit our website at www.billwilsoncenter.org. If you know a young person who is experiencing homelessness, please refer them to us. They can contact our Here4You Call Center at 408-385-2400.

Thank you,

Laura Foster, LCSW
Division Director of Research, Analysis and Impact

Pronouns: She, her

Bill Wilson Center
3490 The Alameda
Santa Clara, CA 95050
Phone & Fax 408-289-5834
www.billwilsoncenter.org
Building Connections!



This constitutes an electronic communication under the Electronic Communications Privacy Act, 18 USC 2510. Its disclosure is strictly limited to the intended recipient. Receipt by anyone other than the intended recipient does not constitute a loss of the confidential nature or privileged nature of the communication. Any review or distribution by others is prohibited. If you are not the intended recipient, contact the sender and delete all copies of this communication.

From: [Jeanine Valadez](#)
To: [Public Comment](#)
Subject: Public Comment - Not On the Agenda 11/14/2023
Date: Thursday, November 9, 2023 3:10:24 PM

Mayor Meadows, Vice-Mayor Weinberg, and Councilmembers,

I disagree with Council's policy decision to altogether prohibit remote public comment from Council and Commission meetings. Community participation will drop.

I could be convinced to agree with turning off remote comments for items NOT on the agenda, but there exist protections for agendized items which enable the city clerk to disconnect any commentary that strays from the strict scope of the agendized item.

Eliminating remote public comment for agendized items is exclusionary because it limits public engagement and squashes the diversity of ideas. Moreover, I'd rather have a hateful person speak up on zoom and get shut down, than have that person show up in the chambers and require greater police presence to remove them from the premises. The resulting increased likelihood of in-chambers stress and violence will actually end up creating MORE fear amongst in-person attendees and further erode engagement.

I urge the Council to reconsider their position and amend the public comment criteria when they reassess their current policy stance early next year.

Thanks for your consideration,

Jeanine Valadez

Disclosure: I am a PARC Commissioner but am commenting as a member of the public.

From: [Pat Marriot](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT REPORT ON CLOSED SESSION: ZOOM BOMBING NOV 14, 2023
Date: Thursday, November 9, 2023 4:10:22 PM

Council Members,

I understand the fear of “Zoom bombing.” However, by cutting off remote public comment at a city meeting, you are cutting off residents’ opportunities to participate in the democratic process.

I urge you to consider this option, which other cities have adopted: Let residents send a 3-minute statement prior to the meeting and let the city clerk read these statements at the appropriate point in the agenda.

This is not the same as writing to PublicComment@losaltosca.gov. Those comments are part of the public record and we hope they are read by all council members and relevant staff prior to the meeting. But they are not part of the live discussion and are not heard by other participants.

We’re all aware that free speech is being abused, but denying a voice to citizens who cannot attend live meetings is a draconian “solution.” Limiting participation – silencing the voice of the people -- plays into the hands of those who are using every means possible to destroy our democracy.

Please consider my suggestion now. Do not wait until May. Do not shut out those who have a right to be heard.

Thank you,

Pat Marriott

From: [Jeanine Valadez](#)
To: [Public Comment](#)
Subject: Public Comment NOT on the Agenda 2023_11_14
Date: Monday, November 13, 2023 3:24:17 PM

Mayor Meadows, Vice-Mayor Weinberg, and Councilmembers Lee Eng, Fligor, and Dailey:

The most recent City Manager update, dated Nov. 11, 2023, included the following passage:

"Those attending Council or Commission meetings through Zoom can continue to comment via email during sessions."

If one reads the public comments deadline table at <https://www.losaltosca.gov/cityclerk/page/public-comments>, the emailed comments to which the City Manager's update refers above are NOT reflected in that table. Per that table, inclusion in the recorded packet for a given meeting includes emails submitted up to the start of the meeting - those emails will become part of Supplemental Packet #3, two days after the meeting . The table is moot on what happens to Public Comment emails submitted for the given meeting AFTER the start of that meeting, and certainly for public comment emails submitted after the meeting is adjourned or continued.

As a matter of policy and clarity, I ask Council to direct staff to make this needed edit to the public resource at the above link.

Thank you,

Jeanine Valadez

Disclosure: I am a PARC commissioner, but am submitting this comment as a member of the public.

From: [Bill Hough](#)
To: [Public Comment](#)
Cc: [City Council](#)
Subject: public comment on item not on the November 14 agenda
Date: Sunday, November 12, 2023 9:13:48 AM

In the "Report on Closed Session," it states "On October 24, 2023, the City Council held a Closed Session special meeting pursuant to Government Code Section 54957: Threat to Public Services or Facilities. Although not required to report out on this matter, the City Council provided staff with direction to suspend all Zoom and/or remote participation at City Council and Commission public meetings."

Although this paragraph contains a vague reference to Government Code Section 54957, this sentence is unclear to non-lawyers. Although your City Attorney will argue that you are following the letter of the law, it is obvious that you are violating the spirit of the law, which is to encourage public participation in the meeting process.

You need to improve online security, instead of letting the bad guys win while the good guys suffer.

There are many reasons that law-abiding citizens are unable to participate in Council meetings online. Restricting online participation is an Americans with Disabilities Act (ADA) violation. The ADA protects people with disabilities from discrimination. Disability rights are civil rights. From voting to parking, the ADA is a law that protects people with disabilities in many areas of public life. This includes public meetings.

Additionally, making this decision in secret and behind closed doors sends the wrong message. Zoom policy should be a regular agenda item so that residents can offer testimony on this matter.

From: [Monica Waldman](#)
To: [Public Comment](#)
Subject: Public Comment on Suspending all Zoom and/or remote participation at City Council and Commission public meetings
Date: Monday, November 13, 2023 12:22:33 PM

Dear Los Altos City Council Members,

As a former Los Altos Commissioner and commenter on City Council agenda items, I am shocked and saddened by your closed session decision to suspend all Zoom and/or remote participation at City Council and Commission public meetings,

Our City meetings have yet to be Zoom bombed, yet this "rule" has been enacted behind closed doors. Our City Council meetings continue to run into the evening, causing anyone who wants to speak on a topic to attend into the wee hours of the morning, making it difficult to attend in person. The new policy is disenfranchising to members of the Los Altos community and shows prejudice to those who cannot attend due to having young children and/or elderly or sick family members to take care of. It also encourages those who are sick and want their voices heard to attend.

This new policy gives the appearance that Council does not want to hear from members of the community. This is a sad day for our City.

Monica

From: [Freddie ParkWheeler](#)
To: [Public Comment](#)
Subject: Public Comment via Zoom Remotely
Date: Monday, November 13, 2023 11:51:09 AM

Dear Mayor Meadows, Vice Mayor Weinberg, and Council Members Lee Eng, Fligor, and Dailey,

I am writing to ask you to withdraw your decision disallowing members of the public to make public comments remotely via Zoom at Council and Commission meetings. I understand that the reason given for no longer allowing remote public comments is concern about “Zoom bombing.” To my knowledge, which was recently confirmed by City Manager Engeland, there has only been one Zoom bombing incident in Los Altos since remote commenting has been allowed. This happened at a Zoom Library Commission meeting that I attended as a Library Commissioner. We all simply left the meeting and then rejoined with no further problem.

Mr. Engeland assured me that the likelihood of being Zoom bombed again was, excuse the pun, very remote. He explained that the City no longer uses the “regular” Zoom meeting option. Instead, the City uses a much more secure Zoom meeting option and that the meetings are secure. In the case of the Library Commission meeting that was Zoom bombed, he explained that there had been some sort of problem with the original posting of that meeting. Mr. Engeland explained that when staff rescheduled the meeting they inadvertently chose the “regular” meeting option rather than the more secure option and that was the reason we were Zoom bombed.

The other issue with disallowing remote public comments is that people have become accustomed to participating remotely in Council and Commission meetings and it’s never a good idea to take away “rights” once people have become accustomed to them. But in fact, remote participation is the only possible way for most people with children at home, those who are disabled or ill, people who are caregivers of spouses or adult disabled children, and those recovering from surgery or illness to participate in their local governmental meetings. Why chose to deny these people the ability to be active participants in their local government? What is driving this decision?

Most everything in life comes with an associated risk and we, as adults, can opt to accept the risk or not. Why not leave it to each of your constituents to chose to attend and participate remotely and risk the momentary indignity of being Zoom bombed? I was Zoom bombed at the Library Commission and yes, it was disgusting but there was no threat involved and we went on about our business. We wouldn’t think of abandoning all the technology that makes our ability to communicate easier just because it can be hacked. The slight risk of being subjected to Zoom bombing doesn’t seem to merit denying the residents of Los Altos the opportunity to publicly comment remotely on the business of our city at Council and Commission meetings.

I see you plan to reconsider this decision next May. Thank you for recognizing that this decision should be reconsidered.

Thank you for all your work as Council Members.

Sincerely,

Freddie Wheeler

From: [carol little](#)
To: [Public Comment](#)
Subject: Report on closed session: Zoom cancellation
Date: Sunday, November 12, 2023 10:46:49 PM

Dear City Council,

I am writing this email as a resident of Los Altos, not as a PARC commissioner.

I'd like to register my concern about the elimination of the option of using Zoom as way of speaking during City Council meetings.

I am aware of the Zoom bombing of meetings. I am certain they are concerning and extremely disturbing for those experiencing the actions of those doing the Zoom bombings.

I'd like to request that you reconsider your decision, at least until if and when there is an actual attack on our City meetings. Why react to something that has not happened during our meetings. By making such a change, you will be rewarding those trying reduce public input. In other words, they win and we lose.

By canceling Zoom speaking access to meetings, a barrier has been reintroduced residents. Zoom has been a silver lining during Covid times, and has remained a benefit as we passed through the worst of Covid.

This change creates a huge barrier for folks with disabilities, those sick with Covid (it is still here!) or other contagious illnesses, those with compromised immune systems, those with children at home with no one else to watch them, those caring for family members (or others) in their homes, those out of town, in addition to many others.

In this day and age, it seems crucial to allow as many avenues as possible to remain open to participation in political dialogue.

Again, I respectfully request you reconsider allowing Zoom speaking participation in meetings.

Respectfully yours,
Teresa Morris

From: [Pat Marriot](#)
To: [Public Comment](#)
Subject: SECOND PUBLIC COMMENT REPORT ON CLOSED SESSION: ZOOM BOMBING NOV 14, 2023
Date: Tuesday, November 14, 2023 10:50:36 AM

Council Members:

In my prior public comment, I urged you to let residents send a 3-minute statement prior to the meeting and let the city clerk read these statements at the appropriate point in the agenda.

I found an article that says Redwood City is taking that approach: “Redwood City ... will take comments in person during meetings or by email. ... If the email comment is sent by 5 p.m. on the day of the meeting, pertains to an agenda item or is a general remark on matters under the city's jurisdiction, it will be read out loud.

<https://www.paloaltoonline.com/print/story/2023/10/06/zoom-bombing-trolls-attack-city-meetings>

I hope you will consider doing the same.

Thanks,

Pat Marriott

From: [Omar Azzam](#)
To: [Public Comment](#)
Subject: Denounce both Hamas and the IDF
Date: Tuesday, November 14, 2023 5:25:50 PM

While around ten times the number of civilians have been massacred and continue to be indiscriminately targeted by Israeli "Defense" Forces on the direction of Netanyahu, it is extremely hypocritical to be passing a resolution denouncing just the lesser aggressor of the two sides here.

If you will, pass a resolution denouncing terrorism by both Hamas and the IDF, though the priority should be to focus condemnation on the IDF since they've been ethnically cleansing a defenseless population for a whole month now.

From: [Nadine Mansour](#)
To: [Public Comment](#)
Subject: I do not support the current proposed resolution that just condemns Hamas attacks
Date: Tuesday, November 14, 2023 5:48:29 PM

Dear Council members,

I do not support the current proposed resolution to condemn Hamas. It is a one sided resolution that ignores the ongoing war crimes and attacks on civilians that we are witnessing in Gaza against the Palestinian people.

Instead, I'd like to suggest revising the resolution to include the following components:

- + Condemn the attacks by Hamas on Oct 7
- + Condemn the genocide of Palestinians in Gaza
- + No more military aid to Israel
- + An immediate ceasefire

The last point is the most important at this time as we continue to witness Israel bombing public facilities including hospitals, aid trucks, ambulances and refugee camps.

Based on the current iteration of this resolution, I vote no. Instead I ask the council members to sit down to build a more thoughtful resolution that ensures we stand in solidarity with Palestinians.

Kind regards,
Nadine Mansour

From: [Samer Barakat](#)
To: [Public Comment](#)
Date: Wednesday, November 15, 2023 12:26:46 AM

Hi

Thank you to Mayor Klein, Vice Mayor Din, and Councilmembers Mehlinger and Cisneros for signing onto the statement standing with the children in Gaza.

It is grieving to watch the dire situation in Gaza. The lack of water, food, medication and fuel in the middle of constant bombing that is equivalent to two nuclear bombs so far! All this is also combined with racist remarks from Israeli officials like “human animals” and “children of the dark”. This extreme level of violence and oppression against Palestinians who had suffered apartheid for 75 years would lead to escalations across the region. Your statement is a small step towards saving lives and paving the way to peace.

Thank you again to the council for signing this statement and supporting the helpless children of Gaza.

Best
Samer

From: [Sumiya Khan](#)
To: [Public Comment](#)
Subject: Objection for Agenda #5 on today's city council meeting
Date: Tuesday, November 14, 2023 6:20:52 PM

Dear Council Members,

I am writing to express my reservations about Agenda Item #5 scheduled for discussion during the upcoming City Council meeting tonight, November 14, specifically addressing the Council's potential resolution or action denouncing the Hamas attacks against Israel.

I would like to draw your attention to the City Council's charter, which outlines the responsibility of determining city policies and service standards. As articulated in the charter, the Council's primary focus is on issues directly impacting the City of Los Altos. Engaging in matters of international conflict sets a precedent that may lead to unintended consequences, potentially conflicting with the Council's core mission.

But if you absolutely want to pass a resolution in Los Altos, I would only support a Unity resolution that makes sure that hate does not permeate our town, like the Palo Alto Unity Resolution

([https://go.boarddocs.com/ca/pausd/Board.nsf/files/CX4U857AC131/\\$file/AMENDED-20231027ResolutionNo.2023-](https://go.boarddocs.com/ca/pausd/Board.nsf/files/CX4U857AC131/$file/AMENDED-20231027ResolutionNo.2023-)

[24.07ResolutionStronglyDenouncingAntisemitismIslamophobiaandAnti-MiddleEasternNorthAfrica\(MENA\)Hate.pdf](#))

In the resolution, we agree with respected global organizations in condemning the atrocities committed by the terrorist organization Hamas including the killing of over 800 civilians and the taking of over 200 hostages, as well as the ongoing collective punishment against the Palestinian people, including the killing of over 12,000 civilians, including over 4000 innocent children. If you mourn the loss of civilian life, then you must stand for ALL civilian life, including this Palestinian child whose limbs were blown off by the over 25,000 tons of bombs dropped on Gaza (equivalent of 2 nuclear bombs).

Thank you for your attention to this matter, and I remain hopeful for a thoughtful, inclusive, and considerate discussion during tomorrow's City Council meeting.

Thank you,
Sumiya Khan

From: [Maya6785](#)
To: [Public Comment](#)
Subject: Please support a Ceasefire Resolution
Date: Tuesday, November 14, 2023 2:19:06 PM

I am writing to urge you to please support a Ceasefire resolution. Any resolution you may issue that does not take into consideration the children and civilians being massacred in Gaza is would not be acceptable.

It is imperative that a ceasefire is put in place, more than 15 thousand innocent lives have already been killed in Gaza. We need a ceasefire NOW.

Thank you,

Maya Fallaha

Sent from my iPhone

From: [Stacy Bruzek Banerjee](#)
To: [Public Comment](#)
Subject: Public Comment for tonights meeting
Date: Tuesday, November 14, 2023 5:48:40 PM

Dear City councilmembers,

I am writing as a resident, not as a commissioner.

The biggest threat to democracy is limiting the participation and engagement of interested citizens in their government. Members of the public who display civil engagement and public decorum -- even if they disagree with council or staff on substance -- should be encouraged to participate in city council meetings, not limited in doing so. There are many reasons residents may prefer to participate online, and the pandemic and technology has shown that this is not only possible but may also facilitate greater participation in local government by more people, more often.

Certainly, if there is an inappropriate speaker (profanity, violence, threats, etc.) -- in-person or online -- staff or the mayor/chair may tell them that they are not allowed to complete their time to speak and/or may have them removed from the meeting. If the city doesn't have policies in place for such decorum or rules of procedure (as other agencies have), it is time for the city to put them in place rather than limit oral testimony on zoom.

I am surprised to see on tonight's city council agenda that oral public comment is only being received in-person (but not on zoom). The public did not even have an opportunity to weigh in on this decision.

Participation in government is a cornerstone of our democracy, and as such staff should be 100% supporting the participation of our residents whether they attend a council (or commission) meeting in-person or online.

Several years back there was a council priority focused around transparency. Back then, strides were made toward transparency and participation in government. This past year the council and the city are moving in the wrong direction. It is time for council to revisit a priority around transparency and participation in OUR government -- in an open session.

Stacy

From: [Renee Rashid](#)
To: [Public Comment](#)
Subject: Public Comment on Agenda Item #5
Date: Tuesday, November 14, 2023 3:34:04 PM

I just wanted to let you know that PAUSD passed an additional resolution condemning all forms of hate on 10/27/23. A Unity Resolution that better focuses on the needs of the local community.

Available here:

[https://go.boarddocs.com/ca/pausd/Board.nsf/files/CX4U857AC131/\\$file/AMENDED-20231027ResolutionNo.2023-24.07ResolutionStronglyDenouncingAntisemitismIslamophobiaandAnti-MiddleEasternNorthAfrica\(MENA\)Hate.pdf](https://go.boarddocs.com/ca/pausd/Board.nsf/files/CX4U857AC131/$file/AMENDED-20231027ResolutionNo.2023-24.07ResolutionStronglyDenouncingAntisemitismIslamophobiaandAnti-MiddleEasternNorthAfrica(MENA)Hate.pdf)

Renee Rashid

From: [Malika Junaid](#)
To: [Sally Meadows](#); [Jonathan Weinberg](#); [Neysa Figor](#); [Lynette Lee Eng](#); [Pete Dailey](#)
Cc: [Public Comment](#)
Subject: Thank you
Date: Wednesday, November 15, 2023 11:33:11 AM

Dear Council Members,

I hope you have had some time to rest since last night. I want to express my sincere gratitude to each of you for dedicating time last night to listen to the concerns of our community members. I understand that navigating the diverse needs of our residents is no easy task, and I commend you for handling the meeting with sensitivity.

The lengthy session demonstrated your commitment to addressing the varied issues within our community, and for that, I am truly thankful. In light of the challenges we face, I would like to propose the creation of committees within the council. These committees could facilitate more frequent interactions between council members and community members, fostering a deeper understanding of our diverse needs.

My suggestion is to organize open-house sessions or informal coffee gatherings downtown. This approach would allow council members to engage with various segments of our community regularly, providing a platform for residents to voice their concerns in a relaxed atmosphere. By doing so, we can encourage a sense of unity and understanding among our neighbors, and this will help people to get to know each other.

In the coming weeks, I plan to reach out to friends and colleagues from different cultural and religious backgrounds, fostering connections that will contribute to a more supportive community environment. I believe that such efforts can further strengthen the bonds within our community.

Once again, thank you for your dedication and hard work. I look forward to the possibility of meeting with each of you individually in the coming weeks to discuss these ideas and any other concerns our community may have.

Best Regards,
 Malika

M. Designs Architects



Malika Junaid Principal Architect

M. Designs Architects

Website: mdesignsarchitects.com

Email: malikajunaid@mdesignsarchitects.com

Phone: [650.565.9036](tel:650.565.9036)

Cell: [408.431.9289](tel:408.431.9289)

Office: 4131 W El Camino Real, Suite 200

Palo Alto, CA 94306





**CITY OF LOS ALTOS
CITY COUNCIL MEETING MINUTES
TUESDAY, OCTOBER 24, 2023
7:00 p.m.
1 N. San Antonio Rd. ~ Los Altos, CA**

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

CALL MEETING TO ORDER – Sally Meadows, Mayor, called the meeting to order at 7:00 p.m.

ESTABLISH QUORUM – All Councilmembers were present.

PLEDGE ALLEGIANCE TO THE FLAG – Los Altos Girl Scouts led the Pledge of Allegiance.

REPORT ON CLOSED SESSION – There was no Closed Session meeting.

CHANGES TO THE ORDER OF THE AGENDA

Sally Meadows, Mayor, moved Special Items before Public Comments on Items Not on the Agenda.

SPECIAL ITEMS

Recognition of Outgoing Commissioners

Sally Meadows, Mayor, presented certificates to outgoing Commissioners. The City Council thanked the Commissioners for their service to the City of Los Altos.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following member of the public spoke during Public Comments:

- Vadim Katz

CONSENT CALENDAR

Motion by Weinberg and Seconded by Dailey to approve the Consent Calendar. **Motion carried unanimously for Items 1 – 4 and Item 5 carried 4-1 with Councilmember Lee Eng opposed by roll call vote.**

1. Approval of Meeting Minutes for the Regular Meeting of October 10, 2023
2. Authorization for purchase of Root Foaming product; consider finding the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301, and finding that none of the circumstances in CEQA Guidelines Section 15300.2 applies
3. Contract Award: Annual Street Sweeping Services; consider finding the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301, and finding that none of the circumstances in CEQA Guidelines Section 15300.2 applies
4. Waive second reading and adopt an Ordinance amending Los Altos Municipal Code Section 9.25 "Special Events" and "Special Events Appendix A"

5. Adopt a Resolution adopting the Flag Raising Policy as a permanent program now that the pilot period has elapsed

DISCUSSION ITEMS

6. Discuss and provide direction on potential Dark Skies Ordinance

Nick Zornes, Development Services Director, presented the report.

The following members of the public spoke regarding the item:

• Ann Hepenstal	• Canis Li
• Lucy Janjigian	• Roberta Phillips
• Dashiell Leeds	• Teresa Morris
• Jim Fenton	• Gary Hedden
• Ravi Fischer	

Motion by Dailey and Seconded by Fligor to direct the Environmental Commission to research and draft a Dark Skies Ordinance, potentially including bird safety.

Lynette Lee Eng, Councilmember, presented a Secondary Motion to direct staff to research and draft a Dark Skies Ordinance, potentially including bird safety and including community outreach. *Secondary Motion failed due to lack of a Second.*

Lynette Lee Eng, Councilmember, presented a Friendly Amendment to direct the Environmental Commission to also conduct community outreach. *Councilmember Dailey rejected the Friendly Amendment.*

Motion made by Dailey and Seconded by Fligor carried unanimously by roll call vote.

INFORMATIONAL ITEMS ONLY

7. Tentative Council Calendar and Housing Element Update Calendar

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

- **Jonathan Weinberg, Vice Mayor** – Requested a future agenda to discuss a potential resolution, or any other possible action, denouncing the attacks against Israel by Hamas. *Supported by Fligor and Lee Eng*
- **Neysa Fligor, Councilmember** – Requested a future agenda item to consider appointing a Council representative to serve on the Community Trustee Area Districting (CTAD) Committee – Fremont Union High School District. *Supported by Lee Eng and Meadows*

ADJOURNMENT – The regular meeting adjourned at 8:36 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of November 14, 2023.

Sally Meadows,
Mayor

Melissa Thurman, MMC
City Clerk

The October 24, 2023 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.



AGENDA REPORT SUMMARY

Meeting Date: November 14, 2023

Subject: Consider Adopting a Resolution of the City Council of the City of Los Altos; 1) Authorize the Finance Director to amend the FY 2023/24 CIP budget in the amount of \$441,159; 2) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work in the amount of \$441,159 for a total contract of \$6,946,891; 3) Accepting completion and directing the Public Works Director to file a notice of completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and 4) Find that the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301 and that none of the circumstances under Section 15300.2 apply.

Prepared by: Morgan Loatfi, Special Projects Manager
Reviewed by: Aida Fairman, Public Works Director
Approved by: Gabriel Engeland, City Manager

Attachment:
A. Resolution No. 2023-XX

Initiated by:
City Council CIP Projects (TS-01001, TS-01004, TS-01009, TS-01003, TS-01005, TS-01006, TS-01008, TS-01060, TS-01052, TS-01007, and TS-01022)

Previous Council Consideration:
October 25, 2022

Fiscal Impact:
The construction contract budget is in the amount of \$6,006,256, a 15% contingency of \$900,938, and project soft costs of \$89,860, totaling \$6,997,054, were approved by the City Council. The construction contract was awarded to O’Grady Paving, Inc. on October 25, 2022.

This project is funded by VRF (\$373,029), Gas Tax (\$2,672,611), SB 1 (\$1,000,000), Measure B (\$669,000), a grant from Silicon Valley Clean Energy (\$59,225), and the General Fund (\$2,173,116).

City Manager	Reviewed By:	City Attorney	Finance Director
<u>GE</u>		<u>JH</u>	<u>JD</u>



Subject: Consider Adopting a Resolution of the City Council of the City of Los Altos; 1) Authorize the Finance Director to amend the FY 2023/24 CIP budget in the amount of \$441,159; 2) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work in the amount of \$441,159 for a total contract of \$6,946,891; 3) Accepting completion and directing the Public Works Director to file a notice of completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and 4) Find that the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301 and that none of the circumstances under Section 15300.2 apply.

The table below summarizes the final costs of the Annual Street Resurfacing and City Alley Resurfacing Project.

Annual Street Resurfacing and City Alley Resurfacing Project		
Project Item	Project Budget	Final Cost
Construction + Construction Contingency	\$ 6,466,035	\$ 6,421,966
Additional Scope of Work (Amendment No.1)	\$441,159	\$ 441,159
Inspection	\$ 79,860	\$ 74,423
Printing/Advertising/Mailing/Misc.	\$ 10,000	\$ 9,433
Total	\$ 6,997,054	\$ 6,946,981

- Total Final Cost of \$ 6,946,981 already included in the approved budget? Yes
- Amount above budget requested: \$0
- Total Savings of \$ 50,073 will be returned to the General Fund or applicable funding sources.

Environmental Review:

The work that staff requests the City Council to accept consisted of the operation, repair, and maintenance of existing facilities and was limited to street resurfacing activities, which are exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), which states at subsection (c) that “existing facilities” include streets where the operation, maintenance, or repair of existing streets involves negligible or no expansion of existing or former uses, including where no additional automobile lanes are created as



Subject: Consider Adopting a Resolution of the City Council of the City of Los Altos; 1) Authorize the Finance Director to amend the FY 2023/24 CIP budget in the amount of \$441,159; 2) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work in the amount of \$441,159 for a total contract of \$6,946,891; 3) Accepting completion and directing the Public Works Director to file a notice of completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and 4) Find that the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301 and that none of the circumstances under Section 15300.2 apply.

part of the project. Additionally, none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

Policy Question(s) for Council Consideration:

None

Summary:

- Adopt Resolution No. 2023-___ accepting completion of the Annual Street Resurfacing and City Alley Resurfacing Project.
- Authorize the Public Works Director to record a Notice of Completion as required by law.
- Authorize the City Manager to execute a contract amendment.
- The Annual Street Resurfacing and City Alley Resurfacing Project included the annual scope of work to resurface Los Altos streets and alleys and integrate mobility enhancements to improve safety for all modes of transport, emphasizing safer routes to schools. All work supports the Council Priorities of Community Safety and Asset Management.
- On October 25, 2022, the City awarded the Annual Street Resurfacing and City Alley Resurfacing project to O'Grady Paving, Inc.
- The Construction Phase of this project is completed.
- The project is in the Post-Construction Phase.

Staff Recommendation:

- 1.) Authorize the Finance Director to amend the FY 2023/24 CIP budget as follows:
 - A. The \$42,000 funds for ARTICLE 1-A come from TS-01059.
 - B. The \$25,000 funds for ARTICLE 1-B come from the Project Contingency.
 - C. The \$314,934 funds for ARTICLE 1-C come from the Project Contingency.
 - D. The \$59,225 funds for ARTICLE 1-D come from the Silicon Valley Clean Energy for the Community Resilience Grant.



Subject: Consider Adopting a Resolution of the City Council of the City of Los Altos; 1) Authorize the Finance Director to amend the FY 2023/24 CIP budget in the amount of \$441,159; 2) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work in the amount of \$441,159 for a total contract of \$6,946,891; 3) Accepting completion and directing the Public Works Director to file a notice of completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and 4) Find that the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301 and that none of the circumstances under Section 15300.2 apply.

2.) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work described below that was not included in the original scope of work.

A. **Diamond Court Pavement Reconstruction** – Per the Maintenance Agreement between the Landowners and the City, dated August 13, 2022, temporary "Repair Work" was done on Diamond Court. The repairs include grinding and off haul 2.5" existing asphalt at Diamond Court, compact subgrade, placing and compacting approximately 11,600 SF of 2.5" new asphalt. (Change Order #2 Complete)

B. **Downtown Ramps Removal** - Removal of 10 parking ramps, including PVC pipes in the downtown, repairing Pavement, and striping parking spaces. The ramps have caused problems in the downtown parking areas. The PVC drainpipes have broken and clogged up with leaves and trash, causing spots to flood. (Change Order #5 Complete)

C. **Add Alt #1, Jardin Drive Paving** - Additive Alternate #1, which develops a designated student drop-off zone behind Los Altos High School on Jardin Drive, including safer accessibility improvements for bicyclists and pedestrians, is added to the contract with the original bid items. Item A1-5 Pavement Reinforcing Fabric is eliminated with a saving of \$19,760. (Change Order #7 Complete)

D. **Cool Shield Pavement** - Work will include removing existing Striping, Seal Coat (Cool Shield), the 100 block of State Street between 3rd and 4th Streets, Cat Tracking, and Restripe State Street to match existing striping.

The "Cool Pavement" lowers land surface temperature and creates a cooling effect. Cool Pavement's primary function is to reduce the heat retained or concentrated at ground level and can create a cooling effect by reflecting solar heat, supporting water evaporation, or enabling water to permeate its surface. The Cool Pavement project aligns with the following Council Goals and Strategies:



Subject: Consider Adopting a Resolution of the City Council of the City of Los Altos; 1) Authorize the Finance Director to amend the FY 2023/24 CIP budget in the amount of \$441,159; 2) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work in the amount of \$441,159 for a total contract of \$6,946,891; 3) Accepting completion and directing the Public Works Director to file a notice of completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and 4) Find that the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301 and that none of the circumstances under Section 15300.2 apply.

-
- Asset Management—increasing the Pavement Condition Index of State Street with the use of a Cool Pavement coating instead of the micro-surfacing slurry material typically used.
 - Environmental Sustainability—piloting a measure to reduce the heat risk in Los Altos, per Goal 6.2 in the Los Altos Climate Action and Adaptation Plan.
- (Change Order #9 Complete)

3.) Adopt Resolution No. 2023-_____ accepting completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and authorize the Public Works Director to record a Notice of Completion as required by law.

Purpose

Please see the above Staff Recommendation.

Background

On October 25, 2022, the City awarded the Annual Street Resurfacing and City Alley Resurfacing project to the lowest responsive and responsible bidder, O’Grady Paving, Inc., for a Base Bid of \$5,711,830.95, and Additive Alternative 2 (\$123,600.00), and Additive Alternate No. 3 (\$170,825.00), along with a 15% as-needed contingency.

The Annual Street Resurfacing (TS-01001), Annual Street Slurry Seal (TS-01004), Annual Street Striping (TS-01003), and Annual City Alley Resurfacing (TS-01009) capital improvement projects (CIPs) are dedicated to repairing and maintaining asphalt concrete (AC) roadways and alleyways in the City. Annual Concrete Repair (TS-01005), Annual Traffic Sign Replacements/Additions (TS-01006), Annual ADA Improvements (Streets & Roadways) (TS-01008), Safe Routes to School (SR2S) Improvement Projects (TS-01060), Annual Bicycle/Pedestrian Access Improvements (TS-01052), Annual Neighborhood Traffic Management (TS-01007), and the Annual Collector Street Calming

The contract award package also included two optional "additive alternates," as follows:



Subject: Consider Adopting a Resolution of the City Council of the City of Los Altos; 1) Authorize the Finance Director to amend the FY 2023/24 CIP budget in the amount of \$441,159; 2) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work in the amount of \$441,159 for a total contract of \$6,946,891; 3) Accepting completion and directing the Public Works Director to file a notice of completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and 4) Find that the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301 and that none of the circumstances under Section 15300.2 apply.

-
- **Additive Alternate 2:** This replaces the existing asphalt speed tables on Cuesta Drive with rubberized speed tables and striping and signage enhancements. The redesign was necessary
 - a) to comply with Santa Clara County Fire Department (SCCFD) speed hump/table specifications for emergency vehicles
 - b) because Cuesta Drive is a SCCFD Primary Emergency Response Route and a City of Los Altos Evacuation Route, and
 - c) to improve emergency response times.

 - **Additive Alternate 3:** St. Joseph Sidewalk Gap Closure Project, which creates a safer route for students attending Montclair Elementary School. The project includes a new concrete sidewalk, ADA ramps, curb and gutter, street resurfacing, striping and signage, and other improvements.

Discussion/Analysis

The City Engineer has determined that O’Grady Paving, Inc. completed the construction for the Annual Street Resurfacing and City Alley Resurfacing Project per plans and specifications. The acceptance of the work by the City Council is essentially a ministerial act that the City Council should ratify unless the City Council is able to identify specific facts demonstrating that the City Engineer’s determination is not supported by substantial evidence.

Recommendation

- 1.) Authorize the Finance Director to amend the FY 2023/24 CIP budget as follows:
 - E. The \$42,000 funds for ARTICLE 1-A come from TS-01059.
 - F. The \$25,000 funds for ARTICLE 1-B come from the Project Contingency.
 - G. The \$314,934 funds for ARTICLE 1-C come from the Project Contingency.
 - H. The \$59,225 funds for ARTICLE 1-D come from the Silicon Valley Clean Energy for the Community Resilience Grant.



Subject: Consider Adopting a Resolution of the City Council of the City of Los Altos; 1) Authorize the Finance Director to amend the FY 2023/24 CIP budget in the amount of \$441,159; 2) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work in the amount of \$441,159 for a total contract of \$6,946,891; 3) Accepting completion and directing the Public Works Director to file a notice of completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and 4) Find that the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301 and that none of the circumstances under Section 15300.2 apply.

2.) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work described below that was not included in the original scope of work.

E. **Diamond Court Pavement Reconstruction** – Per the Maintenance Agreement between the Landowners and the City, dated August 13, 2022, temporary "Repair Work" was done on Diamond Court. The repairs include grinding and off haul 2.5" existing asphalt at Diamond Court, compact subgrade, placing and compacting approximately 11,600 SF of 2.5" new asphalt. (Change Order #2 Complete)

F. **Downtown Ramps Removal** - Removal of 10 parking ramps, including PVC pipes in the downtown, repairing Pavement, and striping parking spaces. The ramps have caused problems in the downtown parking areas. The PVC drainpipes have broken and clogged up with leaves and trash, causing spots to flood. (Change Order #5 Complete)

G. **Add Alt #1, Jardin Drive Paving** - Additive Alternate #1, which develops a designated student drop-off zone behind Los Altos High School on Jardin Drive, including safer accessibility improvements for bicyclists and pedestrians, is added to the contract with the original bid items. Item A1-5 Pavement Reinforcing Fabric is eliminated with a saving of \$19,760. (Change Order #7 Complete)

H. **Cool Shield Pavement** - Work will include removing existing Striping, Seal Coat (Cool Shield), the 100 block of State Street between 3rd and 4th Streets, Cat Tracking, and Restripe State Street to match existing striping.

The "Cool Pavement" lowers land surface temperature and creates a cooling effect. Cool Pavement's primary function is to reduce the heat retained or concentrated at ground level and can create a cooling effect by reflecting solar heat, supporting water evaporation, or enabling water to permeate its surface. The Cool Pavement project aligns with the following Council Goals and Strategies:



Subject: Consider Adopting a Resolution of the City Council of the City of Los Altos; 1) Authorize the Finance Director to amend the FY 2023/24 CIP budget in the amount of \$441,159; 2) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work in the amount of \$441,159 for a total contract of \$6,946,891; 3) Accepting completion and directing the Public Works Director to file a notice of completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and 4) Find that the Council’s action exempt from review under CEQA pursuant to CEQA Guidelines Section 15301 and that none of the circumstances under Section 15300.2 apply.

-
- Asset Management—increasing the Pavement Condition Index of State Street with the use of a Cool Pavement coating instead of the micro-surfacing slurry material typically used.
 - Environmental Sustainability—piloting a measure to reduce the heat risk in Los Altos, per Goal 6.2 in the Los Altos Climate Action and Adaptation Plan.
- (Change Order #9 Complete)

3.) Adopt Resolution No. 2023-____ accepting completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and authorize the Public Works Director to record a Notice of Completion as required by law.

ATTACHMENT A

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ACCEPTING COMPLETION AND DIRECTING THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION OF THE ANNUAL STREET RESURFACING AND CITY ALLEY RESURFACING PROJECT, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT, AND AMENDING THE FISCAL YEAR 2023/24 CIP BUDGET

WHEREAS, the Annual Street Resurfacing and City Alley Resurfacing Project includes the annual scope of work to resurface Los Altos streets and alleys and integrates mobility enhancements to improve safety for all modes of transport, with an emphasis on safer routes to schools; and

WHEREAS, all work supports the Council Priorities of Community Safety and Asset Management; and

WHEREAS, on October 25, 2022, the City awarded the Annual Street Resurfacing and City Alley Resurfacing Project to O’Grady Paving, Inc.; and

WHEREAS, it appears to the satisfaction of this City Council that work under the said contract has been fully installed and completed as provided in said contract and the plans and specifications therein referred to; and

WHEREAS, the FY 23/24 Council-approved CIP budget has adequate funding to fund the project; and

WHEREAS, the adoption of this resolution is exempt from review under the California Environmental Quality Act for reasons stated in the staff report;

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

- 1.) Find that the foregoing recitals are true and correct.
- 2.) Authorize the Finance Director to amend the FY 2023/24 CIP budget as follows:
 - A. The \$42,000 funds for ARTICLE 1-A come from TS-01059.
 - B. The \$25,000 funds for ARTICLE 1-B come from the Project Contingency.
 - C. The \$314,934 funds for ARTICLE 1-C come from the Project Contingency.
 - D. The \$59,225 funds for ARTICLE 1-D come from the Silicon Valley Clean Energy for the Community Resilience Grant.

3.) Authorize the City Manager to execute contract Amendment No. 1 to include the additional work described below that was not included in the original scope of work.

- A. **Diamond Court Pavement Reconstruction** – Per the Maintenance Agreement between the Landowners and the City, dated August 13, 2022, temporary "Repair Work" was done on Diamond Court. The repairs include grinding and off haul 2.5" existing asphalt at Diamond Court, compact subgrade, placing and compacting approximately 11,600 SF of 2.5" new asphalt. (Change Order #2 Complete)

- B. **Downtown Ramps Removal** - Removal of 10 parking ramps, including PVC pipes in the downtown, repairing Pavement, and striping parking spaces. The ramps have caused problems in the downtown parking areas. The PVC drainpipes have broken and clogged up with leaves and trash, causing spots to flood. (Change Order #5 Complete)

- C. **Add Alt #1, Jardin Drive Paving** - Additive Alternate #1, which develops a designated student drop-off zone behind Los Altos High School on Jardin Drive, including safer accessibility improvements for bicyclists and pedestrians, is added to the contract with the original bid items. Item A1-5 Pavement Reinforcing Fabric is eliminated with a saving of \$19,760. (Change Order #7 Complete)

- D. **Cool Shield Pavement** - Work will include removing existing Striping, Seal Coat (Cool Shield), the 100 block of State Street between 3rd and 4th Streets, Cat Tracking, and Restripe State Street to match existing striping.

The "Cool Pavement" lowers land surface temperature and creates a cooling effect. Cool Pavement's primary function is to reduce the heat retained or concentrated at ground level and can create a cooling effect by reflecting solar heat, supporting water evaporation, or enabling water to permeate its surface. The Cool Pavement project aligns with the following Council Goals and Strategies:

- Asset Management—increasing the Pavement Condition Index of State Street with the use of a Cool Pavement coating instead of the micro-surfacing slurry material typically used.
- Environmental Sustainability—piloting a measure to reduce the heat risk in Los Altos, per Goal 6.2 in the Los Altos Climate Action and Adaptation Plan.

(Change Order #9 Complete)

4.) Adopt Resolution No. 2023-____ accepting completion of the Annual Street Resurfacing and City Alley Resurfacing Project; and authorize the Public Works Director to record a Notice of Completion as required by law.

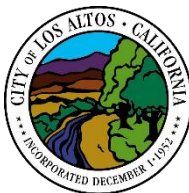
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of November 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sally Meadows
MAYOR

Attest:

Melissa Thurman, MMC
CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: November 14, 2023
Subject Housing Element Implementation Ordinance 2.0
Prepared by: Nick Zornes, Development Services Director
Reviewed by: Jolie Houston, City Attorney
Jon Maginot, Assistant City Manager
Approved by: Gabe Engeland, City Manager

Attachment(s):

- 1. Draft Ordinance #1
- 2. Draft Ordinance #1 – Appendix A
- 3. Draft Ordinance #1 – Appendix B
- 4. Draft Ordinance #1 – Appendix C
- 5. Draft Ordinance #1 – Appendix D
- 6. Draft Ordinance #2
- 7. Draft Ordinance #2 – Appendix A
- 8. Draft Ordinance #3
- 9. Draft Ordinance #3 – Appendix A
- 10. Draft Ordinance #3 – Exhibit, Zone Map Change
- 11. HCD Technical Advisory – Group Homes – December 2022

Initiated by:

The City of Los Altos adopted 6th Cycle Housing Element, Programs 1.A, 1.B, 1.C, 1.E, 1.F, 1.G, 3.I, and 3.J.

Fiscal Impact:

No fiscal impacts are associated with the adoption of these implementing regulations.

Environmental Review:

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.

City Manager
GE

Reviewed By:
City Attorney
JH



Subject: Housing Element Implementation Ordinance

Summary:

The draft ordinance incorporates regulations to rezone for the RHNA shortfall, facilitation of higher density housing in the commercial thoroughfare district, allow housing in the office administrative district, repeal of the Loyola Corners Specific Plan in its entirety, rezone Village Court parcel and repeal its entirety the PUD specific to the parcel, rezone housing sites from previous housing elements, allow residential care facilities consistent with State law, and explicitly allow manufactured homes consistent with State law. The draft ordinance integrates regulations into the Los Altos Municipal Code, which addresses all required provisions from the Housing Element programs previously noted.

Staff Recommendation:

Introduce and Waive Further Reading of Zoning Ordinance Text Amendments which implement programs identified in the adopted housing element, Program 1.A: Rezone for RHNA Shortfall; Program 1.B: Facilitate Higher Density Housing in the Commercial Thoroughfare (CT) District; Program 1.C: Allow Housing in the Office Administrative (OA) District; Program 1.E: Update the Loyola Corners Specific Plan; Program 1.F: Rezone Village Court Parcel; Program 1.G: Rezone Housing Sites from Previous Housing Elements; Program 3.I: Allow Residential Care Facilities Consistent with State law; Program 3.J: Explicitly Allow Manufactured Homes Consistent with State law; and consideration of the City of Los Altos Planning Commission’s October 19, 2023 decisions 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 since there would be no possibility of a significant effect on the environment.

Background:

On January 24, 2023, the Los Altos City Council adopted the City’s 6th Cycle Housing Element 2023-2031. As required by law, the adopted housing element has several housing programs contained within. The City of Los Altos identified specific programs in its housing element that will allow it to implement the stated policies and achieve the stated goals and objectives.

Programs must include specific action steps the City will take to implement its policies and achieve its goals and objectives. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the city’s specific role in implementation, and (whenever possible) identify specific, measurable outcomes.

The draft ordinance under consideration implementing Programs 1.A, 1.B, 1.C, 1.E, 1.F, 1.G, 3.I, and 3.J is required to be adopted no later than January 31, 2024.

On October 19, 2023, the Los Altos Planning Commission were presented with a staff report, and presentation at a duly noticed public hearing. At the regularly scheduled meeting the Planning Commission asked clarifying questions of the Development Services Director, opened the Public



Subject: Housing Element Implementation Ordinance

Hearing and received public testimony, and discussed the amendments presented to the commission. Three separate actions were taken that evening, and are summarized below:

Action #1 – Ordinance #1 – An Ordinance of the City Council of the City of Los Altos amending Chapter 13.34, Chapter 13.36, Chapter 14.50, and Chapter 14.63 of the Los Altos Municipal Code to Implement Program 1.A, Program 1.B, Program 1.C, Program 1.G, Program 3.I, and Program 3.J of the Sixth Cycle Housing Element Update.

The Los Altos Planning Commission passed the recommendation by the following vote:

- AYES:** Steinle, Roche, Doran, Ahi, Beninato
- NOES:** Disney
- ABSENT:** Mensinger

Action #2 – Ordinance #2 – An Ordinance of the City Council of the City of Los Altos repealing in its entirety the Loyola Corners Specific Plan, Chapter 14.42 of the Los Altos Municipal Code, and Resolution No. 2017-41 and reinstating the underlying zoning districts to all effected parcels to Implement Program 1.E of the Sixth Cycle Housing Element Update.

The Los Altos Planning Commission passed the recommendation by the following vote:

- AYES:** Steinle, Roche, Doran, Ahi, Beninato, Disney
- NOES:**
- ABSENT:** Mensinger

Action #3 – Ordinance #3 – An Ordinance of the City Council of the City of Los Altos amending Chapter 14.88 of the Los Altos Municipal Code Pertaining to Rezoning of a Parcel Located at 4546 El Camino Real (APN: 16712042) from R1-10 to Commercial Thoroughfare (CT) and Repealing in its entirety Planning Unit Development (62-PUD/C7) to Implement Program 1.F Rezone Village Court Parcel of the Sixth Cycle Housing Element Update.

The Los Altos Planning Commission passed the recommendation by the following vote:

- AYES:** Steinle, Roche, Doran, Ahi, Beninato, Disney
- NOES:**
- ABSENT:** Mensinger

Analysis:

The City’s adopted 6th Cycle Housing Element 2023-2031 included various programs which requires the proposed ordinance amendments to implement the various commitments contained within the Housing Element as Certified by the State of California Housing and



Subject: Housing Element Implementation Ordinance

Community Development Department (HCD). The following programs are being implemented in various components of the draft ordinance.

The following program has already been partially implemented in that the City of Los Altos has already increased development capacity and overall density in zones such as CN, CRS, CD/R3 to accommodate moderate-income level units, and now in the CT and OA Districts.

Program 1.A: Rezone for RHNA shortfall.

To accommodate the remaining above moderate-income RHNA of 19 units, the City will identify and rezone sufficient vacant land or land with redevelopment potential to provide capacity for this shortfall. Appendix B (Sites Inventory and Methodology) identifies potential parcels for rezoning to address this shortfall and provide excess capacity throughout the planning period. Separate programs detail specifics of various rezoning actions that would provide additional capacity for all income levels.

Responsible Body: Development Services Department, Planning Commission, City Council

Funding Source: General Fund

Time Frame: Sites rezoned to address shortfall by January 2024 ***Objective:*** The City will amend the Zoning Map and/or Zoning Code to create the opportunity for at least 19 above moderate-income housing units; proposed rezoning would accommodate an assumed capacity of 64 above-moderate income housing units

Geographic Targeting: Create additional opportunities for housing capacity throughout the city, which is identified as high and highest resource by TCAC opportunity maps.

The following program implements the requirements identified within the adopted housing element in that the proposed ordinance removes the zoning code limit on maximum density allowed within the zone (68 units/acre or 179% of maximum allowed density has been the average development trend for recently approved/constructed projects), eliminates excess setback requirements for adjacencies, increases the building heights, and makes residential and mixed-use developments allowed by-right.

Program 1.B: Facilitate higher density housing in the Commercial Thoroughfare (CT) District.

The Commercial Thoroughfare (CT) Zone is located along El Camino Real with a maximum density of 38 units per acre and a maximum height of 45 feet. Development trends in this area are showing much higher densities and heights being built. To continue to facilitate housing in the CT District, the City will remove or increase the density maximum and increase the height allowed in the CT District by at least 10 feet and one story which will result in a maximum height of 55 feet and 5-stories to ensure



Subject: Housing Element Implementation Ordinance

the increased maximum density can be accommodated. Objective design standards for the CT District will be modified as necessary to accommodate higher density, and the increased setback standards when across the street from or abutting a residential zoning district will be removed.

Responsible Body: *Development Services Department, Planning Commission, City Council*

Funding Source: *General Fund*

Time Frame: *December 2024*

Objective: *Approve housing development projects along El Camino Real at densities above 38 units per acre anticipating at least 80 total housing units with at least 20 low-income units.*

Geographic Targeting: *Increase housing opportunity in a mixed-use, transit-accessible area. See Program 4.J for place-based improvements, specifically relative to the Los Altos Loop, that will be prioritized in this area east of San Antonio Road.*

The following program implements the requirements identified within the adopted housing element in that the proposed ordinance specifies the allowed density of a minimum of 20 units per acre and a maximum of 30 units per acre, modifies the required setbacks to provide ample buffer and spatial distance from single family zoning districts by reducing side and front yard setbacks while increasing the rear yard setback to an acceptable maximum of 30 feet, and makes residential and mixed-use developments allowed by-right.

Program 1.C: Allow housing in the Office Administrative (OA) District.

The Office Administrative (OA) District, primarily located along South San Antonio Road (east of Downtown), does not currently allow residential uses. However, given the high demand for housing in Los Altos and the opportunity to provide for housing in a mixed-use environment with access to transit, the sites identified in the OA District (Appendix B, Table B-11) will be amended to allow multi-family development. Residential uses will be allowed at a minimum density of 20 dwelling units per acre and a maximum density of 30 dwelling units per acre.

Responsible Body: *Development Services Department, Planning Commission, City Council*

Funding Source: *General Fund*

Time Frame: *December 2024 Objective: Permit housing on OA District parcels during the planning period comprising at least 40 total housing units with at least eight low-income units in the highest resource areas of the city.*

Geographic Targeting: *Create additional opportunities for housing capacity in a highest resource area located adjacent to Downtown, transit (bus line along San Antonio Road), and single-family neighborhoods.*



Subject: Housing Element Implementation Ordinance

The following program implements the requirements identified within the adopted housing element in that the proposed ordinance repeals in its entirety the Loyola Corners Specific Plan which has been an impediment to the creation of housing as well as any large-scale revitalization of the area since its inception. Additionally, the action will repeal in its entirety City Council Resolution 2017-41 which was an action that further restricted development potential within the specific plan area.

Program 1.E: Update the Loyola Corners Specific Plan.

The Loyola Corners Specific Plan will be rescinded and revert to underlying zoning (CN District) to facilitate housing production. Regardless of whether the Specific Plan is updated or rescinded, this program includes removal of all standards that are more restrictive than those applicable within the CN District. Standards to be eliminated include the 20-unit density cap (enforcement of this limitation is currently precluded by the Housing Crisis Act), the dwelling unit size requirement of between 1,500 and 8,000 square feet, the two-story height limitation in addition to a 30-foot maximum height (Resolution 2017-41), and any subjective design standards applicable to residential. The eliminated standards will provide regulations that allow development at greater densities than what is presently allowed today, increased building heights and greater flexibility in unit sizes. The Loyola Corners Specific Plan is considered a highest resource area with the most positive educational outcomes (see Appendix F, Section F.2.5 (Access to Opportunity)).

Responsible Body: Development Services Department, Planning Commission, City Council

Funding Source: General Fund

Time Frame: December 2024 ***Objective:*** Eliminate restrictive development standards within Loyola Corners Specific Plan for density, height, and unit size no later than December 2024. Also eliminate any subjective design standards applicable to residential no later than December 2024. Permit housing units in the Loyola Corners Specific Plan above the current 20-unit cap and with a mixture of unit sizes during the planning period. Target approval of at least 40 total housing units with at least eight low-income units.

Geographic Targeting: Remove barriers to increase housing opportunity in Loyola Corners neighborhood, a highest resource area with commercial, transit (bus line along Foothill Expressway), and single-family homes.

The following program implements the requirements identified within the adopted housing element in that the proposed ordinance executes the required Zone Change to one (1) affected parcel at the “Village Court” development. The existing parcel(s) has “split” or “shared” zoning districts which further creates confusion and irregular development potential of the



Subject: Housing Element Implementation Ordinance

site. Additionally, as a part of the Zone Change Planned Residential Development 62-PUD/C7 is repealed in its entirety which has limited development potential of the site since its inception. Due to the split or shared zoning of the parcel at Village Court there is not feasible or practical way for the PUD to be maintained and carry the new zoning of the Commercial Thoroughfare District on all portions of the parcels.

Program 1.F: Rezone Village Court parcel.

To facilitate housing, the Village Court parcel at 4546 El Camino Real (APN 16712042) will be rezoned from R1-10 to Commercial Thoroughfare (CT), and modifications made to the Planned Unit Development (62-PUD/C7), as necessary for consistency with the CT District. The City will consult with adjacent property owners and interested parties throughout the Village Court rezone program.

Responsible Body: Development Services Department, Planning Commission, City Council

Funding Source: General Fund

Time Frame: December 2025

The following program implements the requirements identified within the adopted housing element in that the proposed ordinance the rezoning of the sites identified in the program has been accomplished by allowing for the use of residential and mixed-use development by-right within the CT District and by the Zone Change of the Village Court parcel.

Program 1.G: Rezone housing sites from previous Housing Elements.

Under AB 1397, certain rezoning requirements apply if a lower income housing site identified in the sites inventory (Appendix B) was identified as a housing site (for any income level) in a previous housing element's site inventory. The following vacant and nonvacant lower income sites are subject to the rezoning requirements:

- *Vacant lower income sites that have been included in at least two consecutive housing element sites inventories.*
- *Nonvacant lower income sites that have been included in a prior housing element sites inventory.*

The City will make necessary zoning amendments to allow development by right pursuant to Government Code §65583.2(i) when 20 percent or more of the units are affordable to lower income households on sites identified in Table IV-1. These identified sites meet the density requirements for lower-income households and allow at least 30 units per acre.

Responsible Body: Development Services Department, Planning Commission, City Council



Subject: Housing Element Implementation Ordinance

Funding Source: General Fund

Time Frame: January 2024

The following program implements the requirements identified within the adopted housing element in that the proposed ordinance by the creation of Article 6 of the Specialized Housing Regulations Chapter in the Zoning Code by integration of definitions and allowances which are articulated in State law.

Program 3.I: Allow residential care facilities consistent with State law.

To comply with State law, the City will amend the Zoning Code to permit residential care facilities for six or fewer persons in all residential zoning districts, as well as districts where single-family homes are allowed by-right and treat them as a residential use. The Zoning Code will also be amended to allow large residential care facilities (seven or more persons) in all residential zones without discretionary review (i.e., subject only to objective standards). Residential care facilities will not be limited to individuals of 60 years of age or over, and a barrier-free definition of “family” that encompasses unrelated individuals living together as a single residential unit will be added consistent with State law.

Responsible Body: Development Services Department, Planning Commission, City Council

Funding Source: General Fund

Time Frame: March 2024

The following program implements the requirements identified within the adopted housing element in that the proposed ordinance by the creation of Article 5 of the Specialized Housing Regulations Chapter in the Zoning Code by asserting that all manufactured housing shall be considered the same as conventional stick-built construction.

Program 3.J: Explicitly allow manufactured homes consistent with State law.

Government Code §65852.3 requires manufactured and mobile homes on a permanent foundation to be allowed in the same manner and in the same zone as a conventional stick-built structure. While it is the City’s practice to treat manufactured homes on a foundation as a conventional single-family home, the Zoning Code does not reflect this practice. The City will amend the Zoning Code to explicitly allow manufactured homes



Subject: Housing Element Implementation Ordinance

on a permanent foundation, subject to the same regulations as single-family homes and in the same zones as single-family homes.

Responsible Body: *Development Services Department, Planning Commission, City Council*

Funding Source: *General Fund*

Time Frame: *March 2024*

Discussion:

The actions included within the attached draft ordinance are requirements pursuant to the City’s adopted 6th Cycle Housing Element. Once a jurisdiction takes final action by adopting its housing element this requires immediate action in order to remain compliant with State housing law. The City of Los Altos Housing Element contains several major action items or milestones that must be completed by specific dates as determined within the adopted Housing Element. The draft ordinance before the City Council tonight will effectively accomplish the majority of **8 items or milestones.**

Since the City of Los Altos was not found to be in substantial compliance with Housing Element Law within 120-days post the statutory due dates of January 31, 2023, the City of Los Altos must complete **all** rezoning within 1-year (by 1-31-2024). Since adoption of the Housing Element in January 2023:

- (19) programs have been **completed**
- (8) programs are **in-progress** as a part of the amendments before the City Council tonight
- (6) programs are **in-progress** and anticipated to be completed by early to mid-2024 (on-time with HEU due dates)
- (38) programs remaining to begin within next 12-24 months (some programs are ongoing and do not have a target completion date)

Failure to Implement Adopted Housing Element Programs

Should the Los Altos City Council not introduce and adopt the draft ordinances the City will be vulnerable to penalties and consequences of housing element noncompliance. HCD is authorized to review any action or failure to act by a local government that determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government’s actions do not comply with state law. Examples of penalties and consequence of housing element noncompliance:



Subject: Housing Element Implementation Ordinance

- **General Plan Inadequacy:** the housing element is a mandatory element of the General Plan. When a jurisdiction’s housing element is found to be out of compliance, its General Plan could be found inadequate, and therefore invalid. Local governments with an invalid General Plan can no longer make permitting decisions.
- **Legal Suits and Attorney Fees:** local governments with noncompliant housing elements are vulnerable to litigation from housing rights’ organization, developers, and HCD. If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it often must pay substantial attorney fees to the plaintiff’s attorneys in addition to the fees paid by its own attorneys. Potential consequences of lawsuits include mandatory compliance within 120 days, suspension of local control on building matters, and court approval of housing developments.
- **Loss of Permitting Authority:** courts have authority to take local government residential and nonresidential permit authority to bring the jurisdiction’s General Plan and housing element into substantial compliance with State law. The court may suspend the locality’s authority to issue building permits or grant zoning changes, variances, or subdivision map approvals – giving local governments a strong incentive to bring its housing element into compliance.
- **Financial Penalties:** court-issued judgement directing the jurisdiction to bring its housing element into substantial compliance with state housing element law. If a jurisdiction’s housing element continues to be found out of compliance, courts can multiply financial penalties by a factor of six.
- **Court Receivership:** courts may appoint an agent with all powers necessary to remedy identified housing element deficiencies and bring the jurisdiction’s housing element into substantial compliance with housing element law.

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 14.34, CHAPTER 14.36, CHAPTER 14.50, AND CHAPTER 14.63 OF THE LOS ALTOS MUNICIPAL CODE TO IMPLEMENT PROGRAM 1.A, PROGRAM 1.B, PROGRAM 1.C, PROGRAM 1.G, PROGRAM 3.I, PROGRAM 3.J OF THE SIXTH CYCLE HOUSING ELEMENT UPDATE

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, on January 24, 2023, the City Council approved the City’s Sixth Cycle Housing Element Update; and

WHEREAS, the City Council held a duly noticed public hearing on November 14, 2023, and November 28, 2023; and

WHEREAS, Program 1.A of the Housing Element Update calls for Rezone for RHNA Shortfall; and

WHEREAS, Program 1.A of the Housing Element Update requires the City of Los Altos to increase housing capacity to accommodate the remaining above moderate-income RHNA within the City of Los Altos; and

WHEREAS, Program 1.B of the Housing Element Update calls for Facilitating Higher Density Housing in the Commercial Thoroughfare (CT) District; and

WHEREAS, Program 1.B of the Housing Element Update expressly allows 5-stories, and 55-foot tall buildings with no cap on density limits within the CT District in the City of Los Altos; and

WHEREAS, Program 1.C of the Housing Element Update calls for Allowing Housing in the Office Administrative (OA) District; and

WHEREAS, Program 1.C of the Housing Element Update expressly allows residential uses in the Office Administrative (OA) zoning districts with a minimum density of 20 units per acre and maximum of 30 units per acre within the City of Los Altos; and

WHEREAS, Program 1.G of the Housing Element Update calls for Rezoning Housing Sites from Previous Housing Elements; and

WHEREAS, Program 1.G of the Housing Element Update expressly allows housing sites from the prior housing element cycle to be allowed by-right within the City of Los Altos; and

WHEREAS, Program 3.I of the Housing Element Update calls for Allowing Residential Care Facilities Consistent with State law; and

WHEREAS, Program 3.I of the Housing Element Update expressly allows residential care facilities anywhere that residential zoning is allowed within the City of Los Altos; and

WHEREAS, Program 3.J of the Housing Element Update calls for Explicitly Allowing Manufactured Homes Consistent with State law; and

WHEREAS, Program 3.J of the Housing Element Update expressly allows manufactured homes by-right anywhere residential zoning is allowed within the City of Los Altos; 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 14.34 OF THE MUNICIPAL CODE. Chapter 14.34 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. AMENDMENT OF CHAPTER 14.36 OF THE MUNICIPAL CODE. Chapter 14.36 of the Los Altos Municipal Code is hereby amended as set forth in Appendix B to this Ordinance, underline indicating addition, and strikethrough indicating deletion.

SECTION 3. AMENDMENT OF CHAPTER 14.50 OF THE MUNICIPAL CODE. Chapter 14.50 of the Los Altos Municipal Code is hereby amended as set forth in Appendix C to this Ordinance, underline indicating addition, and strikethrough indicating deletion.

SECTION 4. AMENDMENT OF CHAPTER 14.63 OF THE MUNICIPAL CODE. Chapter 14.63 of the Los Altos Municipal Code is hereby amended as set forth in Appendix D to this Ordinance, underline indicating addition, and strikethrough indicating deletion.

SECTION 5. 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 6. PUBLICATION. This Ordinance shall be published as provided in Government Code Section 36933.

SECTION 7. 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 __, 2023, and was thereafter, at a regular meeting held on __, 2023, passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

**APPENDIX A
AMENDMENTS TO CHAPTER 14.34**

**APPENDIX B
AMENDMENTS TO CHAPTER 14.36**

**APPENDIX C
AMENDMENTS TO CHAPTER 14.50**

**APPENDIX D
AMENDMENTS TO CHAPTER 14.63**

Chapter 14.34 OA OFFICE-ADMINISTRATIVE DISTRICT

Sections:

14.34.010 OA Districts.

The regulations, general provisions, and exceptions set forth in this chapter and Chapter 14.66 shall apply in all OA Districts.

(Prior code § 10-2.1301)

14.34.020 Specific purposes (OA).

Specific purposes for OA Districts are as follows:

- A. Attract new office development to sites suitable for such use;
- ~~B.~~ Allow the integration of residential uses and a variety of housing types;
- ~~B-C.~~ Allow latitude for creative design and architectural variety within limits established.

(Prior code § 10-2.1302)

14.34.030 Required conditions (OA).

- A. No use shall be permitted and no process, equipment, or materials shall be employed which are found by the commission to be objectionable by reason of odor, dust, noise, vibration, illumination, glare, unsightliness, or electrical disturbances which are manifested beyond the premises in which the permitted use is located.
- B. No property owner, business owner, and/or tenant shall suffer, permit, or allow operation of a business on his or her property or on property upon which his or her business operates to violate the required conditions of this chapter. Enforcement shall be as provided for in Chapter 1.10 of Title 1.
 - 1. General screening standard. Every development shall provide sufficient screening to reasonably protect the privacy, safety, and environment of neighboring residential properties and shield them from adverse external effects of that development.

Walls up to twelve (12) feet in height shall be required for the purpose of attenuating noise, (as determined by an acoustical analysis), odor, air pollution, artificial light, mitigation for grade differential between properties, and providing privacy and safety.
 - 2. Sites for screening of refuse collection. Every development will be required to provide suitable space for solid waste separation, collection, and storage, and shall provide sites for such that are located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way.
 - 3. Lighting. Lighting within any lot that unnecessarily illuminates any other lot and/or substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if (i) it clearly exceeds the minimum illumination necessary to provide for security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other

common areas and facilities, or (ii) if the illumination could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

- 4. Air pollution. Any use that emits any "air contaminant" as defined by the Bay Area air quality management district shall comply with applicable state standards concerning air pollution.
 - 5. Maintenance of common areas, improvements, and facilities. Maintenance of all common areas, improvements, or facilities required by this chapter or any permit issued in accordance with its provisions shall be required except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.
 - 6. Odors. No use may generate any odor that may be found reasonably objectionable as determined by an appropriate agency such as the Santa Clara County Health Department and the Bay Area air quality management district beyond the boundary occupied by the enterprise generating the odor.
 - 7. Noise. No person shall operate, or cause to be operated, any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed standards as set forth in Chapter 6.16 of the Los Altos Municipal Code.
- C. In order to attenuate noise associated with commercial development, walls up to twelve (12) feet in height shall be required at a commercial/residential interface. Other conditions may be applied such as, but not limited to, muffling of exterior air conditioning facilities.

(Prior code § 10-2.1302.5)

14.34.040 Permitted uses (OA).

The following uses shall be permitted in the OA Districts:

- A. ~~Accessory structures and uses customarily incidental to permitted uses;~~
- ~~B. Copy reproduction shops;~~
- C. Office-administrative uses;
- ~~D. Parking spaces and loading areas; and~~
- B. Residential Only Development(s);
- C. Mixed Use Development(s); and
- E. Other uses which are determined by the Zoning Administrator ~~commission and the council~~ to be of the same general character.

(Prior code § 10-2.1303)

(Ord. No. 2015-406 , § 2, 2-10-2015; Ord. No. 2015-414 , § 6, 9-8-2015)

14.34.050 Conditional uses (OA).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in OA Districts:

- A. ~~Blueprinting shops;~~ Reprographic Uses;
- B. Data processing centers;

(Supp. No. 40, Update 2)

- ~~C.~~ Drive-in facilities, except car washes;
- ~~D.C.~~ Medical and dental clinics;
- ~~E.~~ Medical and dental offices that are five thousand (5,000) gross square feet or more;
- ~~F.D.~~ Mortuaries; and
- ~~G.E.~~ Other uses which are determined by the commission ~~and the council~~ to be of the same general character.

(Prior code § 10-2.1304)

(Ord. No. 2015-406 , §§ 3, 4, 2-10-2015)

14.34.065 Allowed Density (OA).

Residential uses will be allowed at a minimum density of twenty (20) dwelling units per acre and a maximum density of thirty (30) dwelling units per acre.

14.34.060 Coverage (OA).

The maximum coverage for all structures shall be ~~fifty (50) percent of the total site area; provided, however, the maximum coverage may be increased to~~ seventy-five (75) percent of total gross lot area if required off-street parking is provided underground. Lot coverage measures the portion of a lot that is covered by habitable structures only and excludes all non-habitable exterior improvements or structures.

(Prior code § 10-2.1305)

14.34.070 Front yard (OA).

The minimum depth of front yards shall be ~~eighteen five (185) feet, all with a minimum of fifty (50) percent~~ of which shall be landscaped. ~~For purposes of this section, "landscaped" shall mean any combination of plant material ("soft surfaces") and decorative paving, steps, seating, seat walls, fountains, etc., ("hard surfaces") where the soft surface comprises at least sixty (60) percent of the total landscaped area.~~

(Prior code § 10-2.1306)

14.34.080 Side yards (OA).

The minimum depth of side yards shall be ~~ten five (105) feet percent of the width of the site except where immediately abutting an R1-10 District, in which case the side yard shall be twenty-five (25) feet. Two or more parcels may develop as a combined project with abutting buildings subject to the approval of the commission. Where the yard abuts a residential property fencing, landscaping, and other measures shall be used to reduce the impact.~~

(Prior code § 10-2.1307)

14.34.090 Rear yard (OA).

The minimum depth of rear yards shall be ~~ten-fifteen (1015)~~ feet except where immediately abutting an R1-10 District, in which case the rear yard shall be ~~twenty-five thirty (2530)~~ feet. ~~Where the yard abuts a residential property fencing, ten (10) feet of landscaping, and other measures shall be used to reduce the impact.~~

(Prior code § 10-2.1308)

14.34.100 Site area (OA).

The minimum site area shall be five thousand one hundred (5,100) square feet ~~if the lot was in single ownership on January 13, 1967; otherwise, the minimum lot area shall be nine thousand (9,000) square feet.~~

(Prior code § 10-2.1309)

14.34.110 Off-street parking (OA).

Parking facilities shall be provided in accordance with Chapter 14.74 of this title. In addition, parking facilities built as part of building projects shall:

- A. ~~Reduce the visual impact of p~~Parking structures and surface parking lots ~~shall be by locating them located~~ at the rear of the parcel or below ground; interior portions of building sites;
- B. ~~Keep the n~~Number of direct entrances to parking facilities from streets to ~~a minimum with a maximum of two (2) excluding any required emergency access;~~
- C. Provide a landscaped buffer not less than five feet in width between a parking lot or structure and street frontage or buildings. Where the landscaped strip adjoins a public street or pedestrian walkway, the landscaped strip may be required to include a fence, wall, berm, or equivalent feature;
- D. Provide a minimum of interior landscaping for unenclosed parking facilities as follows: Where the total parking provided is located on one site and is fourteen thousand nine hundred ninety-nine (14,999) square feet or less, five percent of total parking area; where the parking is fifteen thousand (15,000) through twenty-nine thousand nine hundred ninety-nine (29,999) square feet, seven and one-half percent of total parking area; and where the facility is thirty thousand (30,000) square feet or greater, ten (10) percent of total parking area.

Parking Area	Minimum Landscaping
(in square feet)	(% of Parking Area)
< 15,000	5
15,000 — 29,999	7.5
≥ 30,000	10

- E. Trees in reasonable number shall be provided; ground cover alone is not acceptable. Interior landscaping shall be distributed throughout the paved area as evenly as possible. ~~Provision shall be made for automatically irrigating all planted area.~~ All landscaping shall be protected with concrete curbs or other acceptable barriers. ~~All landscaping shall be continuously maintained.~~
- F. Provisions of Section 14.34.110 which differ from Chapter 14.74 can be reduced or waived in its entirety by the authority of the Zoning Administrator.

(Prior code § 10-2.1310)

14.34.120 Off-street loading and refuse collection (OA).

- A. Where buildings are sewed by alleys, all service-delivery entrances, loading docks, and refuse collection facilities shall be located to be accessed from the alley. No loading area shall be located at the street frontage or building façade.
- B. A minimum of thirty-two (32) square feet of on-site refuse collection area shall be provided on each lot or premises and shall not be located in any front or street side yard. Where an alley exists, the refuse collection area shall be accessed from the alley.
- C. On sites not served by an alley, service areas shall be located to the rear, side, or at an internal location where visibility from public streets and windows of neighboring buildings will be minimized.
- D. Refuse collection areas and dumpsters shall be enclosed by a screen wall of durable material and planting as necessary to screen views from streets and neighboring properties.

(Prior code § 10-2.1311)

14.34.130 Height of structures (OA).

~~The maximum height of structures shall be two stories of a maximum of thirty (30) feet, whichever is the lesser as measured from the sidewalk. Mechanical equipment and elevator shafts shall be included in the maximum height. The height may be exceeded, up to a maximum of thirty five (35) feet for appurtenances such as towers, spires, cupolas, chimney, and antenna. The height shall not preclude a fully submerged basement.~~

- a. Residential Only Development(s) building height shall be a maximum of forty (40) feet and four (4) stories.
- b. Mixed Use Development(s) building height shall be a maximum of forty-five (45) feet and four (4) stories.
- c. Non-Residential Use Only Development(s) building height shall be a maximum of thirty (30) feet and two (2) stories.

(Prior code § 10-2.1312)

14.34.140 Design control (OA).

- ~~A. No structure shall be built or altered including exterior changes in color, materials, and signage in the OA District except upon approval of the city planner for minor changes and architecture and site approval to be obtained as prescribed in Chapter 14.66 of this title for major changes.~~
- ~~B. No building or portion thereof shall project over the public right-of-way above ground level; provided, however, that awnings and canopies may encroach into the public right-of-way.~~
- ~~C. Building surface materials and colors:
 - ~~1. Surface materials shall only be those which are in keeping with the traditional materials of the community. These include:
 - ~~i. Natural materials such as wood, brick, or natural unpolished stone;~~
 - ~~ii. Roofing materials such as wood shakes or tile;~~
 - ~~iii. Stucco (painted); and~~~~~~

(Supp. No. 40, Update 2)

- iv. — Glass.
- 2. — Not more than forty (40) percent of any exterior building elevation above the first story shall consist of glass or any other material that resembles glass.
- 3. — Surface materials that are not in keeping with the existing character of the community are prohibited, including but not limited to:
 - i. — Extensive use of metal panels of any kind;
 - ii. — Mirrored or highly reflective glass in any quantity;
 - iii. — Glazed tiles covering more than ten (10) percent of any building elevation;
 - iv. — Polished marble, granite, terrazzo, or similar materials covering more than ten (10) percent of any building elevation;
 - v. — Plain or painted concrete, concrete block, or cinder block;
 - vi. — Plastic materials of any kind except for awnings attached to the building.
- 4. — Surface colors should be those which are in keeping with the established character of the community and the street, with earth tones dominant. These include:
 - i. — White and shades of white, including cream and ivory;
 - ii. — Brown, and shades of brown, including tan and beige; and
 - iii. — Natural red-brick tones, including wood-painted barn reds.
- 5. — When other colors are permitted, the use of one or more colors described in subsections (C)(4)(i), (C)(4)(ii), and (C)(4)(iii) of this section shall be incorporated. Bright, highly reflective, or garish colors are not in keeping with the established character of the community and are expressly prohibited.
- 6. — No change in building surface material or color shall be made following architectural and site control committee approval except upon approval of the city planner for minor changes and architecture and site approval to be obtained as prescribed in Chapter 14.78 for major changes.
- D. — Rooftop mechanical equipment must be within the height limit and screened architecturally from public view. By November 30, 1991, existing unconcealed rooftop equipment shall be concealed.
- E. — Scale. Because of the location of this district to a larger region, a mixture of scales may be appropriate, with most elements scaled for appreciation from the street and moving automobile; however, within the context of the residential neighborhood, design for appreciation by pedestrians may be appropriate.
- F. — Design control. The portions of building elements at a commercial/residential interface shall be designed to protect residential privacy (including but not limited to window placement), daylight, and environmental quality.
- G. — Firewalls. Consideration should be given to the aesthetic treatment of firewalls including increased side yard setbacks, contouring the firewall to the building, use of noncombustible roofing materials, and creative use of architectural features in the firewall.
- H. — Presentation materials. Graphics presented to the architectural and site control committee and the planning commission to explain the character of a proposed development shall be adequate to show neighboring buildings and important features of adjacent sites in sufficient detail to enable evaluation of the relationship of the proposed development to its context. Elevations facing the public street shall be drawn at a scale of 1/4" = 1' 0".

(Amended during 2/06 supplement; prior code § 10-2.1313)

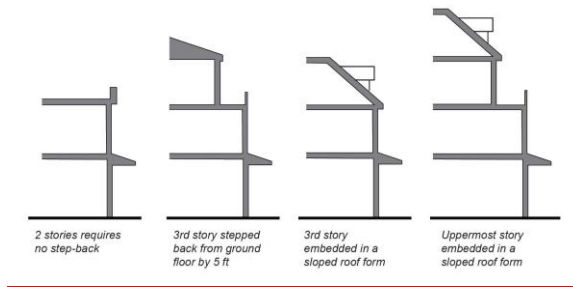
A. Building Placement. A minimum seventy-five (75) percent of ground-floor building frontages must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).

B. Building Massing and Articulation.

1. Upper-story Step-backs, Front and Street Side.

a. Along all frontages, the third story must be either stepped back a minimum five feet from the ground floor façade or embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers.

b. For buildings over three stories along all frontages, the uppermost story must be embedded in a sloped roof form.



2. Upper Story Step-backs, Side Interior and Rear where Abutting an R-1 District.

a. The third story must be either stepped back a minimum five (5) feet from ground floor façade or embedded in a sloped roof form.

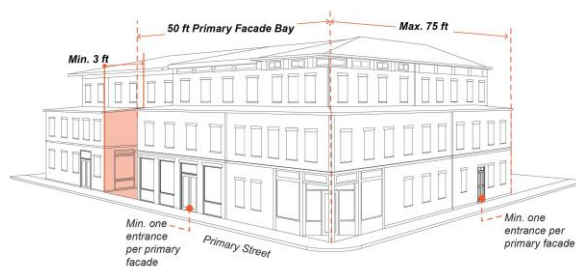
b. For buildings over three stories, the uppermost story must be embedded in a sloped roof form.

3. Vertical Articulation.

a. When a building façade exceeds seventy-five (75) feet in length along a right-of-way, it must be separated into primary façade bays no greater than fifty (50) feet and secondary façade bays defined by a recess a minimum three feet deep and ten (10) feet wide.

b. A minimum one entrance shall be provided per primary façade bay.

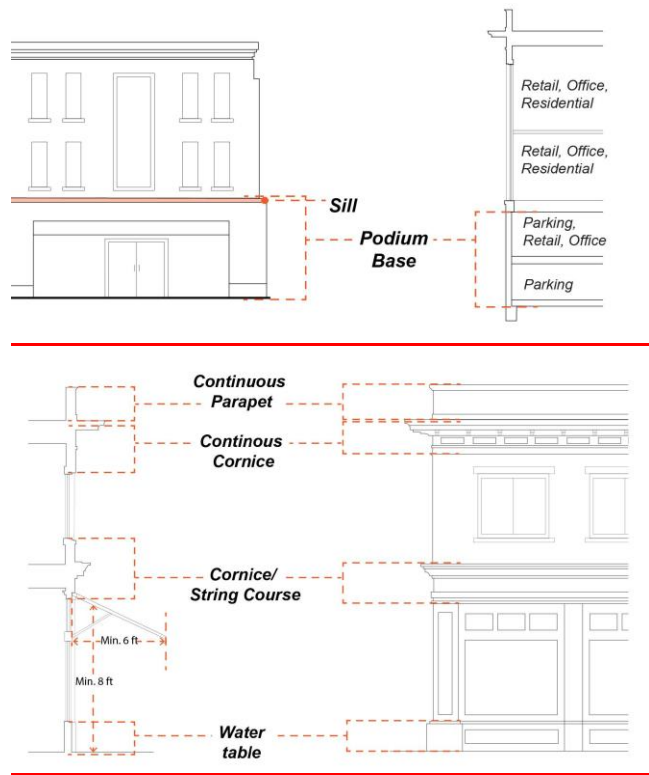
c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.



4. Horizontal Articulation. New façades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.

a. One or more of the following patterns shall be used to define the base:

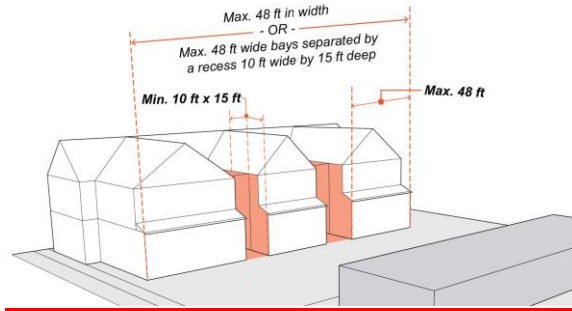
- i. Watertable: Base material extends from grade to between eight and fifty-four (54) inches above grade.
 - ii. Podium: The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).
 - iii. Watertable and Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).
- b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other similar elements. These elements shall be consistent with the overall architectural style of the building mass/bay.



5. Adjacencies.

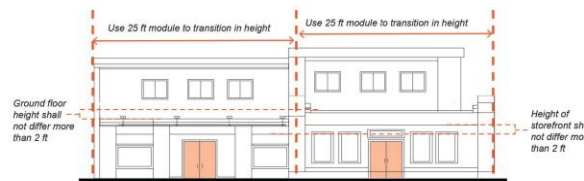
a. Façades adjacent to an R-1 District.

- i. Building façade planes abutting an R-1 district may not exceed forty-eight (48) feet in width.
- ii. When a building façade abutting an R-1 district exceeds forty-eight (48) feet in width, it must be separated into façade bays no greater than forty-eight (48) feet by a recess ten (10) feet wide and fifteen (15) feet deep.



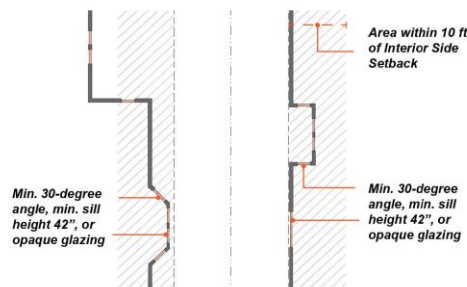
b. Storefront Façades Adjacent to Storefront Façades.

- i. The height of a storefront shall not differ from the height of any adjacent storefront by more than two feet.**
- ii. The height of ground story shall not differ from height of any adjacent ground story by more than two feet.**
- iii. Storefronts may transition in height using a module of twenty-five (25) feet in length along a right-of-way.**



6. Privacy and Line of Sight.

- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.**
- b. Where windows are within ten (10) feet of and oriented toward an interior side setback, glazing shall either be a minimum thirty (30) degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of forty-two (42) inches, or be opaque.**



7. Roofline and Roof Design.

- a. Roof designs shall be limited to:**
 - i. Hipped.**

ii. Gable.

iii. Shed.

iv. Dormer.

v. Parapet.

(a) Not allowed on frontages facing R-1 District.

(b) When used on the first or second floor, a parapet longer than twenty-five (25) feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:

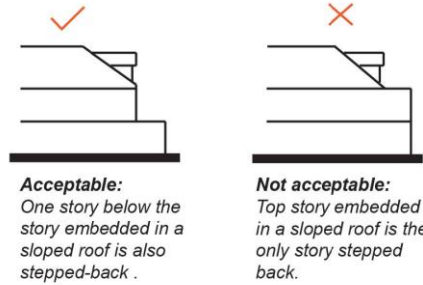
(1) Steps.

(2) Curves.

(3) Angled surfaces.

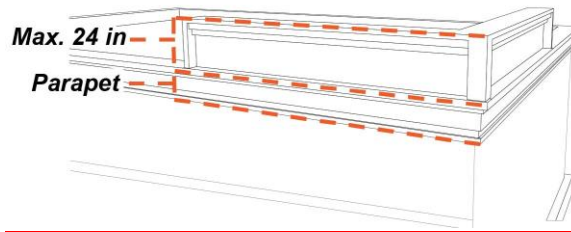
(c) The length of a parapet segment on the third floor and above may not exceed twenty-five (25) feet.

b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.



c. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.

d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than twenty-four (24) inches.



C. Building Design.

1. Façade Design.

a. Building façades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually

expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.

- b. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
- c. Residential façades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
- d. Non-glazed wall areas (blank walls) must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.

2. Pedestrian-Scaled Entrances.

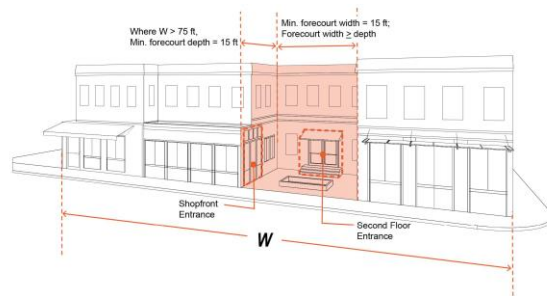
a. Building entrances must incorporate at least one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.

- i. Stoop.
- ii. Dooryard.
- iii. Shopfront.

(a) Shopfronts more than twenty-five (25) feet in width must incorporate variations in bulkhead, awnings, materials and/or color to visually articulate the shopfront into modules not to exceed twenty-five (25) continuous feet.

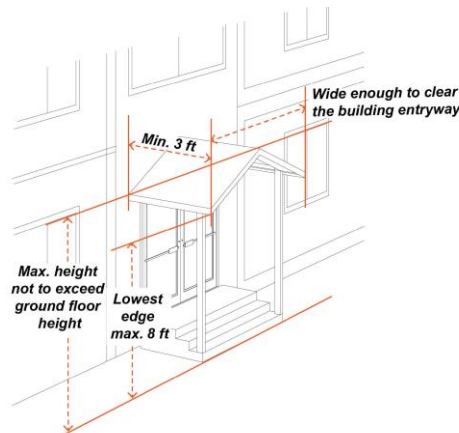
- iv. Gallery.
- v. Arcade.
- vi. Forecourt.

- (a) Forecourts must feature at least one entry to a shop and/or second floor use.
- (b) Forecourts for buildings more than seventy (70) feet in length along a right-of-way must have a minimum width and depth of fifteen (15) feet from front façade. Width of forecourt shall be equal to or greater than depth.
- (c) The size of the forecourt must be appropriate relative to the size of the building. The maximum ratio of building height to forecourt is 2:1 (height < 2 x width).
- (d) Forecourt must be enclosed on at least three sides by buildings.
- (e) Forecourt must remain open to the sky (arbors and trellises are allowed).

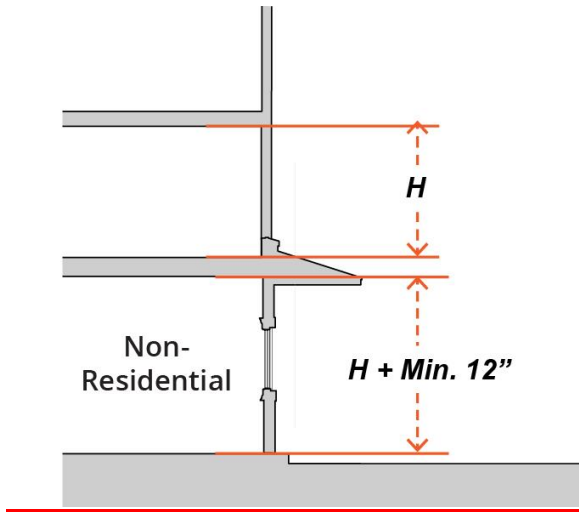


b. Primary Entrance Location(s). The building entrance shall be located along the primary right-of-way.

- c. Corner Entrances. Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.
- d. Street-facing Entries to Upper Floors. Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
 - i. Dedicated awning, canopy, or other roof element.
 - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s).
 - iv. Decorative street address numbers or tiles.
 - v. Plaque signs for upper-floor business tenants.
- e. Entry Protection. Primary street-facing entrances shall be protected by a recess in the building frontage at least three feet deep or by a projection extending outward at least three feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
 - i. Protection may be coterminous with an accent element.
 - ii. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.
 - iii. The lowest edge of a projecting awning or door canopy shall have a vertical clearance of no more than eight feet.
 - iv. Recessed entries shall differentiate pavement within the recess through the use of a dedicated paving material or pattern.



- f. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are excepted.
3. Ground Floor Floor-to-Ceiling Height. Minimum twelve (12) inches taller than typical upper floor floor-to-ceiling.



- 4. Interior Courtyard. Interior courtyards must be:
 - a. Enclosed on at least two sides by buildings.
 - b. Open to the sky (arbors and trellises are allowed).
 - c. A minimum width of twenty (20) feet and a minimum area of four hundred (400) square feet.

- 5. Paseos. Paseos must be:
 - a. A minimum width of ten (10) feet for through-block paseos.
 - b. A minimum width of four feet for entries to courtyards or individual single businesses.

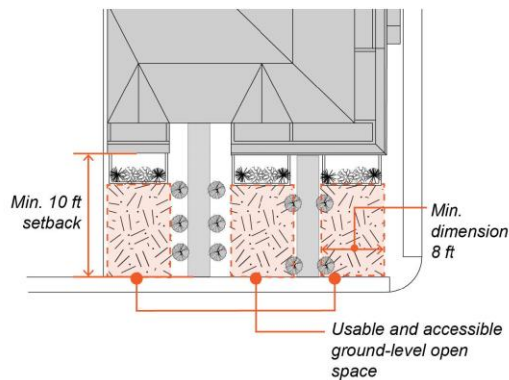
D. Window Design.

- 1. Window frames, backbands, and sills.
 - a. All windows shall have a sill.
 - i. The sill shall extend horizontally beyond the window opening or frame/casing (if present) at each end.
 - ii. The sill shall be sloped toward the outside.
 - iii. The sill shall have a drip at its outer edge.
- 2. Vinyl windows are prohibited on façades visible from a right-of-way.
- 3. Tinted glass is not allowed.

E. Building Materials.

- 1. Primary shall mean fifty (50) percent or more of a façade surface area excluding transparent surfaces. Permitted primary cladding materials are limited to:
 - a. Stucco (minimum two-coat stucco);
 - b. Siding (lap, vertical, panelized, or shingle).
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.

- iii. Vinyl and aluminum not permitted.
 - c. Stone.
 - d. Brick.
- 2. Secondary shall mean less than fifty (50) percent of a façade surface area excluding transparent surfaces. Permitted secondary cladding materials are limited to:
 - a. Stucco (minimum two-coat stucco; synthetic stucco not allowed, EIFS not allowed).
 - b. Siding (lap, vertical, panelized, or shingle).
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (building base only).
 - d. Brick (building base only).
 - e. Tile (for bulkheads below display windows and decorative accents only).
 - f. Metal (matte finish or Cor-ten).
 - i. Ribbed metal, titanium, and mirrored finishes are not permitted.
 - g. Concrete Masonry Units (watertable and building base only, and not allowed on any façade facing a right-of-way or a single-family zone).
 - h. Concrete (building base only, board-form only, cast concrete not permitted).
- F. Ground Level Open Space. Where any required front, rear, or side yard setback is ten (10) feet or greater, on-site ground-level open space shall be provided within the setback.
 - 1. The ground level open space shall be usable and accessible.
 - 2. The minimum dimension for ground level open space shall be eight feet.



- G. Landscaping, Paving and Pedestrian Amenities.
 - 1. Landscape elements shall be integrated with the building architecture, parking, and streetscape. Recommended patterns shall include, but are not limited to:
 - a. Planters for flowers and shrubs within street frontage.
 - b. Landscape buffers between parking spaces and building façades.

- c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks.
 - 2. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.
- H. Site Circulation and Access.
 - 1. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
 - 2. Bicycle racks shall be provided:
 - a. In or within fifty (50) feet of every parking area; and
 - b. Within twenty (20) feet of at least one building entrance.
- I. Service Areas and Screening.
 - 1. Service areas must be located at the rear of lot.
 - 2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.

14.34.150 Nonconforming use regulations (OA).

(As provided in Chapter 14.66 of this title.)

(Prior code § 10-2.1314)

Chapter 14.36 OA-1/OA-4.5 OFFICE-ADMINISTRATIVE DISTRICT¹

Sections:

14.36.010 OA-A and OA-4.5 Districts.

The regulations, general provisions, and exceptions set forth in this article and in this chapter and Chapter 14.66 shall apply in the OA-1 and OA-4.5 Districts as specified.

(Prior code § 10-2.1401)

14.36.020 Specific purposes (OA-1, Altos Oaks Avenue).

- A. Ensure the retention of design and scale compatible with the surrounding residential properties;
- B. Promote and retain a residential design reflected in architectural and landscaping style, building orientation, and site amenities;
- C. Enhance landscaping and pedestrian amenities, with particular attention to the front yard.

(Prior code § 10-2.1401.1)

14.36.025 Review Authority of Design Review (OA-1 and OA-4.5).

The development of any housing development within the OA-1 and OA-4.5 zoning districts shall be subject to design review by the zoning administrator only following a noticed public hearing. Notwithstanding any other provision of this code, and unless otherwise required by state law, any additional planning applications for such a project including, without limitation, tentative or parcel maps, variance requests, or conditional use permits, shall be heard and decided by the zoning administrator concurrently with the design permit application. As used in this subsection, a "housing development project" includes a project to construct one or more dwelling units, including a mixed-use development project for which not more than one-third of total floor area is dedicated for commercial use. Review procedures not otherwise covered by this chapter shall be reviewed in accordance with Chapter 14.78 of the Los Altos Municipal Code.

14.36.030 Required conditions (OA-1 and OA-4.5).

- A. No use shall be permitted and no process, equipment, or materials shall be employed which are found by the commission to be objectionable by reason of odor, dust, noise, vibration, illumination, glare, unsightliness, or electrical disturbances which are manifested beyond the premises in which the permitted use is located.
- B. No property owner, business owner, and/or tenant shall suffer, permit, or allow operation of a business on his or her property or on property upon which his or her business operates to violate the "required conditions" of this article. Enforcement shall be as provided for in Chapter 1.10 of this code.

¹Editor's note(s)—Ord. No. 10-346, § 3, adopted March 9, 2010, changed the title of ch. 14.36 from "OA and OA-4.5 Office-Administrative Districts" to "OA-1/OA-4.5 Office-Administrative District."

1. General screening standard. Every development shall provide sufficient screening to reasonably protect the privacy, safety, and environment of neighboring residential properties and shield them from adverse external effects of that development.

Walls up to twelve (12) feet in height shall be required for the purpose of attenuating noise, (as determined by an acoustical analysis), odor, air pollution, artificial light, mitigation for grade differential between properties, and providing privacy and safety.

2. Sites for screening of refuse collection. Every development will be required to provide suitable space for solid waste separation, collection, and storage and shall provide sites for such that are located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way.
3. Lighting. Lighting within any lot that unnecessarily illuminates any other lot and/or substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if (i) it clearly exceeds the minimum illumination necessary to provide for security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities or (ii) if the illumination could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.
4. Air pollution. Any use that emits any "air contaminant" as defined by the Bay Area air quality management district shall comply with applicable state standards concerning air pollution.
5. Maintenance of common areas, improvements, and facilities. Maintenance of all common areas, improvements, or facilities required by this chapter or any permit issued in accordance with its provisions shall be required except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.
6. Odors. No use may generate any odor that may be found reasonably objectionable as determined by an appropriate agency such as the Santa Clara County health department and the Bay Area air quality management district beyond the boundary occupied by the enterprise generating the odor.
7. Noise. No person shall operate, or cause to be operated, any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed standards as set forth in Chapter 6.16 of the Los Altos Municipal Code.

- C. In order to attenuate noise associated with commercial development, walls up to twelve (12) feet in height shall be required at a commercial/residential interface. Other conditions may be applied such as, but not limited to, muffling of exterior air conditioning facilities.

(Prior code 10-2.1401.2)

14.36.040 Permitted uses (OA-1 and OA-4.5).

The following uses shall be permitted in the OA-1 and OA-4.5 Districts:

- A. Office-administrative uses;
- B. ~~Travel agencies; Residential Only Development(s); and~~
- C. ~~Parking spaces and loading areas; and~~
- D. Other uses which are determined by the ~~Zoning Administrator commission and the council~~ to be of the same general character.

(Prior code § 10-2.1402)

(Ord. No. 2015-406 , § 2, 2-10-2015; Ord. No. 2015-414 , § 7, 9-8-2015)

14.36.050 Conditional uses (OA-1 and OA-4.5).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in OA-1 and OA-4.5 Districts:

- A. Medical and dental offices that are five thousand (5,000) gross square feet or more, ~~except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~ and
- B. ~~Medical and dental clinics, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
- C. Other uses which are determined by the commission ~~and the council~~ to be of the same general character.

(Ord. No. 2015-406 , § 5, 2-10-2015)

Editor's note(s)—Ord. No. 2015-406 , § 5, adopted Feb. 10, 2015, renumbered §§ 14.36.050—14.36.170 as §§ 14.36.060—14.36.180 and enacted a new § 14.36.050 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

14.36.055 Allowed Density (OA).

Residential uses will be allowed at a minimum density of twenty (20) dwelling units per acre and a maximum density of thirty (30) dwelling units per acre.

14.36.060 Site area (OA-1 and OA-4.5).

The minimum site area shall be as follows:

District	Minimum Site Area
OA-1	14,000 square feet
OA-4.5	4,500 square feet where the lot is in single ownership on December 8, 1959; otherwise the minimum sit area shall be 9,000 square feet.
OA-1 and OA 4.5	4,500 square feet

(Prior code § 10-2.1403)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

14.36.070 Coverage (OA-1 and OA-4.5).

The maximum coverage shall be as follows:

District	Maximum Coverage
OA-1	30 percent of total area of area
OA-4.5	40 percent of total area of site
OA-1 and OA 4.5	75 percent of total area of site

*Lot coverage measures the portion of a lot that is covered by habitable structures only and excludes all non-habitable exterior improvements or structures.

(Prior code § 100-2.1404)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

14.36.080 Floor area ratio (OA-1 and OA-4.5).

The maximum floor area ratio shall be as follows:

District	Maximum Floor Area Ratio
OA-1	None
OA-1 (Altos Oaks Avenue)	35 percent of total area of site None
OA-4.5	None

(Prior code § 10-2.1404.1)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

14.36.090 Front yard (OA-1 and OA-4.5).

The minimum depth of front yards shall be as follows:

District	Minimum Depth of Front Yard
OA-1	20 10 feet
OA-4.5	10 feet

(Prior code § 10-2.1405)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

14.36.100 Side yards (OA-1 and OA-4.5).

A. —The minimum ~~width~~ depth of side yards shall be ~~ten five (105) feet percent of the width of the site, subject to the following exceptions: except where immediately abutting an R1-10 District, in which case the side yard shall be ten (10) feet.~~

1. —~~On a corner lot in an OA-1 District, the minimum width of the side yard adjoining the street shall be twenty (20) feet.~~

2. —~~On a corner lot in an OA-4.5 District, the minimum width of the side yard adjoining the street shall be ten (10) feet.~~

~~B. Five feet shall be added to each minimum side yard for each story above the first story or for each ten (10) feet of height, or fraction thereof, above the lowest twelve (12) feet of the height of the structure, whichever requires the lesser addition.~~

(Prior code § 10-2.1406)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

14.36.110 Rear yard (OA-1 and OA-4.5).

The minimum depth of rear yards shall be twenty-five (25) feet except where the rear yard abuts on an alley, the minimum depth of the rear yard shall be ten (10) feet. One-story garages, carports, and other accessory structures may be located in the required rear yard provided not more than twenty (20) percent of the area of the required rear yard shall be covered by structures. ~~Where the property abuts an alley, no structure shall be permitted in the rear yard.~~

(Prior code § 10-2.1407)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

14.36.120 Off-street parking (OA-1 and OA-4.5).

(As provided in Chapter 14.74 of this title.)

(Prior code § 10-2.1408)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

14.36.130 Height of structures (OA-1 and OA-4.5).

~~The maximum height of structures shall be two stories or thirty (30) feet, whichever is the lesser. This shall not preclude a basement.~~

- a. Residential Only Development(s) building height shall be a maximum of forty (40) feet and four (4) stories.
- b. Mixed Use Development(s) building height shall be a maximum of forty-five (45) feet and four (4) stories.
- c. Non-Residential Use Only Development(s) building height shall be a maximum of thirty (30) feet and two (2) stories.

(Prior code § 10-2.1409)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

14.36.140 Screening and landscaping (OA-1 and OA-4.5).

- A. ~~To ensure privacy, screen unsightliness, and insulate against noise, adequate screening shall be provided where the site of a professional or administrative office adjoins a dwelling in an R1-10 District, a vacant site in an R1-10 District, or R1-10 structures in a planned unit development. In OA-1 Districts such screening shall be at least ten (10) feet wide where abutting the R1-10 District.~~
- B. ~~The screening required by this section shall consist of masonry walls, board fences, compact evergreen hedges, or any combination of such elements which may be found appropriate by the building and planning department.~~
- C. ~~On sites of professional or administrative offices, the required front yard, the required rear yard on a double frontage lot, and the required side yard on the street side of a corner lot shall be landscaped and permanently maintained. All areas in which landscaping is required shall be used exclusively for landscaping purposes.~~

(Prior code § 10-2.1410)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

14.36.150140 Design control (OA-1 and OA-4.5).

~~As provided in Chapter 14.66 of this title and as follows:~~

- A. ~~No structure shall be built or altered including exterior changes in color, materials, and signage except upon approval of the city planner for minor changes and architectural and site approval to be obtained as prescribed in Chapter 14.78 of this title for major changes.~~
- B. ~~Scale. When the location of this district is to a larger region such as the OA-1 District in the El Camino corridor, a mixture of scales may be appropriate with some elements scaled for appreciation from the street and moving automobile and others for appreciation by pedestrians.~~

~~In Altos Oaks OA-1 District, elements of design shall retain the low profile residential appearance and surface materials shall only be those which are in keeping with the traditional materials of the district.~~
- C. ~~The proportions of building elements, especially those at ground level, should be kept close to human scale by using recesses, courtyards, entries, or outdoor spaces.~~
- D. ~~The proportions of building elements at a commercial/residential interface shall be designed to protect residential privacy (including but not limited to window placement), daylight, and environmental quality.~~
- E. ~~Rooftop mechanical equipment must be within the height limit and screened architecturally from public view.~~
- F. ~~Firewalls. Consideration should be given to the aesthetic treatment of firewalls including increased side yard setback, contouring the firewall to the building, use of noncombustible roofing materials, and creative use of architectural features in the firewall.~~
- G. ~~Presentation materials. Graphics presented to the architectural and site control committee and planning commission to explain the character of a proposed development shall be adequate to show neighboring buildings and important features of adjacent sites in sufficient detail to enable evaluation~~

of the relationship of the proposed development to its context. Evaluations facing the public street shall be drawn at a scale of 1/4" = 1'-0".

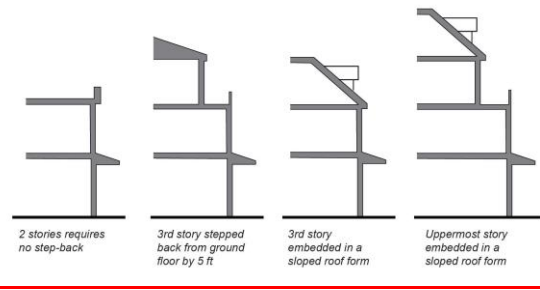
(Amended during 2/06 supplement; prior code § 10-2.1411)

A. Building Placement. A minimum seventy-five (75) percent of ground-floor building frontages must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).

B. Building Massing and Articulation.

1. Upper-story Step-backs, Front and Street Side.

- a. Along all frontages, the third story must be either stepped back a minimum five feet from the ground floor façade or embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers.
- b. For buildings over three stories along all frontages, the uppermost story must be embedded in a sloped roof form.

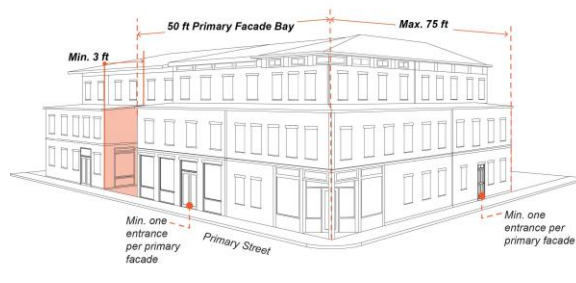


2. Upper Story Step-backs, Side Interior and Rear where Abutting an R-1 District.

- a. The third story must be either stepped back a minimum five (5) feet from ground floor façade or embedded in a sloped roof form.
- b. For buildings over three stories, the uppermost story must be embedded in a sloped roof form.

3. Vertical Articulation.

- a. When a building façade exceeds seventy-five (75) feet in length along a right-of-way, it must be separated into primary façade bays no greater than fifty (50) feet and secondary façade bays defined by a recess a minimum three feet deep and ten (10) feet wide.
- b. A minimum one entrance shall be provided per primary façade bay.
- c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.

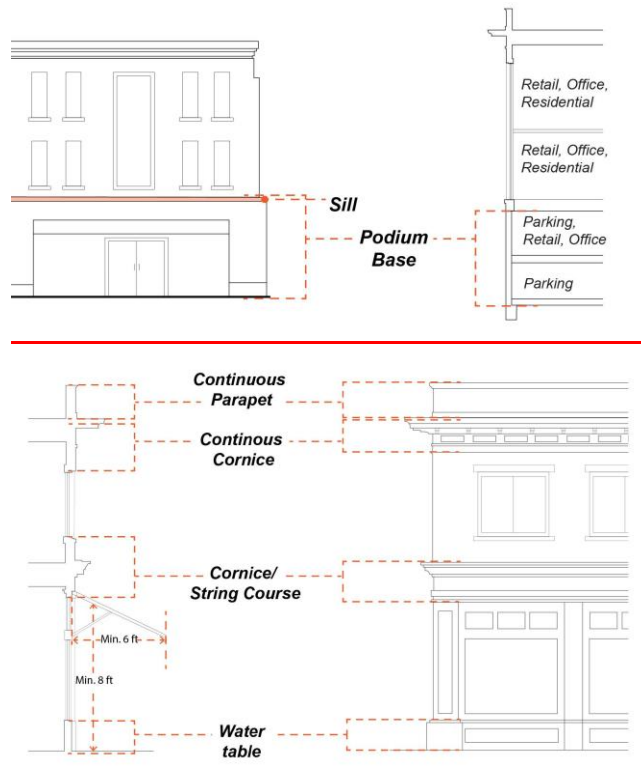


4. Horizontal Articulation. New façades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.

a. One or more of the following patterns shall be used to define the base:

- i. Watertable: Base material extends from grade to between eight and fifty-four (54) inches above grade.
- ii. Podium: The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).
- iii. Watertable and Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).

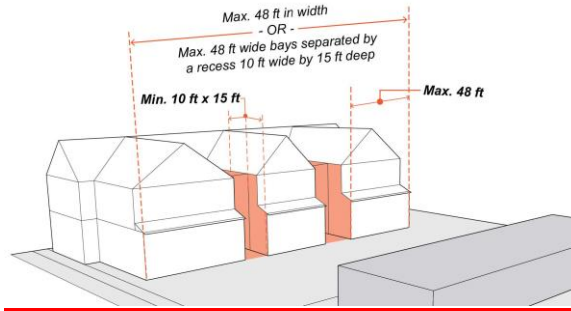
b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other similar elements. These elements shall be consistent with the overall architectural style of the building mass/bay.



5. Adjacencies.

a. Façades adjacent to an R-1 District.

- i. Building façade planes abutting an R-1 district may not exceed forty-eight (48) feet in width.
- ii. When a building façade abutting an R-1 district exceeds forty-eight (48) feet in width, it must be separated into façade bays no greater than forty-eight (48) feet by a recess ten (10) feet wide and fifteen (15) feet deep.



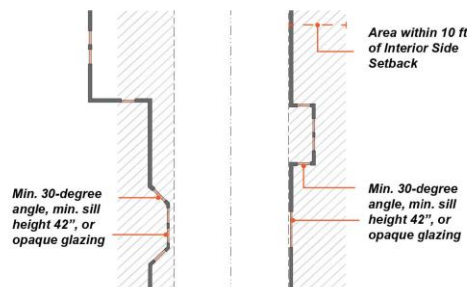
b. Storefront Façades Adjacent to Storefront Façades.

- i. The height of a storefront shall not differ from the height of any adjacent storefront by more than two feet.**
- ii. The height of ground story shall not differ from height of any adjacent ground story by more than two feet.**
- iii. Storefronts may transition in height using a module of twenty-five (25) feet in length along a right-of-way.**



6. Privacy and Line of Sight.

- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.**
- b. Where windows are within ten (10) feet of and oriented toward an interior side setback, glazing shall either be a minimum thirty (30) degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of forty-two (42) inches, or be opaque.**



7. Roofline and Roof Design.

- a. Roof designs shall be limited to:**
 - i. Hipped.**

ii. Gable.

iii. Shed.

iv. Dormer.

v. Parapet.

(a) Not allowed on frontages facing R-1 District.

(b) When used on the first or second floor, a parapet longer than twenty-five (25) feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:

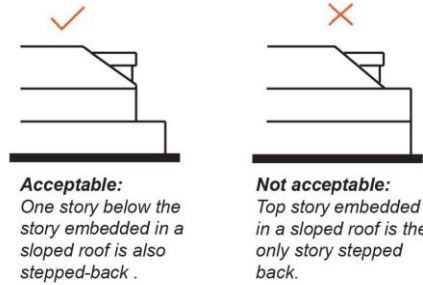
(1) Steps.

(2) Curves.

(3) Angled surfaces.

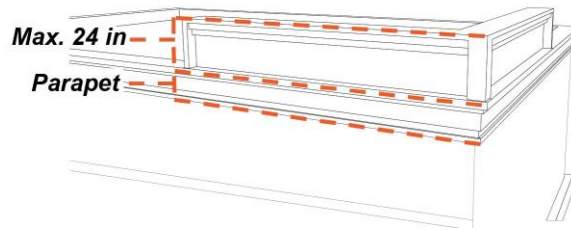
(c) The length of a parapet segment on the third floor and above may not exceed twenty-five (25) feet.

b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.



c. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.

d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than twenty-four (24) inches.



C. Building Design.

1. Façade Design.

a. Building façades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually

expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.

- b. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
- c. Residential façades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
- d. Non-glazed wall areas (blank walls) must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.

2. Pedestrian-Scaled Entrances.

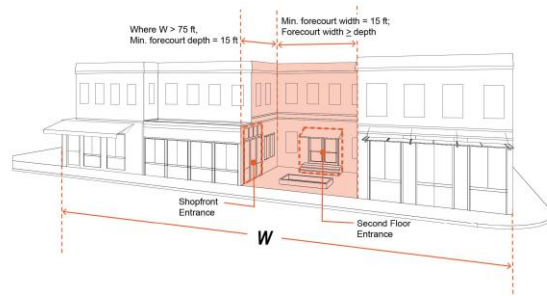
a. Building entrances must incorporate at least one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.

- i. Stoop.
- ii. Dooryard.
- iii. Shopfront.

(a) Shopfronts more than twenty-five (25) feet in width must incorporate variations in bulkhead, awnings, materials and/or color to visually articulate the shopfront into modules not to exceed twenty-five (25) continuous feet.

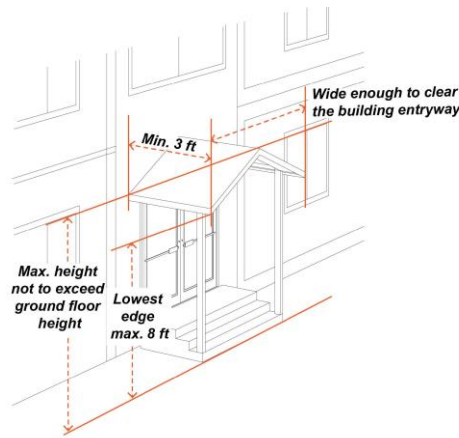
- iv. Gallery.
- v. Arcade.
- vi. Forecourt.

- (a) Forecourts must feature at least one entry to a shop and/or second floor use.
- (b) Forecourts for buildings more than seventy (70) feet in length along a right-of-way must have a minimum width and depth of fifteen (15) feet from front façade. Width of forecourt shall be equal to or greater than depth.
- (c) The size of the forecourt must be appropriate relative to the size of the building. The maximum ratio of building height to forecourt is 2:1 (height < 2 x width).
- (d) Forecourt must be enclosed on at least three sides by buildings.
- (e) Forecourt must remain open to the sky (arbors and trellises are allowed).

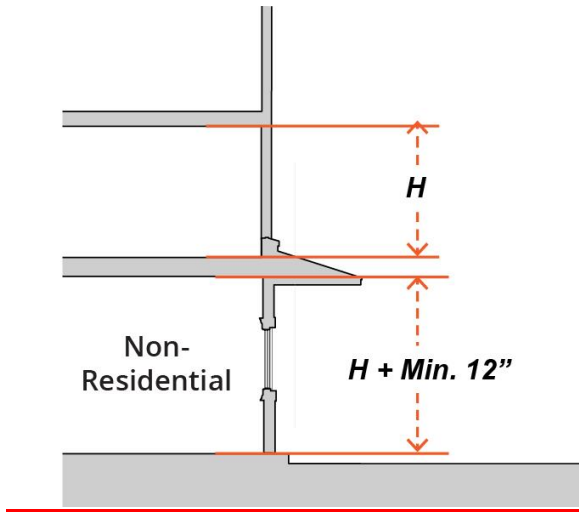


b. Primary Entrance Location(s). The building entrance shall be located along the primary right-of-way.

- c. Corner Entrances. Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.
- d. Street-facing Entries to Upper Floors. Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
 - i. Dedicated awning, canopy, or other roof element.
 - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s).
 - iv. Decorative street address numbers or tiles.
 - v. Plaque signs for upper-floor business tenants.
- e. Entry Protection. Primary street-facing entrances shall be protected by a recess in the building frontage at least three feet deep or by a projection extending outward at least three feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
 - i. Protection may be coterminous with an accent element.
 - ii. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.
 - iii. The lowest edge of a projecting awning or door canopy shall have a vertical clearance of no more than eight feet.
 - iv. Recessed entries shall differentiate pavement within the recess through the use of a dedicated paving material or pattern.



- f. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are excepted.
3. Ground Floor Floor-to-Ceiling Height. Minimum twelve (12) inches taller than typical upper floor floor-to-ceiling.



- 4. Interior Courtyard. Interior courtyards must be:
 - a. Enclosed on at least two sides by buildings.
 - b. Open to the sky (arbors and trellises are allowed).
 - c. A minimum width of twenty (20) feet and a minimum area of four hundred (400) square feet.

- 5. Paseos. Paseos must be:
 - a. A minimum width of ten (10) feet for through-block paseos.
 - b. A minimum width of four feet for entries to courtyards or individual single businesses.

D. Window Design.

- 1. Window frames, backbands, and sills.
 - a. All windows shall have a sill.
 - i. The sill shall extend horizontally beyond the window opening or frame/casing (if present) at each end.
 - ii. The sill shall be sloped toward the outside.
 - iii. The sill shall have a drip at its outer edge.
- 2. Vinyl windows are prohibited on façades visible from a right-of-way.
- 3. Tinted glass is not allowed.

E. Building Materials.

- 1. Primary shall mean fifty (50) percent or more of a façade surface area excluding transparent surfaces. Permitted primary cladding materials are limited to:
 - a. Stucco (minimum two-coat stucco);
 - b. Siding (lap, vertical, panelized, or shingle).
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.

c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks.

2. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

H. Site Circulation and Access.

1. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.

2. Bicycle racks shall be provided:

a. In or within fifty (50) feet of every parking area; and

b. Within twenty (20) feet of at least one building entrance.

I. Service Areas and Screening.

1. Service areas must be located at the rear of lot.

2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

~~14.36.160 Signs (OA-1 and OA-4.5).~~

~~(As provided in Chapter 14.68 of this code.)~~

~~(Prior code § 10-2.1412)~~

~~(Ord. No. 2015-406 , § 5, 2-10-2015; Ord. No. 2015-413, § 12, 9-8-2015)~~

~~Note(s)—See the editor's note to § 14.36.050.~~

~~14.36.170 Fences (OA-1 and OA-4.5).~~

~~(As provided in Chapter 14.72 of this title.)~~

~~(Prior code § 10-2.1413)~~

~~(Ord. No. 2015-406 , § 5, 2-10-2015)~~

~~Note(s)—See the editor's note to § 14.36.050.~~

14.36.180150 Nonconforming use regulations (OA-1 and OA-4.5).

(As provided in Chapter 14.66 of this title.)

(Prior code § 10-2.1414)

(Ord. No. 2015-406 , § 5, 2-10-2015)

Note(s)—See the editor's note to § 14.36.050.

Chapter 14.50 CT COMMERCIAL THOROUGHFARE DISTRICT*

Sections:

14.50.010 CT District.

The regulations, general provisions, and exceptions set forth in this chapter and in Chapter 14.66 of this title shall apply in the CT District.

(Ord. 04-259 § 1 (part))

14.50.020 Specific purposes (CT).

Specific purposes for CT Districts are as follows:

- A. To encourage a variety of residential developments, including affordable housing development;
- B. To promote the economic and commercial success of Los Altos;
- C. To encourage aggregation of parcels;
- D. To buffer the impacts of commercial and multi-family land uses on neighboring residential properties;
- E. To emphasize a healthy proportion of retail uses as opposed to office and service uses; and
- F. To allow for mixed uses of commercial and residential

(Ord. 04-259 § 1 (part))

Ord. No. 2017-436 , § 1, 10-10-2017)

14.50.030 Permitted uses (CT).

The following uses shall be permitted in the CT District:

- A. Professional and office-administrative services;
- B. Restaurants, excluding drive-through facilities;
- C. Retail and personal services;
- D. Residential Only Development(s);
- E. Mixed Use Development(s);
- F. Single Room Occupancy (SRO) Housing;
- ~~D.G.~~ Emergency shelters; and
- E.H. Uses which are determined by the city planner Zoning Administrator to be of the same general character.

(Ord. 05-280 § 8 (part): Ord. 04-259 § 1 (part))

(Ord. No. 2015-406 , § 2, 2-10-2015; Ord. No. 2015-408 , § 2, 6-9-2015)

14.50.040 Conditional uses (CT).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CT District:

- A. Animal clinics, hospitals, and kennels;
- B. Business, professional, and trade schools;
- ~~C. Cocktail lounges;~~
- ~~D.C.~~ Commercial recreation;
- ~~E.D.~~ Day care centers;
- ~~F.E.~~ Hotels and motels;
- ~~G.F.~~ Medical and dental clinics;
- ~~H. Medical and dental offices that are five thousand (5,000) gross square feet or more;~~
- ~~I. Mixed-use projects, including a combination of multiple family dwelling units and nonresidential uses;~~
- ~~J.G.~~ Mortuaries;
- ~~K. Multiple family housing;~~
- ~~L.H.~~ Pet shops;
- ~~M.I.~~ Printing shops;
- ~~N. Single-room occupancy housing;~~
- ~~O.J.~~ Upholstery shops; and
- ~~P.K.~~ Uses which are determined by the planning commission ~~and the city council~~ to be of the same general character.

(Ord. 05-280 § 8 (part): Ord. 04-259 § 1 (part))

(Ord. No. 2015-406 , §§ 3, 4, 2-10-2015; Ord. No. 2015-409 , § 2, 6-9-2015)

14.50.050 Limited conditional uses (CT).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted except on parcels within fifty (50) feet of an R District:

- A. Automotive display or salesrooms, servicing and repair;
- B. Cabinet and carpenter shops;
- C. Drive-through facilities, including car washes;
- D. Service stations provided the site has at least one hundred (100) feet of frontage on a street with a minimum site area of twenty thousand (20,000) square feet;
- E. Sheet metal shops;
- F. Sign painting shops; and
- G. Theaters and auditoriums.

(Ord. 04-259 § 1 (part))

(Ord. No. 10-348, § 6, 4-13-2010)

14.50.060 Required conditions (CT).

The following conditions shall be required of all uses in the CT District:

- A. All businesses, services, and processes shall be conducted within a completely enclosed structure, except for recycling facilities, parking and loading areas, outdoor dining areas, nurseries, the sale of gasoline and oil at service stations, bus depots, or as permitted under the terms of a permit issued pursuant to Chapter 14.80 of this title.
- B. No use shall be permitted and no process, equipment, or materials shall be employed which are found by the commission to be objectionable by reason of odor, dust, noise, vibration, illumination, glare, unsightliness, or electrical disturbances which are manifested beyond the premises in which the permitted use is located.
- C. No property owner, business owner, or tenant shall permit or allow activities, which violate the requirements of this chapter, including the following general criteria:
 - 1. General screening standard. Every development shall provide sufficient screening to reasonably protect the privacy, safety, and environment of neighboring residential properties and shield them from adverse external effects of that development.

Walls up to twelve (12) feet in height shall be required for the purpose of attenuating noise, odor, air pollution, artificial light, mitigation for grade differential between properties, and providing privacy and safety.
 - 2. Access and screening of refuse collection. Every development will be required to provide suitable space on-site for solid waste separation, collection, storage, and pick up and shall site these in locations that facilitate access, collection, and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way.
 - 3. Lighting. Lighting within any lot that unnecessarily illuminates any other lot or substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting shall be designed to minimize the glare and intensity of external illumination, and to respect the privacy of neighbors by avoiding direct and reflected illumination onto adjacent properties.
 - 4. Air pollution. Any use that emits any "air contaminant" as defined by the Bay Area Air Quality Management District shall comply with applicable state standards concerning air pollution.
 - 5. Maintenance of common areas, improvements, and facilities. Maintenance of all common areas, improvements, or facilities required by this chapter or any permit issued in accordance with its provisions shall be required except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.
 - 6. Odors. No use may generate any odor that reasonably may be found objectionable as determined by an appropriate agency such as the Santa Clara County health department and the Bay Area Air Quality Management District beyond the boundary occupied by the enterprise generating the odor. All mechanical, venting, and/or exhausting equipment that generates odors shall be located away from residential properties.
 - 7. Noise. No person shall operate, or cause to be operated, any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other

(Supp. No. 40, Update 2)

property, either incorporated or unincorporated, to exceed standards as set forth in Chapter 6.16 of the Los Altos Municipal Code. All mechanical, venting, and/or exhausting equipment that generates noise shall be located away from residential properties. Exterior heating, venting, and air-conditioning facilities shall be muffled.

In order to attenuate noise associated with commercial development, walls up to twelve (12) feet in height shall be required at a commercial or residential interface.

(Ord. 04-259 § 1 (part))

(Ord. No. 2017-436 , § 1, 10-10-2017)

14.50.070 Site area (CT).

The minimum site area shall be twenty thousand (20,000) square feet. The minimum site frontage shall be seventy-five (75) feet.

(Ord. 04-259 § 1 (part))

14.50.080 Residential density (CT).

~~The maximum permitted residential density shall be thirty eight (38) dwelling units per net acre of land.~~

~~No residential density shall be applicable within the Commercial Thoroughfare Zoning District.~~

(Ord. 04-259 § 1 (part))

14.50.090 Front yard (CT).

The minimum front yard depth shall be twenty-five (25) feet, with a minimum of fifty (50) percent of which shall be landscaped.

(Ord. 04-259 § 1 (part))

14.50.100 Side yards (CT).

~~Side yard width shall average seven feet six inches with a minimum setback of four feet over the length of the wall of the structure at the side yard, except that on a corner lot, the width of the side yard adjoining the street shall average fifteen (15) feet with a minimum setback of four feet. For a property that abuts an R-District (excluding access corridors), the following requirements shall apply:~~

- ~~A. When the side property line of the site is across a street or alley from property in an R-District, in which instance the minimum width of that side yard shall be thirty (30) feet;~~
- ~~B. When the side property line of the site abuts on property in an R-District, in which instance the minimum width of that side yard shall be forty (40) feet for any portion of a structure thirty (30) feet or less in height and one hundred (100) feet for any portion of a structure over thirty (30) feet in height;~~
- ~~C. A minimum twenty (20) foot landscape buffer of evergreen trees and shrubs to provide screening shall be provided, all of which shall be permanently maintained by the property owner. No below grade garage construction or excavation is permitted within this landscape buffer.~~

(Ord. 04-259 § 1 (part))

- a. The minimum interior side yard depth shall be ten (10) feet, with a minimum of fifty (50) percent of which shall be landscaped.
- b. The minimum exterior side yard depth shall be fifteen (15) feet, with a minimum of fifty (50) percent of which shall be landscaped.

(Ord. No. 2017-436 , § 1, 10-10-2017)

14.50.110 Rear yard (CT).

~~No rear yard shall be required, unless the property abuts an R district (excluding access corridors) in which case the following requirements shall apply:~~

- ~~A. —When the rear property line of the site is across a street or alley from property in an R-District, the rear yard setback shall be thirty (30) feet for all structures thirty (30) feet or less in height and seventy (70) feet for all structures over thirty (30) feet in height;~~
- ~~B. —When the rear property line of the site abuts on property in an R-District, the rear yard setback shall be forty (40) feet for all structures thirty (30) feet or less in height and one hundred (100) feet for all structures over thirty (30) feet in height;~~
- ~~C. —A minimum twenty (20) foot landscape buffer of evergreen trees and shrubs to provide screening shall be provided, all of which shall be permanently maintained by the property owner. No below grade garage construction or excavation is permitted within this landscape buffer.~~

The minimum rear yard depth shall be twenty-five (25) feet, with a minimum of fifty (50) percent of which shall be landscaped.

(Ord. 04-259 § 1 (part))

(Ord. No. 10-351, § 1, 5-25-2010)

14.50.120 Off-street parking (CT).

As provided in Chapter 14.74 of this title.

(Ord. 04-259 § 1 (part))

14.50.130 Off-street loading (CT).

As provided in Chapter 14.74 of this title.

(Ord. 04-259 § 1 (part))

14.50.140 Height of structures (CT).

~~No structure shall exceed forty five (45) feet in height. Commercial and mixed use projects that include ground floor commercial floor area shall provide a ground floor with a minimum interior ceiling height of twelve (12) feet.~~

- a. Residential Only Development(s) building height shall be a maximum of fifty-five (55) feet and five (5) stories.
- b. Mixed Use Development(s) building height shall be a maximum of sixty (60) feet and five (5) stories.

(Supp. No. 40, Update 2)

c. Non-Residential Use Only Development(s) building height shall be a maximum of forty-five (45) feet and four (4) stories.

(Ord. 08-323 § 1: Ord. 04-259 § 1 (part))

(Ord. No. 10-351, § 2, 5-25-2010)

14.50.150 Open space (CT).

All multiple-family residential projects, including mixed-use projects with multiple-family dwelling units, except duplexes, shall provide permanently maintained outdoor open space, subject to the following requirements:

- A. Although not required for each dwelling unit, an average of fifty (50) square feet of private open space shall be provided for the total number of dwelling units within a project.
- B. Any private open space provided shall be at the same level and immediately accessible from the unit it serves. The provision of private open space shall not reduce the common open space requirements of this section.
- C. Depending on the number of dwelling units in a multiple-family project, common open space shall be provided to meet the following criteria:
 - 1. Two to ten (10) units: a minimum of eight hundred (800) square feet of common open space shall be provided.
 - 2. Eleven (11) to twenty-five (25) units: a minimum of one thousand six hundred (1,600) square feet of common open space shall be provided.
 - 3. Twenty-six (26) to fifty (50) units: a minimum of two thousand four hundred (2,400) square feet of common open space shall be provided.
 - 4. Fifty-one (51) or more units: a minimum of three thousand two hundred (3,200) square feet of common open space shall be provided.
- D. Common open space areas:
 - 1. Shall be designed to be easily accessible and shall be available for passive and active outdoor recreational purposes for the enjoyment of all residents of the project;
 - 2. Shall be provided as continuous, usable site elements of sufficient size to be usable by residents that may be within the rear yard setback;
 - 3. Shall not include driveways, public or private streets, or utility easements where the ground surface cannot be used appropriately for open space.
 - 4. Common open space areas shall be surfaced with any practical combination of landscaping, paving, decking, concrete, or other serviceable material with no more than fifty (50) percent of the area at grade level covered with a non-permeable surface.
- E. Required common open space shall be controlled and permanently maintained by the owner of the property or by a homeowners' association. Provisions for control and maintenance shall be included in any property covenants of common interest developments.

(Ord. No. 2017-436 , § 1, 10-10-2017)

Editor's note(s)—Ord. No. 2017-436 § 1, adopted October 10, 2017, enacted new provisions set out as §§ 14.50.150, 14.50.160, and 14.50.180, and subsequently renumbered former §§ 14.50.150 through 14.50.180

as 14.50.170 and 14.50.190 through 14.50.210. Historical notation to the former sections have been retained for reference purposes.

14.50.160 Rooftop uses (CT).

Rooftop activities or uses are permitted within the perimeter walls of a structure that meet all setback standards provided also that any such activities or uses are accessory to the principal use or uses of the development, and provided further, activities shall comply with the following performance standards:

- A. No use shall be established or activity conducted that violates the noise standards and limits identified in Chapter 6.16, Noise Control, of the Municipal Code.
- B. No activity shall be conducted which causes ground vibrations perceptible at the property line.
- C. No lighting or illuminated device shall be operated so as to create glare which creates a hazard or nuisance on other properties.
- D. No use or activity shall be conducted without first obtaining any required permit from the county air pollution control district. Uses shall be conducted to prevent dust or other airborne material from crossing property lines.
- E. Solid wastes shall be handled and stored so as to prevent nuisances, health and fire hazards, and to facilitate recycling. Suitable containers shall be provided to prevent blowing or scattering of trash and screened by an enclosure. Suitable concealed space and containers shall be provided at the roof top to encourage the appropriate sorting and collection of discarded materials.
- F. No use may generate any odor that reasonably may be found objectionable as determined by an appropriate agency such as the Santa Clara County Health Department and the Bay Area Air Quality Management District beyond the boundary occupied by the enterprise generating the odor. All mechanical, venting, and/or exhausting equipment that generates odors shall be located away from residential properties.
- G. The use of conventional energy sources for space heating and cooling, water heating, and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure.
- H. These performance standards are general requirements and shall not be construed to prevent the council, boards or commission with review authority or staff from imposing, as part of project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.

(Ord. No. 2017-436 , § 1, 10-10-2017)

Editor's note(s)—See Editor's Note § 14.50.150.

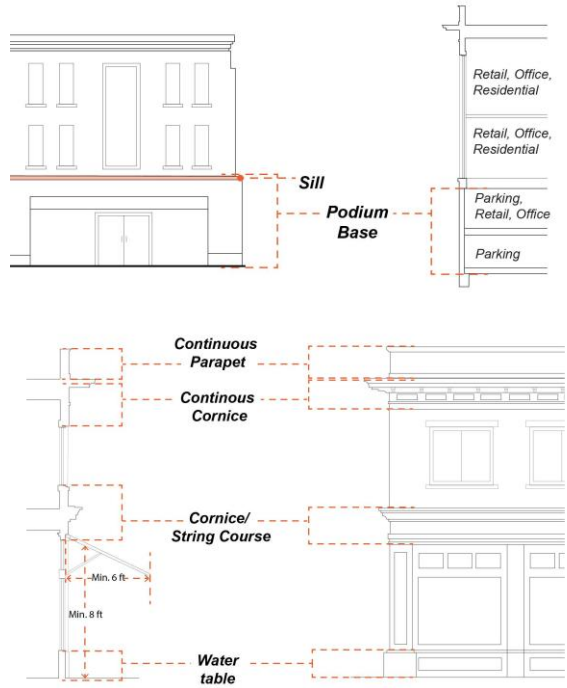
14.50.170 Design control (CT).

- A. Building Placement. A minimum seventy-five (75) percent of ground-floor building frontages facing El Camino Real must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).
- B. Building Massing and Articulation.
 - 1. Upper-story Step-backs.

- a. Front: Minimum ten (10) feet from ground floor façade for stories above forty-five (45) feet in height.
 - b. Street Side: Minimum ten (10) feet from ground floor façade for stories above forty-five (45) feet in height.
2. Vertical Articulation.
- a. When a building façade exceeds one hundred (100) feet in length along a right-of-way, it must be separated into primary façade bays no greater than fifty (50) feet and secondary façade bays defined by a recess a minimum three feet deep and ten (10) feet wide.
 - b. A minimum one entrance shall be provided per one hundred fifty (150) linear feet along El Camino Real and per primary façade bay along all other rights-of-way.
 - c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.



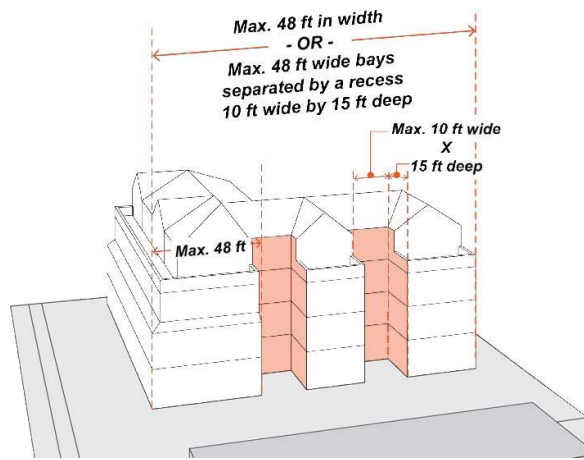
3. Horizontal Articulation. New façades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.
- a. One or more of the following patterns shall be used to define the base:
 - i. Watertable: Base material extends from grade to between eight and fifty-four (54) inches above grade.
 - ii. Podium: The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).
 - iii. Watertable and Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).
 - b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other elements listed under Section 17.50.170.B.6. These elements shall be consistent with the overall architectural style of the building mass/bay.



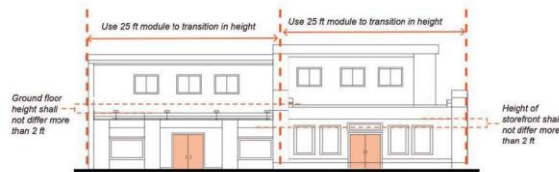
4. Adjacencies.

a. Façades Adjacent to an R-1 District.

- i. Building façade planes abutting an R-1 district may not exceed forty-eight (48) feet in width.
- ii. When a building façade abutting an R-1 district exceeds forty-eight (48) feet in width, it must be separated into façade bays no greater than forty-eight (48) feet by a recess ten (10) feet wide and fifteen (15) feet deep.
- iii. Balconies, roof decks and other habitable outdoor space are not allowed on upper-story façades abutting R-1 zones.
- iv. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story façades abutting R-1 zones.



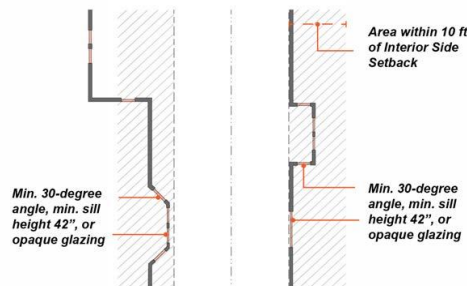
- b. Storefront Façades Adjacent to Storefront Façades.
 - i. The height of a storefront shall not differ from the height of any adjacent storefront by more than two feet.
 - ii. The height of ground story shall not differ from height of any adjacent ground story by more than two feet.
 - iii. Storefronts may transition in height using a module of twenty-five (25) feet in length along a right-of-way.



- c. Compatibility with Adjacent Shorter Buildings with Height Difference of One Story or More. When adjacent to an existing shorter building with a height difference of one story or more, a proposed building must utilize two or more of the following strategies:
 - i. Incorporate the uppermost floor into the roof form.
 - ii. Break the mass of the building into smaller modules through changes in wall plane, setbacks, and/or height.
 - iii. Match window heights and/or proportions.
 - iv. Relate roof cornices and moldings at floor lines.

5. Privacy and Line of Sight.

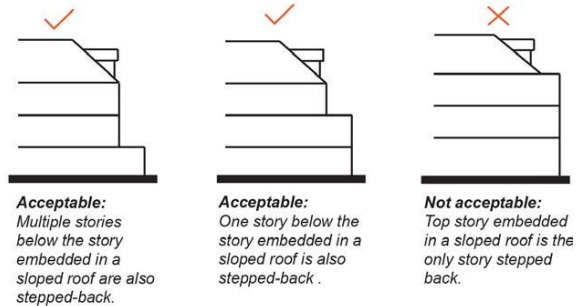
- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
- b. Where windows are within ten (10) feet of and oriented toward an interior side setback, glazing shall either be a minimum thirty (30) degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of forty-two (42) inches, or be opaque.
- c. The maximum sill height for an ingress/egress window is forty-four (44) inches from finished floor.



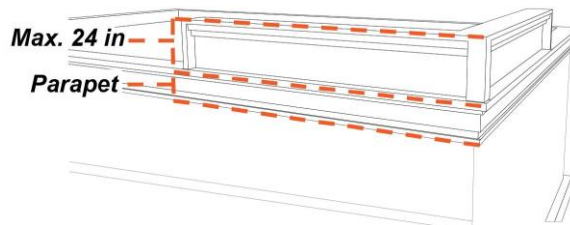
6. Roofline and Roof Design.

- a. Roof designs shall be limited to:
 - i. Hipped.

- ii. Gable.
- iii. Shed.
- iv. Dormer.
- v. Parapet.
 - (a) When used on the first or second floor, a parapet longer than twenty-five (25) feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:
 - (1) Steps.
 - (2) Curves.
 - (3) Angled surfaces.
 - (b) The length of a parapet segment on the third floor and above may not exceed twenty-five (25) feet.

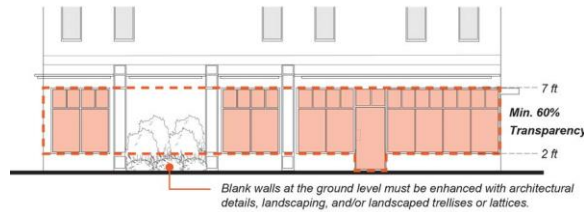


- b. When the top story is stepped back and embedded in a sloped roof form, the floor below must (and other floors may) be stepped back to meet the slope of the top story.
- c. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.
- d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than twenty-four (24) inches.



- C. Building Design.
 - 1. Façade Design.
 - a. Building façades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.

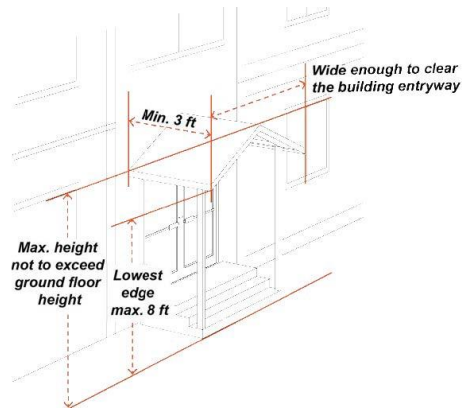
- b. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
 - c. Residential façades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
 - d. Non-glazed wall areas (blank walls) must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.
2. Ground Level Transparency. A minimum sixty (60) percent of commercial ground floor street-facing façades between two and seven feet in height shall be transparent window surface. Opaque, reflective, or dark tinted glass is not allowed.



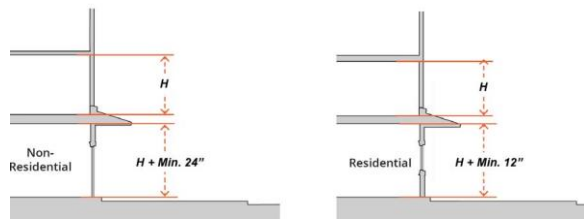
3. Pedestrian-Scaled Entrances.
- a. Buildings more than seventy (70) feet in length along a right-of-way must incorporate at least one forecourt frontage on the right-of-way-facing façade. Required forecourts must also comply with the standards of Section 14.50.170.C.3.b.v. below.
 - b. Each street-facing building façade must incorporate at one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - i. Stoop.
 - ii. Shopfront.
 - (a) Shopfronts more than twenty-five (25) feet in width must incorporate variations in bulkhead, awnings, materials and/or color to visually articulate the shopfront into modules not to exceed twenty-five (25) continuous feet.
 - iii. Gallery.
 - iv. Arcade.
 - v. Forecourt.
 - (a) Forecourts must feature at least one entry to a shop and/or second floor use.
 - (b) The size of the forecourt must be appropriate relative to the size of the building. The maximum ratio of building height to forecourt is 2:1 (height < 2 x width).
 - (c) Forecourt must be minimum fifteen (15) feet in width.
 - (d) Forecourt must be enclosed on at least three sides by buildings.
 - (e) Forecourt must remain open to the sky (arbors and trellises are allowed).



- vi. Terrace.
- c. Primary Entrance Location(s). Locate primary entrance on the front right-of-way.
- d. Individual Entries. Ground floor residential units facing a street must provide individual entries along the street frontage.
- e. Corner Entrances. Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.
- f. Street-facing Entries to Upper Floors. Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
 - i. Dedicated awning, canopy, or other roof element.
 - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
 - iii. Dedicated light fixture(s).
 - iv. Decorative street address numbers or tiles.
 - v. Plaque signs for upper-floor business tenants.
- g. Entry Protection. Primary street-facing entrances shall be protected by a recess in the building frontage at least three feet deep or by a projection extending outward at least three feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
 - i. Protection may be coterminous with an accent element.
 - ii. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.
 - iii. The lowest edge of a projecting awning or door canopy shall have a vertical clearance of no more than eight feet.
 - iv. Recessed entries shall differentiate pavement within the recess through the use of a dedicated paving material or pattern.

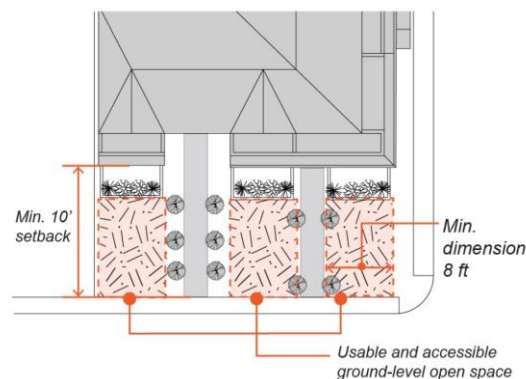


- h. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are excepted.
- 4. Ground Floor Floor-to-Ceiling Height.
 - a. Minimum twenty-four (24) inches taller than typical upper floor floor-to-ceiling height where ground floor is non-residential.
 - b. Minimum twelve (12) inches taller than typical upper floor floor-to-ceiling where ground floor is residential.



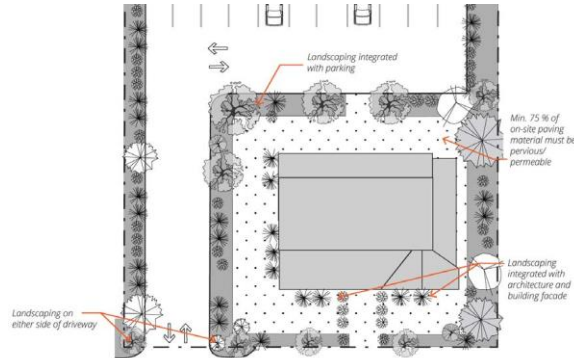
- 5. Interior Courtyard. Interior courtyards must be:
 - a. Partially visible from the street and linked to the street by a clear accessible path of travel.
 - b. Enclosed on at least two sides by buildings.
 - c. Open to the sky (arbors and trellises are allowed).
 - d. A minimum width of twenty (20) feet and a minimum area of four hundred (400) square feet.
- 6. Paseos. Paseos must be:
 - a. A minimum width of ten (10) feet for through-block paseos.
 - b. A minimum width of four feet for entries to courtyards or individual single businesses.
- D. Window Design. Vinyl windows are prohibited on façades visible from a right-of-way.
- E. Building Materials.
 - 1. Primary shall mean fifty (50) percent or more of a façade surface area excluding transparent surfaces. Permitted primary cladding materials are limited to:
 - a. Stucco (minimum two-coat stucco; synthetic stucco or EIFS not allowed).
 - b. Siding (lap, vertical, panelized, or shingle).
 - i. All siding shall be wood, composite wood, or cement fiberboard.

- ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone.
 - d. Brick.
 - e. Concrete (board-form only).
 - 2. Secondary shall mean less than fifty (50) percent of a façade surface area excluding transparent surfaces. Permitted secondary cladding materials are limited to:
 - a. Stucco (minimum two-coat stucco; synthetic stucco not allowed, EIFS not allowed).
 - b. Siding (lap, vertical, panelized, or shingle).
 - i. All siding shall be wood, composite wood, or cement fiberboard.
 - ii. Wood siding shall be painted or stained.
 - iii. Vinyl and aluminum siding are not permitted.
 - c. Stone (building base only).
 - d. Brick (building base only).
 - e. Tile.
 - f. Metal (matte finish or Cor-ten).
 - i. Ribbed metal, titanium, and mirrored finishes are not permitted.
 - g. Concrete Masonry Units (watertable and building base only, and not allowed on any façade facing a right-of-way or a single-family zone).
 - h. Concrete (building base only, board-form only, cast concrete not permitted).
 - 3. On attached elements, such as bay windows, orioles, and balconies.
- F. Ground Level Open Space. Where any required front, rear, or side yard setback is ten (10) feet or greater, on-site ground-level open space shall be provided within the setback.
 - 1. The ground level open space shall be usable and accessible.
 - 2. The minimum dimension for ground level open space shall be eight feet.



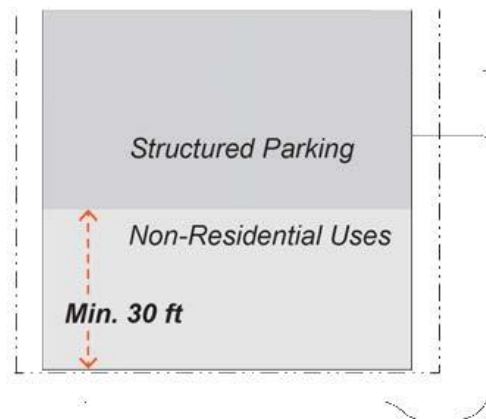
G. Landscaping and Paving.

1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
2. Landscape elements shall be integrated with the building architecture, parking, and streetscape. Recommended patterns shall include, but are not limited to:
 - a. Planters for flowers and shrubs within street frontage.
 - b. Landscape buffers between parking spaces and building façades.
 - c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks.
3. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

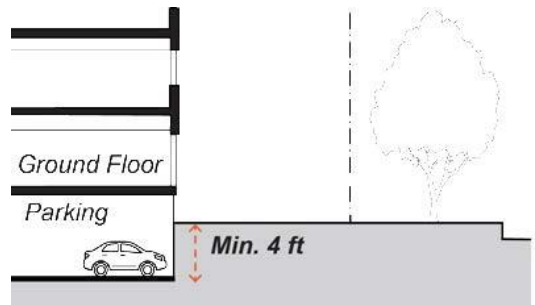


H. Parking Design and Access.

1. Where structured parking is provided, the parking area must be either:
 - a. "Lined" with ground-floor non-residential uses at least thirty (30) feet deep as measured from the front façade; or



- b. Designed such that the floor elevation is a minimum four vertical feet below the elevation of the adjacent sidewalk.



2. Visible structured parking must be screened from view from the right-of-way by at least one of the following features:
 - a. Regular punched openings designed to resemble windows of habitable spaces.
 - b. Trellis/living wall.
 - c. Custom textured or decorative screening.
3. Entrances to Parking Facilities.
 - a. A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic may be permitted per street frontage per lot.
 - b. Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum ten (10) feet from the back of sidewalk.
 - c. Entrances to parking facilities along a street frontage shall be separated by a minimum of sixty (60) feet.
 - d. Where possible, curb cuts serving adjacent parking facilities shall be shared.
- I. Site Circulation and Access.
 1. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
 2. Bicycle racks shall be provided:
 - a. In or within fifty (50) feet of every parking area; and
 - b. Within twenty (20) feet of at least one building entrance.
- J. Service Areas and Screening.
 1. Service areas must be located at the rear of lot.
 2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.
- K. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all residential mixed-use development in the CT District.

(Ord. 04-259 § 1 (part))

(Ord. No. 2017-436 , § 1, 10-10-2017; Ord. No. 2021-478 , § 1, 9-14-2021)

Editor's note(s)—See Editor's Note § 14.50.150.

14.50.180 Off-street loading for residential (CT).

In order to accommodate the delivery or shipping of goods at a multiple-family residential project, on-site loading/unloading space shall be provided:

- A. There shall be at least one loading/unloading space provided, which shall have minimum dimensions of at least ten (10) feet by twenty-five (25) feet, with fourteen (14) feet of vertical clearance;
- B. Loading and unloading spaces shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way without interfering with the orderly movement of traffic and pedestrians on any public way and complete the loading and unloading operations without obstructing or interfering with any parking space or parking lot aisle;
- C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any of off-street parking area be used to satisfy the area requirements for loading and unloading facilities;
- D. A loading/unloading space may be located in the front yard setback, but shall comply with other required setbacks;
- F. All loading spaces shall be designed and maintained so that vehicles do not back in from, or onto, a public street;
- G. Loading spaces shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times; and
- H. Adequate signage shall be provided that directs delivery vehicles to the loading space.

(Ord. No. 2017-436 , § 1, 10-10-2017)

Editor's note(s)—See Editor's Note § 14.50.150.

14.50.190 Signs (CT).

As provided in Chapter 14.68 of this code.

(Ord. 04-259 § 1 (part); Ord. No. 2015-414, § 12, 9-8-2015; Ord. No. 2017-436 , § 1, 10-10-2017)

Editor's note(s)—See Editor's Note § 14.50.150.

14.50.200 Fences (CT).

As provided in Chapter 14.72 of this title.

(Ord. 04-259 § 1 (part))

(Ord. No. 2017-436 , § 1, 10-10-2017)

Editor's note(s)—See Editor's Note § 14.50.150.

14.50.210 Nonconforming use regulations (CT).

As provided in Chapter 14.66 of this title.

(Ord. 04-259 § 1 (part))

(Ord. No. 2017-436 , § 1, 10-10-2017)

Editor's note(s)—See Editor's Note § 14.50.150.

CHAPTER 14.63 – SPECIALIZED HOUSING REGULATIONS

Article 1. Supportive and Transitional Housing

Section 14.63.010 – Purpose

The purpose of this Section is to establish provisions for the review of supportive and transitional housing. The established provisions of this chapter shall allow for all proposed supportive and transitional housing to be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses.

Section 14.63.020 – Definitions

“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.

“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 (6) 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.

Section 14.63.030 – Allowed Zoning

The districts established by this section shall allow supportive and transitional housing and are designated as follows:

- Multiple-Family District (R3-4.5)
- Multiple-Family District (R3-5)
- Multiple-Family District (R3-3)
- Multiple-Family District (R3.1.8)
- Multiple-Family District (R3-1)
- Commercial Downtown/Multiple-Family District (CD/R3)
- Commercial Thoroughfare District (CT)

Section 14.63.040 – Development Standards

Development Standards shall be the same for supportive and transitional housing as they are for any residential housing development located within the zoning district. Additional standards specific for supportive and transitional housing developments are as follows:

- A. Units within the development are subject to a recorded affordability restriction for fifty-five (55) years.
- B. One hundred percent (100%) of the units, excluding managers’ units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income residents. For purposes of this paragraph, “lower income households” has the same meaning as defined in section 50079.5 of the Health and Safety Code.
- C. At least twenty-five percent (25%) of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet the criteria of the target population. If the development consists of fewer than 12 units, then one hundred percent (100%) of the units, excluding managers’ units, in the development shall be restricted to residents in supportive housing.
- D. The developer provides the planning agency with the information required by Section 65652 of the Government Code.
- E. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 - 1. For a development with twenty (20) or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 - 2. For a development with more than twenty (20) units, at least three percent (3%) of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
- F. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915 of the Government Code.
- G. Units within the development, excluding managers’ units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
- H. Parking.
 - 1. Parking stall requirement shall be one-half (0.5) per unit and one (1) for each onsite management/staff.
 - 2. No Parking shall be required within one half mile of a public transit stop.

Section 14.63.050 – Application Review

- 1. The Development Services Department shall notify the project applicant whether the application is complete within thirty (30) days of receipt of an application.
- 2. After the application is deemed complete, the Development Services Department shall complete its review of the application within sixty (60) days for projects of fifty (50) or

fewer units and one hundred and twenty (120) days for projects of fifty-one (51) and greater.

Article 2. Low-Barrier Navigation Center

Section 14.63.060 – Purpose

The purpose of this chapter is to establish development standards for low-barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with Government Code Section 65660.

Section 14.63.070 – Definitions

“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.

Section 14.63.080 – Applicability & Review

The provisions of this chapter shall apply to all low-barrier navigation center projects.

The permit shall be a ministerial action without discretionary review or a hearing. The city will notify a developer whether the developer’s application is complete within 30 days, pursuant to Government Code section 65943. Action shall be taken within 60 days of a complete application being filed.

Section 14.63.090 – Permit Required

A planning permit is required prior to the establishment of any low-barrier navigation center project meeting the following criteria:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January

- 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
- 3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- 4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

14.63.100 – Allowed Zoning

The districts established by this Section shall allow low-barrier navigation centers and are designated as follows:

- Commercial Downtown/Multiple-Family District (CD/R3)
- Commercial Neighborhood District (CN)
- Commercial Downtown District (CD)
- Commercial Retail Sales District (CRS)
- Commercial Thoroughfare District (CT)
- Commercial Retail Sales/Office District (CRS/OAD)

14.63.110 – Development Standards

All low-barrier navigation center development shall meet the following requirements:

- A. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- B. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
- C. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- D. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

Article 3. Reasonable Accommodation

Section 14.63.120 – Purpose

The purpose of reasonable accommodations is to provide provisions in accordance with federal and state fair housing laws (42 USC § 3600 et seq. and Government Code §§ 65008 and 12900 et seq., together referred to as “Fair Housing Laws”) for persons with disabilities seeking fair access

to housing in the application of the city's zoning laws. The term “disability” as used in this article shall have the same meaning as the term’s “disability”, “handicapped”, or similar terms, as defined in the Fair Housing Laws, as may be amended from time to time. The purpose of this article is to establish the procedure by which a request for a reasonable accommodation shall be made and processed.

Section 14.63.130 – Applicability

- A. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice, or procedure acts as a barrier to housing opportunities.
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards, development, and use of housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity for the housing of their choice.
- C. A request for reasonable accommodation in regulations, policies, practices, and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. Reasonable accommodation does not affect the obligations of an individual or a developer of housing for an individual with disabilities to comply with other applicable regulations not necessary to achieve the purposes set forth in paragraph (B).
- D. If a request for reasonable accommodation is granted, the request shall be granted to an individual and shall not run with the land unless it is determined that (1) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with applicable city or state codes, or (2) the accommodation is to be used by another individual with a disability.

Section 14.63.140 – Request for Reasonable Accommodation

- A. Application for a request for reasonable accommodation shall be made in writing on a form provided by the Development Services Department. The form shall be signed by the property owner or authorized agent. The application shall state the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans and all other materials as specified by the Development Services Director. The application shall include the zoning, land use and/or building code provision, regulation, policy or practice from which modification or exception for reasonable accommodation is being requested, including an explanation of how application of the existing zoning, land use or building code provision, regulation, policy or practice would preclude the provision of reasonable accommodation, along with documentation that demonstrates the reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- B. If any information provided is identified by an applicant as confidential then the city shall endeavor to withhold that information from copying and inspection by members of the public, to the extent reasonably determined by the city to be authorized or required by applicable law, including Government Code sections 7926.000 to 7926.500 and 7927.705, and Section 1 of Article 1 of the California Constitution.

Section 14.63.150 – Review Authority and Procedure

- A. Within 60 days of receipt of a completed application, the Development Services Director, or designee, shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. The request shall be processed independently of any other required development permits. However, approval of reasonable accommodation may be conditioned upon approval of other related permits.
- B. The filing of an application for request for reasonable accommodation shall not require public notice.
- C. If necessary to reach a determination on the request for reasonable accommodation, the Development Services Director, or designee, may request further information from the applicant consistent with Fair Housing Laws, specifying in detail the information that is required.
- D. The decision on a request for reasonable accommodation shall be final and not appealable.

Section 14.63.160 – Findings

- A. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Fair Housing Laws and shall be based on consideration of the following factors:
 - 1. The housing which is the subject of the request for reasonable accommodation will be occupied by an individual, or individuals, with a disability protected under Fair Housing Laws;
 - 2. The requested accommodation is necessary to make specific housing available and/or accessible to an individual with a disability protected under the Fair Housing Laws;
 - 3. The requested accommodation would not impose an undue financial or administrative burden on the City; and
 - 4. The requested accommodation would not require a fundamental alteration in the nature of the city’s land use and zoning and building regulations, policies, practices, and procedures.
- B. In granting a request for reasonable accommodation, the Development Services Director, or designee may impose any conditions of approval deemed reasonably necessary to ensure that the reasonable accommodation would comply with the findings required above.

Article 4. Qualified Employee Housing

Section 14.63.180 – Purpose

The Employee Housing Act allows for flexibility in housing types for employee housing, including conventional and nonconventional structures, such as: living quarters, boardinghouse, tent, bunkhouse, mobilehome, manufactured home, recreational vehicle, and travel trailers. The laws and regulations governing these structures depend on the housing type; however, all qualified employee housing must comply with: the Employee Housing Act (Health and Safety Code Section 17000 et seq.) and the Employee Housing Regulations (California Code of Regulations Title 25, Division 1, Chapter 1, Subchapter 3—Employee Housing), which outline specific requirements

for the construction of housing, maintenance of grounds, buildings, sleeping space and facilities, sanitation and heating; and the provisions of this section.

Section 14.63.190 – Definitions

“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.

Section 14.63.200 – Review Authority and Procedure

- A. Qualified employee housing for seven (7) or more employees shall be considered an agricultural use and shall not require any discretionary approval not required of other agricultural activity in the same zone, provided that:
 - 1. The qualified employee housing should not consist of more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or household.
 - 2. All temporary or permanent structures that contain qualified employee housing shall meet the setback, lot coverage, height, and other development standards applicable to the zone in which it is located.
 - 3. Parking shall be provided in accordance with chapters 14.74 and 14.75 of this code, unless the applicant provides substantial evidence demonstrating that the actual parking need is lower, subject to the approval of the Development Services Director.
 - 4. Qualified employee housing shall comply, as applicable, with the following: (1) Employee Housing Act (California Health and Safety Code Sections 17000—17062); (2) Mobilehome Parks Act (California Health and Safety Code Sections 18200—18700); and Special Occupancy Parks Act (California Health and Safety Code Sections 18860—18874), as may be amended from time to time.
 - 5. Qualified employee housing shall be reviewed and approved subject to the same requirements as other agricultural uses within the same zone.
 - 6. If an existing agriculture use does not have any required permit, a permit for both the agricultural use and qualified employee housing must be obtained.
 - a. The property owner shall obtain and maintain any required permit to operate pursuant to Health & Safety Code section 17030 et seq.
 - 7. The property owner shall: (1) complete and submit to the Development Services Director a verification form no later than thirty (30) days after receiving a permit to operate from HCD; (2) a verification form shall be submitted to the Development Services Director annually to ensure compliance with this Chapter 14.63; and (3) the verification form shall include: information regarding the agricultural use, housing type, number of dwelling units or beds, number of occupants, occupants’ employment information, and proof that a permit to operate has been obtained and maintained.

- 8. Qualified employee housing – seven or more employees shall be removed or converted to another permitted use at such time as the agricultural activity to which it relates ceases operation for more than twelve (12) consecutive months.

- B. Qualified employee housing providing accommodations for six (6) or fewer employees, pursuant to Health and Safety Code section 17021.5, shall be deemed a single-family dwelling and is allowed in residential zones. Qualified employee housing for six (6) or fewer employees is subject to all municipal codes, regulations, and other standards generally applicable to other residential dwellings of the same type in the same zone.

Article 5. Manufactured Homes and Factory-Built Housing

14.63.200 – General Provisions

The City of Los Altos shall allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on lots zoned for conventional single-family residential dwellings. Except with respect to architectural requirements, the city shall only subject the manufactured home and the lot on which it is placed to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements. Any architectural requirements imposed on the manufactured home structure itself, exclusive of any requirement for any and all additional enclosures, shall be limited to its roof overhang, roofing material, and siding material. These architectural requirements may be imposed on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings. However, any architectural requirements for roofing and siding material shall not exceed those which would be required of conventional single-family dwellings constructed on the same lot. In no case may the city apply any development standards that will have the effect of precluding manufactured homes from being installed as permanent residences.

14.63.210 – Review Authority

Manufactured Homes and Factory-Built Housing shall be reviewed and approved in accordance with the provisions of all single-family housing development within the City of Los Altos.

Article 6. Residential Care Facilities

Section 14.63.220 – Purpose

The purpose of this section is to establish provisions for the review of residential care facilities. The established provisions of this chapter shall allow for all proposed residential care facilities to be a use by right in zones where residential structure(s) and use(s) are allowed or existing at the time this code was established.

Section 14.63.230 – Definitions

“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 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 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 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 24-hour basis to persons under 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 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 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 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.

14.63.240 – Allowed Zoning

The districts established by this section shall allow residential care facilities by-right and are designated as follows:

- Single-Family District (R1-10);
- Single-Family District (R1-H);
- Single-Family District (R1-20);
- Single-Family District (R1-40);
- Single-Story Single-Family Overlay District (R1-S);
- Multiple-Family District (R3-4.5);
- Multiple-Family District (R3-5);
- Multiple-Family District (R3-3);
- Multiple-Family District (R3.1.8);
- Multiple-Family District (R3-1);
- Office-Administrative District (OA);
- Office-Administrative District (OA-1 and OA-4.5);
- Commercial Downtown/Multiple-Family District (CD/R3);
- Commercial Neighborhood District (CN);
- Commercial Downtown District (CD);
- Commercial Retail Sales District (CRS);
- Commercial Thoroughfare District (CT);
- Commercial Retail Sales/Office District (CRS/OAD);
- Planned Community (PC);
- Planned Unit Development (PUD).

Section 14.63.250 – Permit Required

- A. No Residential Care Facility regardless of size shall require discretionary review to establish use and operation within the City of Los Altos. This provision is only applicable to the allowed use and does not apply to any discretionary review required by other chapters within the code for the establishment or modification of any structure within the City of Los Altos.

- B. Any required building permit shall be obtained from the Development Services Department prior to establishing the use and operation within the City of Los Altos.
- C. Any required license or permit by the California Department of Social Services (CDSS) or the California Department of Health Care Services (DHCS) that is required shall be obtained prior to establishing use and operation within the City of Los Altos.

14.63.260 – Development Standards

All residential care facilities shall meet the standard development standards for the zone in which it is located. No additional or special development standards shall be imposed on any residential care facility.

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS REPEALING IN ITS ENTIRETY THE LOYOLA CORNERS SPECIFIC PLAN, CHAPTER 14.42 OF THE LOS ALTOS MUNICIPAL CODE, AND CITY COUNCIL RESOLUTION NO. 2017-41 AND REINSTATING THE UNDERLYING ZONING DISTRICTS TO ALL EFFECTED PARCELS TO IMPLEMENT PROGRAM 1.E OF THE SIXTH CYCLE HOUSING ELEMENT UPDATE

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, on January 24, 2023, the City Council approved the City’s Sixth Cycle Housing Element Update; and

WHEREAS, the City Council held a duly noticed public hearing on November 14, 2023, and November 28, 2023; and

WHEREAS, Program 1.E of the Housing Element Update calls for Update of the Loyola Corners Specific Plan; and

WHEREAS, Program 1.E of the Housing Element Update requires the City of Los Altos to rescind and revert to underlying zoning districts to facilitate housing production; and

WHEREAS, Program 1.E of the Housing Element Update requires the City of Los Altos repeal all conflicting land use regulations present in the Loyola Corner area; and

WHEREAS, Program 1.E of the Housing Element Update requires the City of Los Altos repeal all land use regulations that are in opposition to Housing law; and

WHEREAS, the City Council repeals in its entirety the Loyola Corners Specific Plan; and

WHEREAS, Upon repeal of the Loyola Corners Specific Plan all effected parcels shall return to the underlying zoning districts as identified on the adopted City of Los Altos Zoning Map; and

WHEREAS, the City Council repeals in its entirety City Council Resolution 2017-41 which enacted development standards which violate the Housing Crisis Act and are not enforceable; and

WHEREAS, the City Council repeals in its entirety Chapter 14.42 – LC/SPZ Loyola Corners Specific Plan Zone District; 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 14.42 OF THE MUNICIPAL CODE. Chapter 14.42 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 __, 2023, and was thereafter, at a regular meeting held on __, 2023, passed and adopted by the following vote:

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

Sally Meadows, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

**APPENDIX A
AMENDMENTS TO CHAPTER 14.42**

Chapter 14.42 ~~RESERVED LC/SPZ LOYOLA CORNERS SPECIFIC PLAN ZONE DISTRICT~~

Sections:

14.42.010 ~~RESERVED FOR FUTURE USE LC/SPZ District.~~

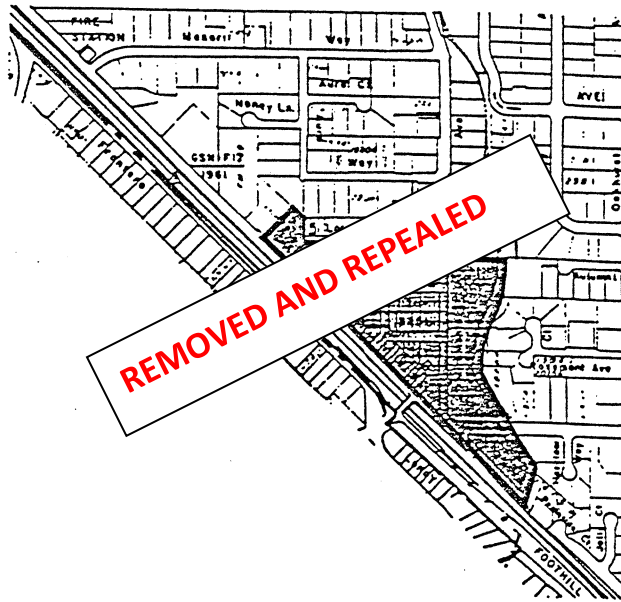
~~The regulations, general provisions, and exceptions set forth in this chapter, Chapter 14.40, and Chapter 14.66 shall apply in the LC/SPZ District. The zoning district regulations implement the Loyola District. The zoning district regulations implement the Loyola Corners neighborhood commercial center specific plan. These district regulations incorporate by reference Chapter 14.40 — Neighborhood Commercial District Regulations except as indicated below. Where a conflict occurs between this chapter and Chapter 14.40, this chapter shall take precedence.~~

~~(Prior code § 10-2.1701)~~

14.42.020 ~~Specific purposes (LC/SPZ).~~

~~Specific purposes for LC/SPZ Districts are as follows:~~

- ~~A. — To maintain a neighborhood convenience commercial orientation supplemented on a limited basis with retail service and office administrative services uses;~~
- ~~B. — To implement the objectives, policies and commercial center specific plan;~~
- ~~C. — To assist in the re-establishment of business momentum for Loyola Corners;~~
- ~~D. — To protect nearby residents from unreasonable intrusions from the shopping area;~~
- ~~E. — To apply to the area delineated below:~~



(Prior code § 10-2.1702)

(Ord. No. 2015-406, § 2, 2-10-2015)

14.42.030 Limited permitted uses (LC/SPZ).

- A. — Re-establishment of business momentum in the Loyola Corners Neighborhood Commercial Center is important to retain its economic vitality. Long term vacancies can significantly adversely impact the area's success.
- B. — For those properties in the LC/SPC Zoning District a use permit for office use in the above-described area may be permitted for a period of up to ten (10) years to be determined on a case-by-case basis provided the city council can make a positive finding to each of the following issues:
 - 1. — That the space proposed to be occupied by the office use is developed space which has been vacant for the previous twelve (12) months;
 - 2. — That the property owner has demonstrated to the satisfaction of the city council that during the previous twelve (12) months the space to be occupied has been actively but unsuccessfully marketed as retail space at fair market value;
 - 3. — That the proposed office is of a type that receives significant clientele visitations;
 - 4. — That the owner of the proposed office use has agreed to maintain a pedestrian friendly exterior by maintaining visual access into the building interior through windows which are not permanently blocked during business hours; and
 - 5. — Such use does not significantly remove the area from an ideal cost/benefit ratio of seventy (70) percent retail and thirty (30) percent office which is determined necessary to (i) provide a retail center whose function it is to provide retail services to the surrounding community; (ii) provide a lively, active and diversified shopping experience; and (iii) ensure that a reasonable portion of the commercial activities are generating taxable retail sales.

~~C. — Voluntary discontinuance of the office use shall require conversion of such use to a permitted use, a conditionally permitted use found to meet the criteria of Chapter 14.80 of this title of the Los Altos Municipal Code, or a limited permitted use based on the findings of this section.~~

~~D. — Any request for an extension of time shall be subject to the provisions outlined in Chapter 14.80 of this title.
(Prior code § 10-2.1703)~~

~~**14.42.040 Conditional expansion.**~~

~~A. — In order to allow moderate expansion to enhance economic vitality, twenty three thousand (23,000) square feet of expansion (over and above the approximately ninety one thousand (91,000) square feet, one hundred ten thousand (110,000) including the Post Office, of existing square feet in December 1990) shall be permitted subject to a use permit pursuant to Chapter 14.80 of this title of the Los Altos Municipal Code. The additional square footage shall be aggregated as follows:~~

- ~~1. — New ground level retail fifteen thousand (15,000) square feet;~~
- ~~2. — Second level retail service four thousand (4,000) square feet;~~
- ~~3. — Second level office use four thousand (4,000) square feet.~~

~~B. — The following definitions apply in allocating space for expansion;~~

- ~~1. — Retail stores are commercial establishments which predominantly sell products rather than services, directly to the general public, generally for household use, on a daily basis. Examples include groceries, produce markets, liquor stores, furniture stores, sporting goods and gas stations and other types of establishments which tend to draw other people into the area.~~
- ~~2. — Retail services are commercial establishments which predominantly sell services directly to the general public, generally for household use, on a daily basis. Examples include beauty and barber shops, banks, dry cleaners and repair shops.~~
- ~~3. — Office administrative services are commercial establishments which predominantly sell to the general public or to businesses and other customers as well. The contact with the general public is not as frequent as with retail services and a significant portion of the business may take place at other locations. Examples include law offices, accountants, medical, advertising and software computer programming.~~

~~C. — This section shall apply to all properties within the Loyola Corners planning area except for those defined in the specific plan as "specific parcels" which have policies contrary to this section, as approved by the city.~~

~~(Prior code § 10-2.1704)~~

~~(Ord. No. 2015-406, § 2, 2-10-2015)~~

~~**14.42.050 Off-street parking (LC/SPZ).**~~

~~Not less than one parking space for each three hundred (300) square feet of gross floor area shall be required. Properties whose existing ground floor space is occupied by a nonconforming use shall not be permitted second level office use expansion based upon a parking ratio of one space for each three hundred (300) square feet of gross floor area unless an amount of ground floor space equivalent to the second floor addition is converted to a conforming permitted or conditionally permitted use, unless the nonconforming use is found by the city council to be an undesirable retail location, and there is a parking study from which the city council may determine that on-site parking is adequate.~~

~~(Prior code § 10-2.1705)~~

~~(Ord. No. 10-348, § 9, 4-13-2010)~~

ORDINANCE NO. 2023-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 14.88 OF THE LOS ALTOS MUNICIPAL CODE
PERTAINING TO REZONING OF A PARCEL LOCATED AT 4546 EL CAMINO REAL
(APN: 16712042) FROM R1-10 TO COMMERCIAL THOROUGHFARE (CT) AND
REPEALING IN ITS ENTIRETY PLANNED UNIT DEVELOPMENT (62-PUD/C7) TO
IMPLEMENT PROGRAM 1.F REZONE VILLAGE COURT PARCEL OF THE SIXTH
CYCLE HOUSING ELEMENT UPDATE**

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, on January 24, 2023, the City Council approved the City’s Sixth Cycle Housing Element Update; and

WHEREAS, the City Council held a duly noticed public hearing on November 14, 2023, and November 28, 2023; and

WHEREAS, Program 1.F of the Housing Element Update calls for Rezone Village Court Parcel; and

WHEREAS, Program 1.F of the Housing Element Update requires the City of Los Altos to rezone the Village Court Parcel from R1-10 to Commercial Thoroughfare (CT); and

WHEREAS, Program 1.F of the Housing Element Update requires the City of Los Altos to remove modifications made by Planned Unit Development (62-PUD/C7) for consistency with the Commercial Thoroughfare (CT) District; and

WHEREAS, the City Council amends the Zoning Designation of the property located at 4546 El Camino Real, APN: 16712042, commonly referred to as “Village Court” from R1-10 to Commercial Thoroughfare (CT);

WHEREAS, the City Council repeals in its entirety the Planned Unit Development (62-PUD/C7) and reverts to the underlying zoning district of Commercial Thoroughfare (CT) District; 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 14.88 OF THE MUNICIPAL CODE. Chapter 14.88 of the Los Altos Municipal Code are hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, and strikethrough indicating deletion.

SECTION 2. AMENDMENT OF CHAPTER 14.88 OF THE MUNICIPAL CODE. Chapter 14.88 of the Los Altos Municipal Code is hereby amended as set forth in Exhibit A to this Ordinance, underline indicating addition, and strikethrough indicating deletion.

SECTION 3. 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 4. PUBLICATION. This Ordinance shall be published as provided in Government Code Section 36933.

SECTION 5. 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 __, 2023, and was thereafter, at a regular meeting held on __, 2023, passed and adopted by the following vote:

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

Sally Meadows, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

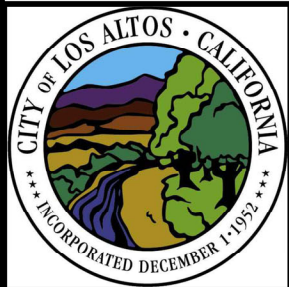
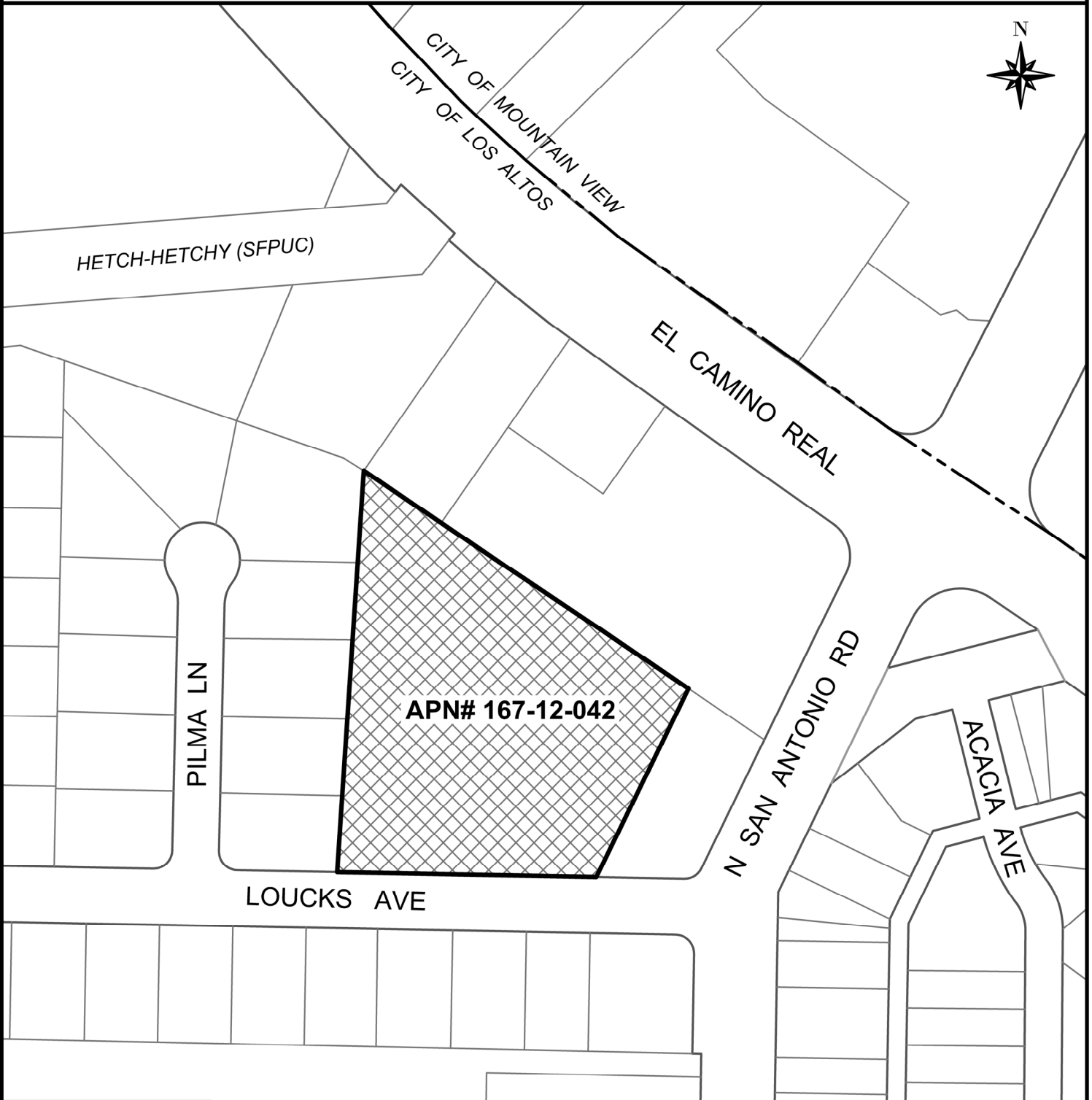
EXHIBIT A
AMENDMENTS TO CHAPTER 14.88

ORDINANCE #3, APPENDIX A

14.88.730 – Zoning map amended.

- A. The property located at 4546 El Camino Real, APN: 16712042 also known as “Village Court”, as delineated on Rezoning Map No. 23-Z-01, attached hereto and incorporated herein by reference, are hereby included within the Commercial Thoroughfare (CT) Zoning District.
- B. The zoning map is amended in accordance with the provisions of the section and the district boundaries are so designated.

Exhibit to Ordinance No. TBD



DRAWN	VW
CHECKED	NZ
APPROVED	NZ
DATE	10/12/2023
SCALE	1" = 150'
DWG NO.	23-Z-01

PLANNING DIVISION
CITY OF LOS ALTOS SANTA CLARA COUNTY, CALIFORNIA

Rezoning Map No. 23-Z-01
APN 167-12-042 - R1-10 to CT

December 2022

GROUP HOME TECHNICAL ADVISORY

CA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT



TABLE OF CONTENTS

- 1. Executive Summary 1
- 2. Terms Used 5
- 3. Background 6
- 4. Framework for Assessing if Local Land Use Policies and Practices Comply with State Housing Laws’ Protections of Group Homes 8
 - A. Do the Policies and Practices Comply with Housing Element Law and AFFH Requirements? 9
 - B. Do the Policies and Practices Unlawfully Discriminate Based on Disability or Other Protected Characteristics? 12
 - i. Intentional Discrimination 14
 - ii. Discriminatory Effects 17
 - iii. Reasonable Accommodations 18
- 5. Supportive Housing and Transitional Housing Requirements 20
- 6. State Law Provides Broader Protections Than Federal Law 22
- 7. Common Issues In Local Ordinances That Regulate Group Homes 23
 - A. Definitions of Single Housekeeping Units or Single-Family Homes 24
 - B. Requirements that All Group Homes with More than Six Residents Must Obtain Permits to Locate in Single-Family Zones 25
 - C. Retroactive Compliance 27
 - D. Spacing Requirements 27
 - E. Occupancy Limits and Building, Fire, or Other Health and Safety Code Requirements 30
 - F. Requirements For Operators and Residents 30
 - G. Civil Actions for Operating Without a Required State License 33
 - H. Enforcing Generally Applicable Municipal Codes and Other Laws 36
- 8. Resource Materials and State Contacts 36

1. EXECUTIVE SUMMARY

Group homes are an especially important type of housing for persons with disabilities. By supporting their residents' individualized needs while providing flexible and affordable housing options, group homes help persons with disabilities live in deinstitutionalized settings that facilitate their integration into local communities.

In recent years, some local governments have amended their zoning ordinances to add new regulations for group homes, particularly for recovery residences—group homes that provide housing for persons recovering from alcoholism or drug addiction. These amendments have raised concerns that local governments are not complying with their affirmative obligations under state planning and zoning laws to promote more inclusive communities and affirmatively further fair housing (AFFH). These amendments have also generated disputes and confusion over whether local governments are violating fair housing laws by discriminating against persons with disabilities or other protected characteristics.

Among other concerns, local land use policies and practices can block new group homes from opening, force existing ones to close, and impose costs, legal fees, and administrative burdens that make it difficult for group homes to operate. These concerns arise in the context of a shortage of adequate housing for persons with disabilities, which is a particularly acute problem within California's broader housing crisis.

With concerns, disputes, and confusion continuing to grow, this Group Home Technical Advisory (Group Home TA) provides guidance on how state planning and zoning and fair housing laws apply when local governments attempt to regulate group homes through land use policies and practices. It is designed to help local governments comply with their obligations under these state laws, including, for example, the Planning and Zoning Law,¹ Housing Element Law,² AFFH provisions,³ Anti-Discrimination in Land Use Law,⁴ and the Fair Employment and Housing Act (FEHA)⁵ (collectively, state housing laws).

The California Department of Housing and Community Development (HCD) is issuing the Group Home TA under its authority to provide guidance about housing law and

¹ Gov. Code, § 65000 et seq.
² Gov. Code, §§ 65580 - 65589.11.
³ See, e.g., Gov. Code, §§ 8899.50, 65583, subds. (c)(5),(10).
⁴ Gov. Code, § 65008.
⁵ Gov. Code, § 12900 et seq.

policy.⁶ The primary intended users are local planning agencies and their staff, but group home operators, advocates, and residents may also benefit from this information.

Contents

- **Background information about group homes** and the essential role they play in providing housing for persons with disabilities (pp. 6-8);
- **General guidance about overall state housing law standards** that (1) require local governments to remove constraints on group homes and affirmatively support them, and (2) prohibit local land use policies and practices that discriminate against group home owners, operators, and residents (pp. 8-23);
- **Specific guidance about how these standards apply to common issues** that arise when local governments attempt to regulate group homes through local land use policies and practices (pp. 23-36);
- **Lists of state government resource materials and contacts** (pp. 36-37).

Policy Guidance Summary

The Group Home TA’s guidance for how local governments can comply with state housing laws regarding group homes includes the following:

- **Housing Element Law and AFFH.** Assess whether a policy or practice complies with Housing Element Law and AFFH requirements to avoid constraining housing for persons with disabilities and to affirmatively support this housing and its residents’ fair housing choices (pp. 8-12). Consider the Group Home TA’s examples of specific questions to guide local governments’ analysis of these issues (pp.11-12).
- **Discriminatory Purpose or Effect.** Ensure that the policy or practice does not discriminate on the basis of disability or other characteristics protected by state law. Apply the Group Home TA’s analysis on how to determine if a policy or practice has a discriminatory purpose or effect and how to implement flexible reasonable accommodation procedures that promptly and efficiently resolve accommodation requests in compliance with state housing laws and regulations. (pp. 12-20).

⁶ See, e.g., Health & Saf. Code, §§ 50152, 50406, subds. (e), (n), 50456, subd. (a), 50459, subd. (a); Gov. Code, § 65585, subd. (a). The Group Home TA is intended to provide general informational guidance only. It does not constitute legal advice.

- **Supportive and Transitional Housing.** Comply with the specific protections for group homes that fall within the definitions of supportive or transitional housing (pp. 20-22).
- **State and Federal Law Distinctions.** Confirm that a policy or practice complies with state housing laws even if it complies with federal law, because California law provides broader and different protections than federal law (pp. 22-23).
- **Definition of Single-Family Residence.** Avoid restrictive definitions of single housekeeping units or single-family homes that impermissibly constrain group homes from locating in single-family zones. This includes, for example, avoiding definitions that equate group homes with boardinghouses, require all residents to share a common deed or lease, overly scrutinize residents' living arrangements, or automatically exclude group homes that are owned by for-profit businesses or pay staff to help manage a home's operations (pp. 24-25).
- **Group Homes that Do Not Provide Licensable Services.** Allow group homes that operate as single-family residences and that do not provide licensable services to locate in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences (pp. 25-26).
- **Group Homes that Provide Licensable Services to Six or Fewer Residents.** Allow group homes that operate as single-family residences and that provide licensable services to six or fewer residents to locate in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences (pp. 25-26).
- **Group Homes that Provide Licensable Services to Seven or More Residents.** Ensure that any permitting or approval requirements for group homes that provide licensable services to seven or more residents are consistent with state housing laws (pp. 25-26).
- **Preexisting Nonconforming Uses.** Avoid retroactively applying a new zoning provision to group homes that were already operating before the provision was enacted (p. 27).
- **Spacing Requirements.** Avoid requirements for minimum spacing between group homes that go beyond those the Legislature has specified for limited types of licensed facilities and that conflict with state housing laws (pp. 27-29).

- **Occupancy Limits and Building, Fire, or Other Health and Safety Code Requirements.** Apply the same, generally applicable, nondiscriminatory occupancy limits and other building, fire, health, and safety requirements to group homes that apply to other housing, subject to reasonable accommodation requirements or the Legislature’s requirements for specific types of licensed facilities, such as those serving persons with limited mobility (p. 29).
- **Other Requirements for Group Home Operators and Residents.** Avoid the other examples of special requirements for operators and residents discussed that can overly constrain group homes, conflict with the duty to affirmatively support this housing, and discriminate on the basis of disability and other protected characteristics. Examples discussed include, among other things, parking requirements, restrictions on residents or staff, neighborhood notice requirements, and local law enforcement registration requirements (pp. 30-33).
- **State Administrative Procedures for Investigating Licensing Issues.** Use the Department of Health Care Services (DHCS) or California Department of Social Services (CDSS) processes for investigating and resolving complaints that unlicensed group homes are providing services that require licenses from these departments (pp. 33-35).
- **Public Nuisance and Other Code Enforcement Actions.** Use generally applicable, nondiscriminatory laws and code enforcement procedures to investigate and, if appropriate, prosecute group home operators that are creating public nuisances; violating building, housing, fire, or other public health and safety codes; committing fraud; or engaging in other unlawful activities (p. 36).

This summary and the Group Home TA are not intended as all-inclusive guides to every issue that might arise when local governments attempt to regulate group homes. But by following the Group Home TA’s framework and considering how it applies to the examples of common issues, local governments can ensure that their land use policies and practices comply with state housing laws.

Conclusion

Local governments that follow the Group Home TA’s guidance can still address concerns about group homeowners or operators that mistreat or abuse their residents, engage in insurance fraud or other illegal practices, or operate their homes in unsafe manners or in ways that create public nuisances. But research has shown that these problems are limited to a small minority of group homes, with the majority of group homes being well managed and operating compatibly with their surrounding neighborhoods, while providing essential housing resources. Focusing on individual

group homes that are problematic is more consistent with state law and helps avoid adopting overly broad and constraining zoning regulations for all group homes.

2. TERMS USED

Different laws use the term “group homes” to refer to different types of housing for different populations covered by different regulatory schemes. The following terms refer to various types of residences in which unrelated persons share the residence:

- **Shared Living Residences**—any housing shared by unrelated persons, including, for example, group homes, recovery residences, some community care residential facilities, some supportive and transitional housing, emergency shelters, boardinghouses, dormitories, etc.
- **Group Homes**—housing shared by unrelated persons with disabilities that provide peer and other support for their residents’ disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities.
- **Licensed Group Homes**—group homes that provide services that require licenses under state law.
- **Unlicensed Group Homes**—group homes that may provide some supportive services for their residents but not services that require licenses under state law.
- **Recovery Residences or Sober Living Homes**—group homes for persons recovering from alcoholism or drug addiction in which the residents mutually support each other’s recovery and sobriety and that do not require licenses from DHCS because they do not provide alcoholism or drug addiction recovery and treatment services.
- **Alcohol or Other Drug (AOD) Facilities**—residential facilities that must obtain licenses from DHCS because they provide alcoholism or drug addiction recovery and treatment services.⁷

⁷ See, e.g., Health & Saf. Code, § 11834.02.

- **Community Care Residential Facilities**—residential facilities that must obtain licenses from CDSS because they provide 24-hour nonmedical care and supervision for adults or children.⁸

3. BACKGROUND

Among the many reasons that group homes are essential housing for persons with disabilities is the support these homes provide for their residents’ individualized, disability-related needs. This includes the peer support that group homes encourage their residents to provide to each other when sharing a home, as well as the services these homes can provide. These services range from basic support for independent living to more intensive care and supervision services that require state licenses. By providing peer support, services, or both, group homes help their residents live in deinstitutionalized settings and integrate into local communities. For these and other reasons, as the California Legislature has recognized, “persons with disabilities . . . are significantly more likely than other persons to live with unrelated persons in group [homes].”⁹

Because group homes are such important housing resources for persons with disabilities, state law not only protects them from discriminatory land use policies and practices, it mandates that local governments affirmatively support group homes locating in their communities.¹⁰ Federal law also protects group homes, leading courts across the country to conclude that “encourag[ing] and support[ing] handicapped persons’ right to live in a group home in the community of their choice” is “the public policy of the United States.”¹¹

The communities of choice for many group homes are often single-family neighborhoods. Recovery residences, for example, often locate in single-family

⁸ See, e.g., Health & Saf. Code, §§ 1502, 1568.01, 1569.2, subs. (o)-(p).
⁹ *Broadmoor San Clemente Homeowners Ass’n v. Nelson*, (1994) 25 Cal.App.4th 1, 6, quoting Stats. 1993, ch. 1277, § 18; 12 West Cal.Legis.Services, p. 6038.
¹⁰ See, e.g., Gov. Code, §§ 8899.50, 65583, subs. (a)(1), (a)(7), (c)(10).
¹¹ *Broadmoor*, 25 Cal.App.4th at 9, quoting *Rhodes v. Palmetto Pathway Homes, Inc.* (South Carolina 1991) 303 S.C. 308, 400 S.E.2d 484, 486.

neighborhoods because this helps “recovering addicts’ reintegration into society and redevelopment of self-sufficiency.”¹²

But “for every group home that is successfully established, experts estimate that another closes or never opens because of community opposition.”¹³ The legislative history of the Fair Employment and Housing Act (FEHA), Government Code section 12900 et seq., and federal Fair Housing Act (“FHA”), 42 U.S.C. section 3601 et seq., show that the Legislature and Congress considered local governments’ longstanding practices of using land use ordinances to exclude group homes when amending these civil rights laws to protect housing for persons with disabilities.¹⁴

Local opposition to group homes is often based on fears that they will disrupt neighborhoods, increase crime rates or drug use, generate excessive traffic and parking, or lower property values. But numerous studies, representing decades of research, have found that fears like these are unfounded.¹⁵ In fact, studies have shown that group homes are often the best maintained properties on their blocks and function so much like other homes “that most neighbors within one to two blocks . . . do not even know that a group home . . . is nearby.”¹⁶

This is not to minimize very real problems that have arisen at some group homes. In particular, some local governments have raised concerns based on problems at some recovery residences operated by unscrupulous owners seeking to maximize their profits

¹² Laurie C. Malkin, *Troubles at the Doorstep: The Fair Housing Amendments Act of 1988 and Group Homes for Recovering Substance Abusers* (1995) 144 U. Pa. L. Rev. 757, 772-73 & nn. 55-60; *Oxford House, Inc. v. Township of Cherry Hill* (“Cherry Hill”) (D. New Jersey 1992) 799 F.Supp. 450, 453.

¹³ Malkin, *supra*, n. 12 at 795 & n. 171.

¹⁴ See, e.g., *Broadmoor, supra*, 25 Cal. App. 4th at 6, quoting Stats.1993, ch. 1277, § 18; 12 West Cal.Legis.Services, p. 6038; H.R. Rep. 100-711, 23-24, reprinted in 1988 U.S.C.C.A.N. 2173, 2184-2185.

¹⁵ See, e.g., Malkin, *supra*, n. 12 at 797-798 & nn. 181-184; Council of Planning Librarians, *There Goes the Neighborhood - A Summary of Studies Addressing the Most Often Expressed Fears about the Effects Of Group Homes on Neighborhoods in which They Are Placed* (Bibliography No. 259) (Apr. 1990); Senate Comm. on Health Analysis of SB 786, Feb. 17, 2017 at 3, 5.

¹⁶ Daniel Lauber, *A Real LULU: Zoning for Group Homes and Halfway Houses Under The Fair Housing Amendments Act of 1988* (Winter 1996) 29 J. Marshall L. Rev. 369, 384-385 & n. 50-52.

at the expense of their residents' wellbeing. These problems have included neglecting and abusing residents, engaging in insurance fraud, and creating public nuisances.¹⁷

While these are very real concerns, the examples of exploitive, abusive, and illegal practices appear to be limited to a small minority of recovery residences.¹⁸ Moreover, in contrast to laws specially designed to address fraud, violations of state licensing laws, or health and safety violations and public nuisances, local land use policies are often too blunt and too broadly sweeping for properly addressing these problems. They risk continuing the history of discrimination against group homes by doing more to constrain and exclude well-functioning ones than they do to abate problems at dysfunctional ones.

Before local governments amend their zoning ordinances to regulate group homes, they should first determine if the proposed amendments will comply with state housing laws. They should apply the Group Home TA's framework and consider its examples of common issues that arise when local governments attempt to use land use laws to regulate group homes.

4. FRAMEWORK FOR ASSESSING IF LOCAL LAND USE POLICIES AND PRACTICES COMPLY WITH STATE HOUSING LAWS' PROTECTIONS OF GROUP HOMES

Confirming that local land use policies and practices for group homes comply with state housing laws involves assessing whether they comply with requirements for local governments to affirmatively support this housing in their communities and whether they discriminate on the basis of disability or other protected characteristics. Both assessments are necessary to confirm that a local land use policy or practice complies with state housing laws. Although the Group Home TA discusses Housing Element Law

¹⁷ See, e.g., Samantha Schmidt, *Drug Rehab 'Mogul' Convicted of Sexually Assaulting 7 Female Patients at Treatment Centers*, Washington Post, Feb. 27, 2018, <https://www.washingtonpost.com/news/morning-mix/wp/2018/02/27/drug-rehab-mogul-convicted-of-sexually-assaulting-7-female-patients-at-treatment-centers/>; Danielle L. Liberman, Current Development, *Not Too Sunny in the Sunshine State: The Need to Improve Florida's Opioid Abuse Treatment Centers to Combat the National Public Health Crisis*, 31 Geo. J. Legal Ethics 723, 735-738 (2018).

¹⁸ See, e.g., Government Accounting Office, *Report to Congressional Requesters: Substance Use Disorder – Information on Recovery Housing Prevalence, Selected States' Oversight, and Funding* ("GAO Report") (March 2018) at 7-9 & n.18, available at <https://www.gao.gov/assets/gao-18-315.pdf>; see also studies cited *supra*, nn. 15-16.

and AFFH requirements before fair housing laws, local governments can assess their compliance with these laws in any order.

A. DO THE POLICIES AND PRACTICES COMPLY WITH HOUSING ELEMENT LAW AND AFFH REQUIREMENTS?

California law has long promoted more inclusive communities, such as by requiring local governments to protect and promote housing for persons with special needs, including, among others, lower income households and persons with disabilities or who have experienced homelessness.¹⁹ Housing Element Law requires local governments to analyze the special housing needs of these populations and develop policies and programs to address those needs.²⁰

As of January 1, 2019, AB 686 built upon these existing obligations to broadly require all state or local governments involved in programs or activities related to housing or community development to affirmatively further fair housing and take no actions inconsistent with this requirement.²¹ The Legislature defined AFFH, to mean:

taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.²²

In AB 686, the Legislature also amended Housing Element Law to include new, specific AFFH requirements starting in 2021 for local governments when they prepare and implement housing elements. These requirements include, for example, identifying and addressing fair housing issues; analyzing integration and segregation patterns;

¹⁹ See, e.g., Gov. Code, § 65583, subds. (a)(1), (a)(7); Housing Elements Building Blocks, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks>.

²⁰ See, e.g., Gov. Code, § 65583, subds. (a)(7), (c).

²¹ Gov. Code, § 8899.50, subd. (a)(2).

²² *Id.* at (a)(1).

analyzing patterns and trends of disparate housing needs and disproportionate access to housing opportunities; and setting specific goals, adopting responsive policies, and taking effective actions that will affirmatively further fair housing.²³

Taken together, the earlier Housing Element Law provisions and the newer AFFH requirements clarify local governments' affirmative responsibilities regarding group homes. As the historical record and California and federal legislative histories confirm, local land use laws have too often treated group homes as problems to be avoided or restricted. Local governments' obligations under state law have been misunderstood as being limited to avoiding discrimination and meeting a minimum threshold for fulfilling the locality's share of regional housing needs for persons with disabilities.

But local governments must go beyond these basic requirements by actively supporting the inclusion of group homes in their communities and removing constraints on this housing. This includes, for example, supporting the housing choices of individuals with protected characteristics.²⁴ Persons with disabilities have the right to live in accessible housing in the most integrated setting appropriate to their needs, which includes having access to disability-related support and services that individuals need to live in deinstitutionalized settings.²⁵ Local governments must also avoid policies that unjustifiably displace group home occupants from their homes.²⁶

HCD has previously issued guidance about local governments' obligations under older Housing Element Law provisions and the more recently enacted AFFH provisions. These guidance documents are available through links listed under the Planning and Community Development tab on HCD's website.²⁷ Local governments should read the detailed guidance provided in these documents, which include:

- Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements (April 2021 Update),²⁸
- Housing Element Building Blocks,²⁹

²³ See, e.g., Gov. Code, § 65583, subd. (c)(10).

²⁴ See, e.g., Gov. Code, § 65583, subd. (c)(10)(A)(iv); 24 C.F.R § 5.151 (2022).

²⁵ See, e.g., *Olmstead v. Zimring* (1999) 527 U.S. 581, 602, 607; 24 C.F.R. § 5.151 (2022); 28 C.F.R. § 35.130(d), (e)(1) (2022).

²⁶ Gov. Code. § 65583, subd. (c)(10)(A)(v).

²⁷ Available at <https://www.hcd.ca.gov/>.

²⁸ Available at http://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf.

²⁹ Available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks>.

- Housing Element Building Blocks – Persons with Disabilities,³⁰ and
- Housing Element Building Blocks – Constraints for People with Disabilities.³¹

HCD’s earlier guidance documents discuss in more detail how local governments can assess their compliance with Housing Element Law and AFFH requirements. The following types of questions can help local jurisdictions assess if they are meeting their affirmative obligations to protect and promote the housing rights of persons with disabilities:³²

- **Has the jurisdiction analyzed the special housing needs of persons with disabilities** by including in this analysis, among other things:
 - data about the number of persons and households in this group?
 - quantifiable and qualitative descriptions of their housing needs and descriptions of existing resources or programs for them?
 - assessments of unmet needs?
- **Has the jurisdiction analyzed and explained how it will meet those needs** by, among other things:
 - identifying potential programs, policy options, and resources?
 - discussing local resources and service providers?
 - identifying housing types that can accommodate persons with disabilities?
 - developing housing programs or strategies to address identified needs?
- **Has the jurisdiction analyzed and removed constraints on housing for persons with disabilities** by, among other things:
 - analyzing potential governmental constraints to the development, improvement, and maintenance of housing for persons with disabilities?
 - examining ordinances, policies, or practices that are unjustifiably having the effect of constraining or excluding housing variety and availability for persons with disabilities?
 - providing reasonable accommodations for persons with disabilities through programs that remove constraints?
 - ensuring that its reasonable accommodation procedures comply with state fair housing laws and regulations?
 - in general, demonstrating local efforts to remove constraints?

³⁰ Available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/people-disabilities-including-developmental-disabilities>.

³¹ Available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/constraints-people-disabilities>.

³² See, e.g., Gov. Code, §§ 8899.50, 65583, subds. (a)(4), (7), (c)(3), (5), (10).

- **Has the jurisdiction met its AFFH obligations for persons with disabilities** by, among other things:
 - actively supporting their integration into the local community?
 - actively supporting their fair housing rights, including their right to choose where to live and to access housing opportunities with services and support for their disabilities?
 - considering whether policies and practices are displacing persons with disabilities from their homes?
 - examining and redressing segregated living patterns?
 - fostering the integration of persons with disabilities into the community?
 - conducting outreach and education in the community to support the fair housing rights of persons with disabilities?
 - identifying and analyzing any policies or practices that have the purpose or effect of discriminating against persons with disabilities, perpetuating their segregation, or impeding their integration?
 - examining any justifications for policies or practices with discriminatory effects and identifying and implementing less discriminatory alternatives?

- **Has the jurisdiction conducted individualized, evidence- and data-based research and analysis**, including for:
 - any specific benefits that it believes a land use policy or practice regarding group homes will provide to persons with disabilities?
 - any specific health or safety issues that a jurisdiction believes justify land use policies or practices regarding group homes?³³

B. DO THE POLICIES AND PRACTICES UNLAWFULLY DISCRIMINATE BASED ON DISABILITY OR OTHER PROTECTED CHARACTERISTICS?

In addition to the laws requiring local governments to affirmatively support group homes, state fair housing laws prohibit jurisdictions from discriminating against them.³⁴ For example, the Anti-Discrimination in Land Use Law, Government Code section 65008,

³³ See, e.g., Cal. Code Regs., tit. 2, §§ 12042, subd. (f), 12179, subd. (b)(3).

³⁴ Fair housing laws protect group homes. See, e.g., Cal. Code Regs., tit. 2, § 12005, subd. (o); *Lakeside Resort Enterprises, LP v. Board of Sup's of Palmyra Twp.* (3d Cir. 2006) 455 F.3d 154, 159–60. See also *infra* at pp. 22-23 (explaining that while federal fair housing cases can provide important guidance for interpreting state fair housing laws, California’s fair housing and disability rights laws provide broader protections than federal laws).

prohibits discriminatory local land use policies and practices and declares any such discriminatory policies or practices null and void.³⁵ This includes discrimination based on any characteristic protected by the FEHA and other state civil rights laws.³⁶

Disability rights protections extend to persons with disabilities, persons regarded or treated as having, or having had, a disability, or persons with a record or history of a disability.³⁷ Complying with fair housing requirements for individuals with certain types of disabilities, such as individuals with developmental disabilities, will not excuse unlawful discrimination against other individuals with other types of disabilities, such as individuals recovering from alcoholism or drug addiction.³⁸

The Anti-Discrimination in Land Use Law also includes protections not specified in the FEHA, such as prohibitions against land use policies and practices that discriminate against housing for “persons or families of very low, low, moderate, or middle income.”³⁹ Therefore, depending on a group home’s intended occupants, jurisdictions must consider whether their policies discriminate against not only persons with disabilities, but, for example, very low- or low income households if the residence is designed for persons with disabilities who have experienced homelessness.

State fair housing laws protect not only group homes’ occupants, but other persons associated with them or other persons who may be harmed by discriminatory land use policies and practices, such as group homes’ operators, owners, and landlords.⁴⁰

³⁵ Gov. Code, § 65008, subds. (a), (b)(1). The FEHA similarly prohibits discriminatory land use policies and practices. Gov. Code, § 12955, subd. (l); Cal. Code Regs., tit. 2, §§ 12161, 12162. See also Government Code section 11135 (prohibiting discrimination by recipients of state funding or financial assistance).

³⁶ See, e.g., Gov. Code, §§ 65008, subds. (a)(1)(A), (b)(1)(B)(i), 65583, subd. (c)(5).

³⁷ Gov. Code, § 12926, subds. (j), (m); 42 U.S.C. § 3602(h); Joint Statement of the Department of Housing and Urban Development and the Department of Justice – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act (Nov. 10, 2016) at 6 (“HUD – DOJ 2016 Jt. Stmt. on Local Land Use Laws”), available at <https://www.justice.gov/opa/file/912366/download>.

³⁸ Recovering from alcoholism or drug addiction is a disability protected by fair housing laws. See, e.g., *City of Edmonds v. Washington State Bldg. Code Council*, 18 F.3d 802, 803 (9th Cir.1994), *aff’d City of Edmonds v. Oxford House* (1995) 514 U.S. 725; *Cherry Hill*, *supra*, 799 F.Supp. at 459; HUD – DOJ 2016 Jt. Stmt. on Local Land Use Laws at 6.

³⁹ Gov. Code, § 65008, subds. (a)(3), (b)(1)(C).

⁴⁰ Gov Code § 65008, subds. (a)(1)(A), (b)(1)(B)(ii), incorporating Gov. Code, § 12955, subd. (m).

Identifying and correcting discriminatory land use policies and practices requires understanding three general types of discrimination:

- 1. intentional discrimination,
- 2. discriminatory effects, and
- 3. failure to provide reasonable accommodations.⁴¹

i. INTENTIONAL DISCRIMINATION

Intentional discrimination includes “an act or failure to act” in which any protected characteristic “is a motivating factor . . . even though other factors may have also motivated the practice.”⁴² Unlike employment discrimination law, in which plaintiffs must prove that a defendant’s action or inaction was substantially motivated by a discriminatory purpose, under fair housing law, a “housing practice” can be found illegal if it “demonstrates an intent to discriminate in any manner.”⁴³

Intentional discrimination is best understood as purposeful discrimination because it “does not require proof of personal prejudice or animus.”⁴⁴ Even if local officials are not hostile towards persons with disabilities or act with benign intents to help them, a discriminatory policy or practice can still be unlawful. It is also unlawful for government officials to acquiesce to members of the public’s prejudicial views even if the officials themselves do not share those views.⁴⁵

Establishing intentional discrimination often involves evidence that persons with protected characteristics were treated worse than others without those characteristics. But this is only one way to prove discrimination.⁴⁶ Intentional discrimination does not require “the existence of a similarly situated entity who or which was treated better”⁴⁷ A local land use policy or practice that “inflicts collateral damage by harming some, or even all, individuals from a favored group in order to successfully

⁴¹ Although these are some of the most common, general types of discrimination issues that arise with local land use policies and practices, this is not an exhaustive list. See, e.g., Cal. Code Regs., tit. 2, §§ 12161-62 (listing more detailed examples).

⁴² Gov. Code, § 12955.8; *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203, 217-218; Cal. Code Regs., tit. 2, § 12041, subd. (b).

⁴³ Gov. Code, § 12955.8.

⁴⁴ Cal. Code Regs., tit. 2, § 12041, subd. (b).

⁴⁵ Cal. Code Regs., tit. 2, § 12161, subd. (c).

⁴⁶ *Pacific Shores Properties, LLC v. City of Newport Beach* (9th Cir. 2013) 730 F.3d 1142, 1158-1159.

⁴⁷ *Id.* at 1158.

harm members of a disfavored class does not cleanse the taint of discrimination.”⁴⁸ Sometimes it “simply underscores the depth of the defendant’s” discriminatory intent.⁴⁹

Intentional discrimination can be established through facial discrimination, direct evidence, or circumstantial evidence.

FACIAL DISCRIMINATION

Facially discriminatory laws or policies explicitly regulate housing or take an adverse action based on a protected characteristic.⁵⁰ Local governments can engage in facial discrimination even when a law or policy does not expressly refer to, for example, group homes or persons with disabilities. “Proxy discrimination is a form of facial discrimination” in which a jurisdiction:

enacts a law or policy that treats individuals differently on the basis of seemingly neutral criteria that are so closely associated with the disfavored group that discrimination on the basis of such criteria is, constructively, facial discrimination against the disfavored group. For example, discriminating against individuals with gray hair is a proxy for age discrimination because the fit between age and gray hair is sufficiently close.⁵¹

To avoid liability for a law or policy that facially discriminates against persons with disabilities, a local government must show that the policy:

- (1) either (a) actually benefits persons with disabilities or (b) is justified by individualized safety concerns raised by the persons the policy affects, and
- (2) is “the least restrictive means of achieving” one or both of these goals.⁵²

⁴⁸ *Id.* at 1159.

⁴⁹ *Id.* See also *id.* at 1158 – 1162 & n. 23.

⁵⁰ Cal. Code Regs., tit. 2, § 12040, subd. (c).

⁵¹ *Pacific Shores Properties*, 730 F.3d at 1160 n. 23, internal quotations and citations omitted.

⁵² Cal. Code Regs., tit. 2, §§ 12042, subd. (f), 12161, subd. (d); *Larkin v. State of Mich. Dept. of Social Services* (6th Cir. 1996) 89 F.3d 285, 290.

These justifications for facial discrimination are “extremely narrow exception[s],” and jurisdictions should be wary of relying on them.⁵³ Jurisdictions must support them with at least, if not more than, the specific and thorough analysis and evidence required by Housing Element Law, including its AFFH provisions. Generalized concerns or ones based on stereotypes will not suffice.⁵⁴ Jurisdictions should also consider less discriminatory alternatives.⁵⁵ And in light of jurisdictions’ obligations to “protect existing residents from displacement” and otherwise affirmatively further fair housing, laws or policies that displace group home occupants from their current, chosen residences warrant especially thorough scrutiny.⁵⁶

DIRECT EVIDENCE

Direct evidence includes written or oral statements showing in themselves that a protected characteristic was a motivating factor in a local jurisdiction’s decision. Direct evidence can itself establish a violation. The affirmative defenses for facial discrimination claims do not apply to direct evidence claims.⁵⁷

CIRCUMSTANTIAL EVIDENCE

Even when policies or statements in themselves do not establish a discriminatory intent, local land use policies and practices can still be found discriminatory based on circumstantial evidence, which can include: (1) the policy’s or practice’s impact, (2) its historical background, (3) the more recent, specific sequence of events leading up to it, (4) departures from usual procedures, (5) departures from usual substantive standards, and (6) the legislative or administrative history.⁵⁸

⁵³ *Dothard v. Rawlinson* (1977) 433 U.S. 321, 334; *Bangerter v. Orem City Corp.* (10th Cir. 1995) 46 F.3d 1491, 1504; see also *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24, 31 nn. 7, 8 (explaining that public policy exceptions to Unruh Act’s prohibitions of discrimination are “rare” and “should be carefully and narrowly construed”).

⁵⁴ *Larkin*, 89 F.3d at 291-292 (rigorously examining and rejecting an agency’s justifications and evidence for spacing and community notice requirements for group homes in holding that they violate the FHA).

⁵⁵ Cal. Code Regs., tit. 2, § 12042, subd. (f).

⁵⁶ See, e.g., Gov. Code, § 65583, subds. (c)(10)(A)(iv), (v).

⁵⁷ See, e.g., Cal. Code Regs., tit. 2, § 12042, subds. (c)-(e).

⁵⁸ HUD – DOJ 2016 Jt. Stmt. on Local Land Use Laws at 4, citing *Village of Arlington Heights v. Metro. Hous. Dev. Corp.* (1977) 429 U.S. 252, 265-68.

These factors are not the only ones that may be considered.⁵⁹ And “very little evidence” is needed to “raise a genuine issue” of a discriminatory intent.⁶⁰ Procedural or substantive departures from AFFH or housing element requirements when regulating group homes would be relevant evidence to consider in assessing if local officials acted for discriminatory purposes.

ii. DISCRIMINATORY EFFECTS

Even if a local government has not acted with a discriminatory purpose, its land use policies or practices can be found unlawful if they have an unjustified discriminatory effect. A discriminatory effect is generally established through statistical evidence showing that a policy or practice actually or predictably results in a disparate impact on a group of persons with protected characteristics or that it perpetuates segregation.⁶¹

If a local land use practice is found to have a discriminatory effect, a jurisdiction can avoid liability if it shows there is a legally sufficient justification for its policy or practice.⁶² A jurisdiction must establish each of the following:

- (1) The practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory purposes;
- (2) The practice effectively carries out the identified purpose;
- (3) The identified purpose is sufficiently compelling to override the discriminatory effect; and
- (4) There is no feasible alternative practice that would equally or better accomplish the identified purpose with a less discriminatory effect.⁶³

Generalized or hypothetical analysis of these elements will not suffice. They must be “supported by evidence.”⁶⁴

To comply with Housing Element Law, including its AFFH provisions, a jurisdiction should not wait for group home occupants or operators to bring discriminatory effects claims but should research on its own whether its policies or practices have discriminatory effects on these residences. If so, the jurisdiction should also complete

⁵⁹ *Pacific Shores Properties*, 730 F.3d at 1159.
⁶⁰ *Id.*; Gov. Code, § 12955.8; Cal. Code Regs., tit. 2, § 12041, subd. (b).
⁶¹ Cal. Code Regs., tit. 2, § 12060, subd. (b).
⁶² Cal. Code Regs., tit. 2, § 12062, subd. (b).
⁶³ *Id.*
⁶⁴ Cal. Code Regs., tit. 2, § 12062, subd. (c).

the evidence-based analysis needed to determine whether there are legally sufficient justifications for these discriminatory policies or practices, including analyzing less discriminatory alternatives.

iii. REASONABLE ACCOMMODATIONS

Discrimination can also arise from a jurisdiction failing “to make reasonable accommodations in rules, policies, practices, or services when these accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling.”⁶⁵ A request for a reasonable accommodation may only be denied if:

- (1) The individual on whose behalf the accommodation was requested is not an individual with a disability;
- (2) There is no disability-related need for the requested accommodation (in other words, there is no [connection] between the disability and the requested accommodation);
- (3) The requested accommodation would constitute a fundamental alteration of the services or operations of the person who is asked to provide the accommodation.
- (4) The requested accommodation would impose an undue financial and administrative burden on the person who is asked to provide the accommodation; or
- (5) The requested accommodation would constitute a direct threat to the health or safety of others (i.e., a significant risk of bodily harm) or would cause substantial physical damage to the property of others, and such risks cannot be sufficiently mitigated or eliminated by another reasonable accommodation⁶⁶

Three common issues, among others, can arise when group home operators or occupants request reasonable accommodations in local land use policies and practices:

- 1. **While a jurisdiction should adopt a formal reasonable accommodations process so that, among other reasons, the public knows how to request accommodations, these processes should be flexible enough to promptly and efficiently resolve accommodations requests without creating**

⁶⁵ Gov. Code, § 12927, subd. (c)(1).

⁶⁶ Cal Code Regs., tit. 2, § 12179.

unnecessary procedural barriers.⁶⁷ These processes should allow group home operators to request reasonable accommodations “at any time . . . while seeking or enjoying a housing opportunity,” including, for example, when: (1) considering whether to buy or lease a home; (2) filing a permit application, or (3) responding to allegations they have violated a zoning code or other ordinance.⁶⁸ If local governments are repeatedly denying accommodation requests or delaying resolving them, they should analyze whether this is due to the requestors failing to provide sufficient information and support or to procedures erecting impermissible barriers to accommodations.⁶⁹

2. **“[I]n most cases, an individual’s medical records or detailed information about the nature of a person’s disability is not necessary” to establish that a person has a disability or that this disability requires a reasonable accommodation in a land use policy or practice.**⁷⁰ A reliable third party with knowledge of a person’s disabilities can usually provide sufficient information for assessing a request for an accommodation in a local land use policy or practice.⁷¹ For example, it is well established that persons recovering from alcoholism or drug addiction have disabilities and that recovery residences support their recoveries. Thus, information provided by a recovery residence operator, such as its occupancy or other policies, for example, should generally suffice to establish its occupants have disabilities and the justifications for the

⁶⁷ See, e.g., *id.* at §§ 12176, subd. (c), 12178.

⁶⁸ See, e.g., *id.* at § 12176, subd. (f).

⁶⁹ See, e.g., *id.* at § 12177; see also these examples of reasonable accommodation ordinances: Oakland Mun. Code, ch. 17.131, available at https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17_131REACPOPR; Model Ordinance for Providing Reasonable Accommodation Under Federal and State Fair Housing Laws (“Model Reasonable Accommodation Ordinance”), Mental Health Advocacy Services, Inc. (September 2003), available at https://www.hcd.ca.gov/community-development/building-blocks/program-requirements/address-remove-mitigate-constraints/docs/model_reasonable_accomodation_ordinance.pdf.

⁷⁰ Supplement to Initial Statement of Reasons for FEHC’s Fair Housing Regulations at 26, quoting HUD DOJ May 17, 2004 Joint Statement on Reasonable Accommodations, available at <https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2019/07/FairHousingReg-SupplementInitialStatementReasons.pdf>.

⁷¹ Cal. Code Regs., tit. 2, § 12178.

requested accommodations, allowing local officials to assess the request without probing into the occupants’ private medical records or histories.⁷²

- 3. **Denials of reasonable accommodation requests must be based on individualized assessments, and specific evidence, not generalized or speculative concerns about group homes or persons with disabilities.** The state’s fair housing regulations provide specific guidance about the type of evidence required to meet this standard.⁷³

5. SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING REQUIREMENTS

If a group home operates in ways that fall within the statutory definitions of supportive housing or transitional housing, jurisdictions must also comply with Housing Element Law’s specific protections of these types of housing. This section summarizes these protections, which are explained more fully in other HCD guidance documents, including:

- Housing Accountability Act Technical Assistance Advisory (Sep. 15, 2020),⁷⁴
- Housing Element Building Blocks – Zoning for a Variety of Housing Types,⁷⁵
- Senate Bill 2 – Legislation Effective January 1, 2008: Local Planning and Approval for Emergency Shelters and Transitional and Supportive Housing (Apr. 10, 2013 update),⁷⁶ and
- Transitional and Supportive Housing, Chapter 183, Statutes of 2013 (SB 745) (Apr. 24, 2014).⁷⁷

⁷² *Id*; *Regional Economic Community Action Program, Inc. v. City of Middletown* (2d Cir. 2002) 294 F.3d 35, 47-48 & n.3, superseded on other grounds as stated in *Brooker v. Altoona Housing Authority* (W.D. Penn 2013) 2013 WL 2896814 at *9 n. 8.

⁷³ Cal. Code Regs., tit 2, § 12179.

⁷⁴ Available at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf>.

⁷⁵ Available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/zoning-variety-of-housing-types>.

⁷⁶ Available at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-2-combined-update-mc-a11y.pdf>.

⁷⁷ Available at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb745memo042414.pdf>.

Supportive Housing Definition. Government Code section 65582, subdivision (g), defines supportive housing to mean housing that:

- has no limit on the length of stay;
- is linked to onsite or offsite services that assist residents in improving their health status, retaining the housing, and maximizing their ability to live and, where possible, work in the community; and
- is occupied by the “target population,” which “means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act . . . and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.”⁷⁸

Transitional Housing Definition. Government Code section 65582, subdivision (j), defines “transitional housing” to mean “buildings configured as rental housing developments, 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.” Therefore, in contrast to supportive housing, transitional housing may limit the length of stay, is not required to provide supportive services (though may be linked to them), and is not limited to residents within the “target population.”

Key Protections for Supportive and Transitional Housing. If a group home operates in ways that qualify it as either supportive or transitional housing, jurisdictions must comply with Housing Element Law’s additional protections for these types of housing.

This includes the requirement that supportive and transitional housing “shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.”⁷⁹ In other words, transitional housing and supportive housing are permitted in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single-family home, apartments) in the

⁷⁸ Gov. Code, § 65582, subd. (i).
⁷⁹ Gov. Code, § 65583, subd. (c)(3), emphasis added.

same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone, and supportive housing located in a single-family home in a single-family zone is permitted in the same manner as a single-family home in the same zone.

In addition, if supportive housing meets the specifications of Government Code section 65650 et seq, it must be treated as “a use by right in all zones where multifamily and mixed uses are permitted”⁸⁰ By-right approval means that the use cannot require a conditional use permit or other discretionary review, even if a permit is required for other residential dwellings of the same type in the same zone.⁸¹ This nondiscretionary (i.e., ministerial) approval requirement renders the proposed use statutorily exempt from the California Environmental Quality Act if the project “complies with written, objective development standards and policies.”⁸²

When supportive or transitional housing does require a permit of any type, the Housing Accountability Act limits jurisdictions’ authority to deny the permit. These limits are discussed at length in HCD’s Housing Accountability Act Technical Assistance Advisory (Sep. 15, 2020).⁸³

6. STATE LAW PROVIDES BROADER PROTECTIONS THAN FEDERAL LAW

The Legislature has specified that the FEHA may be interpreted broadly to provide “greater rights and remedies” than federal laws.⁸⁴ The Legislature has also emphasized that “[t]he law of this state in the area of disability provides protections independent from those in [federal law],” noting that California law “has always, even prior to passage of the federal [ADA], afforded additional protections.”⁸⁵

Examples of California providing “greater rights and remedies” than federal law include, among other things, state law’s broader definitions of disabilities (e.g., only requiring a mere limitation of a major life activity for a mental or physical condition to qualify as a

⁸⁰ *Id.*
⁸¹ *Id.*
⁸² Gov. Code, § 65651, subd. (b)(2); Pub. Resources Code, § 21080, subd. (b)(1); Cal. Code Regs., tit. 14, §§ 15002, subds. (i)(1), 15268(a).
⁸³ See *supra*, n. 74.
⁸⁴ Gov. Code, §§ 12955.6, 12993.
⁸⁵ Gov. Code, § 12926.1, subd. (a).

disability compared to federal law requiring a substantial limitation); prohibition of land use policies and practices that discriminate against housing designed for persons or families of very low, low, moderate, or middle income; requirements for how local governments must affirmatively support housing for persons with disabilities; specific requirements for supportive and transitional housing; and reasonable accommodations regulations.⁸⁶

Therefore, federal laws set a floor, not a ceiling, for the fair housing rights that the state may provide through the FEHA, Anti-Discrimination in Land Use Law, and other state laws.⁸⁷ Likewise, although federal court decisions about federal fair housing laws can provide important guidance for interpreting state fair housing laws, their interpretations of state laws are not binding authority.⁸⁸ Confusion can arise if local governments assume that resolving whether a local land use policy or practice complies with federal law automatically resolves whether it complies with state law.

To avoid this confusion, local governments should follow these two general guidelines:

- **If a policy or practice violates federal fair housing law, it also likely violates state law.**
- **But the converse is not necessarily true.** If a policy or practice complies with federal fair housing laws, local governments should independently determine whether it complies with state law’s broader protections.

7. COMMON ISSUES IN LOCAL ORDINANCES THAT REGULATE GROUP HOMES

HCD cannot anticipate all the issues that might arise if local governments attempt to regulate group homes through local land use laws. But the following are examples of some common ones that can arise.

⁸⁶ See, e.g., Gov. Code, §§ 12926.1; 65008, subds. (a), (b); 65583, subds. (a), (c); Cal. Code Regs., §§ 12176-12185.

⁸⁷ See, e.g., Gov. Code, § 12926.1, subd. (a); *California Federal Sav. and Loan Ass’n v. Guerra* (1987) 479 U.S. 272, 285; 42 U.S.C. § 3615.

⁸⁸ See, e.g., Cal. Code Regs, tit. 2, § 11001, subd. (b).

A. DEFINITIONS OF SINGLE HOUSEKEEPING UNITS OR SINGLE-FAMILY HOMES

Zoning ordinances sometimes attempt to restrict or limit group homes in single-family residential zones (e.g., R-1) through definitions of single housekeeping units or single-family homes. Overly restrictive definitions risk violating not only state housing laws, but the California Constitution's protections of the rights of unrelated persons to live together in communal housing.⁸⁹

Persons with disabilities choose to live in group homes because these homes provide peer and other support for their residents' disability-related needs, while helping to integrate residents into their communities. Group homes should be treated as single-housekeeping units if they are designed to foster these mutually supportive peer relationships; allow open-ended stays or at least, on average, stays of more than a few weeks; and provide shared kitchen, dining, living, and other spaces in which residents may, in certain homes, participate in basic, shared cooking and housekeeping activities.

In general, localities should avoid including provisions in definitions of shared-housekeeping units, single-family homes, or other single residential dwellings that:

- **Equate group homes with boardinghouses.** Group homes' shared communal purposes to provide peer and other support for their occupants' disability-related needs and to help integrate them into their local communities makes this an inapt comparison. Boardinghouses do not provide communal housing designed to support the needs of persons with disabilities.
- **Require all residents to share a common deed or lease.** The California Constitution's protections of personal privacy extend to individuals' choices to live together even when they are not joint owners or tenants.⁹⁰ And group homes can still provide a communal setting that supports their residents' needs without all residents being joint owners or tenants.
- **Automatically exclude group homes that are owned by for-profit businesses or that pay a house manager or resident to help manage a**

⁸⁹ See, e.g., *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123.

⁹⁰ See, e.g., *Coalition Advocating Legal Housing Options v. City of Santa Monica* (2001) 88 Cal.App.4th 451, 458-459.

home’s operations. These are well-established models for group homes.⁹¹ And persons with certain types of disabilities may need supportive, in-house staff to be able to live in a group home.

- **Overly scrutinize living arrangements** by, for example, requiring residents to take care of all housekeeping tasks, share all bathrooms and refrigerators, and eat all meals together, or by prohibiting locks on bedroom doors. Localities do not impose such conditions on families of related persons, who may live in R-1 neighborhoods even if they can afford to hire housekeepers or gardeners, do not share all bathrooms, decline or lack the time to eat all meals together, or choose to install locks on parents’, teenagers’, or other relatives’ bedroom doors. And different types of group homes may require different living arrangements and provide different levels of housekeeping or other services based on their residents’ individualized needs or other considerations.

B. REQUIREMENTS THAT ALL GROUP HOMES WITH MORE THAN SIX RESIDENTS MUST OBTAIN PERMITS TO LOCATE IN SINGLE-FAMILY ZONES

Some local zoning ordinances require all group homes with more than six residents to apply for conditional use permits or obtain other special approvals to locate in single-family zones. These ordinances appear to be based on Health and Safety Code statutes that require local governments to treat many types of licensed group homes with six or fewer residents the same as single-family homes and prohibit requiring these small, licensed group homes to obtain conditional use permits or other special approvals to locate in single-family zones.⁹²

But local policies that require *all* group homes with more than six residents to obtain conditional use or other permits inappropriately turn state laws designed to remove constraints on small, licensed group homes into constraints on the many other group homes that do not require state licenses.

⁹¹ Douglas L. Plocin and Diane Henderson, *A Clean and Sober Place to Live: Philosophy, Structure, and Purported Therapeutic Factors in Sober Living Homes*, 40 J Psychoactive Drugs (2008), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2556949/> (discussing how a “strong manager’ model of operations” can function in ways that provide the same or similar benefits of a communal environment and peer support as group homes that residents own and operate themselves).

⁹² See, e.g., Health & Saf. Code, §§ 1566.3, 1569.85, 11834.23.

To comply with the Health and Safety Code’s exemptions for small, licensed group homes and with housing element, AFFH, and fair housing requirements to remove constraints on and prevent discrimination against group homes, local governments should follow these guidelines:

- **Group homes that operate as single-family residences and that do not provide licensable services should be allowed in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences.** This is true even if these homes have more than six residents. Because these homes are not providing licensable services, they should be treated the same as other residences.⁹³
- **Group homes that operate as single-family residences and that provide licensable services to six or fewer residents should be allowed in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences.** This complies with, among other things, the Health and Safety Code protections for these smaller, licensed group homes.
- **Group homes operating as single-family residences that provide licensable services to more than six residents may be subject to conditional use or other discretionary approval processes.** Local governments must still provide flexible and efficient reasonable accommodations in these permitting processes. This means that some requests for exceptions to permitting processes should be resolved through reasonable accommodation procedures instead of conditional use procedures.⁹⁴ In addition, any substantive requirements for these group homes must still comply with the local government’s obligations to remove constraints on housing for persons with disabilities, affirmatively support it, and prevent discrimination against it. The next sections provide further guidance on how to meet these obligations.⁹⁵

⁹³ See also *supra* at pp. 20-22 (discussing specific protections for supportive and transitional housing).

⁹⁴ See, e.g., Letter from Attorney General Bill Lockyer to The Hon. William Hartz, Mayor of Adelanto (May 15, 2001) (explaining that relying on conditional use procedures to address reasonable accommodation requests can lead to fair housing violations).

⁹⁵ Although the Group Home TA focuses on group homes operating as single-family residences, the same principles apply to those operating, for example, as multifamily residences in multifamily zones.

C. RETROACTIVE COMPLIANCE

Zoning codes typically allow uses that began lawfully before a new zoning provision was adopted or amended to continue after these new requirements are imposed, with the concept of legal nonconforming existing uses found in almost all zoning codes. For example, a local government may change zoning requirements to disallow auto repair uses in the downtown area. An existing auto repair shop would continue to be allowed to continue to operate because at the time when the use began it was an allowable use.⁹⁶

Local governments should generally treat existing group homes similarly when amending their zoning codes. Retroactive application of new zoning provisions should be avoided, especially if it will displace persons with disabilities from the homes they have chosen. Any exception to the well-established practice of allowing legal nonconforming uses to continue should be supported by substantial analysis and evidence showing that it is required to protect public health, safety, and welfare. This analysis and evidence should include specific local data and evidence, not merely anecdotal reports about problems that have arisen at some group homes or generalized descriptions of the public health, safety, and welfare interests that the new amendments are designed to serve.

D. SPACING REQUIREMENTS

Spacing requirements restrict group homes from locating within a specific distance of other group homes. Local governments should be very wary about imposing spacing requirements that extend beyond the limited requirements the Legislature has deemed necessary to prevent the overconcentration of certain licensed facilities to ensure their residents are integrated into their communities.

The Legislature has found spacing requirements justified only for specific types of licensed facilities. Community care facilities, intermediate care facilities serving persons with developmental disabilities who require intermittent but recurring skilled nursing care, and pediatric day health and respite care facilities that provide services to children with particularly acute or chronic healthcare needs and their parents or guardians must be separated by at least 300 feet. Congregate living health facilities serving persons with terminal or life-threatening illnesses or with catastrophic or severe disabilities

⁹⁶ See, e.g., *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 552; *Edmonds v. Los Angeles County* (1953) 40 Cal.2d 642, 651.

acquired through trauma or nondegenerative neurologic illness must be separated by at least 1,000 feet.⁹⁷

Further limiting these spacing requirements, the Legislature has specified that they:

- apply to some types of licensed facilities, but not to others. For example, the spacing requirements apply only to some types of intermediate care facilities but not to AOD facilities or to residential care facilities for the elderly;
- apply to proposed, new facilities, not existing ones;
- only require separation of facilities with similar licenses; and
- allow closer spacing based on local needs and conditions.⁹⁸

Contrary to these carefully crafted limitations on spacing requirements, some local governments have imposed spacing requirements on recovery residences, including those already in operation. These spacing requirements are very unlikely to withstand scrutiny under state housing laws. Among other things:

- **They are at odds with the Legislature’s narrowly crafted spacing requirements in section 1267.9.**
- **They can conflict with local governments’ obligations to, for example, remove constraints on housing for persons with disabilities, affirmatively support such housing, avoid policies that displace persons with protected characteristics, and affirmatively support their right to live where they choose.**⁹⁹
- **They are very hard to justify based on the narrow exceptions that state fair housing laws allow for facial discrimination.** Justifications based on the goal of avoiding overconcentration are difficult to establish and require substantial and detailed statistical evidence establishing that an overconcentration of recovery residences has reached the point where it is, for example, creating an institutionalized living environment or perpetuating segregation within specific

⁹⁷ Health & Saf. Code, §§ 1267.9, subd. (b) (setting spacing requirements for these types of community care residential facilities), 1502 (defining facilities that are subject to 300-foot spacing requirements), 1250 (defining facilities subject to 1000-foot spacing requirements).

⁹⁸ Health & Saf. Code, § 1267.9.

⁹⁹ See, *supra*, at pp. 9-12.

neighborhoods or communities. Merely comparing the number of recovery residences in one city with the number in others generally will not suffice.¹⁰⁰

- **They can lack the flexibility required to reasonably accommodate recovery residences and their occupants’ disability-related needs.**
- **The Legislature has repeatedly rejected attempts to impose spacing requirements on recovery residences.** As recently as 2018, for instance, the Legislature declined to adopt SB 786, a bill that would have imposed a 300-foot spacing requirement on recovery residences.¹⁰¹ The legislative history shows that the Legislature considered the lack of clear data showing that this spacing requirement would benefit persons recovering from alcohol and drug addiction. The Legislature also considered concerns that this spacing requirement would discriminate on the basis of disability, impede opening new recovery residences, reduce access to much needed recovery and treatment services, and stigmatize recovery residences and their occupants.¹⁰²

In sum, local governments should avoid imposing spacing requirements that extend beyond those specified in Health and Safety Code section 1267.9.¹⁰³

¹⁰⁰ See, *supra*, at pp. 15-16. Spacing requirements like this also need to withstand scrutiny under other standards for assessing intentional discrimination or discriminatory effects. See, *supra*, at pp. 12-19.

¹⁰¹ Sen Bill No. 786 (2017-2018 Reg. Session). This bill is one of many times that the Legislature has declined to enact, or the Governor has vetoed bills attempting to regulate recovery residences. See, e.g., Sen. Com. on Health, analysis of Sen. Bill 786 (2017-2018 Reg. Sess.) at 7-8 (listing several other bills with similar provisions that the died in the Legislature between 2006 and 2007); California Research Bureau, *Sober Living Homes in California: Options for State and Local Regulation* (October 2016) at 14-16 (listing over 20 bills affecting recovery residences introduced between 1998 and 2016 that the Legislature did not pass or the Governor vetoed).

¹⁰² Sen. Com. on Health Analysis of Sen. Bill 786 at 6, 8-9.

¹⁰³ Recent federal court decisions rejecting challenges under federal and California laws to spacing requirements for recovery residences have not considered the important differences between state and federal laws. See, e.g., *Yellowstone Women’s First Step House, Inc. v. City of Costa Mesa* (C.D. Cal. Oct. 8. 2015) 2015 WL 13764131 at *7-8, affirmed in part and vacated in part, 2021 WL 4077001 (9th Cir. Sep. 8, 2021) (unpublished, nonprecedential decision). These differences include, for example, the affirmative duties that California’s Housing Element Law imposes on local governments and the broader rights and remedies for persons with disabilities under California’s fair housing laws. See, *supra*, at pp. 22-23.

E. OCCUPANCY LIMITS AND BUILDING, FIRE, OR OTHER HEALTH AND SAFETY CODE REQUIREMENTS

Subject to the Legislature’s requirements for specific types of licensed facilities, such as those serving persons with limited mobility, and to requests for reasonable accommodations, local governments should apply the same generally applicable occupancy limits to group homes that they do to other housing. Under the Uniform Housing Code section 503.2, at least one room in a dwelling unit must have a floor area of at least 120 square feet, with other habitable rooms, except kitchens, required to have a floor area of at least 70 feet. When more than two people occupy a room for sleeping purposes, the required floor area increases by 50 square feet. For example, a bedroom intended for two people could be as small as 70 square feet, while a bedroom would need to be at least 120 square feet to accommodate three people or at least 170 square feet to accommodate four people.

Likewise, to avoid imposing overly costly and burdensome constraints on group homes, the best practice is to apply the same general building, fire, and other health and safety codes that apply to other residences, subject to state health and safety code provisions specific to certain types of residential facilities.¹⁰⁴ Although group home operators may request reasonable accommodations from public health and safety standards, fair housing laws allow local governments to deny these requests if, among other things, they would cause direct threats to public health and safety.

F. REQUIREMENTS FOR OPERATORS AND RESIDENTS

Requirements for operators and residents often take the form of specific services or management practices that the local jurisdiction feels are necessary for the successful operation of group homes. These requirements tend to deal with the internal affairs of the operations and frequently involve issues beyond those in typical land use regulations. For example, local jurisdictions do not typically regulate the number of daily visitors to a single-family home or other residential property.

When applied to group homes, these types of regulations raise concerns that a local government is imposing conditions on them that are contrary to its duties to support housing for persons with disabilities, prevent discrimination on the basis of disability or other protected characteristics, and provide reasonable accommodations.

¹⁰⁴ See, e.g., Health & Saf. Code, § 13113 (requiring sprinkler systems in certain licensed residential facilities).

Before adopting or applying any such regulations even for licensed group homes, local governments should analyze whether they are consistent with state housing laws and document this analysis. Local governments should also consider whether such regulations are consistent with the Health and Safety Code’s provisions and regulations for licensed facilities.

Although this Group Home TA cannot address all potential issues regarding potential regulations of operators and residents, the following are examples of requirements taken from recent local ordinances:

Imposing Special Parking Requirements on Group Homes. Requiring group homes to have or construct additional off-street parking spaces can impose considerable costs that constrain housing opportunities for persons with disabilities. These special parking requirements will often conflict with the right to privacy under the California Constitution,¹⁰⁵ as well as local governments’ obligations to affirmatively support housing for persons with disabilities and avoid discriminating against them. Jurisdictions imposing additional parking requirements assume that group homes serving adults will have more residents who drive and will therefore use more on-street parking than other households. But these assumptions should at the very least be tested by studying the actual causes and extent of on-street parking shortages in an area.¹⁰⁶ Local governments should also consider less discriminatory alternatives, such as street-parking permit systems for all households or other generally applicable parking and vehicle regulations.

Restricting Recovery Residence Occupants to Persons Actively Participating in Recovery Programs. While most occupants of recovery residences participate in recovery programs, local governments should not impose this as a condition of living in a recovery residence. There are different models of recovery, not all of which involve participating in 12-step or similar programs. And recovering from alcoholism or drug addiction is legally recognized as a protected disability regardless of whether someone has participated or is currently participating in a recovery or treatment program.¹⁰⁷

¹⁰⁵ *Adamson, supra*, 27 Cal.3d at 133 (concluding that parking concerns are best addressed by limitations that “appl[y] evenly to all households” and concluding that zoning ordinances are suspect when they focus on users instead of uses).

¹⁰⁶ See, e.g., *Lauber, supra*, n. 16 at 385 & n. 52 (citing studies finding that group homes do not generate undue amounts of parking or traffic).

¹⁰⁷ *Hernandez v. Hughes Missile System Co.* (9th Cir. 2004) 362 F.3d 564, 568; HUD – DOJ 2016 Jt. Stmt. on Local Land Use Laws at 7-8.

Restricting Occupancy Exclusively to Persons with Disabilities. Regulations restricting group home occupancy exclusively to persons with disabilities or with a specific disability may sometimes intrude on individuals’ fair housing choices and privacy rights. They also risk discriminating on the basis of other protected statuses. Inflexible occupancy restrictions, for example, could preclude group homes designed for families in which one member has a disability or recovery residences designed for parents in recovery who are seeking to reunite with their children.

Restricting Occupants or Staff from Homes Based on Their Criminal History Records. Policies that prohibit individuals from living in or working at group homes based on individuals’ criminal history records may be intended to protect the occupants of these homes. But local governments contemplating adopting or applying such policies should carefully review California Code of Regulations, title 2, sections 11017.1; 12162, subdivision (b); and 12264-12271, which set parameters on using criminal history information that, among other things, restrict access to employment or housing. Local governments should also consider state laws and regulations that apply to criminal background checks for licensed facilities’ employees.¹⁰⁸

Requiring Recovery Residences or AOD Facilities to Immediately Remove Occupants Who Violate Policies Prohibiting Alcohol or Drug Use. Although Health and Safety Code section 11834.26, subdivision (d), requires AOD facilities to plan how to address a resident’s relapse, that subdivision clarifies that this “does not require a licensee to discharge a resident.” This recognizes that approaches to addressing someone’s relapse may vary depending on a recovery residence’s or AOD facility’s program, the circumstances of the relapse, and an individual’s personal history and needs. Local policies should allow the same flexibility. Moreover, requirements to immediately remove relapsing residents with tenancy rights may conflict with landlord-tenant laws.

Other Examples

- **House Manager Requirements**—requiring group homes to have a house manager on site around the clock or always available to come to the residence within 30 or 45 minutes.
- **Visitor Restrictions**—requiring group homes to limit who can visit and under what conditions.

¹⁰⁸ See, e.g., Health & Saf. Code §§ 1522, 1569.17, 11834.27; Cal. Code Regs., tit. 9, §§ 10564, 10615, 10624, tit. 22, §§ 80019-19.2.

- **Records Maintenance**—requiring group homes to maintain specific records about the internal affairs or occupants of the house.
- **Codes of Conduct**—requiring group homes to have special conduct codes for their residents.
- **Neighborhood Notice Requirements**—imposing special neighborhood notice requirements on group homes.
- **Law Enforcement Registration Requirements**—requiring group homes to register with the local sheriff’s office or other law enforcement offices.

Regulations like these can be based on mistaken or prejudicial fears about group homes, instead of actual data and evidence. Particularly in light of research finding that fears about group homes endangering neighbors’ health and safety are unfounded,¹⁰⁹ such provisions may in themselves be regarded as evidence that a local government is not complying with its requirements to affirmatively support housing for persons with disabilities and prevent discrimination against group homeowners, operators, and residents.

Regulations like these can also create unnecessary constraints on group homes by imposing overbroad, additional costs and burdens on the many group homes that capably serve their occupants’ needs and seamlessly integrate into their communities. They can intrude on privacy rights. They can discriminate on the basis of disability or other protected characteristics if, for example, requirements like these are imposed on group homes but not on other housing. For these reasons, among others, regulations like these generally conflict with state housing laws.

G. Civil Actions for Operating Without a Required State License

Some categories of group homes, such as all those serving children, require state licenses. But many, if not most, group homes do not require state licenses to operate. These include, for example, group homes that provide peer support and limited services to residents but not the more extensive care and supervision that requires obtaining a license. Recovery residences that do not provide alcoholism or drug addiction recovery or treatment services are other examples of group homes that do not require licenses.

Examples of group homes that do require licenses include the ones in this table:

¹⁰⁹ See, *supra*, nn. 15-16.

Use	Health and Safety Code Sections	Licensing Agency
Community Care Residential Facilities (including various subcategories)	§ 1500 et seq. & § 1569 et seq., e.g.,	California Department of Social Services (CDSS)
AOD Facilities	§ 11834.01 et seq.	California Department of Health Care Services (DHCS)

Some local governments have amended their zoning ordinances to declare that operating a business without a required state license is a public nuisance. Some of these ordinances single out recovery residences that are providing recovery or treatment services without a license. These jurisdictions file civil actions seeking to abate these nuisances by closing some noncompliant recovery residences, requiring others to obtain the required license, or imposing limitations on recovery residences that were not providing recovery or treatment services.

Local governments have discretion to define as public nuisances’ business or construction activities that are undertaken without a required permit or license. And at least one California appellate court has upheld a city’s public nuisance action against a recovery residence where the owners’ own website advertised that they provided on-site drug addiction treatment services.¹¹⁰

But jurisdictions considering adopting this practice should still carefully assess the issues and problems that can arise under state law. Guidelines for local governments considering this include the following:

- **Avoid targeting these nuisance actions on group homes operating without required licenses while ignoring other businesses operating in residences without required licenses.** Although public prosecutors have broad discretion to prioritize which violations or violators to prosecute, they cannot use this discretion in ways that discriminate on the basis of disability or other protected characteristics. Jurisdictions should not single out group homes unlawfully operating without required licenses while ignoring businesses doing the same thing in other residences.

¹¹⁰ *City of Dana Point v. New Method Wellness, Inc.* (2019) 39 Cal.App.5th 985.

- **Give group homes the same opportunities to respond to and resolve alleged code violations as other alleged violators.** For example, if other property owners or businesses are allowed to respond to and resolve alleged code violations during investigations or administrative hearings, those same procedures should apply to group homes that are allegedly providing services that require a license without having obtained one.
- **Use the processes available through DHCS and CDSS, for example, for resolving allegations that a group home is operating without a required license.** If a locality has evidence that a residence is providing unlicensed recovery or treatment services in facilities under DHCS’s jurisdiction or unlicensed care or supervision for residents in facilities under CDSS’s jurisdiction, it should use these departments’ processes for investigating such complaints and abating them if they have merit.¹¹¹ This is especially important when group home operators have not openly admitted that they are providing unlicensed services on-site.

Determining what activities at a group home rise to the level of licensable services, in contrast to common policies or mutual support activities that do not require licenses, can involve nuanced and technical issues that are beyond the expertise of most local planning or code enforcement staff. DHCS’s and CDSS’s staff have the expertise and experience to investigate these claims, make these determinations, and abate violations of the licensing laws they enforce.

If jurisdictions are filing their own, more costly civil actions to resolve disputes over whether a group home requires a license, this runs the risk of courts issuing mistaken rulings without the benefit of DHCS’s or CDSS’s findings and expertise.¹¹² It also raises questions under state housing laws about why a local government is not availing itself of DHCS’s or CDSS’s procedures and opting instead to subject a group home to more expensive and burdensome civil litigation.

¹¹¹ See, e.g., Cal. Code Regs., tit. 9, § 10542, tit. 22, § 80006.

¹¹² Cf. *Farmers Ins. Exchange v. Superior Court* (1992) 2 Cal.4th 377, 390 (explaining that under primary jurisdiction doctrine, courts may suspend proceedings to allow an administrative agency with specialized expertise to determine an issue within the scope of its regulatory authority).

H. ENFORCING GENERALLY APPLICABLE MUNICIPAL CODES AND OTHER LAWS

If group home operators are engaging in activities that constitute public nuisances; violating generally applicable building, housing, or other health and safety laws; committing fraud; or engaging in other illegal activities, local governments can address these issues through the same code enforcement and other legal processes they apply to others who violate municipal codes and other laws. This may still require considering if reasonable accommodations are appropriate in some circumstances. And local governments should avoid overbroad or discriminatory applications of nuisance laws, such as basing nuisance actions on 911 calls for emergency services.¹¹³ But if a group home is found to have violated local or state law, local governments may seek equitable relief that could include more stringent oversight and other affirmative relief to prevent further violations.

Focusing on individual group homes that are actually causing problems is a better practice than adopting overly broad and constraining regulations for all group homes that conflict with state housing laws.

8. RESOURCE MATERIALS AND STATE CONTACTS

Resource Materials

Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements (April 2021 Update), available at https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Housing Accountability Act Technical Assistance Advisory, HCD (Sep. 15, 2020), available at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf>

Housing Element Building Blocks, HCD, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks>

¹¹³ See. e.g., Cal. Code Regs., tit. 2, § 12162, subd. (a); United States Department of Housing and Urban Development, Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances (Sep. 13, 2016), available at <https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>.

Housing Element Building Blocks – Constraints for People with Disabilities, HCD, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/constraints-people-disabilities>

Housing Element Building Blocks – Persons with Disabilities, HCD, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/people-disabilities-including-developmental-disabilities>

Housing Element Building Blocks – Zoning for a Variety of Housing Types, HCD, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/zoning-variety-of-housing-types>

Joint Statement of the Department of Housing and Urban Development and the Department of Justice – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act, HUD - DOJ (Nov. 10, 2016), available at <https://www.justice.gov/opa/file/912366/download>

Senate Bill 2—Legislation Effective January 1, 2008: Local Planning and Approval for Emergency Shelters and Transitional and Supportive Housing, HCD (Apr. 10, 2013 update), available at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-2-combined-update-mc-a11y.pdf>

Transitional and Supportive Housing, Chapter 183, Statutes of 2013 (SB 745), HCD (Apr. 24, 2014), available at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb745memo042414.pdf>

Contacts

HCD

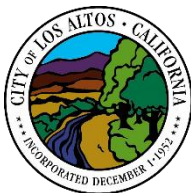
HCD accepts requests for technical assistance from local jurisdictions and requests for review of potential violations from any party. All comments submitted to HCD are subject to the California Public Records Act. Send email requests to: ComplianceReview@hcd.ca.gov.

California Department of Health Care Services (DHCS)

Information about DHCS's complaint process for licensing issues at AOD facilities is available at <https://www.dhcs.ca.gov/individuals/Pages/Sud-Complaints.aspx>, by emailing sudcomplaints@dhcs.ca.gov, or by calling (877) 685-8333.

California Department of Social Services (CDSS)

Information about CDSS's complaint process for licensing issues at facilities that it regulates is available at <https://www.cdss.ca.gov/reporting/file-a-complaint/ccld-complaints> or by calling (844) 538-8766.



AGENDA REPORT SUMMARY

Meeting Date: November 14, 2023

Subject Report Out on Shared Police Services Study With Los Altos Hills

Prepared by: Gabriel Engeland, City Manager

Attachment(s): Attachment 1: Initial Assessment for Los Altos/Los Altos Hills Police Services
Attachment 2: August 22, 2023 Staff Report, City of Los Altos
Attachment 3: August 17, 2023 Staff Report, Town of Los Altos Hills

Initiated by:
Request from the Town of Los Altos Hills

Previous Council Consideration: August 22, 2023

Background:

At the regular City Council meeting on August 22, 2023, the City Council considered a request from the Town of Los Altos Hills to engage in an initial assessment of the feasibility of shared police services. This report provides the results of the initial analysis and is included as attachment 1.

Fiscal Impact:

\$25,000 from the General Fund.

Environmental Review:

This action does not qualify as a “Project” as defined in California Government Code Section 15378(b) of the Guidelines for California Environmental Quality Act (CEQA), and it is also considered a feasibility or planning study for possible future action and exempt under CEQA Guidelines 15262.

Policy Question(s) for Council Consideration:

Does the City Council wish to further examine the possibility of developing an agreement for shared law enforcement services?

If the City Council does wish to proceed, will the City Council authorize \$25,000 from the general fund to complete a formal analysis?

Summary:

The City of Los Altos and the Town of Los Altos Hills completed an initial assessment (attachment 1) of the feasibility of shared police services after Council authorization on August 22, 2023 (attachment 2).

The results of the initial assessment show that shared services may be feasible, but more analysis is necessary if the Town and the City are interested in pursuing a shared police model.



Subject: Report Out on Shared Police Services Study With Los Altos Hills

The initial assessment was paid for entirely by the Town of Los Altos Hills. Each of the models considered in the assessment assumed that shared Police services would improve policing in both jurisdictions. Should the City Council wish to complete a formal study, staff believes it is appropriate to share in these costs as there are benefits to both parties in further exploration. The current estimate of a formal study is expected to be \$50,000 with each jurisdiction providing 50% of the necessary funds. Should the ultimate study, if approved, cost more or less than this estimate, each jurisdiction would continue to provide 50% of the funding.

Staff Recommendation:

Discuss the initial analysis and information in this staff report and provide direction as to whether the City Council would like to further study shared Police services with Los Altos Hills.

If the City Council would like to proceed, direction should include the approval of increasing the current budget by \$25,000 in the General Fund.

Purpose:

Through their respective City Councils, the Cities of Los Altos and the Town of Los Altos Hills agreed to examine the possibility of developing an agreement for shared law enforcement services. The result of this analysis are contained in the staff report as attachment 3 and is intend to provide leadership in the City and the Town with preliminary data so both jurisdictions:

- (1) are informed about progress,
- (2) have the opportunity to provide direction on the types of information needed for future decisions, and
- (3) may confirm if they wish to complete a formal study.

Discussion/Analysis:

At the regular City Council meeting on August 22, 2023 the City Council considered a request from the Town of Los Altos Hills to engage in an initial assessment of the feasibility of shared police services. The results of the initial assessment show that shared services may be feasible, but more analysis is necessary if the Town and the City are interested in pursuing a shared police model.

The initial analysis provides high-level, conceptual outlines of feasibility, structure, operational evaluations, and a potential financial model. It is expected each of these areas would be further developed or refined through the completion of a formal study.

It is important to note that the data provided in this staff report, including the initial assessment, is informational only and that any action to change law enforcement service providers by the Town of Los Altos will be conducted in a manner consistent with state and Los Altos Hills services procurement policies.

Additionally, the discussions to date, and/or any further studies do not constitute any agreement between the parties. Any item outside of the initial assessment and the further, formal study would approval by the City Council of the City of Los Altos.



Subject: Report Out on Shared Police Services Study With Los Altos Hills

Staff Recommendation:

Discuss the initial analysis and information in this staff report and provide direction as to whether the City Council would like to further study shared Police services with Los Altos Hills.

If the City Council would like to proceed, direction should include the approval of increasing the current budget by \$25,000 in the General Fund.



**To: Peter Pirnejad, Los Altos Hills City Manager
Gabriel Engeland, Los Altos City Manager**

From: Brian Uhler, MRG Consultant

RE: Initial Assessment for Los Altos/Los Altos Hills Police Services

November 2, 2023

Purpose

Through their respective City Councils, the Cities of Los Altos (LA) and Los Altos Hills (LAH) have agreed to examine the possibility of developing an agreement for shared law enforcement services. This document is to provide leadership with preliminary data so both jurisdictions:

- (1) are informed about progress,
- (2) have the opportunity to provide direction on the types of information needed for future decisions, and
- (3) may confirm their desire to continue to move forward (or not).

Feasibility

In initial meetings, there were a few broad requirements which were viewed as being essential:

- Improvement of service level/coverage for both jurisdictions
- Financial tracking mechanism to ensure fairness and transparency
- For LAH, costs must be reasonably close to current spending levels
- For LA, adequate time is needed for proper implementation

Structure

At the onset, legal experts were queried to ensure ongoing discussions and any future agreement would conform to California law. For example, we learned a simple agreement where LA would provide services to LAH would not require Local Agency Formation Commission (LAFCo) involvement. One local model which may serve as an example between Los Gatos and Monte Sereno has been successfully deployed since 1995.

Operational Evaluation Elements Overview

Law enforcement deployment and staffing studies are commonplace. Most rely on a variety of established parameters which typically include¹:

1. Crime trends
2. Per capita comparisons
3. Existing/historical staffing levels or minimum staffing policy
4. Budget-driven decisions
5. Workload based models (call for service volume)

1. ICMA, Center for Public Safety Management (review of 62 agencies analyzed by ICMS).
https://icma.org/sites/default/files/305747_Analysis%20of%20Police%20Department%20Staffing%20_%20McCabe.pdf



Political realities affecting increases or decreases in the level of law enforcement funding, have been added in recent years. A more recent concern is understaffing for virtually all California agencies—now at lowest statewide levels since 1991². Of course, this causes hiring pressures for virtually all jurisdictions.

Schedule modeling for workload analysis in larger agencies can be quite time-consuming, costly, and complex. In these agencies, over extended periods of time, professional evaluators drill down into workload details, such as how often certain events take place and how long it takes personnel “on-the-scene” to handle such events. They do this for every type of service call and administrative function (e.g. training or court). In addition, some agencies seek to align workload demands by the time of day and day of week. Ultimately, such agencies seek to schedule enough personnel during peak times and balance the workload while maintaining some ideal level of unassigned preventive patrol time (called an “availability factor”).

For smaller agencies, other dynamics or realities negate the need for detailed and costly analysis. For example, size, population, or call volume, may readily justify a single officer working at certain times; however, practical deference to officer safety may dictate two officers on the schedule. Another practical consideration for smaller jurisdictions is the fact that “big” events do not happen often or happen at sporadic times/days. Anticipating or staffing for these is just not feasible. For these events, smaller agencies typically rely on mutual aid agreements with neighboring jurisdictions. Lastly, in smaller agencies, the total number of sworn staff often limits police leaders’ ability to deploy staff proportionately to the workload (e.g. peak activity hours may justify added staff, but doing so would run afoul of minimum staffing requirements during other times).

Financial Model

The LA/LAH law enforcement services working group, to include both City Managers, considered three financial structure models as follows:

- (1) Dedicated Position Basis—Specific positions are funded by the receiving jurisdiction
- (2) Call for Service Basis—Total budget shared proportionately by call volume
- (3) Service Hour Basis—Cost-per-hour coupled with agreed service levels

Through extensive discussions, the group believed using the Dedicated Position Basis provides the best structure for both jurisdictions. First, it provides maximum transparency and simplicity by defining specific positions with their funding source. Second, it provides clearly defined coverage. Third, when coupled with provisions for administrative overhead costs, it covers all costs for the services provided to the receiving jurisdiction.

NOTE: The Call for Service basis was overly complicated by the “residential only” nature of LAH. Further, the Service Hour Basis model implies a time-consuming, complex, and impractical accounting of all personnel’s activities on a minute-by-minute basis.

2. California Public Policy Institute, Law Enforcement Staffing in California, February, 2023 Fact Sheet. www.ppic.org/publication/law-enforcement-staffing-in-california/



Los Altos/Los Altos Hills Evaluation Elements

To guide future decisions and stay within reasonable budgetary and time constraints, the below combination of measures, commonly used in smaller jurisdictions, are provided. Ultimately, these data points may be used to guide staffing levels (and costs). This way, both jurisdictions fund sufficient staffing to handle “their” workload while they simultaneously provide mutually beneficial back-up/field operations capacity. Conversely, if one jurisdiction is comparatively understaffed, the other jurisdiction would disproportionately and unfairly prop-up the other.

ELEMENT 1: Call workload compared to sworn staff

Los Altos had 14,176 calls for service (FY 22/23). With its 32 officers, this equates to 443 calls per sworn position.

Los Altos Hills had 1,583 calls for service (calendar 2022). Using the same ratio, a total of 3.57 officer positions would be needed to provide the same level of sworn staff coverage on a per call basis.

NOTE: This element may seem to conflict with Element #3 (3.57 versus 8.37 officers). However, due to having a business component, call volume for Los Altos, per capita, is higher. By subtracting an estimated 40% of all Los Altos calls (related to businesses), Los Altos Hills would then need 5.95 officers to “cover” its residential call volume at the same level currently staffed by Los Altos.

ELEMENT 2: Call workload compared to budget

Los Altos—14,176 calls with PD budget of \$14,769,116* equates to \$1,042/call
 Los Altos Hills—1,583 calls with budget of \$2,416,044 equates to \$1,526/call

The cost-per-call difference, suggests adding approximately 30% more service hours for Los Altos Hills could be accomplished at about the same cost.

*NOTE: Contracted fire services are subtracted from total PD budget of \$23,617,027

ELEMENT 3: Sworn staffing per capita

Los Altos, at a population of 31,625, has 32 sworn staff. This equates to 1.01 police officers per 1000.

Los Altos Hills has a population of 8,295. To match this ratio, Los Altos Hills would need the services of 8.37 sworn personnel.

Here, a simple ratio does not adequately describe the deployment situation. A portion of Los Altos’ sworn staff are administrative personnel, who would be providing their services for both jurisdictions. By comparing personnel who are assigned to field duties in Los Altos (27), the number of sworn personnel needed by Los Altos Hills to “match” drops to 7.08 officers.



ELEMENT 4: Existing/Historical and Minimum Staffing

Los Altos: Current minimum complement of 3 sworn (1 Sgt plus 2 officers)
 Los Altos Hills: Minimum of 1 sworn

To maintain “no change” to these minimum levels, 4 sworn staff would be needed on the schedule at all times. However, with the goal to improve services for both jurisdictions, increasing the minimum staffing to 5 sworn personnel may be desired—representing a combined 25% increase in service levels.

NOTE: The LA Chief of Police may consider creating a hybrid minimum staffing model where 5 sworn staff are required during peak workload hours of each day and 4 may be sufficient at low activity times (e.g., only 4 needed between midnight and 8 a.m.).

Assessment of Evaluation Elements

Element	Description of Needed Sworn Staffing for LAH*
1—Call Workload	5.95
2—Call Workload/Budget	6.5 (30 % increase in hours)
3—Sworn per Capita	7.08
4—Minimum Staffing	6.25 (25% increase in hours)

*Adjusted as described in each element.

NOTE: 7,903 total hours of currently contracted services for Los Altos Hills equates to approximately 5 sworn positions (1,580 “field hours” and 500 administrative hours per FTE. For example, a total of 7,900 hours of field work can be derived from 5 sworn staff members).

Staffing Recommendation

In reviewing the issues and data, the LA/LAH Law Enforcement Services workgroup recommends adding 7 police officers and 1 dispatcher position. Key advantages include:

- 40% increase in LAH coverage (11,060 hours versus 7,900 hours)
- Improved dispatcher coverage
- Ongoing costs to LAH is approximately the same as current levels
- Improved supervisor to subordinate ratio for Los Altos
- Added nearby “back up” resources for events occurring in both jurisdictions

Detective/Evidence Services and “Back Up” to Los Altos

Analysis by Los Altos officials concludes that existing detective and evidence handling resources can “absorb” the added demands from Los Altos Hills. This said, we do not suggest this resource be provided for free. Likewise, we recognize that the overall workload in Los Altos is higher than in Los Altos Hills. This, coupled with overall staffing limitations means that the Los Altos Hills patrol officers will sometimes be “pulled” into call-driven demands in Los Altos It is believed that these two issues will balance out. To ensure fairness, we plan to monitor these factors.

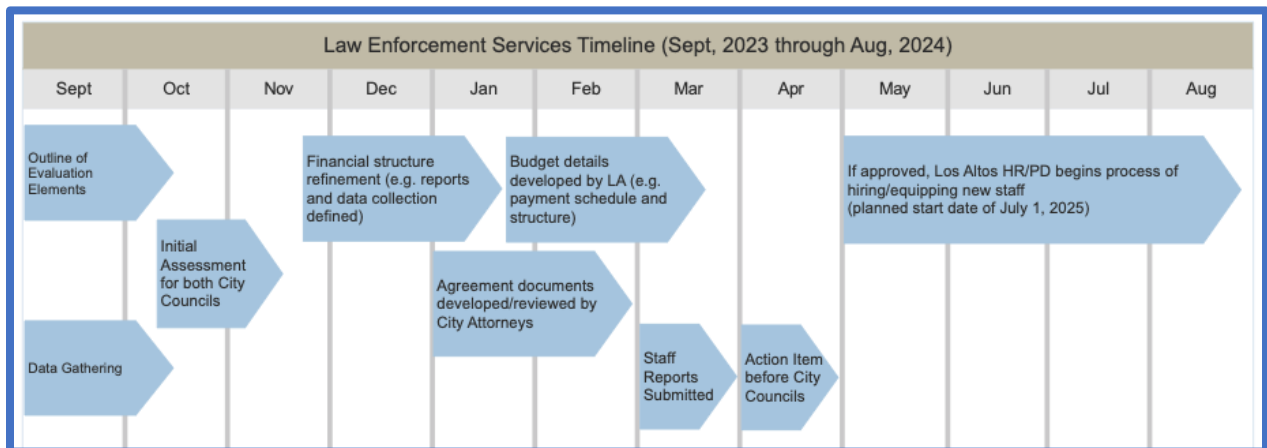


Los Gatos/Monte Sereno Site Visit

In October, the LA/LAH Law Enforcement Services workgroup visited with the Los Gatos/Monte Sereno City Manager and Police Chief. This process provided an excellent framework for our continuing efforts. For example, we learned that a major crime occurring in Monte Sereno necessitated a huge commitment from Los Gatos detectives and leadership. This “extra” commitment led to a cost recovery process (shouldered by Monte Sereno). This serves as one example of the types of situations we may need to anticipate.

Timeline

If both City Councils agree to continue moving forward, we project an “action item” would be presented to both jurisdiction’s City Councils in April, 2024 (coincides with budget for FY 24/25). Details on activities are depicted here:



* After Initial assessments from both council the Town would need to prepare a scope of work, have it approved by the Council, go through a competitive bid process and “if” Los Altos is selected or is the only bidder the Town would need to go back to Council to authorize the Town and City work on the financial structure and return for approval.

Community characteristics

As neighbors, both Los Altos and Los Altos Hills have very similar demographics. Importantly, the criminals victimizing both jurisdictions do not recognize the boundary.

From a police staffing standpoint, this could be viewed favorably. For example, law enforcement experience suggests the highest workload exists “where the people are.” If there are higher daytime demands in Los Altos’ business district, then law enforcement staff from Los Altos Hills could be used to augment/support these call-driven demands. Conversely, in the evening or during weekends, when demands are lower in the business districts and higher in neighborhoods, resources could be directed into Los Altos Hill’s neighborhoods.



Budget Structure

Description	Year 1	Year 2	Year 3
Off. Salary (7)	1,873,788.00	1,967,477.40	2,065,851.27
Disp. Salary (1)	217,773.00	228,661.65	240,094.73
15% Administrative	313,734.15	329,420.86	345,891.90
Liability Coverage (8 FTEs)	92,000.00	96,600	101,430
Total	2,497,295.15	2,622,159.91	2,753,267.90

Salary includes: CalPERS, Overtime, Uniforms (replacement), and all other traditional benefits.

NOTE: Data from the LA group liability provider indicates a cost based on salary of approximately \$44K per \$1M of payroll. Given added payroll costs of about \$2.1M, we estimate an ongoing annual cost for liability protection of \$92K.

15% Administrative Charge—Estimate (15%/\$313K)

Item	Description	Approx. Cost	Included (Y/N)
Sgt/Sup Hours	Call response, duty scheduling, etc.	\$93K	Y
Admin Support (Capt/Chief)	Meetings, strategic planning, correspondence	\$120K	Y
HR/Finance	Hiring, recruiting, financial reports	\$100K	Y
Total (for included items)		\$313K	

LAH to LA One Time Costs

Item	Description	Cost
Vehicle(s)	2 Fully Equipped Police	\$198,452
Equipment	Firearms, belts, vests, (\$2,500 each)	\$17,500
Initial Issue (e.g. uniforms)	Clothing, boots (\$1,500 each)	\$10,500
Dispatcher Equipment	Clothing, headset, training materials, etc.	\$2,500
Total		\$228,952

Goal: Service Improvement and Mutual benefit

- Deeper bench—through collaboration, both jurisdictions will benefit from relying on the other. Geographic proximity bolsters this. In short, officers working in either location can provide timely support for one another.
- Better responsiveness for local level issues—Los Altos is well-aligned with Los Altos Hills as it relates to citizen perspectives on crime. In all likelihood, the issues affecting the



citizens on both sides of the border can be prioritized by the police.

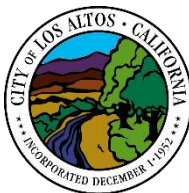
- Improved response times—a 40% increase in coverage means a responder may be closer when a call for service occurs. Additionally, since Los Altos is nearby, an available officer inside Los Altos may be closer to a Los Altos Hills call for service than a patrolling officer inside Los Altos Hills.
- Public engagement improvements—Los Altos has a robust combination of public engagement programs and a social media presence which can be regionalized and expanded to Los Altos Hills.
- Stronger regional approach—Criminals do not respect boundaries. Through improved resource coordination, both jurisdictions could benefit.
- Automated License Plate system sharing—through improved data sharing, both jurisdictions’ ALPR infrastructure will be more effective and provide an increased ROI.
- More efficient Sergeant Span of Control—Expanding the number of front-line officers by adding police officers in Los Altos Hills is within the capacity of existing Sergeants. The benefit to Los Altos would include some cost-sharing for the Sergeant position.

Next Steps

In the event both City Councils express support to keep moving this concept forward, the following should be accomplished in advance of an “action item” coming to both City Councils:

- (1) LA Police, Finance, and HR staff to complete a framework for financial reporting and data collection
- (2) LAH officials to develop agreement on scope of work for inclusion in a potential agreement
- (3) LA to prepare an RFP, seek CC approval and include ample time for competitive bidding.
- (4) LAH to Review the proposals and go to City Council for award of contract.
- (5) Assuming LA is selected, City Attorney’s from both jurisdictions to review and coordinate agreement documents
- (6) LA Finance staff to develop budget and payment structure
- (7) Staff to complete staff reports for “action item” to go before both City Councils

The data provided in this MRG report is informational only and any action to change law enforcement service providers by the Town will be conducted in a manner consistent with state and Los Altos Hills services procurement policies.



AGENDA REPORT SUMMARY

Meeting Date: August 22, 2023

Subject Request From the Town of Los Altos Hills to Engage in Discussions for Future Law Enforcement Services Provided by the City of Los Altos

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Los Altos Hills Staff Report

Initiated by:

The Town of Los Altos Hills

Previous Council Consideration:

Fiscal Impact:

None

Environmental Review:

This action does not qualify as a “Project” as defined in California Government Code Section 15378(b) of the Guidelines for California Environmental Quality Act (CEQA), and it is also considered a feasibility or planning study for possible future action and exempt under CEQA Guidelines 15262.

Policy Question(s) for Council Consideration:

- Does the City of Los Altos wish to engage in a study of law enforcement services as requested by the Town of Los Altos Hills at their Town Council meeting on 8/17/2023?

Summary:

- The Town of Los Altos Hills has requested the City of Los Altos engage in discussions to consider the City providing law enforcement services to the Town.
- Attachment #1 is the staff report approved by the Los Altos Hills Town Council and outlines the background of the request.
- Any studies completed as part of the discussions would be paid for by the Town of Los Altos Hills.

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JD



Subject: Request From the Town of Los Altos Hills to Engage in Discussions for Future Law Enforcement Services Provided by the City of Los Altos

Staff Recommendation:

Staff recommends engaging in discussions as requested.

Purpose

To receive authorization to engage in discussions and complete any necessary studies to determine if providing law enforcement services to Los Altos Hills is feasible or desirable.

Background

At the Los Altos Hills Town Council meeting on August 17, 2023, the Los Altos Hills Town Council authorized the Los Altos Hills City Manager to engage in discussions with law enforcement entities for future law enforcement services for the Town of Los Altos Hills. The City Manager of Los Altos Hills has requested to discuss this topic with Los Altos.

Discussion/Analysis

The Town of Los Altos Hills has requested to engage the City of Los Altos in discussion to consider if the City can provide law enforcement services to the Town. The discussions and any subsequent studies would be used to determine if the provision of law enforcement services by the City to the Town is feasible or desirable. The discussions and/or studies would not constitute any agreement between the parties. Any item outside of discussions or the completion of a law enforcement services study, paid for by the Town of Los Altos Hills, would require further approval for the City Council of the City of Los Altos.

Recommendation

Staff recommends engaging in discussions as requested.

TOWN OF LOS ALTOS HILLS
Staff Report to the City
Council

August 17, 2023

RE: AUTHORIZE THE CITY MANAGER TO ENGAGE IN DISCUSSIONS
 FOR FUTURE LAW ENFORCEMENT SERVICES FOR THE TOWN OF
 LOS ALTOS HILLS

FROM: Peter Pirnejad, City Manager

RECOMMENDATION: That the City Council:

Motion to authorize the City Manager to engage in discussions with law enforcement entities for future law enforcement services for the Town of Los Altos Hills.

BACKGROUND AND ANALYSIS:

In June 2014, the Town of Los Altos Hills (“Town”) entered into an agreement with the County of Santa Clara (“County”) for law enforcement services (hereinafter “Agreement”). The Agreement establishes that the County will provide law enforcement services within Town limits. The term of the Agreement began June 19, 2014, and terminates on July 1, 2024. The Town and County are both authorized to terminate the Agreement at an earlier time with one hundred and eighty (180) days written notice, with some remaining financial commitments of the Town. At the expiration of the Agreement, the Town and County may renew the Agreement for an additional five (5) year period upon written notice of renewal at least one hundred and eighty (180) days prior to the expiration of the Agreement.

At this time, the Town continues to receive law enforcement services from the County. The Town may eventually choose to renew the Agreement with the County, or the Town may elect to allow the Agreement to expire without renewal. If the Town were to seek out a law enforcement entity, other than the County, to provide law enforcement services within the Town, staff would be required to comply with procurement procedures for professional services as established in the Los Altos Hills Municipal Code.

Los Altos Hills Municipal Code Section 2-4.04 establishes, in part, that all procurement of services, including but not limited to professional services, the cost of which is in excess of sixty thousand dollars (\$60,000) must be made through either informal or formal procedures, as established in Section 2-4.04. All procurement of services, the cost of which is more than two hundred thousand dollars (\$200,000), must be based upon specifications or a scope of work approved by the City Council. When entering into a contract for services, the skill, ability, and expertise of the entity or person performing the services is a key component of the selection criteria. The services selection should therefore be on the basis of demonstrated competence, overall value to the Town, and on the professional qualifications necessary for the satisfactory performance of the services required. Cost is only one factor in determining the selection. In

accordance with Section 2-4.04, the procurement of services may be made by soliciting requests for proposals or requests for quotations to prospective vendors.

At this time, if the Town were to issue a request for proposals or a request for quotation for law enforcement services staff believe that only the County may respond to the Town's request. In order to explore all options for law enforcement services, prior to issuing a request for proposals or a request for quotations for future law enforcement services, Town staff would like to have discussions with multiple law enforcement entities about the law enforcement service needs of the Town. Therefore, staff are asking the City Council to authorize the City Manager or his designee to engage in discussions with other law enforcement entities that may be interested in providing law enforcement services within the Town. At this time, staff plan to engage in discussions with both the City of Los Altos and the County of Santa Clara to discuss the law enforcement needs of the Town. At the time that staff believe the Town is ready to issue a request for proposals or request for quotations then staff will bring an item back to the City Council with the request, the scope of services and draft agreement for law enforcement services for Council approval prior to soliciting responses.

ENVIRONMENTAL REVIEW:

This action does not qualify as a "Project" as defined in California Government Code Section 15378(b) of the Guidelines for California Environmental Quality Act.

2023 CITY COUNCIL STRATEGIC PRIORITIES:

Promoting Public Safety is identified in the 2023 Work Plan.

FISCAL IMPACT:

Currently, there is no fiscal impact. This request seeks authorization to initiate discussions with Los Altos.

5382747.1



AGENDA REPORT SUMMARY

Meeting Date: November 14, 2023

Subject Discuss the Council adopting a potential resolution, or any other possible action, denouncing the Hamas attacks against Israel

Prepared by: Melissa Thurman, City Clerk

Approved by: Gabriel Engeland, City Manager

Initiated by:
City Council (J. Weinberg, N. Fligor, and L. Lee Eng)

Background:

At the regular City Council meeting of October 24, 2023, a request was made by Vice Mayor Jonathan Weinberg, seconded by Councilmember Neysa Fligor, with support from Councilmember Lynette Lee Eng to: “Discuss the Council issuing a potential resolution, or any other action, denouncing the Hamas attacks against Israel.”

Fiscal Impact:

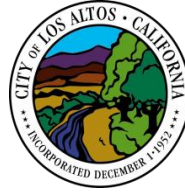
None

Environmental Review:

Not applicable

Staff Recommendation:

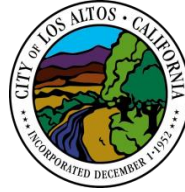
Discuss and provide direction regarding potential action denouncing the Hamas attacks against Israel.



City of Los Altos 2023 Tentative Council Agenda Calendar

November 28, 2023 Closed Session: TBD Study Session: TBD	
AGENDA TITLE:	DEPARTMENT:
<u>SPECIAL ITEMS:</u>	
<u>CONSENT:</u>	
Quarterly Investment Report	FIN
Treasury Report	FIN
Waive Second Reading and Adopt Housing Element Ordinance	Dev. Svcs.
Authorize Disbanding of the Council Public Safety Ad-Hoc SubCommittee	CM
Authorize the City Manager to execute a Mills Act agreement with the property owners of 41 Hawthorne	Dev. Svcs.
Approval of Addendum 12 of the Joint Intercepting Sewer Rehabilitation Project	PW
<u>PUBLIC HEARING:</u>	
<u>DISCUSSION ITEMS:</u>	
Waive First Reading and Introduce a Tree Protection Ordinance	Dev. Svcs.
December 5, 2023 City Council Reorganization	

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 2023 Tentative Council Agenda Calendar

December 12, 2023 Closed Session: TBD Study Session: TBD	
AGENDA TITLE:	DEPARTMENT:
<u>SPECIAL ITEMS:</u>	
<u>CONSENT:</u>	
Contract for Investment Advisor	FIN
RFP – Audit Services	FIN
Approve Updated Employee Policies & Procedures	HR
Waive Second Reading and Adopt Housing Element Ordinance	Dev. Svcs.
<u>PUBLIC HEARING:</u>	
<u>DISCUSSION ITEMS:</u>	
Discussion on the Downtown Wireless Connectivity	CM
Update on the Stormwater Master Plan Implementation Status	PW

2024 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	
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		IN-PROGRESS
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	PLANS IN DEVELOPMENT
Program 1.H: Facilitate housing on City-owned sites.	Financial Analysis	July 1, 2023	December 31, 2023	DEVELOPING RFP
Program 3.D: Evaluate and adjust impact fees.		August 1, 2023	December 31, 2024	IN-PROGRESS
Program 1.H: Facilitate housing on City-owned sites.	Release RFP	December 31, 2023		
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	IN-PROGRESS
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Housing in-lieu fee.		December 31, 2023	IN-PROGRESS
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	ONGOING
Program 3.H: Amend design review process and requirements.	Code Amendments		December 31, 2023	COMPLETED

Program 3.K: Standardize multimodal transportation requirements.	Bicycle Storage and Charging Regulations		December 31, 2023	COMPLETED
Program 3.K: Standardize multimodal transportation requirements.	Remove CSC Review of Housing Developments		December 31, 2023	COMPLETED
Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.			December 31, 2023	COMPLETED
Program 4.D: Allow transitional and supportive housing consistent with State law.			December 31, 2023	COMPLETED
Program 4.E: Allow employee/farmworker housing consistent with State law.			December 31, 2023	COMPLETED
Program 4.F: Reasonably accommodate disabled persons' housing needs.			December 31, 2023	COMPLETED
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	IN-PROGRESS
Program 1.G: Rezone housing sites from previous Housing Elements.			January 31, 2024	IN-PROGRESS
Program 3.G: Amend Conditional Use Permits findings applicable to housing developments.			March 31, 2024	COMPLETED
Program 3.I: Allow residential care facilities consistent with State law.			January 31, 2024	IN-PROGRESS
Program 3.J: Explicitly allow manufactured homes consistent with State law.			January 31, 2024	IN-PROGRESS
Program 3.F: Reduce Conditional Use Permit requirement for residential mixed-use and multi-family.			September 31, 2024	COMPLETED
Program 1.B: Facilitate higher density housing in the Commercial Thoroughfare (CT) District.			January 31, 2024	IN-PROGRESS
Program 1.C: Allow housing in the Office Administrative (OA) District.			January 31, 2024	IN-PROGRESS
Program 1.E: Update the Loyola Corners Specific Plan.			January 31, 2024	IN-PROGRESS

Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Adopt-Permit Ready ADU Plans		December 31, 2024	
Program 3.A: Prepare a Downtown parking plan and update citywide parking requirements.			December 31, 2024	CONTRACT SIGNED
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	
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Commercial linkage fee.	December 31, 2025		
Program 1.D: Allow housing on certain Public and Community Facilities District sites and facilitate housing on religious institution properties.			December 31, 2025	
Program 1.F: Rezone Village Court parcel.			January 31, 2024	IN-PROGRESS
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	COMPLETED

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	
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	