



CITY COUNCIL MEETING

AGENDA

7:00 PM - Tuesday, February 22, 2022
via Teleconference

Please Note: Per California Executive Order N-29-20, the City Council will meet via Telephone/Video Conference Only.

Telephone: 1-650-242-4929
Meeting ID: 149 176 7607
<https://webinar.ringcentral.com/j/1491767607>

TO PARTICIPATE VIA VIDEO: Follow the link above. Members of the public will need to have a working microphone on their device and **must have the latest version of Ringcentral installed** (available at <http://www.ringcentral.com/download.html>). To request to speak, please use the “Raise hand” feature located at the bottom of the screen.

TO PARTICPATE VIA TELEPHONE: Members of the public may also participate via telephone by calling the number listed above. To request to speak, press *9 on your telephone.

TO 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. Please include a subject line in the following format:

PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE

Correspondence submitted in hard copy/paper must be received by 2:00 PM on the day of the meeting to ensure distribution prior to the meeting. Correspondence received prior to the meeting will be included in the public record. [Please follow this link for more information on submitting written comments.](#)

Public testimony will be taken at the direction of the Mayor, and members of the public may only comment during times allotted for public comments.

AGENDA

CALL MEETING TO ORDER

ESTABLISH QUORUM

PLEDGE ALLEGIANCE TO THE FLAG

REPORT ON CLOSED SESSION

SPECIAL ITEMS

A. Proclamation of the month of March to be Youth Art Month

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Council's attention any item that is not on the agenda. Speakers are generally given two or three minutes, at the discretion of the Mayor. 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.

[Public](#) Correspondence (Added 02.22.2022)

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. Minutes:** Approve Minutes of the February 8, 2022 Regular City Council Meeting (A.Chelemengos)
- 2. SB 1383 Local Assistance Grant:** Adopt Resolution 2022-XX authorizing submittal of an application for CalRecycle payment programs and related authorizations (A. Fairman)
- 3. Off-Leash Fenced-in Dog Parks:** Hold second reading and adopt an ordinance amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated areas within Los Altos; make findings that the projects are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations to Land Use Restrictions) and also find that none of the exceptions set forth in CEQA Guidelines Section 15300.2 apply to the Project; and direct the City Manager or designee to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062 and increase the current fiscal year budget by \$100,000. (D. Legge)

PUBLIC HEARINGS

- 4. ZTA 21-005 – City of Los Altos - Los Altos Municipal Code Text Amendments:** Hold Public Hearing and Introduce, as read by title only, and waive further reading, of a Zoning Text Amendment Ordinance (ZTA 21-005) modifying the Los Altos Density Bonus Ordinance pursuant to recent changes to state law. The proposed text amendment would also make other updates to the Los Altos Municipal Code. Chapter 1.12 to address City appeals procedures, Chapter 14.02 to address ongoing maintenance requirements for landscaping, and Chapter 14.28 to clarify the City's existing inclusionary housing requirements. This action is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines (Jolie Houston, City Attorney, Erik Ramakrishnan, City Attorney's Office)

DISCUSSION ITEMS

- 5. Council Legislative Subcommittee:** Discuss the structure, format, and authority of the Legislative Subcommittee, and vote on the proposed and any related actions set forth in the agenda item report

INFORMATIONAL ITEMS ONLY

- 6.** Alta Annual Housing Report
- 7.** Tentative Council 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.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>.

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.



Proclamation
Of the Mayor
Of the City of Los Altos, California

WHEREAS, YOUTH ART MONTH is an annual celebration supported through the Council for Art Education to emphasize the value of art education for all children and to encourage support for excellent school art programs;

WHEREAS, Santa Clara County Board of Education, along with the City of Los Altos, is committed to supporting the arts to inspire and prepare students for success in the 21st century and allowing them to develop as productive, contributing members of a strong community;

WHEREAS, The City of Los Altos shares the vision of ensuring that students have access to high-quality arts education that is culturally relevant and inclusive in all forms as part of a comprehensive education that sparks curiosity, imagination, creativity, and joy;

WHEREAS, while Youth Art Month supports many purposes, it exists primarily to direct attention to the value of art education; encourage commitment to the arts by students, community organizations, and individuals; increase community understanding and interest in art and art education through involvement in art exhibits, workshops, and other creative ventures; and increase community, business and governmental support for art education; and

WHEREAS, The City of Los Altos encourages commitment to the arts by students, businesses, community organizations, and individuals; and

NOW THEREFORE BE IT RESOLVED that I, Anita Enander, Mayor of the City of Los Altos, and on behalf of the entire Los Altos City Council and the people of Los Altos, do hereby proclaim the month of March to be

YOUTH ARTS MONTH

and encourage all residents of the City to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Los Altos this 22nd day of February 2022.

Anita Enander, MAYOR

Date: February 14, 2022

From: Rhoda Fry, resident Santa Clara County

To: Santa Clara County Board of Supervisors

CC: Cupertino, Los Altos, Los Altos Hills, Sunnyvale, Mountain View City Councils, California State Senators Dave Cortese and Josh Becker, Midpeninsula Regional Open Space District Board, Green Foothills Legislative Advocacy Director Brian Schmidt, Sierra Club Loma Prieta Chapter Director James Eggers, State Mining and Geology Board, State Division of Mining Reclamation, Assistant Executive Officer at San Francisco Bay Regional Water Quality Control Board
Lisa Horowitz McCann

RE: Board of Supervisors Meeting February 15 Agenda Item #13 Acquisition of Lehigh Referral (attached)

Dear Board of Supervisors,

Yes, it is time for the County to acquire Lehigh's site in Santa Clara County, which is owned by Hanson Permanente and operated by Lehigh, which are collectively owned by Heidelberg Cement of Germany. Thank you for approving the previous two referrals providing data on the accuracy of Lehigh's Financial Assurance Cost Estimate (FACE) and records of violation.

Do know that although California's demand for cement has remained robust in the past two years, the cement plant has been idle along with blasting for limestone-mining. The cement plant is in such grave disrepair that it would require substantial renovation or replacement. Due to the extraordinarily high amounts of mercury in the local limestone, Lehigh would likely be unable to comply with the more stringent EPA mercury-emission rules for new and modified plants. Consequently, the days of Portland-cement manufacturing at the Santa Clara site are most certainly already over. Likewise, the two new proposed mining areas are also infeasible due to one being protected by the 1972 Ridgeline Easement Protection Deed and the second due to its threats to the Permanente Creek which is protected by the Federal Clean Water Act and the State Porter-Cologne Act.

First, I have two near term requests to the County and second, I shall outline considerations for the acquisition cost of this property.

Two Near-Term Requests:

1. The County should cease operations at the newly erected rock plant at Lehigh. I have written about this previously. This operation is not vested as it was abandoned and fell into disrepair over a decade ago in 2011, the new manufacturing process is different, the product is likely different, and Lehigh asserted its abandonment by processing aggregate at its neighbor's property, Stevens Creek Quarry. Any of these four tests fail vested rights. Moreover, the 2012 approved Reclamation Plan Amendment asserts that there is sufficient fill onsite to fill the quarry to protect water quality and serve as a foundation for a buttress to protect our ridgeline (that has already lost 50 to 75 feet of elevation due to the County's failure to enforce our deed). Removing fill with this new operation increases the need for imported fill and violates the 2012 agreement. Also of concern is that the new plant received permits from the Bay Area Air Quality Management District (BAAQMD) only after

BAAQMD's legal department requested the engineers to recalculate the cancer risk. See FOIA documentation here: https://www.dropbox.com/s/rr8hmrpdtc8pk4i/29811_A0017.pdf?dl=0 Please also consider that BAAQMD's legal department allegedly intimidated employees to destroy petroleum pollution records: <https://www.kqed.org/news/11791348/bay-area-air-district-settles-whistleblower-suit-over-trove-of-destroyed-documents>

2. Since we know that affordable housing is important, please require that Lehigh install modern pollution controls on their equipment and restore the Hammond-Snyder home adjacent to the cement plant so that it can be occupied once again. In 2012, the Board of Supervisors voted to have the oldest home in Cupertino vacated so that Lehigh could avoid installing modern pollution controls. The installation of modern pollution controls would have allowed the caretaker's family to remain in the home, preventing it from falling into disrepair. This historic home is part of our City, County, and State's history. Its owners, Dr. Hammond, was our County physician, the Sara Cody of his day, and his wife was Martha Snyder, was the daughter of California pioneer John Snyder who lived in a similar home nearby.

Considerations for Acquisition:

1. Lehigh's owner, Heidelberg Cement is a \$45B company that needed to raise money. So, in 2021, Martin Marietta completed the purchase of all of Heidelberg's West Coast operations with the notable exception of the Permanente Quarry and cement plant in Santa Clara County. In my opinion, in spite of Lehigh's ambitious expansion proposal, Martin Marietta declined to buy; I don't think that Lehigh could have even given it away in a package deal, first because the expansion proposal is not feasible as outlined earlier and second because of the gargantuan remediation costs.

2. What is reclamation? Under SMARA (California's Surface Mining and Reclamation Act), prior to mining, a quarry operator must earmark funds for the cost of restoring the land to a stable state so that it can have a secondary beneficial use, such as open space. Note that reclamation does not restore the land to how it had been. The earmarked funds are called the Financial Assurance Mechanism. At Lehigh, these funds are secured by \$63M in bonds (similar to an insurance policy). The County should also determine whether these bonds are properly backed at full value.

Thanks to a third-party review of Lehigh's Financial Assurance Cost Estimate (FACE) requested by Supervisor Simitian, the County has recently determined that \$63M is inadequate to do the reclamation as described in the approved 2012 Reclamation Plan Amendment (RPA). So if Lehigh walks away, the County could be stuck with the cost of reclamation over and beyond the bond amount. On February 11, 2022, Lehigh was to have responded to a 27-line item from the Planning Department that requested a revised Financial Assurance Cost Estimate (FACE):

https://stgenpln.blob.core.windows.net/document/2250_2021_FACE_Letter_Inadequacy.pdf
Lehigh's response has either not been posted to the County website or has not been received.

Keep in mind that reclamation is supposed to be conducted concurrently with mining; sadly, little has been done. For example, by now the East Materials Storage Area (EMSA) should have been stable, yet last year, Lehigh trucked out 745 cubic feet of silt from the EMSA. That responsibility will now belong to the County. The EMSA is a mountain of mining-waste pile that was illegally built by Lehigh and retroactively permitted by the County. It was the subject of Notices of Violation and a

lawsuit from the Open Space District and Bay Area for a Clean Environment. Perhaps had the County appropriately regulated the site, the need for trucking silt and water-quality problems in that area would not exist today. Moreover, the Open Space District has suggested the need to run the water treatment plants well after mining has ceased. The primary reason for the water treatment plant is that the County permitted mining below the water table. The list goes on and on.

Now that the quarry has been idle for two years, it is high time for true reclamation to begin.

3. In addition to the inadequacy of Lehigh's estimate, Lehigh has excluded a major landslide above Permanente Creek that is a documented health and safety hazard to homes and structures downstream. Even Lehigh's own documents state that it is unsafe to work there in the wintertime. Given that a 1983 quarry-caused flood deluged and evacuated Blach Middle School and other structures 4 miles downstream confirms that there is cause for concern. This landslide must be repaired and the cost of its repair must be accounted for in an offer to purchase the property.

4. Lehigh has also excluded its sizeable industrial complex of buildings, railyard and land that have a long history of hazardous materials. The complex is not part of the quarry so it is not part of the Reclamation Plan Area. The site has been used to manufacture magnesium, magnesium incendiary bombs that were dropped on Japan during WWII, phosphate fertilizer, plasticite (an asbestos-containing stucco-like material manufactured during WWII), aluminum, cement plant, and railyard, among others. Due to asbestos lawsuits at the Permanente site and others, Hanson Permanente went through years-long bankruptcy court proceedings. There is neither a closure plan nor an assessment for the industrial complex.

5. Thanks to another referral by Supervisor Simitian we will soon have a comprehensive list of violations. The County should also consider the multiple EPA Superfund documents, Geotracker, and leave no stone unturned. Court documents reveal the Lehigh management took bribes and hired unlicensed contractors: <https://countyda.sccgov.org/news/news-release/former-manager-permanente-cement-plant-convicted-bribery>. Other management was scheduled for sentencing on February 9, 2022.

6. Some of Lehigh's property has been untouched and will be suitable for open space. However, I am concerned about the site's suitability for housing which would significantly reduce its value to the County. There is groundwater pollution, dust from the quarry at elevated levels, and soil pollution (arsenic, beryllium, cadmium, chromium, lead, mercury, PCBs, and selenium, per Midpeninsula Regional Open Space District appeal letter to the County 2012 and EPA site assessment pdf pages 6 and 45). The cost of bringing in utilities such as sewer, water, and utilities must be considered along with site challenges, such as the hilly terrain (geotechnical), proximity to Permanente Creek, and PG&E towers.

As outlined above, the cost of reclamation, remediation, and rehabilitation will be staggering. It will make remediation at our County's 4100-acre Almaden Quicksilver County Park literally look like a walk in the park. Please ensure that the County conduct an in-depth study and, if necessary invest in 3rd party studies, to determine the appropriate land-value as balanced with the cost of remediation.

Sincerely,

Rhoda Fry



109544

DATE: February 15, 2022

TO: Board of Supervisors

FROM: S. Joseph Simitian, Supervisor

SUBJECT: Lehigh Cement Plant and Quarry Acquisition Options

RECOMMENDED ACTION

Approve referral to Administration and County Counsel to report to the Board within 90 days with options for consideration relating to the potential acquisition of the Lehigh Cement Plant and Quarry property located in unincorporated Santa Clara County, Cupertino, and Palo Alto. (Simitian)

FISCAL IMPLICATIONS

There are no direct costs associated with the approval of this referral. It is expected that the report-back will identify potential costs, including possibilities to finance those costs, of any options presented for the Board's consideration.

REASON FOR RECOMMENDATIONS

Over the hundred odd years that there has been active mining on the Lehigh site, and with large scale commercial mining starting in 1939, the community context in which this mining has taken place has changed considerably. Co-location of mining/heavy industry and residential subdivisions is certainly not something that a modern urban planner would actively contemplate; yet that is exactly what we find at the site today.

The Lehigh Cement Plant and Quarry is an historical anachronism. A significant segment of the community has repeatedly called for its closure. Not surprisingly, the current owners resist that path while there is limestone to be mined and a cement market to purchase their product.

By this referral, the Administration and County Counsel are directed to explore and report back on the feasibility of potential acquisition of the site, including outright purchase, either from a willing seller or through the use of eminent domain. Options for financing such an acquisition should be presented, along with a discussion of advantages or disadvantages associated with the various financing options.

Potential financing options could derive from future land use opportunities should the County acquire the property. For example, some members of the community have called for housing on the site. If housing were constructed there might be revenue associated with that activity that could be used to offset all or a portion of the acquisition costs. To the extent such opportunities exist, Administration and County Counsel should include them in the options they present to the Board.

Additionally, Administration and County Counsel should consider the possibility of County acquisition on a no-cost or low- cost basis if the current property owner (i.e., Lehigh) were to seek forgiveness for reclamation costs.

In offering this referral I am, of course, mindful of the fact that our County anticipates the possibility of an application to amend the current Reclamation Plan; indeed, an application was submitted in 2019, but ultimately not pursued by the applicant who apparently now contemplates a substantially revised application. It is understood, of course, that any future land use application, should there be one, will be lawfully considered pursuant to applicable law and on its merits.

That said, this referral is made now because:

- The multiplicity of complaints and violations at the Lehigh Cement Plant and Quarry suggests continuing incompatibility of uses;
- The potential, in fact likely, possibility of a new application for continued and expanded activity at the site suggests *now* is the time to envision and consider other possibilities which are both in the public interest and fair to the property owner;
- And finally, experience just across the Bay, at the recently opened park and camping facility which is the former Dumbarton Quarry, provides tangible evidence that reclamation and conversion can be accomplished.

To be sure, the undertaking anticipated by this referral is substantial, and the anticipated timeline is certainly not short. That said, the problems are real, the time is now, and we know that a good outcome is achievable. Rather than let the years pass and simply respond on a

reactive basis, our County should begin today to identify and pursue other more desirable possibilities.

To that end, Administration and County Counsel is directed to consult with all relevant stakeholders and consider collaboration with all potential partners in developing a planning process, timeline and eventually a proposal for the property in question.

BACKGROUND

The Lehigh property includes a total of 3,510 acres, 2,656 of which are in unincorporated Santa Clara County and include the cement plant and quarry that are of interest to the community. The remaining acreage is within the incorporated cities of Cupertino and Palo Alto.

The current (2012) Reclamation Plan contemplates full reclamation of the site by June 30, 2032. That existing Plan contemplates hillside open space as the proposed end use following reclamation. In 2019, as noted above, Lehigh submitted an application for a Reclamation Plan Amendment (RPA). The pending RPA would have permitted modified, expanded operations and extended the reclamation timeline.



CITY COUNCIL MEETING MINUTES

7:00 PM - Tuesday, February 08, 2022
via Teleconference

CALL MEETING TO ORDER

At 7:02 p.m. Mayor Enander called the meeting to order.

ESTABLISH QUORUM

PRESENT: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows and Mayor Enander

ABSENT: None

PLEDGE ALLEGIANCE TO THE FLAG

Violet Pereira, Girl Scout Troop 60078, led the Pledge.

REPORT ON CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *Satish Ramachandran v. City of Los Altos, et al.*
United States District Court, Northern District of California
Case No. 5:18-cv-01223-VKD

2. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *Satish Ramachandran v. City of Los Altos, et al.*
Santa Clara County Superior Court
Case No. 21CV391414

3. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *Satish Ramachandran v. City of Los Altos, et al.*
Santa Clara County Superior Court
Case No. 21CV386694

Mayor Enander announced that there was no action taken and nothing to report on the Closed Session held earlier in the evening.

SPECIAL PRESENTATION

- A. Presentation of Certificates of Recognition to Recipients of the Los Altos Emergency Preparedness Volunteers of the Year Award from the Santa Clara County Emergency Managers' Association

Ann Hepenstal provided information on the awards received by Harry Guy and Nico Brebeau.

Mayor Enander congratulated and thanked Mr. Guy and Mr. Breneau on their contributions to the community and stated that Certificates of Recognition would be mailed.

Both Mr. Guy and Mr. Breneau commented.

CHANGES TO THE ORDER OF THE AGENDA

Mayor Enander reordered the agenda so that Agenda Item # 5 would be considered following Agenda Item #6.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Joan Muhfelder provided comments.

CONSENT CALENDAR

1. **City Council Minutes:** Approve the Minutes of the January 25, 2022, Regular City Council Meeting. (A. Chelemengos)
2. **Extension of Local Emergency:** Adopt Resolution extending the declaration of a local emergency due to the COVID-19 pandemic. (J. Maginot)
3. **Investment Policy Update:** Adopt the revised Investment Policy for 2022 (J. Furtado)

Upon motion by Council Member Fligor, seconded by Council Member Lee Eng, the Consent Calendar was approved 5-0 with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, And Mayor Enander
 NOES: None
 ABSENT: None
 ABSTAIN: None

PUBLIC HEARINGS

4. **D21-0003 and TM21-0001 - 355 1st Street LLC - 355 First Street:** The City Council will consider the Design Review, Vesting Tentative Map applications and adopt a Mitigated Negative Declaration for a new 79,885 square-foot four story fifty (50) unit condominium building with two levels of underground parking at 355 First Street. The Planning Commission and Complete Streets Commission recommended approval of the project.

Senior Planner Gallegos provided a staff report and answered questions from the Council.

City Attorneys Ramakrishnan and Houston also answered questions from the Council.

J. Potts and Gary Black, members from the applicant team, provided a project overview and answered questions from the Council.

At 9:22 p.m., Mayor Enander called for a brief recess. At 9: 32 p.m. the meeting was reconvened.

Mayor Enander announced that Agenda Item #5, 2022 *Climate Action and Adaptation Plan* would be deferred to a future publicly noticed meeting.

Mayor Enander opened the Public Hearing and invited public comment on the 355 First Street project.

The following individuals commented: Terri Couture, Anne Paulson, Jeanine Valadez, Jon Bear, and Roberta Phillips. At 9:58 p.m., Mayor Enander closed the public hearing.

J. Potts provided closing comments.

Council discussion commenced and the Council provided input on the proposal. City Attorney Houston answered questions and provided guidance to the Council, as did Interim Planning Director Simpson. Motion made by Mayor Enander, Seconded by Council Member Lee Eng, to refer the application back to the Planning staff to work with the applicant to incorporate the comments of the Council and to bring the modified proposal back to the Council at a future meeting. The motion passed 5-0 with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, and Mayor Enander
 NOES: None
 ABSENT: None
 ABSTAIN: None

- 6. Fiscal Year 21/22 Fee Schedule:** Hold Public Hearing to consider Additions of New Fees and Corrections to the Fiscal Year 2021/22 City of Los Altos Fee Schedule (approved October 26, 2021). The following new fees are proposed to be added to the Los Altos Fee Schedule: Recreation and Community Services Department Fees- Facility Rentals: Additional Facility Attendant Fee; Facility Rentals: Linen Cleaning Fee.

Engineering Services Manager Sandoval provided a report and answered questions from the Council. Recreation Supervisor Chew also answered questions from the Council.

Mayor Enander opened the Public Hearing. There were no members of the public wishing to speak.

Following Council discussion and upon motion of Council Member Weinberg, seconded by Council Member Lee Eng, the Council approved the fees as proposed in the staff report with the exception of the increase in the Senior lunch charge which shall remain as an optional donation.

The motion passed 5-0 with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, and Mayor Enander
 NOES: None
 ABSENT: None
 ABSTAIN: None

DISCUSSION ITEMS

- 5. 2022 Climate Action and Adaptation Plan:** Hold Public Hearing and Introduce and waive further reading of the 2022 Climate Action and Adaptation Plan (CAAP) an update to the 2013 Climate Action Plan (CAP) and make findings that the project is categorically exempt from CEQA pursuant to section 15308 as an action that will not have a significant impact on the environment, specifically, for the protection of the climate.

Item deferred earlier in the evening.

- 7. Off-Leash Fenced-in Dog Parks:** Introduce, as read by title only, and waiving further reading, of an ordinance amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated areas within Los Altos, affirming the off leash dog park locations at Hillview and McKenzie and making findings that the projects are exempt pursuant to CEQA and direct the City Manager or designee to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062 and increase the current fiscal year budget by \$100,000.

Recreation Director Legge provided a staff report and answered questions from the Council. Maintenance Supervisor Hernandez also answered questions from the Council and provided information.

The following members of the public commented: Julie Kim, Bette Houtchens, Anne Kearns, Mike Shadduck, Becky Sarabia, Tom Johnson, Baney, Jim Sweeney, James Yang, Miket, Derek Pitcher, and Jeanine Valadez.

Council discussion commenced.

Upon motion of Council Member Fligor, seconded by Mayor Enander, the Council introduced, as read by title only, and waived further reading, of the ordinance, as amended per the Council discussion, amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated areas within Los Altos, at Hillview and McKenzie and making findings that the projects are exempt pursuant to CEQA as specified in the staff report. The motion passed 5-0 with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, and Mayor Enander
 NOES: None
 ABSENT: None
 ABSTAIN: None

Upon motion of Council Member Lee Eng, Seconded by Vice Mayor Meadows, the Council affirmed the location of a fenced dog park at the Hillview Soccer Field and directed staff to proceed with the phased implementation approach as outlined in the staff report. The motion passed 5-0 with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, and Mayor Enander
 NOES: None
 ABSENT: None
 ABSTAIN: None

Upon motion of Mayor Enander, Seconded by Vice Mayor Meadows, the Council authorized the increase of the current fiscal year budget by \$100,000 for implementation of the dog parks. The motion passed 5-0 with the following roll call vote:

AYES: Council Members Fligor, Lee Eng, Weinberg, Vice Mayor Meadows, and Mayor Enander

NOES: None
ABSENT: None
ABSTAIN: None

Upon motion of Mayor Enander, Seconded by Council Member Lee Eng, the Council directed staff to proceed with the first phase of the implementation of a fenced in dog park at McKenzie Park per the staff report and to continue to look at alternative locations, including non-park land, that might accommodate a fenced in dog park should the first phase of the McKenzie dog park prove to be unsuccessful. The motion passed 3-2 with the following roll call vote:

AYES: Council Members Lee Eng, Weinberg, and Mayor Enander
NOES: Council Member Fligor and Vice Mayor Meadows
ABSENT: None
ABSTAIN: None

INFORMATIONAL ITEMS ONLY

8. Tentative Council Calendar

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Council Members reported on various current events.

Assistant Manager Maginot reported on the upcoming Council Retreat Follow up scheduled for March 1, 2022, followed by Commission interviews.

The City Clerk reported on the ongoing Commission recruitment.

Council Member Lee Eng brought up a matter reported on during Public Comments of Items Not on the Agenda relative to new development, neighborhood concerns and the City’s noticing policy relative to neighborhood notification development. City Manager Engeland stated that he would provide a memo on the matter and the Council could then decide at another meeting whether to place a discussion of the matter on a future agenda.

ADJOURNMENT

At 1:05 a.m., Wednesday, February 9, 2022, Mayor Enander adjourned the meeting.

Anita Enander MAYOR

ATTEST:

Andrea M. Chelemengos MMC, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: February 22, 2022

Subject: Resolution 2022-XX: Authorizing Submittal of Application for CalRecycle Payment Programs and Related Authorizations

Prepared by: Aida Fairman, Engineering Services Manager

Reviewed by: Jim Sandoval, Engineering Services Director

Approved by: Gabriel Engeland, City Manager

Attachment:

- 1. Resolution No. 2022-XX

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

Estimated by CalRecycle to be \$41,038 of additional funding for SB 1383 implementation.

Environmental Review:

Categorically exempt from CEQA pursuant to Title 14 California Code of Regulations section 15308 as an action/project that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate.

Policy Question(s) for Council Consideration:

Does the City Council wish to authorize staff to apply for CalRecycle grants until rescinded?

Summary:

- In September 2016, Governor Jerry Brown signed into law SB 1383 organic waste diversion regulations.
- In November 2020, the California Department of Resources Recycling and Recovery (CalRecycle) finalized SB 1383 regulations.
- SB 1383 requires the City to adopt an enforceable ordinance(s) that requires businesses and residents to recycle their organic waste and to comply with other requirements of the regulation.

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: Resolution Authorizing Submittal of Application for CalRecycle Payment Programs and Related Authorizations

- In November 2021, the City of Los Altos Municipal Code was updated to include requirements to comply with the State’s goal of reducing organic waste disposal by 75% by 2025.
- In November 2021, the City of Los Altos Municipal Code was updated to include an ordinance to recover edible food to comply with the State’s goal of reducing edible food disposal by 20% by 2025.

Staff Recommendation:

Adopt Resolution 2022-XX authorizing submittal of an application for CalRecycle payment programs and related authorizations

Purpose

To adopt Resolution 2022-XX authorizing submittal of an application for CalRecycle payment programs and related authorizations associated with SB1383.

Background

In September of 2016, Governor Brown signed into law Senate Bill (SB) 1383, the Short-Lived Climate Pollutant Reduction Act. SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years and establishes methane emissions reduction targets statewide in an effort to reduce emissions of short-lived climate pollutants (SLCP)¹. SB 1383 establishes statewide targets to reduce emissions of SLCP of 75% by 2025; and requires that not less than 20% of edible food that is currently disposed of be recovered for human consumption by 2025.

The Department of Resources Recycling and Recovery (CalRecycle) is administering a one-time grant program meant to provide aid in the implementation of regulations adopted by CalRecycle pursuant to Chapter 395, Statutes of 2016 and SB170 Budget Act of 2021. This non-competitive grant program provides funding to local jurisdictions to assist with the implementation of regulatory requirements associated with SB 1383, including but not limited to:

- Capacity Planning
- Collection
- Edible Food Recovery
- Education and outreach (includes organic waste & edible food recovery)
- Enforcement and Inspection

¹ Short-lived climate pollutants are climate pollutants—such as methane, black carbon, hydrofluorocarbons--that have a much higher global warming potential (GWP) than carbon dioxide.



Subject: Resolution Authorizing Submittal of Application for CalRecycle Payment Programs and Related Authorizations

- Program Evaluation/Gap Analysis
- Procurement Requirements
- Record Keeping

Environmental Motivation

California has been experiencing adverse effects of climate change. This can be seen in higher temperatures, extreme and prolonged drought, and sea-level rise that threatens to erode coastlines. Scientists agree that greenhouse gasses (GHG) emissions caused by anthropogenic activities are causing climate change. The landfilling of food and yard waste creates methane emissions, and landfills are responsible for 21% of the State’s methane emissions. Methane is a super pollutant that is approximately 86 times stronger than carbon dioxide (CO2) over a 20-year horizon, contributes to negative air quality, and can cause respiratory issues. SB 1383 was developed in response to mitigating this climate crisis.

Discussion/Analysis

Jurisdictions are responsible for SB 1383 compliance and enforcement, and the City has been preparing for the regulatory responsibilities. Staff wishes to apply for the CalRecycle grant program for SB 1383 implementation, and initially intends to direct this funding to SB 1383 preparedness including hiring a consultant to conduct site visits to commercial generators required to participate in the organics collection program. These site visits would include training, right-sizing, advice on how to place containers, and inspection for contamination as applicable.

Recommendation

The staff recommends that City Council adopt Resolution 2022-XX.

RESOLUTION NO. 2022-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING SUBMITTAL OF APPLICATION FOR PAYMENT
PROGRAMS AND RELATED AUTHORIZATIONS**

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42021.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle’s procedures for administering payment programs require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administration of the payment program.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby is authorized to submit an application to CalRecycle for any and all payment programs offered; and

BE IT FURTHER RESOLVED that the Engineering Services Director, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Signature Authority or this governing body.

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 22nd day of February 2022 by the following vote:

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

Anita Enander, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: February 22, 2022

Subject: Ordinance No. 2022-XXX – Off-Leash Fenced-in Dog Parks: Hold a second reading and adopt an ordinance amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated locations within Los Altos, and making findings that the projects are exempt pursuant to CEQA

Prepared by: Donna Legge, Recreation & Community Services Director

Approved by: Gabriel Engeland, City Manager

Attachments:

- 1. Budget Amendment Resolution
- 2. Ordinance No. 2022 - XXX: amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated locations within Los Altos, and making findings pursuant to CEQA

Initiated by:
City Council

Previous Council Consideration:

February 12, 2019; November 10, 2020; February 9, 2021; February 23, 2021; September 21, 2021, October 26, 2021, January 11, 2022, and February 8, 2022.

Fiscal Impact:

Upon adoption of Resolution no XXX (Attachment 1), the Park Improvement CIP for Fiscal Year 2021-22 will be increased by \$100,000. The funds will be allocated from the City’s Park in Lieu Funds. There is no impact to the City’s General Fund.

Improvements will come forward as part of the normal budget process. The ongoing maintenance of \$16,000 for two off-leash dog parks will be included in the FY 2022-2023 operational budget.

Future budgets will include designs for the permanent off-leash dog parks and will be in addition to the costs identified in this report.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



Subject: Ordinance Authorizing Los Altos Municipal Code Section 5.08 Providing for Off-leash Dog Parks in Certain Designated Locations within Los Altos

Environmental Review:

The City Council finds the adoption of this ordinance (Project) to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations to Land Use Restrictions), because the off-leash fenced-in dog parks in certain designated location within the City authorized by this ordinance are not anticipated to have any significant adverse impact upon the existing environment, will involve the use of an existing recreational facility, and will not significantly alter existing facilities or existing land use restrictions. The City Council also finds that none of the exceptions set forth in CEQA Guidelines Section 15300.2 to the availability of the foregoing categorical exemptions applies to the Project authorized by this ordinance. The City Manager or designee is hereby directed to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062.

Policy Question(s) for Council Consideration:

- Does Council want to consider the adoption of Ordinance No. 2022-XXX: amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated locations within Los Altos, and making findings pursuant to CEQA?

Summary:

- In accordance with LAMC 5.08.010, dogs are prohibited to be off-leash in Los Altos parks
- Establishment of off-leash fenced-in dog parks in certain designated locations within Los Altos requires an amendment to Los Altos Municipal Code Section 5.08 as proposed in Attachment 2 to this report, and making findings pursuant to CEQA
- A Budget Amendment is required to allocate Park in Lieu Funds to the project

Staff Recommendation:

Hold a second reading and adopt Ordinance No. 2022-XXX amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated locations within Los Altos and making findings that the projects are exempt pursuant to CEQA.

Adopt Resolution No. XXX, increasing the current fiscal year budget by \$100,000 from Park in Lieu Funds.

Purpose

The proposed Ordinance change will allow dog owners to have their dogs off-leash in designated fenced-in areas.



Subject: Ordinance Authorizing Los Altos Municipal Code Section 5.08 Providing for Off-leash Dog Parks in Certain Designated Locations within Los Altos

The development of the proposed dog parks would be funded through Park in Lieu Funds.

Background

At its regular meeting of February 8, 2022, Council introduced, as read by title only, and waived further reading, of the ordinance with Council amendments, amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated locations within Los Altos, at Hillview and McKenzie Park and making findings that the projects are exempt pursuant to CEQA.

Council affirmed the location of a fenced dog park at the Hillview Soccer Field and directed staff to proceed with the phased implementation approach as outlined in the staff report.

Council authorized the increase of the current fiscal year budget by \$100,000 for implementation of the dog parks.

Council directed staff to proceed with the first phase of the implementation of a fenced in dog park at McKenzie Park per the staff report and to continue to look at alternative locations, including non-park land, that might accommodate a fenced in dog park should the first phase of the McKenzie dog park prove to be unsuccessful.

Recommendation

Hold a second reading and adopt Ordinance No. 2022-XXX amending Los Altos Municipal Code Section 5.08 authorizing off-leash fenced-in dog parks in certain designated locations within Los Altos and making findings that the projects are exempt pursuant to CEQA

Adopt Resolution No. XXX, increasing the current fiscal year budget by \$100,000 from Park in Lieu Funds.

**CITY OF LOS ALTOS
RESOLUTION NO.**

Agenda Item # 3.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE CITY MANAGER TO ALLOCATE PARK IN LIEU FUNDS IN AN
AMOUNT NOT TO EXCEED \$100,000 FOR THE DEVELOPMENT OF OFF-LEASH
FENCED-IN DOG PARKS AND AMENDING THE FY22 CAPITAL
IMPROVEMENT PLAN BUDGET**

WHEREAS, it is the desire of the City Council to establish off-leash fenced-in dog parks in certain designated locations within Los Altos; and

WHEREAS, on February 8, 2022, City Council authorized increasing the current FY 2022 Capital Improvement Plan budget by \$100,000 to be appropriated from the Park in Lieu funds for use toward implementation of the off-leash fenced-in dog parks in certain designated locations within Los Altos; and

NOW, THEREFORE, the City Council of the City of Los Altos, California, does resolve as follows:

1. The City Manager is authorized to execute an amendment to the Capital Improvement Plan Budget to increase appropriations in an amount not to exceed \$100,000 for use toward implementation of the off-leash fenced-in dog parks in certain designated locations within Los Altos.
2. The City Manager is also authorized to take such further actions as may be necessary to amend the Capital Improvement Plan budget.
3. The FY22 Park in Lieu Funds shall be amended such that the FY22 appropriation in the Capital Improvement Plan Budget is increased by \$100,000 for use toward implementation of the off-leash fenced-in dog parks in certain designated locations within Los Altos.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Altos hereby authorizes the City Manager to amend the Park in Lieu appropriations by an amount not to exceed \$100,000 and amend the Capital Improvement Plan budget to reflect this increased expenditure.

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 22nd day of February 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

, MAYOR

Attest:

, CITY CLERK

ORDINANCE NO. 2022-___**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING LOS ALTOS MUNICIPAL CODE SECTION 5.08 AUTHORIZING OFF-LEASH FENCED-IN DOG PARKS IN CERTAIN DESIGNATED LOCATIONS WITHIN LOS ALTOS AND MAKING FINDINGS PURSUANT TO CEQA**

WHEREAS, the California Constitution, Article XI, Section 7, confers on the City the power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, in accordance with Los Altos Municipal Code Section 5.08.010, dogs are prohibited off-leash in Los Altos parks; and

WHEREAS, residents have expressed an interest in having a public place within the Los Altos community where dogs may be allowed off-leash; and

WHEREAS, the City Council suspended Los Altos Municipal Code Section 5.08.010 as recommended by staff to facilitate a pilot off-leash program at Hillview Park; and

WHEREAS, the City Council determined that the temporary pilot program provided valuable evidence regarding off-leash fenced-in dog parks; and

WHEREAS, because of success of the pilot program the City Council considered amending Los Altos Municipal Code Section 5.08.010 to establish off-leash fenced-in dog parks in certain designated locations within the City; and

WHEREAS, the City Council also considered increasing the fiscal year budget by \$100,000 to be allocated from the Park in Lieu funds for use toward implementation of the off-leash fenced-in dog parks in certain designated locations within the City; and

WHEREAS, the City Council finds that the Park in Lieu fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities such as the development of off-leash fenced-in dog parks in certain designated locations within the City because: (1) the neighborhood in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the City; (2) it reasonably foreseeable that City residents will use the proposed park and recreational facilities where the fees are being used; (3) the use of the fees is consistent with the City's adopted general plan and park master plan; and (4) the fees are used in compliance Los Altos Municipal Code Section 13.24.010.

WHEREAS, the proposed ordinance amending Los Altos Municipal Code Section 5.08.010 establishing off-leash fenced-in dog parks in certain designated locations within the City is not anticipated to have any significant adverse effect upon the health, safety, welfare, or physical environment of the Los Altos community; and

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

SECTION 1. The City Council finds that the recitals set forth above are true and correct.

SECTION 2. Los Altos Municipal Code Section 5.08.010 A, is hereby amended to read as follows:

“A.1. Except as provided below in A.2., no person owning or having the control of any animal shall permit such animal to stray or run at large upon any public street or other public place or upon any private place or property or common area of any planned unit development, cluster, townhouse, or condominium project without the consent of the owner or person in control thereof.

2. Off-leash fenced-in dog parks in certain designated locations within the City may be established after all of the following findings have been made:

- (a) after a duly noticed public meeting the City Council has established the designated park location; and
- (b) the designated off-leash fenced-in parks shall be posted with sufficient signage to provide notice to the public of the areas where the dogs may be off-leash; and
- (c) the designated off-leash fenced-in dog parks shall be subject to the rules and regulations set forth in Section 3 of this ordinance.”

SECTION 3. OFF-LEASH FENCED IN DOG PARK RULES AND REGULATIONS: The off-leash fenced-in dog parks in certain designated locations within the City as authorized in the Los Altos Municipal Code Section 5.08.010 A.2, shall be subject to compliance with the following rules and regulations:

- A. Dogs shall be allowed without physical restraint only in off-leash fenced-in dog parks only in certain designated locations within the City. Said off-leash fenced-in areas and hours will be defined by signage approved by the City Manager or his or her designee.
- B. No pet or domesticated animal shall be allowed in certain off-leash fenced-in established by this ordinance except for dogs that are: (1) subject to the reasonable control of their owners or handlers; (2) properly licensed pursuant to applicable law; and (3) not “vicious” as defined by Los Altos Municipal Code Section 5.04.005.
- C. Owners and handlers shall clean up after their own dogs and shall keep their dogs under reasonable control as necessary to ensure the safety of people and pets and to prevent destruction of property.
- D. Owners and handlers shall comply with every regulation for use of the park established by the City Manager as set forth in Section 4.
- E. In the use of the park as authorized by this ordinance, owners and handlers shall obey every lawful instruction of any peace officer or of the City Manager or designee.

Any violation of the foregoing rules shall constitute an unlawful violation of Los Altos Municipal Code Section 5.08.010.

SECTION 4. CITY MANAGER AUTHORITY: The City Manager may establish additional rules and regulations for use of the off-leash fenced-in dog parks in certain designated locations within the City. Such rules shall become effective immediately upon being posted at the park and made available for review by members of the public at the official website of the City’s Recreation and Community Services Department.

SECTION 5. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 6. CEQA. The City Council finds the adoption of this ordinance (Project) to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations to Land Use Restrictions), because the off-leash fenced-in dog parks in certain designated location within the City authorized by this ordinance are not anticipated to have any significant adverse impact upon the existing environment, will involve the use of an existing recreational facility, and will not significantly alter existing facilities or existing land use restrictions. The City Council also finds that none of the exceptions set forth in CEQA Guidelines Section 15300.2 to the availability of the foregoing categorical exemptions applies to the Project authorized by this ordinance. The City Manager or designee is hereby directed to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062.

SECTION 7. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 8. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2022 and was thereafter, at a regular meeting held on _____, 2022 passed and adopted by the following vote:

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

Anita Enander, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK

City of Los Altos
1 N. San Antonio Road,
Los Altos CA, 94022

TO: City Manager Mr. Engeland

TO: Mayor and City Council

NO dog park at McKenize.

The City should NOT establish a second dog park at McKenzie. The City should move forward with plans to establish the first dog park near the Community Center and Library. That is a central place.

After that park is established and in use, the City can assess and determine the need for a second dog park and implement accordingly.

The McKenzie family has spoken out against the establishment of a dog park on their donated land. This family directive must be respected. The City of Los Altos runs a dangerous precedent by ignoring the wishes of donors. You will create a situation where donors will not be willing to donate because it is clear that in just a few decades their wishes will be ignored.

E. Stern

Osage Ave.



AGENDA REPORT SUMMARY

Meeting Date: February 22, 2022

Subject Consideration of proposed ordinance amending Titles 1 and 14 of the Los Altos Municipal Code relating to appeals, ongoing maintenance of required landscape features, inclusionary housing requirements for certain housing development projects, and density bonuses; consideration of CEQA exemption finding pursuant to CEQA Guidelines section 15061(b)(3); consideration of Planning Commission recommendation to study feasibility of proposed inclusionary housing requirements

Prepared by: Jolie Houston, City Attorney
Reviewed by: Laura Simpson, Interim Community Development Director
Approved by: Gabriel Engeland, City Manager

Attachment(s):
1. Proposed ordinance

Initiated by:
City Attorney’s Office

Previous Council Consideration:
None

Fiscal Impact:
No direct fiscal impact is anticipated unless the City Council accepts the Planning Commission’s recommendation to direct staff to obtain an inclusionary housing feasibility analysis. The cost of a feasibility analysis is currently unknown. A consultant contract over \$100,000 would require a separate City Council approval.

Environmental Review:
The proposed ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) in that the proposed ordinance would establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities, and none of the circumstances described in CEQA Guidelines Section 15300.2 applies.



Subject: Proposed Zoning Text Amendment 21-005

Policy Questions for Council Consideration:

Is the proposed ordinance in the best interest for protection or promotion of the public health, safety, comfort, convenience, prosperity, or welfare?

Can it be seen with certainty that the proposed ordinance will not result in significant and foreseeable environmental effects?

Does the City Council agree with the Planning Commission’s recommendation to forgo changes to the City’s inclusionary requirements pending a feasibility analysis?

Summary:

The proposed ordinance addresses the following four matters, which are discussed in greater detail below:

1. Appeals;
2. Ongoing maintenance of required landscape features;
3. Inclusionary housing requirements for certain housing development projects; and
4. Density bonuses.

At its January 6, 2022 meeting, the Planning Commission recommended approval of the ordinance with the exception of proposed amendments to Los Altos Municipal Code Section 14.28.020. In a separate action, the Planning Commission recommended that the City Council direct staff to obtain a feasibility analysis of inclusionary requirements, and to defer any amendments to Section 14.28.020 pending that analysis. If the City Council accepts the Planning Commission’s recommendation, staff will develop a scope of work and request quotes from consultants, and the study could be commenced later this year. Completion of the study and implementation of its recommendations could be included as a program in the City’s Housing Element for the next cycle.

Staff Recommendation:

City Council approval of the proposed ordinance and accompanying CEQA findings or, in the alternative, approval of the Planning Commission recommendation.

Discussion/Analysis:

Proposed Amendments to Chapters 1.12 and 14.02. During the process last December of adopting initial objective design standards for single-family homes in response to SB 9, two issues were raised that could not be addressed by resolution. The first issue was the delegation of the City Council’s appeals authority under Chapter 1.12 of the Municipal Code. The City Council’s resolution included language declaring that any person wishing to challenge the validity of any of



Subject: Proposed Zoning Text Amendment 21-005

the objective standards could do so through the appeals process in Chapter 1.12. Some members of the City Council suggested delegating the Council’s authority to hear those appeals to a city official or advisory body. The City Attorney opined that although the City Council has authority under the Municipal Code to adopt design standards by resolution, it does not have authority to delegate its appeals authority by resolution. The proposed ordinance includes a new Section 1.12.090 of the Los Altos Municipal Code to create that authority.

The second issue raised was a desire to include clear language in the objective single-family design review standards requiring property owners to maintain any landscaping installed to comply with the standards in perpetuity. Again, the City Attorney opined that creating new regulations for ongoing maintenance of property by resolution is not authorized by the Municipal Code. To address the concern, the proposed ordinance includes a new Section 14.02.055 of the Los Altos Municipal Code declaring that failure to maintain any landscaping required as part of any development project constitutes a nuisance.

Inclusionary Housing Ordinance. Chapter 14.28 of the Municipal Code pertains to affordable housing and addresses both the City’s inclusionary housing requirements and its implementation of the State Density Bonus Law, Government Code Section 65915, et seq. The proposed ordinance would divide Chapter 14.28 into two separate articles, with the first pertaining to inclusionary housing and the second pertaining to density bonuses. The reason for this change is both to reflect that these are separate areas of the law and to facilitate dividing up the City’s density bonus ordinance into multiple sections to make it more user-friendly.

Regarding the inclusionary housing requirements, the ordinance proposes two changes. The first is to include definitions of certain terms in Section 14.28.010 currently found in Section 14.28.040, with some minor, nonsubstantive modifications to these definitions. These include definitions of terms used in the inclusionary housing ordinance that are currently defined in the City’s density bonus ordinance but that, as proposed, would no longer be included in the density bonus ordinance.

The second proposed change is to Section 14.28.020. The current requirement in Section 14.28.020 for for-sale projects with ten or more units is to provide 15% of units as affordable with a majority of those units for moderate-income households. The requirement has caused confusion and needs clarification. The stated goal of the requirement is to achieve a mix of units at all income levels, while prioritizing moderate-income units for for-sale projects. Because 100% is technically a majority, the requirement does not necessarily achieve a mix of units in every development. This has created confusion as to whether the term “majority” in the ordinance refers to an absolute or a bare majority. Upon review of the transcript for the entire Council meeting at which the ordinance was introduced, it appears the intent was for “majority” to mean an absolute majority, although concern that this may not result in a mix of units was expressed at the time.



Subject: Proposed Zoning Text Amendment 21-005

Under the proposed language, a minimum of 15% of total units would be affordable, with 7.5% of total units required to be for moderate-income households. The remaining affordable units would be required to be for very low or low-income households. Thus, in a hypothetical 100 unit project, 15 units would be affordable. Because fractional units are always rounded up under the City’s inclusionary housing ordinance, 8 units (7.5% rounded up to the nearest whole number) would be for moderate-income households. The remaining 7 affordable units would be for very low or low-income households. In this way, the ordinance would promote a mix of units. Also, if the City Council adopts in-lieu fees, establishing a uniform inclusionary requirement at each income level will clarify the in-lieu contribution due from a developer who chooses to pay fees.

Another source of confusion has arisen when developers have sought to provide a majority of units for lower income households to qualify for density bonuses. At the time the ordinance was proposed, staff clarified that the ordinance is not intended to discourage developers from providing more units than required at each income level. For example, a developer may propose more lower income units than moderate income units to achieve a certain density bonus if the minimum number of moderate units required is also still provided (i.e., a majority of 15% of base density). This intent could be more clearly articulated in the text of the ordinance to avoid confusion, which proposed Section 14.28.020.C seeks to accomplish.

Density Bonus Ordinance Update. Finally, the proposed ordinance repeals the City’s density bonus ordinance and replaces it with a new ordinance to reflect the City’s existing policies and procedures for density bonus requests. Government Code Section 65915(a) requires a city to adopt a density bonus ordinance to specify how it will implement the State Density Bonus Law. However, the only matter the ordinance is required to address is to describe the city’s procedures to request a density bonus.

Cities take two general approaches to density bonus ordinances. The first is to replicate and enact at the local level the requirements of the State Density Bonus Law. The second approach is to codify local procedures for implementing the State Density Bonus Law. The City currently follows the first approach. The problem with this approach is that the State Density Bonus Law is amended by the Legislature in almost every legislative session in recent years. If the local ordinance is not updated whenever the state law is updated, then the local ordinance is inconsistent with state law and is therefore preempted. Another concern is that a local ordinance that largely replicates state law is unnecessary since the State Density Bonus Law is prescriptive, detailed, and mandatory.

For these reasons, it is recommended that the City adopt the second type of density bonus ordinance by codifying local procedures without necessarily replicating the entire State Density Bonus Law. The State Density Bonus Law was amended both in 2020 and 2021, making the City’s ordinance inconsistent with state law. The need to update the ordinance provides an opportunity to change approaches.



Subject: Proposed Zoning Text Amendment 21-005

The City’s current density bonus ordinance is contained in one section of the Municipal Code but is approximately 13 pages long. As indicated above, the proposed ordinance would create a new article within Chapter 14.28 of the Municipal Code addressing the City’s density bonus requirements, which provides an opportunity to break the density bonus ordinance up into multiple sections to be more user-friendly. These new sections would accomplish the following:

- Section 14.28.040 would state that Article 2 of Chapter 14.28 of the Municipal Code “shall be known and may be cited as the Los Altos Density Bonus Ordinance.”
- Section 14.28.042 provides a list of definitions unique to the density bonus ordinance. Definitions worth noting include the following:
 - State Density Bonus Law requires that a proposed concession or waiver achieve an “identifiable and actual cost reduction to provide for affordable housing cost.” However, this term is not defined in state law. The proposed ordinance codifies the widely accepted definition of that term, which requires that the cost reduction be reasonably quantifiable and that it be no greater than necessary to subsidize the cost to the developer of providing affordable housing.
 - The ordinance would contain a definition of the term “maximum allowable residential density,” which would address two issues:
 - In a March 25, 2021 Notice of Violation to the City of Encinitas, the California Department of Housing and Community Development (“HCD”), which is the state agency that enforces the State Density Bonus Law, expressed HCD’s interpretation that Government Code Section 65915(f) requires density for purposes of the Density Bonus Law to be calculated on a gross density per acre basis, even if the local agency otherwise calculates on a net density basis. The proposed definition of “maximum allowable residential density” reflects that interpretation to guide City staff.
 - In certain zoning districts, neither the Zoning Ordinance nor the General Plan establishes a maximum residential density. Instead, density is controlled by design standards. To provide a basis to consider waiver requests in these districts, and consistent with procedures followed in many other cities, the City’s practice is to require a developer requesting a density bonus in a district with no established density to design a hypothetical project consistent with all applicable objective standards and with an average unit size that is the same or larger than the average unit size of the proposed project. The hypothetical project is then used to establish a base density for the project. The proposed definition of “maximum allowable residential density” reflects this process.



Subject: Proposed Zoning Text Amendment 21-005

- Finally, the State Density Bonus Law does not allow a city to require a “study” to justify a concession, but it does allow a city to require “reasonable documentation to establish eligibility” for concessions. The proposed ordinance includes a definition of “reasonable documentation to establish eligibility for a concession” to describe the type of documentation the City currently requires for this purpose.
- Sections 14.28.044 and 14.28.046 would clarify that the City complies with the State Density Bonus Law, as it may be amended from time to time. Section 14.28.046 also addresses an ambiguity created by Section 14.28.040.E.7 of the City’s current density bonus ordinance. That provision of the current ordinance allows the City to grant a greater density bonus than required under state law but does not specify any procedure or criteria for granting such a bonus. As proposed, Section 14.28.046 would state that applicants are limited to the maximum density bonus allowed under state law except pursuant to a development agreement with the City.
- Section 14.28.048 would carry over the City’s on-menu concessions from its existing density bonus ordinance. Language from the City’s existing open space on-menu concession that appears to have been borrowed accidentally from another city’s ordinance and that is not applicable to Los Altos is also proposed to be deleted.
- Sections 14.28.050, 14.28.052, and 14.28.054 would codify the City’s existing density bonus application procedures, standards for affordable units, and processes for ensuring the long-term affordability of units.

Density Bonus Ordinance Appendix. One feature of the City’s existing density bonus ordinance that the City’s planners have requested to be retained is the inclusion of certain tables from the State Density Bonus Law that specify the density bonuses to which projects meeting certain criteria would be entitled. The problem with including these tables is that they are frequently updated by the Legislature, thereby rendering the City’s density bonus ordinance out-of-date. A zoning text amendment is a major process, requiring multiple hearings, published notices, and significant staff time. It is not an efficient use of City resources to undergo this process on a regular basis to make nondiscretionary changes to the Municipal Code.

To retain the tables while avoiding the need to update the density bonus ordinance regularly to remain consistent with state law, an appendix is proposed for the density bonus ordinance. The proposed ordinance would authorize the city manager or designee to update the appendix administratively whenever the State Density Bonus Law is amended. The appendix contains tables found in the State Density Bonus Law, and it also contains tables summarizing provisions of the State Density Bonus Law, such as entitlements to concessions and required parking ratios. The tables reflect changes to the State Density Bonus Law enacted in the last two years. These include the following:



Subject: Proposed Zoning Text Amendment 21-005

- Except for 100% affordable projects, under prior law the maximum available density bonus was 35%. Current law allows for bonuses up to 50% when developers provide deep levels of affordability.
- Under prior law, a density bonus based on the provision of moderate-income units was available only for common interest developments governed under the Davis-Stirling Act. Current law applies to any for-sale development.
- Provisions of the State Density Bonus Law concerning student housing projects were amended in 2021, including by entitling such projects to one concession if certain criteria are met.
- The State Density Bonus Law’s parking ratios have been amended in the past two years, including by providing for parking ratios as low as 0.5 spaces per unit for certain housing development projects providing 40% or more units as affordable to moderate-income households.

Planning Commission Recommendation:

The Planning Commission considered the proposed ordinance on January 6, 2022. The Planning Commission recommended adoption of the ordinance excepting proposed amendments to Section 14.28.020 of the Municipal Code. Commissioners expressed appreciation that the current text of the ordinance could be clearer, but they were also apprehensive about altering the City’s inclusionary requirements without a feasibility analysis. In a separate action, the Planning Commission recommended that the City Council direct staff to obtain a feasibility analysis, and that the City defer any amendments to Section 14.28.020 pending the results of that analysis. As indicated earlier in this staff report, if the City Council accepts the Planning Commission’s recommendation, staff will develop a scope of work and request quotes from consultants, and the study could be commenced later this year. Completion of the study and implementation of its recommendations could be included as a program in the City’s Housing Element for the next cycle.

Options

- 1) Introduce ZTA21-005 and waive the first reading of the proposed ordinance

Advantages: The proposed ordinance will allow the City Council to delegate its appellate authority, clarify property owner obligations to maintain required landscaping, clarify and make uniform the City’s inclusionary requirements for for-sale housing development projects, and update the City’s density bonus ordinance to be consistent with current state law and to reflect the City’s procedures for implementing the State Density Bonus Law.



Subject: Proposed Zoning Text Amendment 21-005

Disadvantages: Changes to the City’s inclusionary requirements without a feasibility analysis may have unintended consequences.

2) Adopt the Planning Commission’s recommendation

Advantages: Same as above but without clarification of the City’s inclusionary requirements. The Planning Commission’s recommendation would, however, allow the City an opportunity to study the effect of any future amendment to Section 14.28.020 of the Municipal Code.

Disadvantages: The City would not clarify and make uniform its affordability requirements for for-sale housing development projects. (Note that as an additional alternative, the City Council could adopt proposed Section 14.28.020.C without amending Section 14.28.020.B. This would provide some clarity while leaving open for another day any changes to the required mix of units.)

3) Do not introduce the proposed ordinance

Advantages: None.

Disadvantages: The City would not realize any of the benefits described above.

Recommendation

The Planning Commission recommends Option 2. Staff recommends Option 1 or 2.

ORDINANCE NO. 2022-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTERS 1.12 (APPEALS), 14.02 (ZONING – GENERAL PROVISIONS AND DEFINITIONS) AND 14.28 (MULTI-FAMILY AFFORDABLE HOUSING) OF THE LOS ALTOS MUNICIPAL CODE

WHEREAS, the City Council desires to amend Chapter 1.12 of the Los Altos Municipal Code to allow for the delegation of certain appeals to City staff or to City advisory bodies; and

WHEREAS, the City Council also desires to amend Chapter 14.02 of the Municipal Code to clarify that failure to maintain landscaping required of a development project is a nuisance; and

WHEREAS, the City Council also desires to clarify the City’s inclusionary housing requirements for certain housing development projects; and

WHEREAS, the City Council also desires to update its density bonus ordinance in Chapter 14.28 of the Municipal Code to reflect current state law and existing City policies and practices; 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.

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

SECTION 1. AMENDMENT OF CHAPTER 1.12 OF THE MUNICIPAL CODE. Section 1.12.090 is hereby added to the Los Altos Municipal Code, as follows:

1.12.090. Delegation of Authority.

The city council may, by resolution, delegate its powers under this chapter to another city official or body. Such resolution shall prescribe whether the decision of the official or body shall be final or whether it shall be appealable to the city council.

SECTION 2. AMENDMENT TO CHAPTER 14.02 OF THE MUNICIPAL CODE. Section 14.02.055 is hereby added to the Los Altos Municipal Code, as follows:

14.02.055. Landscaping Required in Connection with a Development Project.

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

SECTION 3. ARTICLE 1 OF CHAPTER 14.28 OF THE MUNICIPAL CODE. Chapter 14.28 of the Los Altos Municipal Code, Sections 14.28.010 to 14.28.030 inclusive, is hereby amended as follows, underlined text indicating additions and stricken text indicating deletions:

Article 1. Inclusionary Housing Requirements

14.28.010 Purpose; Definitions.

This ~~chapter~~ article provides the requirements and provisions for the production of affordable housing. ~~The definitions contained in Section 14.28.040.B., unless otherwise apparent from the context, shall be applicable to this chapter. As used in this article, the following terms have the following meanings unless otherwise apparent from the context:~~

- A. “Affordable housing unit” means a for-sale or rental dwelling unit affordable to households with extremely low, very low, low, or moderate incomes as published periodically by HCD for households in Santa Clara County or equivalent as approved by the community development director. Calculations for the required affordable housing resulting in fractional units shall be rounded up to the next whole number.
- B. “Dwelling unit” means a dwelling designated and intended for occupancy by a household.
- C. “HCD” means the California Department of Housing and Community Development or any successor agency.
- D. “Income, very low, low or moderate” means an annual income of a household that does not exceed the amounts designated for each income category as determined by HCD.
- E. “Multiple-family residential project” means a residential project exceeding four units or a mixed-use project.
- F. “Project” means the entire parcel of real property, including all structures thereon, all or part of which is intended to be rented or purchased for residential purposes.

14.28.020 Applicability.

All multiple-family residential projects that create five or more new dwelling units shall provide affordable housing as follows:

- A. For projects with five to nine units, affordable housing units shall be provided as follows:
 - 1. Fifteen (15) percent of the total units shall be designated as affordable, rental or ownership, at the moderate-, low- or very-low income level.
 - 2. As an alternative to providing the required affordable housing units, payment of an in-lieu fee is permitted.

- B. For projects with ten (10) or more units, affordable housing units shall be provided as follows:
 - A. Rental units. Twenty (20) percent designated as affordable at the low-income level or fifteen (15) percent designated as affordable at the very-low income level.
 - B. Ownership units. Fifteen (15) percent of total units shall be designated as affordable housing units. ~~with a majority of the~~ Seven and one-half (7.5) percent of total units shall be designated as affordable at the moderate-income level and the remaining affordable housing units shall be designated as affordable at the low- or very-low income level.
 - C. Nothing in this section is intended to prohibit a multiple-family residential project from providing additional affordable housing units beyond the minimum number of affordable units required at each income level.

14.28.030 Standards. [No change.]

SECTION 4. ARTICLE 2 OF CHAPTER 14.28 OF THE MUNICIPAL CODE. Section 14.28.040 of the Los Altos Municipal Code is hereby repealed and replaced with a new Article 2 to Chapter 14.28, as set forth in **Attachment 1** to this ordinance.

SECTION 5. APPENDIX TO CHAPTER 14.28 OF THE MUNICIPAL CODE. Chapter 14.28 shall contain an appendix with tables summarizing various requirements of the state density bonus law. The appendix is set forth in **Attachment 2** to this ordinance and shall be updated from time to time by the city manager or designee, without further action of the city council, to reflect changes in state law.

SECTION 6. CONSTITUTIONALITY. 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 of this ordinance.

SECTION 7. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 8. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2022 and was thereafter, at a regular meeting held on _____, 2022 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Anita Enander, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK

Article 2. Density Bonus Ordinance

§ 14.28.040. Title

This article shall be known and may be cited as the Los Altos Density Bonus Ordinance.

§ 14.28.042. Definitions

As used in this article, the following terms shall have the following meanings:

- A. “Concession” shall have the same meaning as the term “concession or incentive” pursuant to the state density bonus law, as currently defined in Government Code section 65915, subdivision (k).
- B. “Density bonus” means a density increase over the otherwise maximum allowable residential density for a housing development as of the date of application by the applicant, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.
- C. “Housing development” means any of the following:
 - 1. A development project for five or more residential units, including a mixed-use development;
 - 2. A subdivision consisting of residential units or unimproved residential lots;
 - 3. A common interest development as defined in section 4100 of the Civil Code consisting of residential units or unimproved residential lots;
 - 4. A project to convert and substantially rehabilitate an existing commercial building to residential use; or
 - 5. The substantial rehabilitation of an existing structure designed for human habitation that has been divided into two or more legally created independent living quarters, where the result of the rehabilitation would be a net increase in available residential units.
- D. “Identifiable and actual cost reduction to provide for affordable housing cost” means a reasonably quantifiable cost reduction that would be achieved for a housing development through a concession unless it can be shown that total cost reductions for all proposed concessions likely would exceed:
 - 1. In the case of a rental housing development, the approximate difference between the amount of the debt service that the development’s affordable units will support and the cost to construct those units; and
 - 2. In the case of a for-sale housing development, the approximate difference between the combined total restricted sales prices of the affordable units in the housing development and the combined unrestricted value of those units.

- E. “Maximum allowable residential density” means the maximum residential density allowed for a housing development under this title and the land element of the general plan. If the residential density allowed under this title is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. For purposes of this definition, residential density shall be calculated based upon the gross acreage of a housing development, regardless of how it may be calculated by the city for other purposes. If a housing development is proposed to be located on any property that includes a parcel or parcels for which no maximum density is established by the general plan or zoning, then the maximum allowable residential density for the housing development shall be the base density as established by the applicant pursuant to section 14.28.050.B of this code.
- F. “On-menu concession” means any of the concessions listed in section 14.28.048 of this code. Every on-menu concession is conclusively presumed to achieve an identifiable and actual cost reduction to provide for affordable housing cost and is rebuttably presumed not to have a specific, adverse impact upon public health or safety.
- G. “Reasonable documentation to establish eligibility for a concession” means a credible written explanation or other documentation demonstrating to the reasonable satisfaction of the city manager or designee that a concession will achieve an identifiable and actual cost reduction to provide for affordable housing cost.
- H. “State density bonus law” means Government Code section 65915, et seq., as the same may be renumbered or amended from time to time.

§14.28.044. Application of this Article

This article shall apply to any housing development that is entitled to receive a density bonus pursuant to the state density bonus law.

§14.28.046. Adoption of State Density Bonus Law

The state density bonus law is hereby adopted by reference. This article contains an appendix with tables summarizing various requirements of the state density bonus law. These tables are provided for informational purposes only and shall be updated from time to time by the city manager or designee, without further action of the city council, to reflect changes in state law. Except as provided in a development agreement approved by the city council in its discretion pursuant to Government Code section 65864, et seq., an applicant for a housing development shall not be entitled to, and shall not be granted:

- A. A density bonus in excess of the maximum density bonus required under the state density bonus law;
- B. A number of concessions in excess of the maximum number of concessions required under the state density bonus law;
- C. Waivers to which the applicant is not otherwise entitled pursuant to the state density bonus law; and
- D. A parking ratio and other provisions for parking more favorable than required under the state density bonus law, except as otherwise provided pursuant to another provision of this code.

§14.28.048. On-Menu Concessions

Each type of on-menu concession listed below shall be applied only once to a housing development. If an applicant requests to apply one type of on-menu concession more than once to a housing development, then the request shall be treated as an off-menu concession request.

- A. Lot coverage. Up to a 20 percent increase in lot coverage limits.
- B. Lot width. Up to a 20 percent decrease in lot width requirements.
- C. Floor Area Ratio. In zone districts with a floor area ratio maximum, an increase in the maximum floor area equal to the floor area of the affordable units for the housing development, up to a 35 percent increase in floor area maximum.
- D. Height. Up to an eleven foot (11') increase in the allowable height.
- E. Yard/Setback. Up to a 20 percent decrease in the required width or depth of any individual yard or setback except along any property line that abuts a single-family R1 zoned property.
- F. Open Space. Up to a 20 percent decrease from an open space requirement.

§14.28.050. Application Procedures

- A. A density bonus request shall be considered by the approval authority for the housing development. An applicant for a density bonus pursuant to the state density bonus law shall submit a density bonus report together with the application or amended application for the housing development. The density bonus report shall contain the following:
 - 1. The basis under the state density bonus law on which the applicant is claiming a density bonus;
 - 2. An identification of the maximum density bonus to which the housing development is entitled on the basis requested;
 - 3. An identification of any concession(s) sought and, except for on-menu concessions, reasonable documentation to establish eligibility for the concession(s);
 - 4. An identification of any waiver(s) sought and a detailed explanation of why the development standard from which any waiver is sought would have the effect of physically precluding the construction of the housing development at the density and with any concession(s) or parking ratio reduction sought. If the basis for a waiver request is that the development standard from which the waiver is sought would preclude the housing development from providing the number of units to which the project is entitled under the state density bonus law, then the justification for the waiver shall include an analysis demonstrating the maximum number of units that could be provided without the waiver, assuming a housing development with the same average unit size as for the housing development proposed; and
 - 5. If the housing development is proposed on any property that includes a parcel or parcels with existing dwelling units or dwelling units that have been vacated or

demolished in the five-year period preceding the application, an explanation of how the project meets the state density bonus law's replacement housing requirements, if applicable, currently codified at Government Code section 65915, subdivision (c)(3).

- B. If the housing development is proposed to be located on any property that includes a parcel or parcels for which no maximum density is established by the general plan or zoning, then the applicant shall determine a base density for the housing development by determining the maximum number of units that could be provided by a hypothetical housing development consistent with all applicable development standards. The average unit size for the hypothetical housing development shall be at least as large as the average unit size for the housing development proposed. The density bonus report for the housing development shall include calculations and rough drawings for the hypothetical housing development used to determine the base density.
- C. If the density bonus report submitted for a housing development is incomplete, city planning staff shall provide the applicant notice of such incompleteness pursuant to the Permit Streamlining Act, Government Code section 65920, et seq.
- D. If a proposed housing development would be inconsistent with the state density bonus law, then city planning staff shall provide the applicant notice of such inconsistency pursuant to the Housing Accountability Act, Government Code section 65589.5.

§14.28.052. Standards

Affordable units provided to meet state density bonus law requirements shall meet the standards set forth in section 14.28.030.C of this code.

§14.28.054. Affordable Housing Agreements

- A. Affordable rental units provided by a housing development to meet state density bonus law requirements shall be subject to an affordable housing agreement recorded against the housing development with a 55-year term commencing upon the issuance of certificates of occupancy; provided that a longer period shall apply if required by another public financing source or law. The form of the affordable housing agreement shall be approved by the city attorney.
- B. For-sale affordable units provided by a housing development to meet both the requirements of the state density bonus law and the city's inclusionary housing requirements shall be subject to a recorded affordable housing agreement approved as to form by the city attorney. The affordable housing agreement shall, at a minimum, require that:
 - 1. Each for-sale affordable unit shall be sold to an income qualified household at an affordable housing cost, as defined in the affordable housing agreement; and
 - 2. Each for-sale affordable unit shall be sold to the initial purchaser subject to a recorded resale restriction agreement approved as to form by the city attorney, which shall:

- a. Have a 55-year term or a longer term if required by another public financing source or law;
 - b. Restrict the resale price of the unit to an affordable housing cost, as defined in the resale restriction agreement; and
 - c. Require that if the unit is sold to a subsequent purchaser during the term of the agreement, the purchaser shall purchase the unit subject to a resale restriction agreement approved as to form by the city attorney with a new 55-year term or a longer term if required by another public financing source or law.
- C. Unless otherwise required by another public financing source or law, a for-sale unit provided to meet state density bonus law requirements that is not necessary to meet the city's inclusionary housing requirements shall be sold to an income qualified household subject to an equity sharing agreement as set forth in the state density bonus law.

APPENDIX TO AFFORDABLE HOUSING ORDINANCE

Table A: Density Bonus Available to Housing Developments Providing at Least Ten (10) Percent of Units for Lower Income Households

Percentage of Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

Table B: Density Bonus Available to Housing Developments Providing at Least Five (5) Percent of Units for Very Lower Income Households

Percentage of Very Low Income Units	Percentage Density Bonus
5	20
6	22.5

7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

Table C: Density Bonus Available to For-Sale Housing Developments Providing at Least Ten (10) Percent of Units for Moderate Income Households

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16

22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

Table D: Miscellaneous Bases for Density Bonus

Senior Citizen Housing Development -- Gov. Code, § 65915, subd. (b)(1)(C)	20% Density Bonus (calculated based on number of senior housing units)
10% of Total Units for Transitional Foster Youth, Disabled Veterans, or Homeless Persons -- Gov. Code, § 65915, subd. (b)(1)(E)	20% Density Bonus (calculated based on number of units for transitional foster youth, disabled veterans, or homeless persons)
20% of Total Units for Lower Income Students in Student Housing -- Gov. Code, § 65915, subd. (b)(1)(F)	35% Density Bonus (calculated based on number of student housing units)
100% Affordable Projects -- Gov. Code, § 65915, subd. (b)(1)(G)	No maximum density control if within one-half mile of a major transit stop
	Otherwise, 80% density bonus calculated based on the number of units for lower income households

Table E: Available Concessions

Number of Concessions	Bases
1	5% of Units for Very Low Income Households 10% of Units for Lower Income Households 10% of Units for Moderate Income Households 20% of Units for Lower Income Students in Student Housing Project
2	10% of Units for Very Low Income Households 17% of Units for Lower Income Households 20% of Units for Moderate Income Households
3	15% of Units for Very Low Income Households 24% of Units for Lower Income Households 30% of Units for Moderate Income Households
4	100% Affordable Housing Projects (if project is within one-half mile of a major transit stop, also entitled to a height increase of 33 feet or three stories)

Table F: Parking Ratios

<p>No parking required if requested by applicant for a project that is 100% affordable to lower income households and that:</p> <ol style="list-style-type: none"> 1. Has unobstructed access to a major transit stop within one-half mile of the project site. 2. Is for individuals ages 62 or older and either (a) is served by paratransit service; or (b) has unobstructed access to a fixed route bus service, as defined, within one-half mile of the project site. 3. Is a special needs housing development and either (a) is served by paratransit service; or (b) has unobstructed access to a fixed route bus service, as defined, within one-half mile of the project site. 4. Is a supportive housing development.
<p>No more than 0.5 on-site spaces per unit are required if requested by applicant for a project that has unobstructed access to a major transit stop within one-half mile of the project site if:</p> <ol style="list-style-type: none"> 1. At least 11% of the units are for very low income households. 2. At least 20% of the units are for low-income households. 3. At least 40% of the units are for moderate income households.
<p style="text-align: center;">Standard Parking Ratios in All Other Cases Where Project Qualifies for Density Bonus:</p> <p>1 on-site space per studio or 1-bedroom unit</p> <p>1.5 on-site spaces per 2- or 3-bedroom unit</p> <p>2.5 on-site spaces per larger unit</p>



AGENDA REPORT SUMMARY

Meeting Date: Tuesday, February 22, 2022

Subject Los Altos City Council Legislative Subcommittee

Prepared by: Councilmember Neysa Fligor and City Attorney Jolie Houston

Approved by: Gabriel Engeland, City Manager

Purpose: To Discuss and decide on the structure of the Legislative Subcommittee

A. BACKGROUND

In December 2019, the Los Altos City Council created a Legislative Subcommittee that would consist of 2 Councilmembers. This creation resulted from Council’s discussion and consideration of hiring a lobbyist for the City. The City Council decided that it would prefer to establish a Legislative Subcommittee instead of hiring a lobbyist. The format of the Subcommittee to date has been for the 2 Subcommittee members to meet informally and then bring proposed legislative bills, initiatives, or ballot measures (“Bill”) to Council to discuss and decide if the Council wished to take a position on the Bill. The format of the Council discussion and the types of materials provided for those discussions have varied. It appears that the intent of the City Council was to establish the Legislative Subcommittee as a standing committee as it would continue from year to year, but it was not formalized as a standing committee. On September 14, 2021, for instance, the City Council updated its Norms and Procedures and identified some of the existing Council standing subcommittees. Although Council is not required to list all the different Council standing subcommittees in its Norms and Procedures, it should be noted that the Legislative Subcommittee was not identified as a standing committee. As a result, at the January 25, 2022, Council meeting, Councilmember Fligor led the discussion on the different ways Council could structure the Legislative Subcommittee.

This February 22, 2022, agenda item covers the different areas raised by Councilmembers at the January 25th meeting and seeks to formalize the structure of the Legislative Subcommittee.

B. QUESTIONS FOR COUNCIL

- 1. Should the Legislative Subcommittee be a Standing or Ad Hoc Subcommittee?**
 - a. Differences between Standing and Ad Hoc Committees

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JF



Subject: Los Altos City Council Legislative Subcommittee

Legislative Bodies

The Ralph M. Brown Act (Brown Act), Government Code §54950 *et seq.* requires all meetings of “legislative bodies” of local agencies to be open and public. Govt. Code §54953(a). The California Constitution recognizes, “[t]he people have the right of access to information concerning the conduct of the people’s business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” Cal. Const. art I, §3(b)(1). This requires that statutes, court rules, and other authorities must be broadly construed if they further the people’s right of access and narrowly construed if they limit the right of access. Cal. Const. art I, §3(b)(2).

The application of the Brown Act is not limited to City Council meetings. It also applies to a variety of committees and advisory boards determined to be “legislative bodies” under the Brown Act. The term “legislative body” under the Act means the following:

- The governing body of a local agency (including those of charter and general law cities) or any other local body created by state or federal statute. Govt. Code §54952(a).
- Any permanent or temporary advisory or decision-making commission, committee, board, or other body created by charter, ordinance, resolution, or formal action of a legislative body. Govt. Code §54952(b).
- Standing committees, regardless of their composition, that have either:
 - Continuing subject matter jurisdiction; or
 - A meeting schedule fixed by charter, ordinance, resolution, or other formal action of the legislative body. Govt. Code §54952(b).
- Standing Committees must abide by all of the Brown Act notice and agenda requirements, as well as be open to the public and allow public comment.

The Less-Than-a-Quorum Exception (Ad Hoc Committee)

The term “legislative body” **excludes** less-than-a-quorum advisory committee, also known as an ad hoc committee, are composed solely of members of the legislative body, provided they are not standing committees that have continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body. Govt. Code §54952(b). See also *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 CA4th 1123, 1127. To be an ad hoc committee exempt from the Brown Act, the body should have (1) a defined task and (2) be of limited duration. 79 Ops Cal Atty Gen 69 (1996).



Subject: Los Altos City Council Legislative Subcommittee

However, if the ad hoc committee membership includes persons other than members of the parent legislative body, or a quorum of any legislative body, then it is a legislative body for purposes of the Brown Act. Govt. Code §54952(b). If less than a quorum of one legislative body meets with less than a quorum of another legislative body (or with any other person who is not a member of the legislative body), and if all of those members act together as a single committee, they will be found to be a “unitary body” subject to the Brown Act. *Joiner v. City of Sebastopol* (1981) 125 CA3d 799, 802.

- 2. How to format the Legislative Subcommittee’s presentation to the full Council?**
 - a. Provide materials at least 72 hours in advance of the scheduled meeting
 - b. Provide arguments in favor and against a Bill, unless information is not available
- 3. How non-Legislative Subcommittee members may ask that the Legislative Subcommittee consider a Bill?**
 - a. Make request during Future Agenda Items on Council Agenda
 - b. Non-Legislative Subcommittee Councilmember can request a Bill be added as an urgency item at the Council meeting. If a Councilmember opts to do so, the Councilmember should also be prepared to provide arguments in favor and against the Bill, if available.
- 4. Can the Legislative Subcommittee take a position on a Bill on behalf of the City Council if the full Council has not taken a position on that Bill?**
 - a. Yes, with certain parameters, or No.
 - b. If No, then other options for the Legislative Subcommittee to consider:
 - 1. Add it to the Council Agenda as an Urgency item
 - 2. Councilmembers can take a position in their individual capacity provided that’s clearly stated in the communication
- 5. Do we want to establish any criteria for the type of Bills the Legislative Subcommittee should consider?**
 - a. Only bills that directly impact Los Altos
 - b. Only housing bills
 - c. All bills the Legislative Subcommittee deems relevant even if they don’t directly impact Los Altos
- 6. Any other related questions that Council should consider?**

C. PROPOSED ACTIONS FOR CITY COUNCIL

- 1. Confirm that the Legislative Subcommittee should be a Standing Subcommittee and ensure compliance with applicable laws
- 2. Confirm format for Legislative Subcommittee’s presentation to the full Council
- 3. Confirm process to make requests to the Legislative Subcommittee




Subject: Los Altos City Council Legislative Subcommittee

-
4. Confirm authority of the Legislative Subcommittee if full Council has not taken a position on a Bill

Confirm criteria for the types of Bills the Legislative Subcommittee should consider

From: [Roberta Phillips](#)
To: [Public Comment](#); [City Council](#)
Subject: Feb 22 Council Meeting Legislative Subcommittee Item #5
Date: Sunday, February 20, 2022 2:07:39 PM

Dear council Members
I believe it is important to keep a Standing Legislative Subcommittee
An Ad Hoc Committee would not have to have public hearings and be open for public comments, making it a bad idea in relation to transparency.
The State laws are increasingly affecting our town, and we need to be aware of potential State action that might affect our land use policies and the financial implications.
I would also urge the City Council to hire a lobbyist to represent Los Altos to protect the interests of our City and it's residents.
Sincerely
Roberta Phillips




AGENDA REPORT SUMMARY

Meeting Date: February 22, 2022

Subject Alta Annual Housing Report

Prepared by: Laura Simpson, Interim Community Development Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Report from Alta Housing on 2021 performance

Initiated by:

Council request.

Fiscal Impact:

None. The City has a 3-year contract, for up to \$65,000 per year with Alta Housing to administer the City’s Below Market Rate (BMR) housing program.

Summary:

The City of Los Altos contracts with Alta Housing to administer all aspects of the City’s BMR housing program for both homeownership and rental housing. Alta qualifies eligible buyers for new and existing homes that come onto the market under the City’s program. Alta maintains a list of over 800 interested households for the BMR program. Alta also annually certifies tenants who are renting BMR units in the City’s program. Alta submitting the attached report for their services provided to the City in 2021.

Alta Housing has an active interest list for Los Altos, but it is not a waiting list. The interest list is essentially a list of the general public who are interested in receiving information when a BMR unit becomes available in Los Altos. Individuals who put themselves on this list, via a link on Alta’s website, were only asked to provide name and contact information. They are on a general list in no particular order and this list is not utilized for any form of screening. To create a waiting list, applicants would need to be on the list in date and time order, or lottery number order, and the waitlist would include priority ranking, household size, income, and other criteria. Alta has downloaded information from the interest list into their files and because of the large number of names on the interest list, they have stopped adding names and taken down the link from their website.

Reviewed By:

City Manager

City Attorney

Finance Director



Subject: Alta Annual Housing Report

Alta has recommended this for the past few years and participated in a study session with some City Council members in 2019. At that time, Council suggested a future meeting but and then the pandemic began, and the meeting did not occur.

Staff Recommendation:
Informational Report only.

**PAHC HOUSING SERVICES, LLC
BELOW MARKET RATE (BMR) HOUSING SERVICES
City of Los Altos
January to December 2021 ANNUAL REPORT**

NARRATIVE

I. BMR SALES / RESALES

A. 124 Second Street Unit#7- One-Bd/One-bath- Condo sale

On the spring of 2021 the owner, a single woman contacted Alta Housing of the intent to sell the unit, because she intended to move to a nursing home. A one-bed/ one-bath condominium located near downtown of Los Altos, which consists of two more Below Market Rate condos. The gated community consist of senior citizens and in order to qualify one member of the household must be 62 years or older. First priority is given to Senior Citizens who currently reside in the City and have lived in the City for at least the prior two years.

On the first week of March 2021, a unit inspection was made to evaluate the current condition the property and capital improvements.

A termite inspection was done and complete on March 18, 2021.

Alta Housing provided the owner with a price calculation on in May,2021 and the owner agreed with the price.

Alta Housing posted on the website about the sale and reached out to the local Town Crier to place an ad on the newspaper for 30 days commencing May and end date of June 18,2021, when the applications were due.

During the period of selecting applicants, about three were among the top eligible applicants, the first applicant was selected. A 66 year-old single woman that lived and worked in Los Altos for over 25 years as a Family Therapist.

Escrow opened in August 2021, the buyer was intended to pay all cash for the property, using her life savings, therefore did not needed a loan. During this time Alta prepared the escrow instructions, and BMR program documents. Collected signatures from the city attorney, approval from the city officials. Program documents consisted of Deed of Trust, and Deed Restrictions. All to be recorded when escrow closes.

B. 38 Third Street #200, Los Altos- One Bd/One-Bath –Condo Sale- Owner Moved out of town

Sometime in March of 2021 the seller a married woman reached out to Alta Housing for her intent to sell her unit because her family grew out of the unit and relocated to northern California. A one-bed/one-bath condominium, the located in the vicinity close to downtown Los Altos.

On May 19, 2021, a unit inspection was performed to evaluate the current condition of the property and capital improvements.

Alta Housing provided the owner with a price calculation on May 17, 2021.

Alta Housing posted on the website about the sale and reached out to the local Town Crier to place an ad on the newspaper for 30 days commencing May and end date of July 30,2021,

Applications were due September 2021.

During the period of selecting applicants, three were among the top eligible applicants, the second applicant was selected based on her ranking. A divorced 60 year-old woman that lived and works in Los Altos.

The contract was generated through Docusign. All parties involved signed off on the contract agreement on August 5, 2021.

Escrow opened in August 2021, the buyer paid all cash for the condo, using her life savings, therefore did not need a loan. During this time Alta prepared the escrow instructions, and BMR program documents, coordinated & obtained signatures from the city attorney, and City Manager. Program documents consisted of Deed of Trust, and Deed Restrictions. All to be recorded when escrow closes.

A termite inspection was completed on August 20, 2021

Escrow closed in late September 2021.

C. 396 First Street #3-One-bd/One-bth- Condo Sale

On July 16, 2021, the owner and her son reached out to Alta Housing with the intent to sell the unit, the owner a single woman in her 70s was moving to a nursing home in Palo Alto, where she has worked as a volunteer for many years.

Alta scheduled an inspection of the unit on July 27, 2021.

Alta Housing provided the owner with a price calculation on in September 2021 and the owner signed off on the price.

Alta Housing posted on the website about the sale and reached out to the local Town Crier to place an ad on the newspaper for 30 days commencing May and end date of June 18,2021.

Applications were due October 6, 2021.

During the period of selecting applicants, about approximately seven to eight applicants submitted applications. The first three were processed, within the three the second applicant had first priority. A single woman in her 30s that lived and works in Los Altos School District as a school teacher.

Escrow opened in October 2021, the buyer took out a mortgage loan for the property. During this time Alta prepared the escrow instructions, and BMR program documents. Collected signatures from the city attorney, approval from the city officials and submitted to the title company. Program documents consisted of Deed of Trust, Deed Restrictions, and a Promissory Note. All to be recorded when escrow closed.

Escrow closed January 4, 2022.

II. BMR RENTALS

A. Certifications, Agreements, Turnover and Vacancies

Typically, analyzing the data and projecting out an income for a household can take between 30-60 days, which is why we begin the process 90 days before any deadline. This amount of time ensures compliance.

Notices for all 17 households at Colonnade were sent out 90 days in advance to schedule households for recertification interviews. All households appeared for their interviews.

One household decided to downgrade from a two-bedroom to a one-bedroom. A single mother and her daughter who is in college.

A vacancy at Los Altos Gardens, was filled by a single mother and her two minor children. This applicant is a school teacher at Los Altos School District. The unit was marketed at 50% Area Median Income. The maximum annual income for a three person household was \$74,600.

Due to the COVID-19 pandemic, many tenants have lost their jobs therefore they were obligated to seek unemployment and other means for financial assistance. This has impacted existing BMR residents assigned the higher AMI BMR rents.

Interest List

Background - The City of Los Altos BMR guidelines do not include maintaining a waiting list, instead the guidelines require a 30 day advertisement in the Los Altos Town Crier and targeted outreach to the school district each time a unit becomes available. As a result, we were receiving a lot of concern and complaints from prospective applicants because they did not see the advertisement in time and/or had seen it too late and thus missed the opportunity to apply. In keeping with the City’s guidelines while also trying to be fair and alleviate concerns, Alta began maintaining an ‘interest list’. Each time a unit becomes available, in addition to advertising & emailing the school district, Alta does an email blast to the entire interest list. Applications continue to be processed based on the City’s BMR priority ranking and date and time of receipt of completed application packets.

Update:

Currently there are 840 households on the interest list. Update of contact information for households on the interest list was pending based on the BMR contract renewal delay. Alta staff will email out an update form at the end of February 2022. Households will be given until the end of March to send back in their updated information.

- 60 Households of 840 Current LA Residents
- 80 Households of 840 Work in LA
- 700 Households Neither Live nor Work in LA

III. GENERAL BMR ADMINISTRATION

A. Probate/Conservator Issues

No record of units on probate.

B. Refinances and Approved Lenders

Alta Housing continues to work with the owners and lenders to make sure that both parties remain in compliance. Loan Depot and Boston Private have been BMR preferred lenders for several years and First Republic was recently added as a preferred lender. Wells Fargo Bank is no longer performing assistance with loans for BMR households.

No refinances were performed during this period.

SCOPE OF BMR ADMINISTRATIVE SERVICES

PROGRAM OUTREACH:

- Responding to telephone, email and walk in questions and comments from BMR owners, renters, property managers, developers and the general public, Monday thru Friday from 9:00 AM to 4:00 PM *(even during the pandemic)*.
- Updating the Alta website and posting the application packet available for download each time a new or resale BMR unit became available
- Maintain and update interest list for people who express an interest in the City of Los Altos BMR program
- Respond to developers referred by the City, who are considering/exploring developing properties in the City of Los Altos and providing rental and ownership pricing for various bedroom sizes and AMI levels
- Email blasts to school district and interest list as units become available for rent, sale and/or resale

OWNERSHIP PROGRAM:

1. Annual Owner Occupancy updates to verify BMR home is the primary residence of the BMR owner + follow up with BMR owners who fail to respond by the deadline
2. Contact city staff for assistance with owners who fail to respond and maybe in violation of BMR guidelines
3. Price calculations to owners, upon request
4. Annual BMR price calculations to the Assessor’s office to determine property taxes for the BMR units
5. Inspecting resale units to determine condition of unit i.e. deferred maintenance, depreciation value of capital improvements etc. which could impact resale price. Calculate price.
6. Preparing application and informational packet for BMR resales and new sales
7. Placing advertisement in the Los Altos Town Crier
8. Review all application packets received by the deadline to determine priority ranking. Screen and calculate income and assets of applicants, in priority ranking order, to determine eligibility for the available unit.
9. Maintain an updated list of primary lender contacts, serve as an intermediary between the buyer and lender to make sure the buyer understands all costs and details associated with the loan and if needed, point the buyer towards other subordinate loans to assist with the purchase. Add new lenders to the BMR lender list, as available
10. Coordinate with seller regarding dates and times of open house *(social distancing and general safety continue to create tremendous challenges during the pandemic)*.
11. Prepare & review, with buyer and seller, purchase documents. Coordinate opening of escrow with Buyer and escrow company
12. Prepare BMR documents & review with Buyer and coordinate with city attorney and city manager for signature
13. Prepare escrow instructions and ensure that recorded BMR documents are received in our office for property records
14. Committing to promoting longevity of the BMR housing inventory Alta staff makes every effort to ensure BMR owners’ compliance by maintaining contact with relevant HOA’s and to investigate every complaint and/or concern received regarding a BMR owner potentially renting out a portion of or the entire BMR home.

RENTAL PROGRAM:

1. Respond to emails and telephone calls from the general public regarding the City’s BMR program guidelines & providing contact information for sites with BMR units.
2. Work closely with households referred by Property Managers for upcoming vacancies; complete eligibility interviews, collect relevant documentation to determine BMR eligibility per the specific property’s BMR Regulatory Agreement.
3. Calculate income & assets & email approval and/or denial letters to applicants and copy property manager.
4. Email notices to all BMR residents approximately 120 days prior to anniversary date requesting that they schedule a date and time to schedule a recertification interview along with a list of documents they need to provide
5. Calculate income and assets and determine continued eligibility for the BMR program
6. Email approval letter OR notify resident and property manager that the household no longer qualifies for the property’s BMR program OR no longer qualifies for the specific AMI set aside and needs to be reassigned to a higher AMI unit if available.
7. Calculate and provide property management with allowable rent increase calculations based on CPI
8. Periodic monitoring of rent charges for the BMR units to ensure that on site staffing changes do not inadvertently result in incorrect rents being charges



City of Los Altos 2022 Tentative Council Agenda Calendar
February 17, 2022

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 eight days prior to the next Council meeting.

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept/ Date of request to add.
March 1, 2022	SPECIAL MEETING - Council Retreat Part 3 4-6		
March 1, 2022	SPECIAL MEETING -- COMMISSION INTERVIEWS 6		
March 8, 2021	REGULAR COUNCIL MEETING		
	Police Facility Subcommittee Study Session Follow up		
	the American Legion Hall – 347 First St	Planning	
	HRI Process & Application		CM 1-31-22
	CAAP (Tent.)		
	Exemption from the story pole requirement for 330 Distel Circle	Planning	
	Compensation Philosophy		HR
	Auditor Extension	Consent	
	Investment Report – Quarterly	Consent	
	Tract Map 10552 - 4848 El Camino Real		
	Emergency Dec. the Independent Intake Official (Stephanie Atigh) report	CC	PD
March 22, 2022	STUDY SESSION - Complete Streets Master Plan		



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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
	REGULAR COUNCIL MEETING		
	Policy of use of City Land by Non-Profits at Civic Center		
	Housing Element Annual Progress Report	CC	
	Policy Discussion on Housing Element Update		
	El Camino Real Bike Lanes		Transp.
	Expansion of Scope of Housing Element Outreach Subcommittee	Discussion	CC 1.25.202 2
	Financial System Purchase		
	Tree Policy		
April 12, 2022	REGULAR COUNCIL MEETING		
	Mid Year Budget Report		
	115 Plan		Finance



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 February 17, 2022

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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
	Construction Contract Award: Fremont Avenue Pedestrian Bridge Rehabilitation Project, TS-01055 (1)		
April 26, 2022	REGULAR COUNCIL MEETING		
May 3, 2022	Joint Meeting w/Commissions		
May 10, 2022	REGULAR COUNCIL MEETING		
	Resolution Calling for Election (?)		
	FY23 Budget Session	Public Hearing	
	3rd Quarter Report		
	REGULAR COUNCIL MEETING		
May 24, 2022	Resolution Calling for Election (?)		
	REGULAR COUNCIL MEETING		
June 14, 2022	Adopt Resolution No. 2022-XX approving the Report of Sewer Service Charges and directing the Filing of Charges for Collection by the Tax Collector	2 Printed Public Hearing - - not less than 10 days - published once a week for two consecutive	



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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
		weeks 5/11/2022 & 5/18/2022	
	FY23 Budget Adoption		
	REGULAR COUNCIL MEETING		
June 28, 2022	REGULAR COUNCIL MEETING		
June 28, 2022	REGULAR COUNCIL MEETING		
August 23, 2022	REGULAR COUNCIL MEETING		
August 30, 2022	Commission Interviews		
September 6, 2022	REGULAR COUNCIL MEETING		
September 20, 2022*	Year End tentative report – September (if needed)		
	REGULAR COUNCIL MEETING		
October 11, 2022	REGULAR COUNCIL MEETING		
October 25, 2022	REGULAR COUNCIL MEETING		
November 1, 2021	Joint w/Commissions		



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February 17, 2022

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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
November 15, 2022 *	1st Quarter report FY 2021/2022		
	REGULAR COUNCIL MEETING		
November 29, 2022	REGULAR COUNCIL MEETING		
December 6, 2022	CAFR and Year End – 1st meeting December		
December 13, 2022	Special meeting REORG.		

Future Agenda Topics To Be Scheduled....

Proposed City policy that modifies the environmental analysis standard for circulation impacts from a Level of Service (LOS) analysis to a Vehicle Miles Traveled (VMT) analysis.	Public Hearing	
info on Cuesta speed tables		
League of California Cities – Role and Representation	Presentation/Discussion	Council Initiated
Comprehensive multi-modal traffic study (analysis of recent projects projected parking, trip generation, & traffic impacts to actuals; ECR impacts should include adjacent streets)		ES