



# CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, May 09, 2023  
*via Videoconference and In Person*

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**Please Note: The City Council will meet in person as well as via Telephone/Video Conference**

**Telephone: 1-669-444-9171 / Webinar ID: 849 5738 2776**

**<https://losaltosca.gov.zoom.us/j/84957382776?pwd=bTJWbWJ5Y1FiWEkxZ2srREpGcU90dz09>**

**Passcode: 987559**

**TO PARTICIPATE IN-PERSON:** Members of the public may also participate in person by being present at the Los Altos Council Chamber at Los Altos City Hall located at 1 N. San Antonio Rd, Los Altos, CA.

**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 ZOOM installed** (available at <https://zoom.us/download>). 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](mailto: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. .

*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

## 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.

### SPECIAL ITEMS

- [a.](#) Recognize May as Asian American and Pacific Islander (AAPI) Heritage Month
- [b.](#) Recognize May as Affordable Housing Month

### CONSENT CALENDAR

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

- [1.](#) Approve Draft Meeting Minutes for the Special and Regular City Council Meetings of April 25, 2023
- [2.](#) Authorize the City Manager to Execute the Subdivision Improvement Agreement and Move to Approve the Final Map for Tract Map #10576, 140 Lyell St (V. Chen)
- [3.](#) Adopting a Resolution authorizing the increase of Solid Waste Collection Rates by 5.96% effective July 1, 2023; consider California Environmental Quality Act ("CEQA") exemption finding pursuant to CEQA Guidelines Section 15273(a) (A. Fairman)
- [4.](#) Award the construction contract for the Base Bid for the City Hall Permit Counter to SAE Consulting Engineering as the lowest responsive bidder submitting a bid in an amount not-to-exceed \$178,000 and approve the City Manager the authority up to 10% construction contingency, if needed, in the amount not-to-exceed \$17,800 (N. Zornes)
- [5.](#) Adopt Zoning Ordinance and Text Amendments adding bicycle parking regulations to the Los Altos Municipal Code. The proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) (Commonsense Exemption) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment. (N. Zornes)
- [6.](#) Appropriate funding from the General Fund for environmental review for Halsey House; authorize the City Manager to execute agreement with consultant; find that the Council's action in making the appropriation is exempt from review under CEQA per CEQA Guidelines Section 15262 (A. Fairman)

### DISCUSSION ITEMS

7. Provide Staff with direction on desired amendments to the Los Altos Municipal Code with regards to Gas Powered Leaf Blower Enforcement (N. Zornes)
8. Approve a one-year pilot program for the purchase and installation of 15 Automated License Plate Reader (ALPR) cameras (A. Averiett)
9. Discuss and Consider Taking Positions on Various Senate and Assembly Bills and a Potential Local Ballot Measure

#### INFORMATIONAL ITEMS ONLY

10. Tentative Council Calendar and Housing Element Update 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**, We recognize May 2023 as Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Heritage Month, honoring the many significant contributions of Asian Americans, Native Hawaiians, and Pacific Island people who have enriched the history of our nation, our state and of Los Altos; and

**WHEREAS**, In 1992, Congress established May as Asian American and Pacific Islander (AAPI) Heritage Month to acknowledge two key milestones: the arrival of the nation’s first Japanese immigrants (on May 7, 1843) and Chinese workers’ pivotal role in building the first transcontinental railroad (completed on May 10, 1869); and

**WHEREAS**, In 2021, a presidential proclamation expanded the Heritage Month to include Native Hawaiians; and

**WHEREAS**, We celebrate all those who are included within the AA and NHPI community, which is made up of culturally and linguistically diverse peoples, representing populations from many countries and islands; and

**WHEREAS**, Despite the immeasurable ways AA and NHPI people contribute to this country, we continue to see persistent racism, harassment, and hate crimes against these communities; and

**WHEREAS**, We must confront past and present racism and fight for the safety and inclusion of our AA and NHPI friends and neighbors; and

**WHEREAS**, We recognize and appreciate all the ways that AA and NHPI people enrich and strengthen our community;

**NOW THEREFORE**, I, Sally Meadows, Mayor of the City of Los Altos, and on behalf of the Los Altos City Council, do hereby proclaim May 2023 to be,

**Asian American, Native Hawaiian, and Pacific Islander  
Heritage Month**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the City of Los Altos this 9th day of May 2023.



*Sally Meadows*  
\_\_\_\_\_  
Sally Meadows, MAYOR



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

**WHEREAS,** Each year, thousands of Silicon Valley families and individuals struggle to find an affordable home in one of the most expensive housing markets in the nation, and

**WHEREAS,** the affordable housing community in collaboration with the City of Los Altos concentrates efforts on the production, protection and preservation of our supply of affordable housing options; and

**WHEREAS,** Los Altos recognizes the ongoing need for new affordable housing development, preservation of existing affordable homes, and protection of its most vulnerable residents, and makes a long term commitment to addressing the stability of its communities, and

**WHEREAS,** many organizations throughout Silicon Valley are dedicated to providing safe, stable, permanent and affordable housing to all members of the community and are collaboratively working to bring the need for affordable housing to the forefront of discussion in our region; and

**WHEREAS,** these organizations have partnered with local agencies and community members to organize Affordable Housing Month to encourage the sharing of best practices, opportunities, and solutions to provide affordable housing; and

**WHEREAS,** Affordable Housing Month encourage all citizens, legislators and advocates to collaborate in finding viable, creative solutions to the current housing crisis by reviewing all housing policies and processes in order to meaningfully increase housing affordability throughout the City;

**NOW THEREFORE,** the City of Los Altos hereby proclaims May 2023 as Affordable Housing Month, inviting our residents to support affordable housing, to assure our communities thrive when all families have a safe, stable, and affordable place to call home.

**AFFORDABLE HOUSING MONTH**

**IN WITNESS WHEREOF,** I have hereunto set my hand and affixed the seal of the City of Los Altos this 9th day of May 2023.

  
Sally Meadows, MAYOR



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING MINUTES  
TUESDAY, APRIL 25, 2023  
5:30 p.m.  
1 N. San Antonio Rd. ~ Los Altos, CA**

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

**SPECIAL MEETING**

**CALL MEETING TO ORDER:** Mayor Meadows called the meeting to order at 5:34 p.m.

**ESTABLISH QUORUM:**

All Councilmembers were present and in person during the meeting.

**PUBLIC COMMENT ON AGENDA ITEM(S):**

There were no speakers during public comment.

**DISCUSSION ITEM(S)**

1. Conduct a Halsey House Next Steps Study Session; provide any staff direction in the form of a motion; find the Council’s action in holding the study session and providing staff direction is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

Aida Fairman, Environmental Services and Utilities Department Director, presented the report.

The following members of the public spoke regarding the item:

- Gary Hedden
- Rory Van Tuyl
- Tim Twerdahl
- Teresa Morris
- Jon Baer
- Roberta Phillips
- Joe Beninato

The City Council provided the following direction:

Approve an Initial Study and full Environmental Impact Report, if appropriate, pertaining to two primary options: Demolition and Adaptive Re-Use.

Jonathan Weinberg, Councilmember, provided a Friendly Amendment to the motion by Pete Dailey, Councilmember:

The City Council finds the Study Session is exempt from CEQA Guidelines Section 15262. *Councilmember Dailey accepted the Friendly Amendment.*

Motion by Dailey and Seconded by Lee Eng to provide direction to staff, as detailed, find the Council’s action in holding the study session and providing direction is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262. **Motion carried unanimously by roll call vote.**

**ADJOURNMENT** – The meeting adjourned at 7:03 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of May 9, 2023.

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Sally Meadows,  
Mayor

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Melissa Thurman, MMC  
City Clerk



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING MINUTES  
TUESDAY, APRIL 25, 2023  
7:00 p.m.  
1 N. San Antonio Rd. ~ Los Altos, CA**

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

**CALL MEETING TO ORDER:** Mayor Meadows called the meeting to order at 7:08 p.m.

**ESTABLISH QUORUM:**

All Councilmembers were present and in person during the meeting.

**PLEDGE ALLEGIANCE TO THE FLAG:**

The Girl Scouts Troop 60762 led a Flag Procession and the Pledge of Allegiance.

**REPORT ON CLOSED SESSION:**

There was no reportable action for the Closed Session meeting of April 25, 2023.

**CHANGES TO THE ORDER OF THE AGENDA:**

Councilmember Lee Eng requested to pull Item 4 from the Consent Calendar for further discussion and a separate vote. Mayor Meadows moved Item 4 of the Consent Calendar to the last item under the Discussion section on the agenda.

There were no other changes to the order of the agenda.

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

The following members of the public spoke during Public Comment:

- Alice Mansell
- Bruno Delagneau
- Joe Beninato

**SPECIAL ITEMS:**

- a. May is Bike Month

Mayor Meadows introduced two local students who read a proclamation declaring May as Bike Month.

**CONSENT CALENDAR:**

The following member of the public spoke regarding an item on the Consent Calendar:

- Roberta Phillips (Item 4)



City Manager Gabriel Engeland announced a correction to language in the attachment for Item 6 of the Consent Calendar. The correction is as follows:

- Section 8 – Salary  
The fiscal year listed was incorrect and the correct year is FY2024/2025

Councilmember Lee Eng requested to pull Item 4 from the Consent Calendar for further discussion and a separate vote. Mayor Meadows moved Item 4 of the Consent Calendar to the last item under the Discussion section on the agenda.

Motion by Weinberg and Seconded by Fligor to approve Items 1, 2, 3, 5 and 6 of the Consent Calendar. **Motion carried unanimously by roll call vote.**

1. Approve Minutes of the City Council Regular meeting of April 11, 2023. (M. Thurman)
2. Consider authorizing the City Manager to execute the Second Amendment to the Agreement for Countywide Household Hazardous Waste Collection Program to provide for funding from the City of Los Altos in the amount of \$77,447 for the Countywide Hazardous Waste Disposal Program for FY 2023/24, and consider finding the Council’s action exempt from review under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15273. (C. Leedom)
3. Waive Second Reading and Adopt Ordinance No. 2023-xxx prohibiting the possession of firearms in sensitive places (J. Maginot)
4. Adopt a Resolution for the Approval of Guidelines for the submission and tabulation of protests in connection with Rate Hearings conducted pursuant to Article XIID, Section 6 of the California Constitution (A. Fairman)
5. Treasurer’s Report – Month Ended January 31, 2023 (J. Du)
6. Adoption of a Resolution of a Memorandum of Understanding (MOU) between City of Los Altos & Los Altos Police Officer Association (LAPOA); five (5) year agreement (I. Silipin)

**PUBLIC HEARINGS:**

7. Introduce and waive further reading of an ordinance of the City Council of the City of Los Altos adding chapter 14.75 to the Los Altos municipal code to implement certain provisions of program 3.K of the sixth cycle Housing Element Update, 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. (N. Zornes)

Nick Zornes, Development Services Director, presented the report.

Mayor Sally Meadows opened the public hearing.

The following member of the public spoke during the public hearing:

- Arnold Ambiel

Mayor Meadows closed the public hearing.

The City Council created the following amendment to the ordinance:

- Strike Section 040 (B)(1)(b) of Chapter 14.75
- List the minimum number of spaces for multi-family housing to 1.5 long-term bicycle spaces instead of 1.25 spaces.

Motion by Weinberg and Seconded by Meadows to introduce and waive further reading of an ordinance of the City Council of the City of Los Altos adding chapter 14.75 to the Los Altos municipal code to implement certain provisions of program 3.K of the sixth cycle Housing Element Update, 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. **Motion carried unanimously by roll call vote.**

### DISCUSSION ITEMS

8. Provide direction on the meeting frequency, membership, and powers and duties of various Commissions. (A. Carnesecca)

Gabriel Engeland, City Manager, presented the report.

The following members of the public spoke regarding the item:

- Bruno Delagneau
- Arnold Ambiel
- Pierre Bedard
- Monica Waldman

The City Council provided the following direction to staff regarding the item:

- Remove the wording “when appropriate” for all commissions and committees regarding powers and duties; and
- Remove the word “annually” regarding providing updates to the City Council on issues; and
- Remove the word “cause” regarding powers and duties in the authorization for expenditures; and
- Add a specific powers and duties section for the Complete Streets Commission regarding the Complete Streets Master Plan

The City Council took a recess at 9:34 p.m.

The City Council reconvened at 9:44 p.m.

9. Discussion with the Los Altos City Council on the status of the Sixth Cycle Housing Element 2023-2031, and report on March 30, 2023 findings letter from the Department of Housing and Community Development (HCD) post 60-day review, and response to required amendments to the draft Housing Element to obtain certification.

Nick Zornes, Development Services Director, presented the report.  
There were no speakers for this item.

Discussion item only. No motion taken.

***Item Moved from the Consent Calendar:***

4. Adopt a Resolution for the Approval of Guidelines for the submission and tabulation of protests in connection with Rate Hearings conducted pursuant to Article XIID, Section 6 of the California Constitution (A. Fairman)

The following members of the public spoke regarding the item:

- Roberta Phillips
- Joe Beninato

Motion by Weinberg and Seconded by Fligor to adopt a resolution for the Approval of Guidelines for the submission and tabulation of protests in connection with Rate Hearings conducted pursuant to Article XIID, Section 6 of the California Constitution. **Motion carried unanimously by roll call vote.**

**INFORMATIONAL ITEMS ONLY:**

*The items listed are informational only and the City Council does not take action for agenda items in this section.*

10. Status Update on the Sewer Master Plans
11. Tentative Council Calendar

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

- **Councilmember Dailey** – Requested a future agenda item regarding power outages in the city.  
Gabriel Engeland, City Manager, announced that staff members had recently met with PG&E and a report to the City Council was forthcoming.
- **Councilmember Fligor** – Reported her attendance at the CalCities City Leaders Summit in Sacramento in April 2023.
- **Councilmember Lee Eng** – Announced her attendance at the Junior Olympics and a ribbon cutting event at Redwood Grill in Los Altos. Congratulated the Teen Commission on a successful team music event.
- **Vice Mayor Weinberg** – Provided an update on Valley Transportation Agenda (VTA) agenda items.

**ADJOURNMENT** – The meeting adjourned at 10:23 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of May 9, 2023.

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Sally Meadows,  
Mayor

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Melissa Thurman, MMC  
City Clerk



**AGENDA REPORT SUMMARY**

**Meeting Date:** May 9, 2023

**Subject:** Authorize the City Manager to execute the Subdivision Improvement Agreement and move to approve the Final Map for Tract Map #10576, 140 Lyell St

**Prepared by:** Victor Chen, Engineering Services Manager  
**Reviewed by:** Jim Sandoval, Engineering Services Director  
**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**  
1. Tract Map #10576  
2. Subdivision Improvement Agreement

**Initiated by:**  
Lyell, LLC

**Previous Council Consideration:**  
February 26, 2021

**Fiscal Impact:**  
None

**Environmental Review:**  
The approval of a final map is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA guidelines section 15268(b)(3) in that CEQA does not apply to ministerial projects.

**Policy Question(s) for Council Consideration:**  
None

**Summary:**  
• Tentative map was approved on February 26, 2021  
• Council to approve Tract Map #10576

**Staff Recommendation:**  
Authorize the City Manager to execute the Subdivision Improvement Agreement and move to approve the Tract Map #10576 of 140 Lyell St



**Subject:** Approve the Final Map for Tract Map #10576, 140 Lyell St

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**Purpose**

Authorize the City Manager to execute the Subdivision Improvement Agreement and move to approve Tract Map #10576.

**Background**

On February 26, 2021, Council approved the multi-family design review application and the associated Tentative Map for the new development at 140 Lyell St. The recommended action will finalize the tentative final map for the project.

A Tentative Map (AKA, Tentative Parcel Map or Tentative Tract Map) is a map showing the layout of a proposed Subdivision, including the general description of the associated infrastructure. The approved Tentative Map also sets conditions such as access, frontage, grading improvements, stormwater protection, and so forth which must be met before the final Parcel Map or Tract Map can be filed. An approved Tentative Map does not divide the property, rather it sets the conditions under which the division can occur. To divide the property, one must file a Parcel Map or Tract Map.

The attached Tract Map is the instrument that actually divides the property. It must conform to and incorporate all of the Tentative Map conditions and must also comply with the standards for Parcel Maps or Tract Maps as set forth in the State Subdivision Map Act. It must also include plans describing the various improvements to the project site and to all other affected properties, including public roadways and public and private utilities.

**Discussion/Analysis**

Tract Map #10576 for the development at 140 Lyell St conforms to the Tentative Map approved on February 26, 2021. The map and survey have been checked and found satisfactory. All conditions of approval have been complied with and appropriate controls to ensure compliance have been established. All required fees and deposits have been received. The Tract Map is available in the Public Works Department office at City Hall for inspection.

**Recommendation**

The staff recommends that the City Council authorizes the City Manager to execute the subdivision improvement agreement and move to approve Tract Map #10576, which will enable the developer to complete the building permit application.

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THE MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; AND THAT WE HEREBY CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR SIDEWALK PURPOSES AND APPURTENANCES THERETO AND THE RIGHT TO CONSTRUCT, INSTALL, USE, REPAIR, REPLACE AND MAINTAIN A PUBLIC SIDEWALK ON OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "SE" (SIDEWALK EASEMENT).

WE ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING POLES, WIRES, CONDUITS, GAS, WATER, HEAT MAINS AND ALL APPURTENANCES TO THE ABOVE, UNDER, UPON, OR OVER THOSE CERTAIN STRIPS OF LAND LYING BETWEEN THE FRONT AND/OR SIDE LINES OF LOTS AND THE DASHED LINES AND/OR THOSE CERTAIN AREAS LYING BETWEEN DASHED LINES EACH DESIGNATED AS "PSE" (PUBLIC SERVICE EASEMENT). THE ABOVE MENTIONED PUBLIC SERVICE EASEMENTS TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS.

AS OWNER'S: LYELL, LLC., A CALIFORNIA LIMITED LIABILITY COMPANY

BY: YJ INVESTMENTS, LLC., A CALIFORNIA LIMITED LIABILITY COMPANY AS ITS MANAGER

BY: [Signature]  
JIAYING HOU, MANAGING MEMBER

BY: [Signature]  
YUJIA YANG, MANAGING MEMBER

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA ]s.s.  
COUNTY OF SANTA CLARA  
ON 12/14/2022 BEFORE ME, Laura E. Cuevas  
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

Jiaying Hou and Yujia Yang  
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

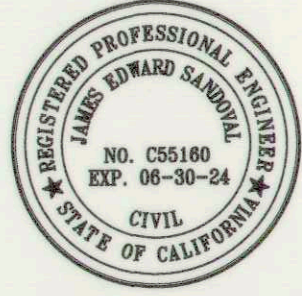
WITNESS MY HAND

NOTARY'S SIGNATURE [Signature]  
PRINTED NOTARY'S NAME Laura E. Cuevas  
NOTARY'S PRINCIPAL PLACE OF BUSINESS Santa Clara  
NOTARY COMMISSION NUMBER 2372397  
EXPIRATION OF NOTARY'S COMMISSION 8/26/2025

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF TRACT NO. 10576; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATE \_\_\_\_\_  
JAMES EDWARD SANDOVAL, R.C.E. 55160  
CITY OF LOS ALTOS, CALIFORNIA  
REGISTRATION EXPIRES: JUNE 30, 2024



CITY LAND SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON SUBDIVISION MAP AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE 12-15-22 [Signature]  
MARK A. HELTON, P.L.S. 7078  
CITY OF LOS ALTOS, CALIFORNIA  
REGISTRATION EXPIRES: DECEMBER 31, 2022



SOILS REPORT

A SOILS INVESTIGATION REPORT ON THIS PROPERTY HAS BEEN PREPARED BY BESTBAY COMPANY INC. DATED AUGUST 26, 2021, A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF LOS ALTOS.

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA ]s.s.  
COUNTY OF SANTA CLARA  
ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_  
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN HER AUTHORIZED CAPACITY, AND THAT BY HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

NOTARY'S SIGNATURE \_\_\_\_\_  
PRINTED NOTARY'S NAME \_\_\_\_\_  
NOTARY'S PRINCIPAL PLACE OF BUSINESS \_\_\_\_\_  
NOTARY COMMISSION NUMBER \_\_\_\_\_  
EXPIRATION OF NOTARY'S COMMISSION \_\_\_\_\_

TRACT MAP NO. 10576

CONSISTING OF TWO (2) SHEETS  
FOR FIVE (5) UNITS CONDOMINIUM PURPOSES

BEING A SUBDIVISION OF THE EASTERLY 1/2 OF LOTS 2, 4 AND 6 IN BLOCK 33, AS SHOWN UPON THE MAP ENTITLED, "MAP NO. 3, TOWN OF LOS ALTOS", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 4, 1907 IN BOOK "M" OF MAPS AT PAGE 1, SANTA CLARA COUNTY RECORDS

CITY OF LOS ALTOS, SANTA CLARA COUNTY, CALIFORNIA  
OCTOBER, 2022



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JIAYING HOU, MANAGING MEMBER, LYELL LLC IN APRIL 2022. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2023; THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE 11/23/2022 [Signature]  
YI-RAN WU, P.L.S. 8235  
REGISTRATION EXPIRES: DECEMBER 31, 2023



CITY CLERK'S STATEMENT

I HEREBY STATE THAT THIS MAP, DESIGNATED AS TRACT NO. 10576, CONSISTING OF TWO (2) SHEETS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LOS ALTOS, STATE OF CALIFORNIA, BY RESOLUTION NO. \_\_\_\_\_ AT A DULY AUTHORIZED MEETING OF SAID CITY COUNCIL HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AND THAT BY SAID RESOLUTION ALL STREETS AND PORTIONS THEREOF, AND ALL EASEMENTS SHOWN ON SAID MAP AND OFFERED FOR DEDICATION, WERE REJECTED ON BEHALF OF THE PUBLIC, SAVE AND EXCEPT NONE, AND TO THE LIMITED EXTENT THAT ANY OFFERS FOR EASEMENTS FOR UTILITY PURPOSES ALONG OR BENEATH SAID STREET RIGHTS-OF-WAYS, THEN AS TO SUCH EXPRESS OR IMPLIED OFFERS OF EASEMENTS FOR PUBLIC PURPOSES, THE SAME ARE ACCEPTED.

BY: \_\_\_\_\_ DEPUTY  
ANDREA CHELEMENGOS, CITY CLERK  
CITY OF LOS ALTOS, CALIFORNIA  
DATE: \_\_\_\_\_

COUNTY RECORDER'S STATEMENT

FILE NO. \_\_\_\_\_ FEE \$ \_\_\_\_\_ PAID.  
ACCEPTED FOR RECORD AND FILED IN BOOK \_\_\_\_\_ OF MAPS AT PAGES \_\_\_\_\_  
SANTA CLARA COUNTY RECORDS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
AT \_\_\_\_\_ M, AT THE REQUEST OF \_\_\_\_\_

REGINA ALCOMENDRAS, COUNTY RECORDER  
SANTA CLARA COUNTY, CALIFORNIA  
BY: \_\_\_\_\_ DEPUTY

# TRACT MAP NO. 10576

CONSISTING OF TWO (2) SHEETS  
FOR FIVE (5) UNITS CONDOMINIUM PURPOSES

BEING A SUBDIVISION OF THE EASTERLY 1/2 OF LOTS 2, 4 AND 6 IN BLOCK 33, AS SHOWN UPON THE MAP ENTITLED, "MAP NO. 3, TOWN OF LOS ALTOS", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 4, 1907 IN BOOK "M" OF MAPS AT PAGE 1, SANTA CLARA COUNTY RECORDS

CITY OF LOS ALTOS, SANTA CLARA COUNTY, CALIFORNIA  
SCALE: 1"=40'                      OCTOBER, 2022



**BASIS OF BEARINGS**

THE BEARING, S52°07'14"W, OF THE LINE BETWEEN THE TWO ORIGINAL MONUMENTS ON CUESTA DRIVE AND LYELL STREET, AS SHOWN ON THAT CERTAIN TRACT MAP NO. 9141 BY "SANDIS HUMBER JONES" SURVEYING, WHICH WAS FILED FOR RECORD IN BOOK 712 OF MAPS AT PAGES 26 AND 27 ON FEBRUARY 5, 1999, SANTA CLARA COUNTY RECORDS, CALCULATED FROM FOUND MONUMENTS AND POINTS SHOWN HEREON, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

**LEGEND**

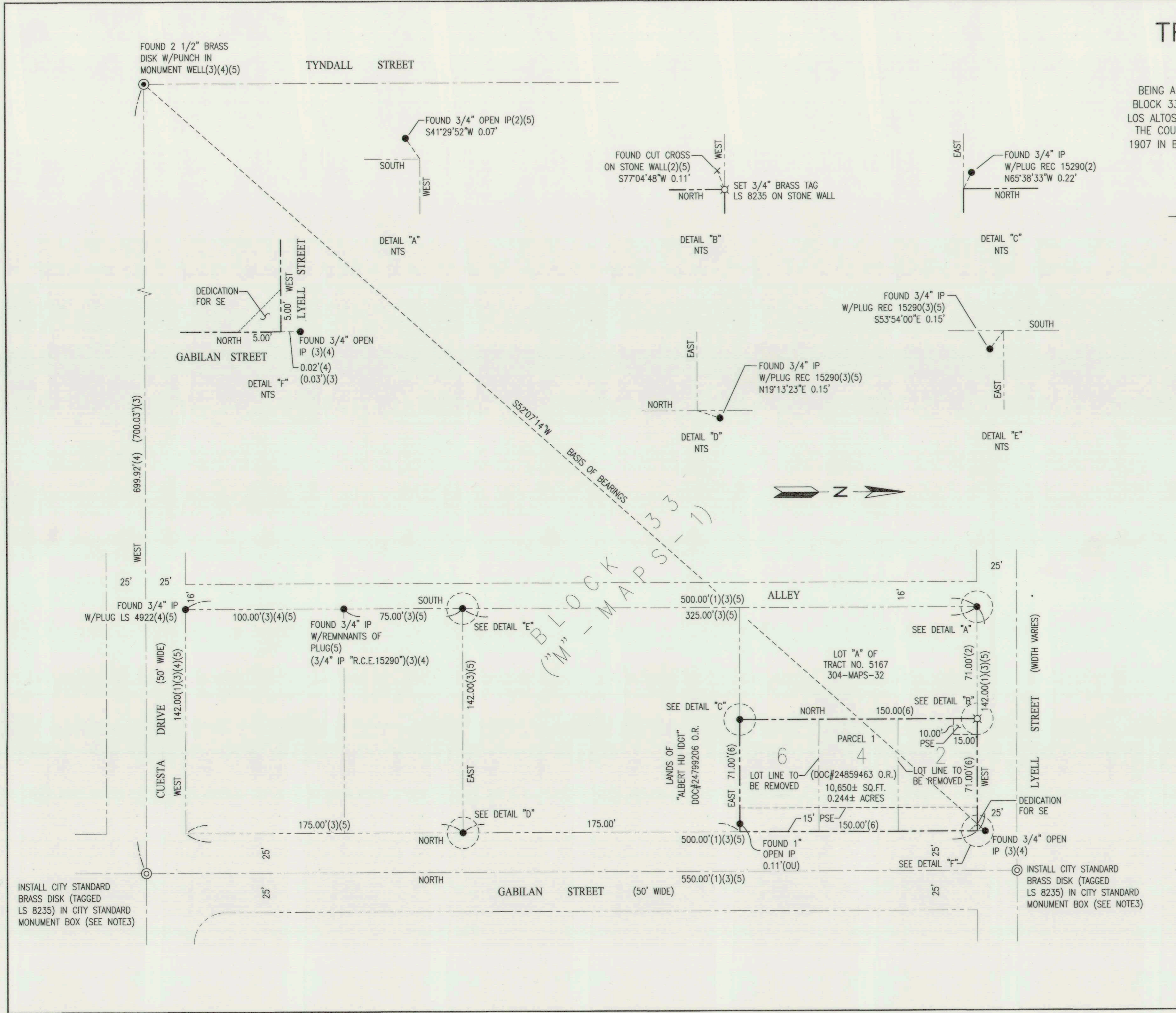
- ⊙ MONUMENT TO BE SET
  - FOUND MONUMENT AS NOTED
  - FOUND IRON PIPE AS NOTED
  - ⊗ SET 3/4" BRASS TAG LS 8235
  - × FOUND CUT CROSS ON STONE WALL(2)
  - IP IRON PIPE
  - (OU) ORIGIN OF MONUMENT IS UNKNOWN
  - PSE PUBLIC SERVICE EASEMENT
  - SE SIDEWALK EASEMENT
  - NTS NOT TO SCALE
- 
- PROPERTY LINE/DISTINCTIVE BORDER LINES
  - RECORD BOUNDARY LINES
  - CENTER LINE OF STREET
  - MONUMENT LINE OR TIE LINE

**NOTES**

1. ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. THE DISTINCTIVE BORDER DENOTES THE BOUNDARY OF THE SUBDIVISION. THE AREA SUBDIVIDED BY THIS MAP IS 0.244 ACRES, MORE OR LESS.
3. NEW MONUMENTS ARE ESTABLISHED BASED ON THE ANALYSIS OF FIELD DATA COLLECTED AS SHOWN IN THIS MAP ONLY.

**REFERENCES**

- (1) M-M-1
- (2) 304-M-32
- (3) 556-M-(10-14)
- (4) 712-M-(26-27)
- (5) 761-M-(40-41)
- (6) DOC#24859463 O.R.





RECORDING REQUESTED BY:

City of Los Altos

WHEN RECORDED, MAIL TO:

City of Los Altos

City Clerk

1 North San Antonio Road, Los Altos, CA 94022

RECORD WITHOUT FEE UNDER

§§27383 & 27388.1 GOVERNMENT CODE

---

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

Improvement Agreement  
Tract 10576  
APN:170-39-043  
LYELL, LLC

**IMPROVEMENT AGREEMENT**

This Improvement Agreement (this “Agreement”) is made and entered into by and between the CITY OF Los Altos, a municipal corporation (hereinafter "City"), and LYELL, LLC, (hereinafter "Developer"). City and Developer may be collectively referred to herein as the “parties.”

**RECITALS**

- A. In accordance with the Subdivision Map Act (California Government Code Sections 66410, *et seq.*), and the Subdivision Ordinance (Los Altos Municipal Code, Title 13), and the Street Ordinance (Los Altos Municipal Code, Title 9), the Developer has submitted to the City a Final Map (hereinafter “Final Map”) for the project known as Altos One (hereinafter “Project”).
- B. The Project is geographically located within the boundaries of the Tentative Subdivision Map known as 140 Lyell Street (hereinafter “Tentative Map”). Lot located at 140 Lyell St (APN: 170-39-043). The Tentative Map is on file with the City Engineer and is incorporated herein by reference. The area within the boundaries of the Tentative Map is described in **Exhibit A** hereto (the “Property”).
- C. The City’s approval of the Tentative Map was subject to specified conditions of approval (hereinafter “Conditions”). The Conditions are attached hereto as **Exhibit B** and incorporated herein by reference.
- D. As required by the Conditions, the Tentative and Final Maps, and other Project entitlements, Developer shall construct public improvements in connection with the Project along Lyell Street and Gabilan Street, including but not limited to the following: installation of approximately 230 linear feet concrete sidewalk, installation of approximately 230 lineal feet of concrete vertical curb and gutter , installation of four new driveway approach, installation of three accessible ramps, repair of any damaged right-of-way infrastructures, removal and replacement of storm drain inlet, resurfacing (grind and overlay) half of the street along Lyell Street and Gabilan Ave. if determined to be damaged, and installation of all appurtenances associated with above listed improvements (collectively, the “Work”).

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS IDENTIFIED HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:**

- 1. **SCOPE OF WORK.** The Developer shall perform, or cause to be performed, the Work to the Satisfaction of the City Engineer and in accordance with plans and specifications to be approved by the City Engineer (the “Plans and Specifications”). The Work shall be performed, and all materials and labor shall be provided, at the Developer’s sole cost and expense. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer.
- 2. **PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Developer shall, at the Developer’s expense, obtain and maintain all necessary permits and licenses for the performance of the Work. The Developer shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement. *WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, DEVELOPER HEREBY AGREES TO BE BOUND BY THE LABOR CODE PROVISIONS ATTACHED HERETO AT EXHIBIT C.*
- 3. **DEVELOPER’S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (hereinafter “Authorized Representative”) on site with authority to act on behalf of the Developer. The Developer shall, at

all times, keep the City Engineer informed in writing of the name and telephone number of the Authorized Representative. The Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.

4. **IMPROVEMENT SECURITY.** The Developer shall furnish faithful performance and labor and material security concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any Work. The Developer shall furnish warranty security prior to the City's acceptance of the Work. The form of the security shall be as authorized by the Subdivision Map Act (including Government Code Sections 66499, *et seq.*) and Section 13.20.210 the Los Altos Municipal Code, and as set forth below:
  - 4(a). **Faithful Performance** security in the amount of \$129,100.00 (which amount is equal to the estimated cost to construct the Work in accordance with the Plans and Specifications) to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
  - 4(b). **Labor and Material** security in the amount of \$64,550.00 (which amount is equal to fifty (50) percent of the estimated cost to construct the Work in accordance with the Plans and Specifications) to secure payment by the Developer to laborers and materialmen pursuant to Government Code Sections 66499.2, 66499.3, and 66499.4.
  - 4(c). **Warranty** security in the amount of \$12,910.00 (which amount is equal to ten (10) percent of the estimated cost to construct the Work in accordance with the Plans and Specifications) to secure faithful performance of this Agreement (from the date on which the City accepts the Work as complete until one year thereafter) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
5. **BUSINESS TAX.** The Developer shall apply for and pay the business license tax for a business license, in accordance with Los Altos Municipal Code Chapter 4.04.
6. **INSURANCE.** Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer (including its agents, representatives, contractors, subcontractors, and employees) in connection with the performance of services under this Agreement. **Exhibit D** of this Agreement identifies the minimum insurance levels with which Developer shall comply; however, the minimum insurance levels shall not relieve Developer of any other performance responsibilities under this Agreement (including the indemnity requirements), and Developer may carry, at its own expense, any additional insurance it deems necessary or prudent. The general liability and automobile policies required under **Exhibit D** shall contain, or be endorsed to contain, provision for the City, its officers, officials, employees, agents and volunteers, to be covered as additional insureds as respects alleged liability arising out of activities performed by or on behalf of the Developer under this Agreement. Concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any services, the Developer shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Developer shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.
7. **REPORTING DAMAGES.** If any damage (including death, personal injury or property damage) occurs in connection with the performance of this Agreement, Developer shall immediately notify the City Risk Manager's office by telephone at 650-947-2609, and Developer shall promptly submit to the City's Risk Manager and the City Manager or designee, a written report (in a form acceptable to the City) with the following information: (a) a detailed description of the damage (including the name and address of the injured or deceased person(s), and a description of the damaged property), (b) name and address of witnesses, and (c) name and address of any potential insurance companies.

8. **INDEMNIFICATION.** Developer shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City and its elected officials, officers, agents and employees from and against any and all claims (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorneys' fees) resulting or arising from performance, or failure to perform, under this Agreement (with the exception of the gross negligence or willful misconduct of the City).

9. **TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Developer shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.

9(a). **Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Developer shall provide written notice to the City Engineer of the date on which the Developer shall commence Work. The Developer shall not commence Work until after the notice required by this section is properly provided, and the Developer shall not commence Work prior to the date specified in the written notice.

9(b). **Schedule of Work.** Concurrently with the written notice of commencement of Work, the Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Developer's prosecution of the Work.

9(c). **Completion of Work.** The Developer shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement.

10. **INSPECTION BY THE CITY.** In order to permit the City to inspect the Work, the Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation. Developer shall reimburse the City for the costs of the City Engineer's inspections of the Work, as required by Los Altos Municipal Code Section 13.20.190.

11. **DEFAULT.** If either party ("demanding party") has a good faith belief that the other party ("defaulting party") is not complying with the terms of this Agreement, the demanding party shall give written notice of the default (with reasonable specificity) to the defaulting party, and demand the default to be cured within ten days of the notice. If: (a) the defaulting party fails to cure the default within ten (10) days of the notice, or, (b) if more than ten (10) days are reasonably required to cure the default and the defaulting party fails to give adequate written assurance of due performance within ten (10) days of the notice, then (c) the demanding party may terminate this Agreement upon written notice to the defaulting party.

11(a). The Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

11(a)(1). The Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

11(a)(2). The Developer abandons the Project site.

11(a)(3). The Developer fails to perform one or more requirements of this Agreement.

11(a)(4). The Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

**11(a)(5).** The Developer violates any legal requirement related to the Work.

**11(b).** Without prejudice to any other remedy available to the City at law, in equity, or under this Agreement, in the event that the Developer fails to cure the default, the City may, in the discretion of the City Engineer, take any or all of the following actions:

**11(b)(1).** Cure the default and charge the Developer for the costs therefor, including administrative costs and interest in an amount equal to seven percent (7%) per annum from the date of default.

**11(b)(2).** Demand the Developer to complete performance of the Work.

**11(b)(3).** Demand the Developer's surety (if any) to complete performance of the Work.

**12. ACCEPTANCE OF WORK.** Prior to acceptance of the Work by the City Engineer, the Developer shall be solely responsible for maintaining the quality of the Work and maintaining safety at the Project site. Neither the final certificate of payment, nor any provision in this Agreement, nor partial or entire use or occupancy of the improvements by the City shall constitute an acceptance of the Work not done in accordance with this Agreement or relieve Developer of liability pursuant to Section 13, below. The Developer's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, the City Engineer has accepted the Work as complete, and the City Council has authorized the release of the security for faithful performance as described in Government Code Section 66499.7.

**13. WARRANTY PERIOD.** The Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City. In the event that (during the one-year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Developer under this Agreement, the Developer shall be in default.

**14. RELATIONSHIP BETWEEN THE PARTIES.** Developer is, and at all times shall remain, an independent contractor solely responsible for all acts of its employees, agents, contractors, or subcontractors, including any negligent acts or omissions. Developer is not City's agent and shall have no authority to act on behalf of the City, or to bind the City to any obligation whatsoever, unless the City provides prior written authorization to Developer.

**15. CONFLICTS OF INTEREST PROHIBITED.** Developer (including its employees, agents, contractors, and subcontractors) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Developer maintains or acquires a conflicting interest, any contract with the City (including this Agreement) involving Developer's conflicting interest may be terminated by the City.

**16. NONDISCRIMINATION.** Developer shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Developer shall not discriminate against any employee or applicant because of race, color, ancestry, ethnicity, religious creed, national origin, physical disability, mental disability, medical condition, marital or family status, sexual orientation, gender or gender identification, age (over 40), veteran status, or sex.

**17. NOTICES.** All notices required or contemplated by this Agreement shall be in writing and shall be delivered to the respective party as set forth in this section. Communications shall be deemed to be effective upon the first to occur of: (a) actual receipt (or refusal) by a party, or (b) actual receipt (or refusal) at the address designated below, or (c) three (3) working days following deposit in the United

States Mail of registered or certified mail sent to the address designated below. Either party may modify their respective contact information identified in this section by providing notice to the other party.

<b>TO: City</b>	<b>To: Developer</b>
Attn: City Clerk’s office	
Angel Rodriguez	Attn: LYELL, LLC
1 N. San Antonio Road	840 Moreno Ave.
Los Altos, Ca 94022	Palo Alto, CA 94303

- 18. **HEADINGS.** The heading titles for each paragraph of this Agreement are included only as a guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.
- 19. **SEVERABILITY.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties’ intent under this Agreement.
- 20. **GOVERNING LAW, JURISDICTION, AND VENUE.** The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Santa Clara.
- 21. **ATTORNEYS’ FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney’s fees, costs, and expenses incurred.
- 22. **ASSIGNMENT AND DELEGATION.** This Agreement, and any portion thereof, shall not be assigned or transferred, nor shall any of the Developer’s duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force or effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.
- 23. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
- 24. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
- 25. **CONFLICTS.** If any conflicts arise between the terms and conditions of this Agreement and the terms and conditions of the attached exhibits or any documents expressly incorporated, the terms and conditions of this Agreement shall control.
- 26. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the Work described herein. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

- 27. **COVENANT RUNNING WITH THE LAND.** This Agreement is entered into as a condition of the Tentative Map, is an instrument affecting the title or possession of the real property, and is intended to run with the land. All the terms, covenants and conditions herein imposed shall be binding upon and inure to the benefit of City, Developer, the successors in interest of Developer, their respective successors and permitted assigns, and all subsequent owners of a fee interest in the Property or of a beneficial interest substantially equivalent to a fee interest. The obligations of the Developer under this Agreement shall be the joint and several obligations of each and all of the parties comprising Developer, if Developer consists of more than one individual and/or entity. Upon the sale or division of the Property, the terms of this Agreement shall apply separately to each parcel and the fee owners of each parcel shall succeed to the obligations imposed on Developer by this Agreement.
- 28. **MISCELLANEOUS.** This Agreement may be executed in counterparts, each of which shall be deemed an original. There are no third-party intended beneficiaries of this Agreement. This Agreement represents the contributions of both parties, each of whom has had the opportunity to be represented by competent counsel, and the rule stated in Civil Code Section 1654 that ambiguities in a contract be construed against the drafter shall have no application hereto.
- 29. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

**IN WITNESS WHEREOF**, the City and Developer do hereby agree to the full performance of the terms set forth herein.

**CITY OF LOS ALTOS**

**DEVELOPER  
LYELL, LLC**

By: \_\_\_\_\_  
Gabe Engeland  
Title: City Manager  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Jiaying Hou  
Title: Managing member  
Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Jolie Houston  
Title: City Attorney

\*\*\*\*\*  
\*\*\*\*\*

**EXHIBIT A**

**GRANT DEED OF PROPERTY**

**RECORDING REQUESTED BY:**  
Orange Coast Title Company of Northern California

**When Recorded Mail Document To:**  
Lyell, LLC  
840 Moreno Ave.  
Palo Alto, CA 94303

**Escrow No.:** 520-SCC-20105181-81 - ST  
**Title No.:** 520-2140914-60

**\*\*This document was electronically submitted to Santa Clara County for recording\*\***

**24859463**

**Regina Alcomendras**  
Santa Clara County - Clerk-Recorder  
03/04/2021 01:31 PM

Titles: 1 Pages: 3  
Fees: \$21.00  
Tax: \$3520.00  
Total: \$3541.00

APN: 170-39-043

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT DEED**

The undersigned grantor(s) declare(s) that the DOCUMENTARY TRANSFER TAX is: **\$3,520.00**

- This transfer is exempt from the documentary transfer tax.
- The documentary transfer tax is computed on:**
  - computed on full value of property conveyed, or
  - computed on full value less value of liens or encumbrances remaining at time of sale,
  - OR transfer is EXEMPT from tax for the following reason:

**Orange Coast Title Company**

Signature of declarant or agent determining tax

Firm Name

- The property is located in the City of Los Altos

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,**

Rodger C. Witham, Successor Trustee of the Anna E. Witham 1992 Trust, dated November 30, 1992

**hereby GRANT(S) to**

Lyell, LLC, a California Limited Liability Company

**the following described real property in the County of Santa Clara, State of California:**

See Exhibit A attached hereto and made a part hereof.

Commonly known as: 140 Lyell Street, Los Altos, CA 94022

Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax.

MAIL TAX STATEMENTS AS DIRECTED ABOVE



APN: 170-39-043  
Dated: March 1, 2021

Rodger C. Witham, Successor Trustee of the Anna E. Witham 1992 Trust, dated November 30, 1992

BY: Rodger C. Witham  
Rodger C. Witham  
Successor Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Alameda

On March 02, 2021 before me, B. Solyayman, Notary Public,

personally appeared Rodger C. Witham  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature B. Solyayman (Seal)



MAIL TAX STATEMENTS AS DIRECTED ABOVE

**Exhibit "A"**

Beginning at the point of intersection of the Southerly line of Lyell Street with the Westerly line of Gabilan Street, as shown upon the Map hereinafter referred to: thence from said point of beginning, Southerly along said Westerly line of Gabilan Street 150.00 feet to the point of intersection thereof with the Southerly line of Lot 6 in Block 33 as shown upon said Map; thence leaving said line of Gabilan Street, Westerly along said Southerly line of Lot 6, 71.00 feet; thence Northerly parallel with said Westerly line of Gabilan Street, 150 feet to the said Southerly line of Lyell Street; thence Easterly along said line, 71.00 feet to the point of beginning.

Being the Easterly ½ of Lots 2, 4 and 5 in Block 33 as shown upon the Map entitled, "Map No. 3, Town of Los Altos," which Map was filed in the Office of the Recorder of the County of Santa Clara, State of California, November 4, 1907 in Book "M" of Maps at Page 1, in the City of Los Altos, County of Santa Clara, State of California.

Assessor's Parcel Numbers(s): 170-39-043

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**

**EXHIBIT B-CONDITIONS**

**GENERAL**

**1. Approved Plans**

Project approval is based upon the plans received on February 8, 2021 except as modified by these conditions. Subject to the following modifications

- 1a-Per the Complete Streets Commission an additional bicycle rack will be added to the project.
- 1b-The project maximum height as approved by the City Council at the February 23, 2021 meeting shall be twenty-six (26) feet six (6) inches per the plans dated February 8, 2021.

**2. Privacy Impacts**

The applicant shall be required to install a six-foot fence with a two-foot lattice along the westerly property boundary. Glazing of all second story windows will be required along the Westerly property boundary and the planting of fast-growing landscaping like Pittosporum and Carolina Evergreen Hedges must be installed prior to occupancy of the structure.

**3. Encroachment Permit**

The applicant shall obtain an encroachment permit and/or excavation permit prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer.

**4. Public Utilities**

The applicant shall contact electric, gas, communications, and water utility companies regarding the installation of new utility services to the site.

**5. Americans with Disabilities Act**

All improvements shall comply with Americans with Disabilities Act (ADA).

**6. Urban Runoff Pollution Prevention**

The project shall comply with the New Development and Construction Best Management Practices and Urban Runoff Pollution Prevention program, as adopted by the City for the purposes of preventing stormwater pollution (i.e. downspouts directed to landscaped areas, minimize directly connected impervious areas, etc.) The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.

**7. Sewer Connection**

Any proposed sewer lateral connection shall be approved by the City Engineer.

**8. Second Story Lighting**

All exterior lighting above the ground floor shall be shrouded and/or downward facing.

**9. Indemnity and Hold Harmless**

Applicants must sign this application agreeing to hold harmless the City for any actions related to the permit. This form must be submitted at the time of submittal of the project to the City: The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and

expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.

**PRIOR TO FINAL MAP RECORDATION**

**10. Public Utility Easements**

The applicant shall dedicate public utility easements as required by the utility companies to serve the site.

**11. Fees**

Prior to final map recordation, the applicant shall pay all applicable fees, including but not limited to sanitary sewer impact fees, parkland dedication in lieu fees, traffic impact fees and map check fee plus deposit as required by the City of Los Altos Municipal Code.

**12. Subdivision Improvement Agreement**

Prior to the issuance of building permits the applicant shall be required to record a Final Map and Subdivision Improvement Agreement (SIA).

**13. Affordable Housing Agreement**

Prior to the issuance of building permits the applicant shall execute and record an Affordable Housing Agreement, in a form approved and signed by the Community Development Director and the City Attorney, that offers one (1) below market rate unit, for a period of at least 55 years. The below market rate unit shall be at the low-income level shall be constructed concurrently with the market rate units, shall be provided at the location on the approved plans, and shall not be significantly distinguishable with regard to design, construction or materials.

**PRIOR TO BUILDING PERMIT SUBMITTAL**

**14. Right-of-Way Construction**

The applicant shall submit detailed plans for any construction activities affecting the public right-of-way, including but not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, to the City Engineer for review and approval. The applicant shall also submit on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for approval by the City.

**15. Sewer Capacity**

The applicant shall submit calculations showing that the City's existing six-inch diameter sewer line will not exceed two-thirds full due to the project's sewer loads. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall replace the six-inch sewer line with an eight-inch sewer line.

**16. Trash Enclosure**

The applicant shall contact Mission Trail Waste Systems and submit a solid waste, recyclables (and organics, if applicable) disposal plan indicating the type, size and number of containers proposed, and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall also submit evidence that Mission Trail Waste Systems has reviewed and approved the size and location of the proposed trash enclosure. The enclosure shall be roofed to prevent rainwater from mixing with the enclosure's contents and shall be drained into the city's sanitary sewer system. The enclosure's pad shall be designed to not drain outward, and the grade surrounding the enclosure designed to not drain into the enclosure.

**17. Stormwater Management Plan**

The applicant shall comply with the Stormwater Pollution Prevention Measures per Chapter 10.16 of the Los Altos Municipal Code.

**18. Green Building Standards**

The applicant shall provide verification that the project will comply with the City's Green Building Standards (Section 12.26 of the Municipal Code) from a qualified green building professional.

**19. Property Address**

The applicant shall provide an address signage plan as required by the Building Official.

**20. Truck Routing**

A truck routing and staging plan for the proposed excavation of the site shall be submitted for review and approval by the City Engineer.

**21. Construction Management Plan**

The applicant shall submit a construction management plan for review and approval by the Community Development Director. The construction management plans shall address any construction activities affecting the public right-of-way, including but not limited to: prohibiting dirt hauling during peak traffic hours, excavation, traffic control, truck routing, pedestrian protection, appropriately designed fencing to limit project impacts and maintain traffic visibility as much as practical, material storage, earth retention and construction and employee vehicle parking. The applicant shall be required to have a pre-construction meeting with all abutting property owners to discuss the project schedule and to prominently display a sign with the single point of contact the community should interface with for any construction related impacts from the project. The "construction potty" and the "lumber storage" area shall be moved away from the existing condos along Lyell.

**PRIOR TO FINAL OCCUPANCY**

**22. Underground Utilities**

The applicant shall be responsible for the removal/undergrounding of all existing overhead utilities.

**23. Sidewalk Replacement**

The applicant shall remove and replace all broken, cracked, or damaged sidewalks (and/or curb and gutters) adjacent to the site as directed by the City Engineer.

**24. Stormwater Catch Basin**

The applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo as required by the City.

**25. Alley Improvement**

The applicant shall improve the entire width of the alleyway with the treatment approved by the City Engineer.

**26. Off-Site Improvements**

The applicant shall obtain design approval and construction City standard sidewalk, vertical curb and gutter and City standard parking duck-out along the Tyndall Street frontage.

**27. Green Building Verification**

The applicant shall submit verification that the structure was built in compliance with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code.

**EXHIBIT C**

**LABOR CODE PROVISIONS**

1. This Agreement is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code, including requirements pertaining to wages, working hours and workers' compensation insurance.
2. The Work is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. Copies of these prevailing rates are available online at <http://www.dir.ca.gov/DLSR>.
3. Developer shall not enter into a contract with a contractor for the performance of the Work unless the contractor and its subcontractors are registered with the California Department of Industrial Relations to perform public work under Labor Code Section 1725.5, subject to limited legal exceptions.

**EXHIBIT D**

**INSURANCE REQUIREMENTS**

Developer’s performance of Work under this agreement shall not commence until Developer shall have obtained all insurance required under this Exhibit and such insurance shall have been reviewed and approved by the Risk Manager. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier.

Developer shall procure and maintain for the duration of the contract all necessary insurance against claims now and in the future for alleged injuries to persons or damages to property which may arise from or in connection with the performance of the Work by the Developer, the Contractor it’s agents, representatives, employees and contractors.

**INSURANCE COVERAGE AND LIMITS RESTRICTIONS**

1. It shall be a requirement under this agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater.
  
2. The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City before the City’s own insurance or self-insurance shall be called upon to protect it as a named insured.

**A. MINIMUM SCOPE OF INSURANCE**

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage:
  - a. Blanket contractual liability
  - b. Broad form property coverage
  - c. Personal injury
2. Insurance Services Office form covering Automobile Liability, code 1 (any auto).
3. Workers’ Compensation insurance as required by the State of California and Employer’s Liability insurance.
4. Such other insurance coverages and limits as may be required by the City.

**B. MINIMUM LIMITS OF INSURANCE**

Developer shall maintain limits no less than:

1. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage and a \$2,000,000 aggregate. If Commercial General Liability insurance or other form with a general aggregate liability is used, either the general aggregate limit shall apply separately to this agreement or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
3. Employer’s Liability:
  - Bodily Injury by Accident - \$1,000,000 each accident.
  - Bodily Injury by Disease - \$1,000,000 policy limit.
  - Bodily Injury by Disease - \$1,000,000 each employee.



- 4. Such other insurance coverages and limits as may be required by the City of.

**C. DEDUCTIBLES AND SELF-INSURED RETENTIONS**

- 1. Any deductibles or self-insured retentions must be declared to and approved by the City of. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City of **\*\*CITY\*\***, its officers, officials, employees, and volunteers; or the Developer shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense expenses.
- 2. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.
- 3. The City reserves the right to obtain a full certified copy of any insurance policy and endorsement. Failure to exercise this right shall not constitute a waiver of right to exercise later.

**D. ADDITIONAL INSURED REQUIREMENTS:**

The required general liability and automobile policies are to contain, or be endorsed to contain the following provisions:

- a. The City, its officers, officials, employees, agents and volunteers are to be covered as additional insureds as respects alleged: liability arising out of activities performed by or on behalf of the Developer; products and completed operations of the Developer; premises owned, occupied or used by the Developer; or automobiles owned, leased, hired or borrowed by the Developer. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees, agents or volunteers.
- b. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officers, officials, employees, agents or volunteers.
- c. The Developer’s insurance shall apply separately to each insured against whom claim is made or suit is brought except, with respect to the limits of the insurer’s liability.
- d. Developer shall furnish properly executed Certificates of Insurance from insurance companies acceptable to the City and signed copies of the specified endorsements for each policy prior to commencement of work under this agreement. Such documentation shall clearly evidence all coverages required above including specific evidence of separate endorsements naming the City and shall provide that such insurance shall not be materially changed, terminated or allowed to expire except after 30 days prior written notice by certified mail, return receipt requested, has been filed with the City Clerk.  
Such insurance shall be maintained from the time work first commences until completion of the work under this agreement. Developer shall replace such certificates for policies expiring prior to completion of work under this agreement.

**E. ACCEPTABILITY OF INSURERS**

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A: VII.

**F. COMPLETED OPERATIONS**

Developer shall maintain insurance as required by this contract to the fullest amount allowed by law and shall maintain insurance for a minimum of five years following the completion of this project. In the event the Developer fails to obtain or maintain completed operations coverage as required by this agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by the Developer.

**G. CROSS-LIABILITY**

The Liability policy shall include a cross-liability or severability of interest endorsement.

**H. FAILURE TO MAINTAIN INSURANCE COVERAGE**

If Developer, for any reason, fails to maintain insurance coverage, which is required pursuant to this Agreement, the same shall be deemed a material breach of contract. The City, at its sole option, may terminate this agreement and obtain damages from the Developer resulting from said breach. Alternatively, the City may purchase such required insurance coverage, and Developer shall reimburse the City for any premium costs advanced by the City for such insurance.

**I. PRIMARY AND NON-CONTRIBUTORY**

For any claims related to this project, the Developer’s insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Developer’s insurance and shall not contribute with it. The additional insured coverage under the Developer’s policy shall be primary and non-contributory” and will not seek contribution from the City’s insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

**J. SUBCONTRACTORS**

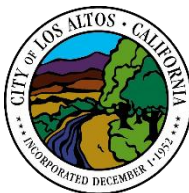
Developer shall require its contractors to maintain the same levels of insurance and provide the same indemnity that the Developer is required to provide under this Agreement. A contractor is anyone who is under contract with the Developer or any of its contractors to perform work contemplated by this Agreement. The Developer shall require all contractors to provide evidence of valid insurance and the required endorsements prior to the commencement of any work.

**K. SUBROGATION WAIVER**

Developer agrees to waive subrogation rights against City regardless of the applicability of any insurance proceeds, and to require all Contractors, subcontractors or others involved in any way with the services to do likewise.

**L. VERIFICATION OF COVERAGE**

Developer shall furnish the City with original endorsements effecting coverage required by this clause. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements are to be received and approved by the City before the services commence.



**AGENDA REPORT SUMMARY**

**Meeting Date:** May 9, 2023

**Subject** Solid Waste Collection Rates: Consider adopting Resolution No. 2023-\_\_\_\_, authorizing the increase of Solid Waste Collection Rates by 5.96% effective July 1, 2023; consider California Environmental Quality Act (“CEQA”) exemption finding pursuant to CEQA Guidelines Section 15273(a)

**Prepared by:** Casey Leedom, Sustainability Coordinator  
**Reviewed by:** Aida Fairman, Director of Environmental Services and Utilities  
**Approved by:** Gabriel Engeland, City Manager

**Attachments:**  
1. Maximum Rates for Adoption (FY 2023/24)  
A. Resolution No. 2023-\_\_\_\_

**Initiated by:**  
Staff, to comply with the Solid Waste Franchise Agreement

**Previous Council Consideration:**  
June 12, 2018; May 28, 2019; May 12, 2020; May 11, 2021; May 10, 2022

**Fiscal Impact:**  
A 5.96% increase in rates charged for service affects all ratepayers, including the City. Because solid waste rates would increase, the revenues associated with the City’s franchise fee would also increase proportionately.

**Environmental Review:**  
The adoption of increased rates is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15273(a) in that CEQA does not apply to actions to set rates, tolls, fares, or other charges.

**Summary:**

- The City of Los Altos Municipal Code Section 6.12.020 (Charge for solid waste collection service) states that “Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the collection service agreement between the City and its franchised hauler.”

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City Manager *GE*                      Reviewed By: City Attorney *JH*                      Finance Director *JD*

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**Subject:** Resolution No. 2023-\_\_\_\_: Solid Waste Rate Adjustment

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- Mission Trail Waste Systems (MTWS) manages solid waste management for the City pursuant to an Amended and Restated Collection Services Agreement entered as of April 23, 2020 (the “Franchise Agreement”).
- For the fourth year of the extended franchise term, Section 4.02.2.4 of the Franchise Agreement provides for a Service Rate Adjustment by CPI (calculated per Section 4.02.2.2), plus a 1.3% Revenue-Neutral Franchise Fee Adjustment Factor, plus an Organics Processing Costs Service Rate Adjustment (calculated per Section 4.02.5; starting April 1, 2023, and each April 1 thereafter). Under Sections 4.01 and 4.02.2.6, the City Council is required to take action by resolution to effectuate rate increases in accordance with the Franchise Agreement.
- The increase that will be applied to the existing Solid Waste Collection rates is 5.96% and is captured in the Maximum Service Rates exhibit in Attachment 1 to the staff report.

**Staff Recommendation:**

Adopt Resolution No. 2023-\_\_\_\_, authorizing the increase of Solid Waste Collection Rates by 5.96% effective July 1, 2023



**Subject:** Resolution No. 2023-\_\_\_: Solid Waste Rate Adjustment

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**Purpose**

Adopt Resolution No. 2023-\_\_\_, authorizing the increase of Solid Waste Collection Rates by 5.96% effective July 1, 2023.

**Background**

The City of Los Altos Municipal Code Section 6.12.020 (Charge for solid waste collection service) states that “Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the collection service agreement between the city and its franchised hauler.” The Franchise Agreement with Mission Trail Waste Systems (MTWS) provides for periodic rate adjustments based on the Water-Sewer-Trash Consumer Price Index, as defined below, and establishes that the next adjustment would apply to service beginning July 1, 2023.

The Franchise Agreement provides that MTWS shall charge service recipients an amount not to exceed the Maximum Service Rates (Attachment 1) approved by City Resolution as may be adjusted under the terms of the agreement.

The amended and restated Franchise Agreement was executed on April 23, 2020.

**Discussion/Analysis**

At its October 22, 2019 meeting, the City Council approved an extension of the Franchise Agreement concluded in 2020, which resulted in an amended and restated Franchise Agreement that specifies rate increases of 8.48% on each July 1st of 2020, 2021, and 2022. Per the Franchise Agreement, 2023 rate adjustments are calculated based on CPI, plus a 1.3% Revenue-Neutral Franchise Fee Adjustment Factor, plus an Organic Processing Costs Service Rate Adjustment. This year’s rate adjustment does not include any adjustment for changes in organic processing costs. The Franchise Agreement commits the City to the 5.96% increase effective July 1, 2023, and requires that the City Council effectuate the increase by resolution.

The City’s solid waste consultant, R3 Consulting Group, Inc. reviewed the hauler’s rate adjustment request with the following results:

- Validated the mathematical accuracy and the correct use of the index.
- Validated the calculated indexed increase.
- Confirmed that the indexed increase was applied correctly to last year’s rates, and made some minor corrections for typographical errors.

**Recommendation**

Adopt Resolution No. 2023-\_\_\_, authorizing the increase of Solid Waste Collection Rates by 5.96% effective July 1, 2023

Exhibit 1a Maximum Service Rates – SFD Services Effective July 1, 2023					
<b>A. CURBSIDE COLLECTION SERVICE</b>					
	Garbage Cart Sizes (gallons)	<b>20</b>	<b>32</b>	<b>64</b>	<b>96</b>
1	<b>MONTHLY CURBSIDE RATE</b>	\$44.98	\$48.45	\$96.88	\$145.34
2	Additional <b>Curbside</b> Garbage Cart – (added to Line A2)	\$44.98	\$48.45	\$96.88	\$145.34
<b>B. ON-PREMISE COLLECTION SERVICE</b>					
1	<b>MONTHLY ON-PREMISE RATE (5 – 100 ft)</b>	\$61.78	\$65.23	\$113.66	\$162.12
2	Additional <b>On-Premise</b> Garbage Cart – (added to Line B2)	\$61.78	\$65.23	\$113.66	\$162.12
3	Additional Walk-in Distance – Each 100 feet (add to line B1 or B2)	\$17.21	\$17.21	\$17.21	\$17.21
<b>C. ADDITIONAL BULKY WASTE COLLECTION</b>					
1	Additional On-Call Bulky Waste Collection (Individual Large Items)	\$27.97	Each additional large item (over 3 Large Items per Bulky Waste Collection)		
3	Additional On-Call Bulky Waste Collection (Loose)	\$43.07	Per cubic yard/occurrence (over 2 Bulky Waste Collections per Agreement Year)		
2	Collection of Large Items Containing Freon	\$86.15	Each item/each occurrence		
<b>D. ADDITIONAL CART EXCHANGE OR REPLACEMENT</b>					
1	Additional Garbage Cart Exchange	\$43.07	Each occurrence		
<b>E. ON-CALL HHW COLLECTION</b>					
1	On-Call HHW Collection	\$43.07	Each occurrence		
<b>F. DISPOSAL COST PER TON COST</b>					
Disposal Facility Charge Per Ton		City Contract Rate	Newby Island Sanitary Landfill		

**Exhibit 1b  
Maximum Service Rates – Commercial and MFD Services  
Effective July 1, 2023**

Container Size	Collection Frequency					
	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
<b>32 Gallon</b>	\$48.44	\$96.87	\$145.33	\$193.74	\$242.20	\$290.61
<b>64 Gallon</b>	\$96.87	\$193.77	\$290.64	\$387.57	\$484.42	\$581.33
<b>96 Gallon</b>	\$145.34	\$290.63	\$435.97	\$581.29	\$726.63	\$871.90
<b>1 CY BIN</b>	\$190.06	\$380.17	\$570.22	\$760.30	\$950.38	\$1,140.43
<b>2 CY BIN</b>	\$380.17	\$760.30	\$1,140.43	\$1,520.59	\$1,900.74	\$2,280.89
<b>3 CY BIN</b>	\$570.21	\$1,140.43	\$1,710.68	\$2,280.90	\$2,851.12	\$3,421.33
<b>4 CY BIN</b>	\$760.30	\$1,520.59	\$2,280.90	\$3,041.16	\$3,801.50	\$4,561.82
<b>6 CY BIN</b>	\$1,140.43	\$2,280.90	\$3,421.33	\$4,561.79	\$5,702.23	\$6,842.68
<b>Bin Push Rates (rate multiplied by collection frequency)</b>	0 - 25 feet	\$35.79	per month for each 25 feet			
	No Charge		increment over the first 25 feet			
Disposal Charge Per Ton			City Contract Rate	Newby Island Sanitary Landfill		
Organic Waste Processing Charge Per Ton			MTWS Contract Rate	Newby Island Processing Facility, (must be approved by CITY)		
Mixed C&D, Inerts, Green Waste, Wood Waste Processing Charge Per Ton			City Contract Rate	Newby Island Processing Facility		
On-Call Bulky Waste Collection (Loose)		\$43.08	Per cubic yard/occurrence			
On-Call Bulky Waste Collection (Individual Large Items)		\$27.97	Each item/each occurrence			
On-Call Bulky Waste – Large Items Containing Freon		\$86.15	Each item/each occurrence			
Charge for Opening Locked Gate		\$43.08	Per month			
Charge for CONTRACTOR supplied lock		\$43.08	Each lock			
Charge for installing lock bar		\$301.51	Each locking bar			
Charge for special bin delivery		\$129.24	Each special bin			
Charge for extra bin service same day		\$129.24	Each occurrence			
Extra Bin Cleaning		\$129.24	Each occurrence			
Additional Garbage Bin Exchange		\$43.08	Each occurrence			
Additional Bin Garbage Replacement		\$129.24	Each occurrence			
Charge for collecting manure		95% of Garbage rate				
Charge for extra day bin service on regular collection day		1/3 of Monthly Rate				
Charge for extra bin service not on regular collection day		1/2 of Monthly Rate				

Exhibit 1c			
Maximum Service Rates – SFD, MFD and Commercial Debris Box Services			
Effective July 1, 2023			
<b>10 CY Debris Box</b>	\$924.97	Per Pull	<b>10 CY Compactor</b> \$1,050.53 Per Pull
<b>15 CY Debris Box</b>	\$924.97	Per pull	<b>15 CY Compactor</b> \$1,050.53 Per Pull
<b>20 CY Debris Box</b>	\$1,050.53	Per pull	<b>20 CY Compactor</b> \$1,059.00 Per Pull
<b>30 CY Debris Box</b>	\$1,059.00	Per pull	<b>30 CY Compactor</b> \$1,059.00 Per Pull
<b>40 CY Debris Box</b>	\$1,059.00	Per pull	<b>40 CY Compactor</b> \$1,059.00 Per Pull
<b>Disposal and Processing Rates</b>			
Disposal Charge Per Ton		City Contract Rate	Newby Island Sanitary Landfill
Organic Waste Processing Charge Per Ton		MTWS Contract Rate	Newby Island Processing Facility, (must be approved by CITY)
Mixed C&D, Inerts, Green Waste, Wood Waste Processing Charge Per Ton		City Contract Rate	Newby Island Processing Facility
Green Halo Projects		Gate Rate	Zanker Road Processing Facility
<b>Other Charges</b>			
Demurrage Per Charge (not dumped every 7 days)		\$206.80	Per week
Per hour Stand-by Charge (box not ready to be pulled)		\$172.32	Per hour
Saturday Service		\$258.45	Per pull
Charge for Opening Locked Gate		\$43.09	Per month
<b>Notes:</b>			
All 10, 20, 30, 40 CY debris boxes and compactors are pull rates only; disposal or processing will be based on actual disposal processing and the Franchise Fee will be 15% of the gross receipts per box (including collection, processing or disposal). The total customer rate will be the total cost for the collection, processing or disposal and the franchise fee.			



**Exhibit 1d**  
**Maximum Service Rates – City Services**  
 Effective July 1, 2023

Container Size	Collection Frequency					
	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
<b>32 Gallon</b>	\$41.17	\$82.35	\$123.51	\$164.66	\$205.86	\$247.01
<b>64 Gallon</b>	\$82.37	\$164.70	\$247.07	\$329.42	\$411.76	\$494.11
<b>96 Gallon</b>	\$123.54	\$247.04	\$370.61	\$494.10	\$617.63	\$741.14
<b>1 CY BIN</b>	\$161.57	\$323.13	\$484.70	\$646.25	\$807.79	\$969.36
<b>2 CY BIN</b>	\$323.13	\$646.25	\$969.36	\$1,292.49	\$1,615.64	\$1,938.76
<b>3 CY BIN</b>	\$484.70	\$969.36	\$1,454.09	\$1,938.76	\$2,423.45	\$2,908.13
<b>4 CY BIN</b>	\$646.25	\$1,292.49	\$1,938.76	\$2,585.03	\$3,231.28	\$3,877.49
<b>6 CY BIN</b>	\$969.36	\$1,938.76	\$2,908.13	\$3,877.49	\$4,846.91	\$5,816.30
<b>10 CY Debris Box</b>	\$786.23	Per Pull		<b>10 CY Compactor</b>	\$892.93	Per Pull
<b>15 CY Debris Box</b>	\$786.23	Per pull		<b>15 CY Compactor</b>	\$892.93	Per Pull
<b>20 CY Debris Box</b>	\$892.93	Per pull		<b>20 CY Compactor</b>	\$900.15	Per Pull
<b>30 CY Debris Box</b>	\$900.15	Per pull		<b>30 CY Compactor</b>	\$900.15	Per Pull
<b>40 CY Debris Box</b>	\$900.15	Per pull		<b>40 CY Compactor</b>	\$900.15	Per Pull
Public Containers Collection (as included in Exhibit 2)	\$9,807.07	per month	7 days/week			
	\$117,684.71	per 12 months				
Green Waste Drop-off	\$51.69	per ton	MTWS transfer facility in Santa Clara			
Disposal Charge Per Ton	City Contract Rate		Newby Island Sanitary Landfill			
Organic Waste Processing Charge Per Ton	MTWS Contract Rate		Newby Island Processing Facility, (must be approved by CITY)			
Mixed C&D, Inerts, Green Waste, Wood Waste Processing Charge Per Ton	City Contract Rate		Newby Island Processing Facility			

**Notes:**  
 All 10, 20, 30, 40 CY debris boxes and compactors are pull rates only; disposal or processing will be based on actual disposal processing and the Franchise Fee will be 15% of the gross receipts per box (including collection, processing or disposal). The total customer rate will be the total cost for the collection, processing or disposal and the franchise fee.

Exhibit 1e Maximum Service Rates – Emergency Service Rates - Employees Effective July 1, 2023	
Labor Position	Hourly Rate
As needed	\$129.24

Exhibit 1f Maximum Service Rates – Emergency Service Rates - Equipment Effective July 1, 2023		
Labor Position or Equipment Type	Make & Model	Hourly Rate
Truck and One person	As needed	\$301.51

RESOLUTION NO. 2023-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AUTHORIZING THE INCREASE OF SOLID WASTE COLLECTION RATES BY 5.96%, EFFECTIVE JULY 1, 2023**

**WHEREAS**, the City of Los Altos Municipal Code Section 6.12.020 (Charge for solid waste collection service) states that “Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the collection service agreement between the City and its franchised hauler.”; and

**WHEREAS**, for the fourth year of the extended franchise term, the franchise agreement between the City of Los Altos and Mission Trail Waste Systems provides for a Service Rate Adjustment by CPI (calculated per Section 4.02.2.2 in the Agreement), plus a 1.3% Revenue-Neutral Franchise Fee Adjustment Factor; and

**WHEREAS**, the franchise agreement between the City of Los Altos and Mission Trail Waste Systems provides for an Organics Processing Costs Service Rate Adjustment starting April 1, 2023 (for the rate adjustment effective July 1, 2023) and each April 1 thereafter; and

**WHEREAS**, the franchise agreement requires the City Council to effectuate rate increases by resolution; and

**WHEREAS**, the City Council’s action in setting solid waste disposal fees is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15273(a).

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

- (1) The City Council hereby finds that the foregoing recitals are true and correct.
- (2) To effectuate the increase required under the franchise agreement, the City Council hereby authorizes the attached rate schedule to be applied to solid waste collection services within the service area provided for in the agreement.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 9th day of May, 2023 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Sally Meadows, MAYOR

Attest:

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



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Artie Green](#)  
**To:** [Public Comment](#)  
**Subject:** Proposed sewer rate increase  
**Date:** Monday, May 1, 2023 8:08:08 AM

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To: LA City Council

I have several questions regarding this subject.

1. Will the rates to be voted on this year apply to the next five years or only to 2023/24 with the future rates being just projections?
2. Is a portion of these rate increases due to higher operational costs? If so, please provide a breakdown of the cost increases projected over the next five years (particularly administrative salaries/bonuses).
3. Is a portion of these rate increases due to capital improvements? If so, please indicate what improvements are scheduled (description, cost, and projected implementation years). Also how the improvements are to be funded (by ratepayers, by bonds, by other means).

Thank you,  
Artie Green  
633 Jay St.



**AGENDA REPORT SUMMARY**

**Meeting Date:** May 9, 2023

**Subject** Construction Contract Award: City Hall Permit Counter

**Prepared by:** Nick Zornes, Development Services Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment:**

- 1. Bid Results
- A. Resolution No. 2023-XX

**Initiated by:**

City’s Capital Improvement Program; ADA Transition Plan; City Hall Safety Security Assessment

**Fiscal Impact:**

The construction contract will be in the amount not-to-exceed \$178,000 and up to 10% contingency, if needed, in the amount not-to-exceed \$17,800.

- Breakdown of funds to be used:
  - o \$195,800
- Amount already included in the approved budget: Y (GL Account # 3110-5900)
- Amount above budget requested: \$0.00

Project Item	Project Budget
Construction (Base Bid)	\$178,000
Construction Contingency	\$17,800
<b>Total Cost</b>	<b>\$195,800</b>

Funding Source: Development Services-Professional Services

**Environmental Review:**

The acceptance of the work is categorically exempt from review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b) (Existing Facilities), in that the project consists of the operation, repair, and maintenance of existing facilities. Also, the project involves negligible or no expansion of existing or former use, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** Construction Contract Award: City Hall Permit Counter

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**Summary:**

- The City Hall Permit Counter Project, includes replacing of existing permit counter, and lobby flooring to comply with ADA requirements, and safety needs of a public facility.

**Staff Recommendation:**

Award the construction contract for the Base Bid for the City Hall Permit Counter to SAE Consulting Engineering, as the lowest responsive bidder submitting a bid in an amount not-to-exceed \$178,000 and approve the City Manager the authority up to 10% construction contingency, if needed, in the amount not-to-exceed \$17,800.

**Background**

The project scope includes remodeling and replacement of existing city hall permit counter casework, countertop and flooring. The existing permit counter does not fully comply with the Americans with Disabilities Act (ADA) which necessitates significant alterations to become compliant.

Additionally, within the last year there has been multiple issues with security at the city hall permit counter and the inability to secure the area from the public and potential intruders. The existing city hall permit counter is open on both ends to the public with no physical barrier.

The city hall permit counter was previously identified as an area for improvement in previous annual CIP projects, and in the city’s 2014 adopted ADA transition plan. Recent safety concerns and compliance necessitate this project to proceed this calendar year.

**Discussion/Analysis**

On April 18, 2023, three bids were opened for this project. The bid results are included in Attachment 1. The project scope includes remodeling and replacement of existing city hall permit counter casework, countertop and flooring.

It is recommended that the award of the construction contract for the project be made to SAE Consulting Engineering as the lowest responsive bidder submitting a bid in the amount not-to-exceed \$178,000 and up to 10% contingency funds in the amount not-to-exceed \$17,800 be approved for potential unforeseen conditions during construction.





**CITY OF LOS ALTOS  
CITY HALL PERMIT COUNTER  
BID SUMMARY**

Bid Opening: April 18, 2023 2:00 p.m.  
City of Los Altos Civic Center  
One North San Antonio Road  
Los Altos, CA 94022

<b>CONTRACTOR</b>	<b>TOTAL BASE BID</b>	<b>TOTAL ADD ALT BID</b>	<b>TOTAL BID</b>
SAE Consulting Engineering	178,000	0	178,000
United Builders Corporation Inc.	207,264	11,460	218,724
The Core Group	237,320	86,500	323,820

**RESOLUTION NO. 2023-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION  
CONTRACT WITH SAE CONSULTING ENGINEERING FOR CITY ALL  
PERMIT COUNTER PROJECT IN AN AMOUNT NOT-TO-EXCEED \$178,000  
AND UP TO 10% CONTINGENCY FUNDS NOT-TO-EXCEED \$17,800**

**WHEREAS**, the project, which includes remodeling and replacement of existing city hall permit counter casework, countertop, flooring and any necessary mechanical, electrical, plumbing associated with the project; and

**WHEREAS**, SAE Consulting Engineering was the lowest responsible, responsive bidder for the Project; and

**WHEREAS**, the project is the acceptance of the work is categorically exempt from review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b) (Existing Facilities), in that the project consists of the operation, repair, and maintenance of existing facilities. Also, the project involves negligible or no expansion of existing or former use, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

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

1. Authorizes the City Manager to execute a Construction Contract in an amount not-to-exceed \$178,000 and up to 10% contingency funds not-to-exceed \$17,800 to construct the City Hall Permit Counter project.
2. Authorizes the City Manager to take such further actions as may be necessary to implement the foregoing agreement.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 9th day of May, 2023, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Sally Meadows, MAYOR

## ATTACHMENT 2

Attest:

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Melissa Thurman, CITY CLERK



## AGENDA REPORT SUMMARY

**Meeting Date:** May 9, 2023

**Subject:** Adopt Zoning Ordinance Text Amendments adding bicycle parking regulations to the Los Altos Municipal Code. The proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) (Commonsense Exemption) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment.

**Prepared by:** Nick Zornes, Development Services Director

**Reviewed by:** Jolie Houston, City Attorney  
Jon Maginot, Assistant City Manager

**Approved by:** Gabe Engeland, City Manager

**Initiated by:** Adopted 6<sup>th</sup> Cycle Housing Element 2023-2031

**Attachments:** Attachment 1 – Draft Bike Ordinance  
Attachment 2 – Appendix A

### **Fiscal Impact**

No fiscal impacts to the City of Los Altos are associated with the draft ordinance.

### **Recommendation:**

Adopt Zoning Ordinance Text Amendments adding bicycle parking regulations to the Los Altos Municipal Code.

### **Environmental Review:**

The approval of the Zoning Ordinance Text Amendments adding bicycle parking regulations is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) (Commonsense Exemption) since there would be no possibility of a significant effect on the environment.

### **Background**

Bicycle parking is a critical strategy for promoting bicycling for transportation and recreation. Convenient, easily used, and secure bicycle parking encourages people to replace some of their car trips with bicycle trips and helps legitimize cycling as a transportation mode by providing parking opportunities equal to motorized modes. The City currently does not have codified regulations pertaining to the requirement for bicycle parking in private development projects. Past review of projects have used sources such as the Santa Clara Valley Transportation Authority’s (VTA) Bicycle Technical Guidelines, Association of Bicycle and Pedestrian Professionals (APBP) Bicycle Parking

**Subject:** Zoning Ordinance Text Amendments Adding Bicycle Parking Regulations

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Guide, and professional best practices to incorporate bicycle parking into projects as part of the development review process.

The recently adopted 6th Cycle Housing Element 2023-2031 includes Program 3K - Standardize Multimodal Transportation Requirements - ***which requires streamlining the Development Review process for multi-family housing projects by adoption of development standards for multimodal transportation such as bicycle, pedestrian, parking traffic and public transportation issues by May 2023.*** Therefore, these bicycle parking and storage regulations are a required implementation item from the adopted current Housing Element.

The Los Altos Complete Streets Master Plan adopted in 2022 also includes a recommendation for an interdepartmental effort to develop a bicycle parking requirement ordinance based on land use to help support a full suite of multimodal improvements which these regulations would assist in implementing.

**Discussion/Analysis**

The intent of the proposed regulations is to provide regulations for consistent review and implementation of bike parking in all development projects.

The draft standards are adapted from the Santa Clara Valley Transportation Authority’s Bicycle Technical Guidelines: A Guide for Local Agencies in the Planning, Design and Maintenance of Bicycle Facilities and Bicycle-Friendly Roadways (Revision No. 3), March 3, 2022. Both long-term (also known as Class I) and short-term (also known as Class II) bicycle parking space design standards are provided as well as the number of spaces based on land use. Number of spaces based on land use without regard to the zoning or general plan designation of the site is similar to how vehicle parking spaces are calculated and required in development projects.

**Complete Streets Commission and Planning Commission Consideration**

On March 23, 2023, the Complete Streets Commission and Planning Commission held a Joint Meeting where both commissions were presented the draft ordinance and made recommendations which have been integrated accordingly. The following items were discussed and requested to be integrated into the draft standards:

1. Provide a specific voltage of charging for electric bikes in storage areas.
2. Correct 72” bicycle storage depth to the VTA recommended 75”.
3. Specify that bicycle storage areas shall be “well-lit”.
4. Specify that any required lighting of bicycle storage be “shielded from adjacent properties”.
5. Provide a parking ratio specific to Private Schools.
6. Provide an increased bicycle space ratio greater than the minimum recommended by VTA.
  - a. The VTA recommended bicycle space requirements is 1 per unit. The Complete Streets Commission recommended increasing this to 1.5 per unit. The Planning Commission recommended no change and maintained the 1 per unit requirement. Staff has created a blended rate of 1.25 per unit and incorporated this into the draft ordinance.

**Subject:** Zoning Ordinance Text Amendments Adding Bicycle Parking Regulations

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**City Council Introduction**

On April 25, 2023, the Los Altos City Council introduced the draft ordinance at its regularly scheduled meeting. At that meeting the City Council received a staff presentation, asked questions of staff, received public testimony, and discussed the item. Included within the motion to introduce the draft ordinance were two amendments which are as follows:

1. Long-Term Bicycle Parking requirements for Multifamily Residential uses to be **1.5 per unit.**
2. Strikeout Section 14.75.040(B)(1)(b)

Both amendments included in the City Council motion were incorporated into the ordinance attached to this Agenda Item.

**ORDINANCE NO. 2023-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 14.75 TO THE LOS ALTOS MUNICIPAL CODE TO IMPLEMENT CERTAIN PROVISIONS OF PROGRAM 3.K OF THE SIXTH CYCLE HOUSING ELEMENT UPDATE**

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

**WHEREAS**, on January 24, 2023, the City Council approved the City’s Sixth Cycle Housing Element Update; and

**WHEREAS**, the Housing Element Update includes programs to eliminate unnecessary governmental constraints to housing development within the City of Los Altos; and

**WHEREAS**, Program 3.K of the Housing Element Update calls for the standardization of bicycle stall, storage and charging to be incorporated into the Los Altos Zoning Code allowing for transparent and consistent application of the code; and

**WHEREAS**, Public Hearing Notice shall be consistent with Government Code Section 65091 to effectively further implement the Housing Element Update by eliminating impediments in the creation of housing; and

**WHEREAS**, having committed itself to implement Housing Element Update in its entirety, the City Council now desires to adopt this Ordinance; and

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

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

**SECTION 1. AMENDMENT OF CHAPTER 14.75 OF THE MUNICIPAL CODE.** Chapter 14.75 are hereby added of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.

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

**SECTION 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 hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on April 25, 2023, and was thereafter, at a regular meeting held on May 9, 2023, passed, and adopted by the following vote:

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

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Sally Meadows, MAYOR

Attest:

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Melissa Thurman, MMC  
City Clerk



**APPENDIX A  
AMENDMENTS TO CHAPTER 14.75**





**Section 14.75.010 – Intent**

- A. It is the intent of the City Council in adopting this chapter to implement best practices for bicycle parking.
- B. These standards are adapted from the Santa Clara Valley Transportation Authority’s Bicycle Technical Guidelines: A Guide for Local Agencies in the Planning, Design and Maintenance of Bicycle Facilities and Bicycle-Friendly Roadways (Revision No. 3), March 3, 2022.
- C. These standards are intended to apply based upon the proposed use for a particular development project, without regard to the zoning or general plan designation of the site.
- D. As used in this chapter, a “development project” includes the construction or substantial reconstruction of:
  - 1. A multifamily housing development project of five or more units,
  - 2. Any facility wherein four or more employees will be regularly employed, or
  - 3. Any parking lot or other parking facility not dedicated to another use.
- E. These standards are intended to be interpreted and applied in an objective manner. If any provision of this chapter is determined to be ambiguous, then the director of development services, in consultation with the city attorney, is authorized and directed to interpret the provision to give it an objective, consistent, and unambiguous meaning. All such interpretations shall be in writing and shall be available for copying and inspection upon request to the director or designee.

**Section 14.75.020 – General Prohibition**

- A. Unless a modification to standards is granted pursuant to Section 14.75.030, no design review permit, use permit, building permit, or similar entitlement shall be issued by the city for any development project unless the development project is designed consistently with the standards set forth in this chapter.
- B. The requirements of this chapter apply in addition to any other applicable legal requirements, including any building code provisions or any standards promulgated under the Americans with Disabilities Act or other disability access laws. To the extent of any conflict between these rules and any rules promulgated under state or federal law, the latter shall control.

**Section 14.75.030 – Request for Modification to Standards**

- A. An applicant for entitlements subject to this chapter may apply to the Complete Streets Commission (or other subordinate body designated by the City Council by resolution) for a modification to standards.
- B. The request for modification shall include an explanation of the reasons for the request and an explanation of any alternative proposal of the applicant, including site plan drawings. The applicant may submit any other evidence he or she deems appropriate to support the request.
- C. The request shall be heard within sixty (60) calendar days after it is received by planning staff.

- D. The denial of a request for modification to standards may be appealed to the City Council within fifteen (15) days after denial of the request is announced on the record or received in writing by the applicant, whichever shall come first.
- E. A request for modification to standards shall be granted if the approval authority finds based on substantial evidence in the record that either:
  - 1. The applicant’s proposal is superior to the standards set forth in this chapter; or
  - 2. It is physically impractical or financially infeasible to comply with one or more requirements of this chapter, and the applicant has proposed an alternative to compliance that meets the general intent of the standard(s) from which a modification is requested.

**Section 14.75.040 – Bicycle Parking Requirements**

A. Short-term bicycle parking space design standards (Class II bicycle parking).

- 1. Shall be located on a hard and stable surface such as concrete, asphalt, or pavers.
- 2. Shall be securely anchored to the ground so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
- 3. Shall support bicycles by at least two contact points on the bicycle to prevent the bicycle from pivoting and falling over, such as the inverted U-rack design.
- 4. Shall be composed of stainless steel or steel with any of the following finishes: galvanized, polyester-powder coat paint, thermoplastic, or PVC jacket.
- 5. Shall be located in a convenient, highly visible, and well-lit area near building entrances on private property. Any lighting provided shall be shielded away from adjacent properties.
- 6. If located within vehicle parking areas, shall be separated by a curb or other physical barrier to protect bicycles from damage by automobiles and other moving vehicles.
- 7. Short-term bicycle parking provided at educational facilities including, without limitation, primary schools, secondary schools, and post-secondary schools (including trade schools), whether public or private, shall be provided in locked, gated spaces.

B. Long-term bicycle parking space design standards (Class I bicycle parking).

- 1. Long-term bicycle parking provided through bicycle lockers shall meet the following requirements:
  - a. Shall not be intended for use by more than two bicycles per locker.
  - b. Shall have minimum dimensions of 42 inches wide, 75 inches deep, and 54 inches high.
  - c. Must be able to withstand a load of 200 pounds per square foot and opened doors must be able to withstand a 500-pound minimum vertical load.
  - d. Shall not be coin operated or require any charge for use.

## APPENDIX A: DRAFT ORDINANCE AMENDMENTS

2. Long-term bicycle parking provided through locked storage rooms shall meet the following requirements:
  - a. Long-term parking shall be fully enclosed or located indoors. These enclosures could be located inside a building or parking garage. All long-term parking areas shall be well-lit with overhead lighting.
  - b. Any windows shall be made of shatterproof glass to prevent vandalism and theft.
  - c. Doors shall lock automatically and shall be equipped with deadbolt locks. Only metal doors shall be used, and entryways shall comply with disability access laws.
  - d. Users shall be able to secure their bikes to racks located inside the space with user-provided U-locks.
  - e. Ceiling heights must be at least 8 feet.
  - f. Minimum aisle widths shall be 75 inches to provide space for maneuverability.
  - g. A minimum of one quad outlet for electric bicycle charging shall be provided per project. The minimum voltage for each outlet shall be 120 volts.
    1. If twenty or more long-term bicycle parking spaces are required to be provided, then an additional charging station shall be provided for every twenty long-term bicycle parking spaces required, or fraction thereof. Signage shall be provided to direct individuals to charging outlets.

### C. Number of bicycle spaces required.

1. The minimum number of short-term and long-term bicycle parking spaces shall be provided for each development or use as shown in the following table. Any use requiring five-tenths or more parking space shall be deemed to require a full space.

Use	Short-Term Bicycle Parking	Long-Term Bicycle Parking
Cultural or Recreational (Includes Theaters, Museums, Religious Institutions, Private Clubs, and Gyms)	1 space per 1,000 sq. ft.	1 space per 10 employees
Day Care Facilities	1 space per 25 children	1 space per 10 employees
Emergency Shelters and Transitional Housing	0.2 space per bed	1 space per 10 employees
Government and Institutional	1 space per 3,000 sq. ft.	1 space per 20 employees
Hotels and Motels	1 space per 15 rooms	1 space per 10 employees
Hospitals, Residential Care Homes, Convalescent Homes	1 space per 30 beds	1 space per 10 employees
Industrial	1 space per 5,000 sq. ft.	1 space per 5,000 sq. ft.

## APPENDIX A: DRAFT ORDINANCE AMENDMENTS

Medical & Dental Clinics	1 space per 2,000 sq. ft.	1 space per 10 employees
Multifamily Residential	1 space per 20 units	1.5 per unit
Offices	1 space per 10,000 sq. ft. or a minimum of 2, whichever is greater.	1 per 2,000 sq. ft. or a minimum of 4, whichever is greater.
Personal Service	1 space per 2,000 sq. ft.	1 space per 10 employees
Retail/Commercial	1 space per 2,000 sq. ft.	1 space per 10 employees
Restaurants	1 space per 800 sq. ft.	1 space per 10 employees
Private Schools	1 space per 4 students	1 space per 10 employees
Public Schools	1 space per 8 students	1 space per 10 employees
Other Uses	Same as most similar use listed as determined by the Development Services Director	Same as most similar use listed as determined by the Development Services Director



**AGENDA REPORT SUMMARY**

**Meeting Date:** May 9, 2023

**Subject:** Appropriate funding from the General Fund for environmental review for Halsey House; authorize the City Manager to execute agreement with consultant; find that the Council’s action in making the appropriation is exempt from review under CEQA per CEQA Guidelines Section 15262

**Prepared by:** Aida Fairman, Environmental Services and Utilities Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment:**

A. Resolution 2023-XXX

**Initiated by:**

City Council

**Previous Council Consideration:**

April 25, 2023; November 30, 2021; September 21, 2021; May 25, 2021; March 23, 2021; January 12, 2021; December 15, 2020; January 28, 2018; November 15, 2016; June 14, 2016; December 8, 2015, April 23, 2013

**Fiscal Impact:**

Increase the current fiscal year budget, and appropriate, \$200,000 from the General Fund to Project# CF-01004 for CEQA analysis.

Future fiscal impact associated with the Halsey House will be determined by the treatment method for the existing structure and future use after the CEQA analysis is completed and City Council provides further direction.

**Environmental Review:**

Statutorily exempt from review under CEQA pursuant to CEQA Guidelines Section 15262 (Feasibility and Planning Studies) in that the purpose of the action is to conduct environmental review, and no final decisions regarding the Halsey House will be made until review is conducted.

**Summary:**

- The City Council directed staff to proceed with mothballing the Halsey House at the conclusion of the previous study session in November of 2021.

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD





**Subject:** Halsey House Next Steps

- Staff released an RFP, and no responses were received.
- Staff conducted a sole source search, and it was determined that the cost of mothballing would be, at minimum, \$469,000, which is almost 90% above the initial engineer's estimate.
- Mothballing of the Halsey House was selected to allow time for the discovery of additional financial resources by helping to further temporarily preserve the existing structure. Important to note that additional deferral of structure improvements will add additional costs over time.
  - Since April 23, 2013, when this item was formally discussed, no additional funding or financial resources have been identified by city staff or interested parties.
  - In Fall 2022 Development Services Department attempted to obtain a historical grant opportunity with the County of Santa Clara and was denied based on not meeting the preservation requirements of the grant. Maximum award of approximately \$500,000 across all jurisdictions.
- At April 25, 2023, Study Session, the City Council received information and a status update on the Halsey House. At the conclusion of the Study Session, City Council identified two options (total demolition and adaptive reuse) and directed staff to proceed with CEQA analysis for these two options and the alternatives. When the CEQA report is completed, staff will bring back that information so Council can discuss, make a decision, and provide further direction to staff.

**Staff Recommendations**

1. Increase the current fiscal year budget, and appropriate, \$200,000 from the General Fund to Project# CF-01004 for CEQA analysis.
2. Authorize the City Manager to execute an agreement in the amount not to exceed \$200,000 with an environmental consultant to perform the CEQA analysis.

**Background**

At April 25, 2023, Study Session, the City Council received a presentation that provided a status update on the Halsey House.

Below are the four main options that were presented and that City Council considered during their discussion for the next steps.

**Option A:** Demolition - \$100-\$150K for EIR (takes approximately 12 months). Demolition costs - \$289,000 (original estimate from 2021). The anticipated estimate is \$405,000 (approximately 40% market condition in 2023).

**Option B:** Total Rehabilitation at one time - \$4,666,456 (original estimate from 2021). The anticipated estimate is \$6,533,038 (approximately 40% additional due to market conditions).



**Subject:** Halsey House Next Steps

**Option C** Adaptive Reuse (Partial Rehabilitation and Partial Demolition) - \$3,260,842 (original estimate from 2021). The anticipated estimate is \$4,565,179 (approximately 40% additional due to market conditions).

**Option D:** Mothballing of the house structure - \$246,750 (original estimate from 2021). Actual estimate = \$469,000 at minimum (actual quote received in February 2023, approximately 90% above budget).

*It is important to note that all the costs listed above are minimum and do not include the cost of the 21 exclusions contained in the 2021 Feasibility Study.*

**Discussion**

On April 25, 2023, the City Council received a status update and information related to the risks and concerns, the cost, and the environmental requirements on the main four options for the Halsey House and directed staff to proceed with the CEQA Analysis for Option A (Total Demolition) and Option C (Adaptive Reuse). These options will move into CEQA for an examination of the options to be studied, including alternatives and the “no project” option.

**Staff Recommendations**

1. Increase the current fiscal year budget, and appropriate, \$200,000 from the General Fund to Project# CF-01004 for CEQA analysis.
2. Authorize the City Manager to execute an agreement in the amount not to exceed \$200,000 with an environmental consultant to perform the CEQA analysis.

**RESOLUTION NO. 2023-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS APPROPRIATING FUNDING FOR ENVIRONMENTAL REVIEW FOR THE HALSEY HOUSE, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH AN ENVIRONMENTAL CONSULTANT IN AN AMOUNT NOT TO EXCEED \$200,000, AND FINDING THAT THE COUNCIL’S ACTION IN APPROVING THIS RESOLUTION IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, at April 25, 2023, Study Session, the City Council received information and a status update on the Halsey House; and

**WHEREAS**, at the conclusion of the Study Session, City Council identified two options (total demolition and adaptive reuse) and directed staff to proceed with CEQA analysis for these two options and the alternatives; and

**WHEREAS**, when environmental review is complete, Council will have information about the environmental consequences of different options concerning the Halsey House to provide further direction to staff; and

**WHEREAS**, the City Council’s action in approving this resolution is statutorily exempt from review under CEQA pursuant to CEQA Guidelines Section 15262 (Feasibility and Planning Studies);

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

1. Finds that the foregoing recitals are true and correct.
2. Appropriates \$200,000 from the General Fund to Project# CF-01004 for CEQA analysis.
3. Authorizes the City Manager to execute a Professional Services Agreement in an amount not-to-exceed \$200,000 with an environmental consultant to perform environmental review as previously directed by the City Council.
4. Authorizes the City Manager to take such further actions as may be reasonably necessary to implement the objects and purposes of this resolution, provided that any expenditure beyond that appropriated and authorized herein shall require approval from the City Council.

**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 9 day of May, 2023, by the following vote:

# ATTACHMENT A

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Sally Meadows, MAYOR

Attest:

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



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Jim Wing](#)  
**To:** [Public Comment](#)  
**Subject:** Public Comment Agenda item 06 Meeting Date 05/09/2023  
**Date:** Friday, May 5, 2023 10:22:51 AM

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Los Altos Mayor Meadows and Distinguished Council Members,

Public Comment for 05/09/2023 Agenda 06 Halsey House CEQA Funding

## **Please do not deny public comments on Halsey House Draft CEQA Report!**

Please amend approval to include funding for “enhanced” CEQA Public Comment instructions for public to use. CEQA has a very restrictive Public Comment policy that is very different from what Los Altos residents now use. If public does not follow CEQA instructions, any comments will be voided.

I recommend “enhanced” CEQA Public Comment to include the following:

1. Thirty days before official start of 30-day public comment period, local newspapers [Town Crier, San Jose Mercury, Palo Alto Times], Los Altos web site, and Council Agenda, to announce that draft CEQA document is available and where can be found. Also, when public comment period will start and end.
2. Los Altos web site to include detailed instructions on format of Public Comment letter and how to turn it in. It must have a formal address and be on hard copy. Two copies must be hand delivered to Los Altos City Hall for date stamp and entered into official log.
3. After Staff has reviewed public comment letter, they must provide their findings to person who provided comments.

Redwood Grove is a very unique and sensitive nature preserve and I do not expect Consultants preparing CEQA Report to know all unique environmental items. Members of public know these unique items and their comments will help make CEQA report a very effective document that helps Council to make a “Data Based Decision”.

Some unique items that may help Consultants:

- California Ground Squirrel population has grown dramatically in past 6 years and they have taken over Halsey House and made foundation unstable. They also are destroying Adobe Creek banks near Halsey House that can cause flooding. Best local predators are rattle snakes and coyotes.
- Downed tree trunk from recent storms is forming a dam that in past diverted Adobe Creek flow to near Halsey House.
- Bridge for Fire Department Pump Truck access to Halsey House is showing signs of “stress dusting” in main pine support beams. Condition made worse by recent tree removals. It is not an 8-ton bridge anymore.

Thank You for your consideration. Jim Wing, Milverton Road, Los Altos, CA

**From:** [Myra & Carl Orta](#)  
**To:** [City Council](#); [Public Comment](#)  
**Subject:** public comments agenda item #6 May 9, 2023  
**Date:** Friday, May 5, 2023 11:28:17 PM

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Honorary Mayor and City Council, May 6, 2023

The gas power leaf blower was developed and manufactured in Japan where they are banned because the machine adds to their air and noise pollution. The machine is marketed and sold to the United States where garden equipment companies sell them to landscape firms with impunity. The workers using this equipment are more likely to develop hearing and lung problems, but this is of little concern to suppliers. Residents who work from home, housewives, the elderly, and preschool children are exposed to the noise and air pollution from this tool when they are home during the day. All this information with testimonials from medical people was made public over 32 years ago. Los Altos had a special election, the result was overwhelmingly in favor of banning gas power leaf blowers. I was instrumental in leading this ban and our city council at the time agreed. We have an ordinance banning their use in Los Altos. Unfortunately, the ban is frequently ignored, and the machine is used with the excuse that it is expedient and saves the gardener clean up time and therefore the homeowner money. This is nonsense. Electric blowers which are allowed do as well and do not pollute as much. Rake and broom are the most effective and good exercise for the user and do not pollute at all.

The problem with the existing ordinance is that it is frequently not enforced. Residents must report their neighbors and most people find this undesirable. When the police do arrive after a blower user is reported, the perpetrator is either gone or has stopped using the blower. The police will not give a citation or even a warning if they have not witnessed the use of the blowers. How can they witness this when they show up 30 minutes after they were notified. Understandably this is not a priority for the police and there may be other more important issues for them to attend to. This makes our existing enforcement procedure ineffective.

Soon after the ban was enforced in 1991 we had a police chief with a good solution. She had patrol cars patrolling the neighborhoods and anyone caught using a gas blower was fined on the spot. Their license was recorded and if they were cited again, it was revoked, and they could no longer work in Los Altos. We need an enforcement procedure that could bring positive results. I suggest we fine the homeowner or person who employs the gardener. The fine should be adequate so that they will take action. Current suggested amounts are \$250, \$500, \$1,000 for first, second and third infractions. This is what Palo Alto has recently implemented and I suggest we do the same.

Respectfully submitted,  
Myra Orta  
1225 Via Huerta  
Los Altos, CA 94024  
ph 650 968 8476  
email [mee-maa@sbcglobal.net](mailto:mee-maa@sbcglobal.net)

**From:** [Brian Theodore](#)  
**To:** [City Council](#); [Public Comment](#)  
**Subject:** Public Comment agenda item #6, May 9, 2023  
**Date:** Saturday, May 6, 2023 11:33:51 AM

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Hi,

I am a resident of Los Altos for the past 13 years, and wanted to share my input and feedback regarding the '**Gas-powered leaf blower ordinance enforcement**'. I both have a gardener who uses gas-powered leaf blowers as well as have neighbors who do as well.

I am voicing my general opposition to an outright ban on gas-powered leaf blowers, after considering the benefits and consequences of this action.

The benefits are surface-level obvious, and are something that I do support:

- Reduce noise pollution

However, the consequences need to be fully thought through by the Council and considered. For example:

- If property owners are the ones to be fined for gas-powered leaf blowers by gardeners, who's responsibility and cost is it for the gardener to make these capital expenditures?
- I do not control what my gardener uses or doesn't, nor what cities he operates in (my gardener in particular operates in San Jose, Mountain View, Los Altos, and Cupertino)
- Will the city subsidize the cost of this capital expense? I can't speak for all gardening services, but I do know that my gardener has low margins and has limited means for this capital expenditure
- Will the city provide a list of electric-equipment approved services providers for property owners to switch to if their current gardener can't or doesn't switch?
- My gardener did actually do a trial of a electric-powered leaf blower last year, but determined it was not feasible, given the 2+ hours it takes for the equipment to recharge after servicing a single house. Where would we expect them to recharge their equipment, and who would compensate them for the 2 hours between jobs that isn't billable?

These are just a few concrete examples of consequences I hope the council considers seriously before adopting this proposal.

As a common-sense recommendation to limit the 'noise pollution' concern, perhaps avoiding early mornings and weekends would be a compromise.

Regards,

Brian Theodore  
852 University Ave  
Los Altos, CA. 94024  
(201) 920-4934  
[bptheo@gmail.com](mailto:bptheo@gmail.com)





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**From:** [baeric@earthlink.net](mailto:baeric@earthlink.net)  
**To:** [Public Comment](#)  
**Cc:** [City Council](#); [Gabriel Engeland](#)  
**Subject:** public comments city council meeting may 9 item 6  
**Date:** Monday, May 8, 2023 7:48:43 PM

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To: Los Altos City Council  
From: Jon Baer  
Re: May 9, 2023 meeting agenda item #6

Below are my comments. Additionally, I am requesting the Council pull this item from the consent calendar so that the issues I have raised can be discussed prior to the Council taking a vote on this matter

1. The City has not met its obligation to diligently and fully pursue bids consistent with the City council vote in November 2021. The RFP was written in a vague and ambiguous manner which required any bidder to do significant work (and guesswork) just to create a cost estimate and respond to the RFP. It is akin to asking a contractor to remodel your house, without providing any specific guidance on what work is to be done. It is thus not surprising the City received no bids initially.
2. "Staff conducted a sole source search, and it was determined that the cost of mothballing would be, at minimum, \$469,000, which is almost 90% above the initial engineer's estimate." However, that bid was not presented to Council with an analysis as to why the cost was significantly higher. It would have been more productive to address the deficiencies in the RFP and identify suitable potential bidders by working with the various historic building consultants who have done work for the City previously.
3. It appears that staff made no attempt to get information as to why no one bid initially, nor why the sole source bid was significantly higher. Someone who was truly interested in getting the work completed would have done so. Another alternative, not pursued, would have been to address the deficiencies and scope of the RFP and then go out to get bids on a revised RFP.
4. The alternatives being considered for the EIR are, at best, vague. Adaptive reuse covers a very broad range of construction and deconstruction alternatives. Is the adaptive use scenario being evaluated contemplating work such that the building retains landmark status? The City has not met its own rules for when a landmark can be taken off landmark status. According to the City's own regulations, the only basis for removing a landmark designation is loss of integrity of the structure or incorrect information which was materially relied on to grant landmark status to the structure initially. If the City determines it is because of loss of integrity due to building deterioration, then the City has violated its own rules about maintaining landmark structures. In conversations with History Museum personnel, additional information about the Halsey's only strengthens the historic importance of them and their former residence.



**AGENDA REPORT SUMMARY**

**Meeting Date:** May 9, 2023

**Subject:** Gas Powered Leaf Blower Enforcement

**Prepared by:** Nick Zornes, Development Services Director

**Reviewed by:** Jon Maginot, Assistant City Manager

**Approved by:** Gabriel Engeland, City Manager

**Initiated by:**  
City Council.

**Fiscal Impact:**  
None.

**Policy Question(s) for Council Consideration:**

- Does the City Council wish to change the citation criteria for Gas Powered Leaf Blower violations?
- Does the City Council wish to modify the administrative citation amount for municipal code violations?
- Does the City Council wish to direct staff to draft an ordinance consistent with a proactive enforcement approach?

**Staff Recommendation:**

Provide staff with direction regarding the Enforcement of Gas-Powered Leaf Blowers.

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City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JD



**Subject:** Gas Powered Leaf Blower Enforcement

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**Background**

Gas-powered leaf blowers pollute the air, pose health risks to operators and residents, and generate noise which temporarily disrupts neighborhoods throughout Los Altos.

The City of Los Altos has banned the use of gas-powered leaf blowers since 1991 (32-years ago). The city’s ban on gas-powered leaf blowers was last reviewed in early 2011 to determine if restrictions could be lessened to accommodate the landscaping industry or those persons already owning gas-powered blowers. At that time the City Council chose not to amend the ordinance or its process for enforcement of gas-powered leaf blowers. Again in 2017, the City Council review the gas-powered leaf blower ban for its effectiveness, and at that time no further action was taken to modify the City’s practices.

**Analysis**

***History***

Prior to banning gas powered blowers, the City Council adopted an interim ordinance that allowed gas blowers that operate at 75 dBA when measured at 12.5 feet. The 12.5-foot distance was meant to represent the noise heard on the receiving property from the use of a blower on a neighboring property. A permitting system was developed to license acceptable units. The proposed licensing system was time intensive, difficult to administer and ineffective. A fee was collected to recover the cost of staff time involved. During the time the interim ordinance was in place it appeared that relatively few blowers could achieve acceptable noise levels.

The prohibition on gas-powered leaf blowers in Los Altos went into effect in June 1991. Following the adoption of the ordinance prohibiting these devices, a citizen’s initiative was placed on the November 1991 ballot to allow the use of some gas-powered blowers. The initiative was rejected with 58.7% of voters opposed and 41.3% in favor.

In 2011, the City Council requested a staff report on the City's prohibition on the use of portable gasoline engine powered blowers, commonly referred to as leaf blowers. This report was received by Council, at which time, following public comments from three Los Altos residents opposing the elimination of the ban, Council requested that staff research how other cities were regulating these devices. The council also requested background information regarding a related voter initiative that was considered in 1991. The City Council considered this information on the February 8, 2011. Following public comments from 13 Los Altos residents opposing the elimination of the ban and further Council discussion, a motion was made to direct staff to review the use of these devices in non-residential areas and public spaces and bring back ordinance amendments for review. On March 8, 2011, staff presented draft ordinance permitting gas-powered blowers in commercial districts and on private property. The draft ordinance would continue to prohibit gas-powered blowers in



**Subject:** Gas Powered Leaf Blower Enforcement

residential districts and at private schools, religious facilities, and other similar community facilities. Following public comments from ten Los Altos residents opposing the elimination of the ban and Council discussion, a motion was made to take no further action. The motion passed unanimously.

***Existing Ordinance***

Los Altos Municipal Code Section 6.16.070

**15. Portable gasoline powered blowers.**

- a. Definition. Portable gasoline-powered leaf blowers are defined as portable power equipment that is powered by a self-contained fuel engine and used in any landscape, maintenance, construction, property repair, or property maintenance for the purpose of blowing, dispersing, or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees and shrubs or other debris.
- b. Gasoline-powered blowers prohibited. Use or operation of portable gasoline powered leaf blowers within the city for any purpose except testing noise levels is unlawful and shall constitute an infraction, punishable as provided by law.

***Enforcement***

When a community member reports an alleged violation to the City, City staff, typically the Code Enforcement Officer, responds to the reported violation to investigate. Law requires the Code Enforcement Officer to personally witness the Municipal Code violation to enforce the regulation. If the Code Enforcement Officer witnesses the violation, they use discretion to determine the appropriate enforcement action. Enforcement can range from a verbal warning with a handout of educational material on the Municipal Code or the issuance of a citation. The fine accompanying a citation is \$100 for the first offense, \$200 for the second offense, and \$500 for the third offense.

Oftentimes, when a Code Enforcement Officer arrives at the scene of the violation, the operator is gone or no longer using the device. This is often the circumstance since leaf blowers are utilized at the end of landscaping work to clean up debris. If the operator is still on-scene but is not using the device, the Code Enforcement Officer can take the opportunity to educate the subject about the ban.

**Discussion**

Enforcing the City’s ban has been problematic for a number of reasons, including high mobility and short duration of leaf blowers, limited code enforcement resources to follow up on complaints or pursue proactive enforcement, local regulatory challenges that require advanced notice or warning letters prior to citing a violator, and low penalty fees to violators if cited.

Increasingly, residents have grown frustrated by the lack of effective enforcement of gas-powered leaf blowers in residential areas. The city receives approximately 20-30 complaints regarding gas powered leaf blower violations each month.



**Subject:** Gas Powered Leaf Blower Enforcement

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In addition to the challenges listed previously, even when a citation is issued the City has seen very few fines resolved. Lack of citation resolution is largely due to landscape operators not having a business license within the City of Los Altos and not being residents so enforcement of the payment of fines is problematic.

City staff has met with several residents and interested groups that are requesting increased enforcement of the gas-powered ban. Staff has been requested to look at what neighboring agencies are doing to address this issue and report back to the City Council to potentially modify the local regulations to further support enforcement efforts.

**Considerations**

As a result of staff’s research, the following amendments to the Los Altos Municipal Code could be considered:

1. Modify the Municipal Code to clarify and assert the City’s ability to assign property owner liability for knowingly hiring or allowing a person to use a gas-powered leaf blower on their residentially zoned property.
2. Modify the Municipal Code to authorize the enforcement of the gas-powered leaf blower ban by issuance of a citation at the first sighting. This will allow the City to proceed with enforcement action immediately thus obtaining code compliance.
3. Update the City’s Administrative Citation schedule. Existing citation schedule is \$100 on the first offense, \$200 for second offense and \$500 for the third offense.
4. Create a standalone chapter within the Los Altos Municipal Code for the prohibition of gas-powered leaf blowers.
5. Integrate all provisions Assembly Bill 1346, and subsequent actions taken by the California Air Resources Board (CARB) which effectively prohibits the sale of gas-powered lawn care equipment by January 1, 2024.

**Recommendation**

Provide staff with direction on desired amendments to the Los Altos Municipal Code.



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**From:** [Dean Samos](#)  
**To:** [City Council](#); [Public Comment](#)  
**Subject:** Public Comment agenda item #6, May 9, 2023  
**Date:** Thursday, May 4, 2023 8:54:57 AM

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I am writing in support of increased enforcement of the Los Altos gas leaf blower ban. In a city where a large number of people drive electric cars, it is ridiculous that we burn fossil fuels to blow leaves off of our gardens and driveways. These devices are unhealthy for the operators, and cause noise and air pollution for a large area around the operator. Their use is also in direct conflict with Los Altos' climate mitigation plans.

I fully support a ban in which homeowners and landscape companies are held responsible and fined for their use, and not the operators.

In talking to many neighbors and gardeners about gas leaf blowers, I have found a couple of things to be generally true:

1. The gardeners know they are illegal, but know they can get away with using them.
2. The homeowners don't really care what the gardeners do - 'out of sight, out of mind'. They don't really want to talk to their gardeners at all.

I have also found that if homeowners simply require their gardeners to switch to electric, they do. All of our immediate neighbors who we spoke to about this got their gardeners to switch to electric, but it's a constant battle to get others to respond. With escalating fines for continued use, I'm sure homeowners will be quick to ask their gardeners to go electric.

Code enforcement could regularly patrol the city looking for leaf blowers, instead of waiting for calls from neighbors.

Thank you  
Dean Samos  
1211 Lisa Ct  
Los Altos, CA 94024





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**From:** [Barbara Zieroth-Hoffman](#)  
**To:** [Public Comment](#)  
**Subject:** public comment agenda item #7 May 9. 2023  
**Date:** Sunday, May 7, 2023 9:17:09 AM

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It is imperative that there is stricter enforcement of the gas-powered leaf blower ordinance in Los Altos. Some possible solutions to the lack of accountability would be citations to the property owner not the gardener; increased fines after one warning letter; and routine street patrols by a code enforcement officer. This enforcement is essential for the health of our community and the environment. Thank you for your thoughtfulness in this matter.

**From:** [Roberta Phillips](#)  
**To:** [City Council](#); [Public Comment](#)  
**Subject:** Gas Leaf Blowers  
**Date:** Sunday, May 7, 2023 7:22:37 PM

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Dear Council  
While I understand that it is better to use electric leaf blowers, we as a city should not be looking at more enforcement. Our Police have a lot more important matters to address. Education is a better solution.  
Most of the landscape workers and gardeners are responsible, hard working people.  
Sincerely  
Roberta Phillips  
640-941-6940

**From:** [Ken Girdley](#)  
**To:** [Public Comment](#)  
**Subject:** Gas Leaf blower Ban - Repeal It Or Leave It Alone  
**Date:** Sunday, May 7, 2023 8:42:27 PM

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Dear Mayor Meadows & Council Members,

Why are you so dead set on punishing the least among us? Most lawn services are struggling to make a living and it appears you are eager to force them to abandon their reliable gas-powered leaf blowers and purchase expensive battery-operated blowers and a ton of batteries to get them through the day. Not only that but it appears you stand ready to increase the fines they would have to pay if they continue using their gas-powered equipment.

As you know, most lawn services are owned and operated by Hispanics with most of their employees being foreign-born Hispanics. Is there a reason why you have decided to single out just gas-powered leaf blowers? Some might wonder if race has something to do with it. I'm not saying it does but there are those who tend to look at things through a race-based lens. And of course, we would expect you to deny it because no one ever admits when race plays into their decision-making process.

I remember when that ban was approved many years ago. I watched the city council vote for the ban mainly to get a very vocal resident off their backs. If I remember correctly, one council member commented during the meeting that they would probably only enforce the ban if a neighbor complained. That does seem to be what happened and I'm glad for it.

I recommend that you either repeal the ban or just leave it alone. Let the state ban on small gas engines force the conversion from gas to electric in a few years. Don't single out those minority-owned businesses and their employees with stiffer fines. And penalizing homeowners is just as unreasonable as levying stiffer fines on the minority-owned businesses that are serving our community.

Respectfully Submitted,

Ken Girdley  
Los Altos Resident

**From:** [Kirk Lindstrom](#)  
**To:** [City Council](#)  
**Cc:** [Kirk.Lindstrom@gmail.com](mailto:Kirk.Lindstrom@gmail.com); [Public Comment](#)  
**Subject:** Public Comment agenda item #6, May 9, 2023  
**Date:** Monday, May 8, 2023 8:22:15 AM

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Dear City Council Members,

I am against fining property owners for what gardeners or any other workers do on their property while hired to do a service. We can't be expected to have someone at home to act as a police or code enforcement officer.

Yes, gas leaf blowers are loud and pollute more than electric leaf blowers but most of the other tools gardeners use legally do the same. Battery powered leaf blowers are usually quieter because they are less powerful.

Electric leaf blowers with a cord are just as powerful but still noisy.

Given this "concern" about noisy leaf blowers was an issue when I moved here in 1994 when we were more worried about "Global Cooling" from a "nuclear winter" than carbon emissions from garden tools causing climate change, I suspect it is the noise and odor that bothers most. I've solved the noise and smell problem by closing my windows for the 30 minutes or so the gardener is here once a week and I'm working at home.

Years ago when code enforcement officer gave my gardener a \$60 ticket for using a gas leaf blower. My gardener then asked me to put out an extension cord in the front of my house so he could use his corded blower. I did and it worked well but soon they were using the gas blowers in the back yard where code enforcement could not see what yard the noise was coming from. Eventually they learned the code was not being enforced any more and, as you would expect, they started using the gas leaf blowers everywhere again.

I see this issue as similar to people holding mobile phones to their ears while driving, which is illegal. The way to stop or reduce it is to issue citations to the people caught in the act.

Finally, for exercise, I hike around town nearly every day I am not windsurfing. I see, hear and smell gardeners using gas and electric power tools and have not found the smell or noise to bother me anywhere near as much as adults and older children riding bikes in the wrong direction on sidewalks on streets with bike lanes. Given one ran into me on the sidewalk on Los Altos Avenue, I find that more of a danger than leaf blower noise and fumes. People speeding or driving while holding cell phones to their ears while driving present a far greater danger to my health.

Thus, if the city council wants to put more resources into enforcing our laws, please start with the dangerous ones such as ticketing speeders, drivers holding cell phones to their ears while driving and adults riding bicycles on the sidewalks before spending

money to enforce leaf blower rules.

Thank you  
Best Regards  
Kirk Lindstrom  
Los Altos, CA

**From:** [Barbara Weinstein](#)  
**To:** [Public Comment](#); [City Council](#)  
**Subject:** Comment regarding leaf blower ordinance  
**Date:** Monday, May 8, 2023 9:22:14 AM

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Hello Council members,  
I'm glad to learn that the leaf blower ordinance will be on the agenda for this week's council meeting.

It's long overdue to update this ordinance, which is so widely ignored as to be virtually useless. I urge you to adopt the following improvements to eliminate the noise and air pollution from the blowers.

1. Citations must go to the property owner, not the gardener.
2. Fines should increase steeply after a single warning notification.
3. Streets should be patrolled by a code enforcement officer.

For the sake of our health and well-being, please make it a priority to adopt all of these improvements.

Thank you,  
Barbara Weinstein  
1525 Siesta Dr.  
Los Altos



May 8, 2023

Los Altos City Council

Re: Agenda item #7: Amending the Municipal Code with regard to Gas Powered Leaf Blower Enforcement, May 9, 2023

Dear Mayor Meadows and Members of the City Council,

The League of Women Voters of Los Altos-Mountain View supports urgent actions that mitigate and adapt to climate disruption. Governments at all levels must act boldly and swiftly to confront it. Gas powered leaf blowers spew large amounts of GHGs and produce massive amounts of "criteria air pollution" such as NOx, while raising soot, dust, and pollen into the air.

Therefore, we recommend that the Los Altos Council strengthen the enforcement of the city's gas powered leaf blower ban by increasing the fines to the homeowner, rather than the gardener, to \$250, \$500, and \$1000 per first, second, and third offense respectively, which matches the fines of Palo Alto.

Thank you for your consideration.

Sincerely,

Karin Bricker, President LWV of Los Altos Mountain View  
Donna Davies, Chair, Climate Action Team ([dnndavies@gmail.com](mailto:dnndavies@gmail.com))

Cc Nick Zornes, Gabriel Engeland, Angel Rodriguez, Tania Katbi, Casey Leedom





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**From:** [Tom Shoup](#)  
**To:** [Public Comment](#)  
**Subject:** Public Comment agenda item #6, May 9, 2023  
**Date:** Monday, May 8, 2023 3:20:35 PM

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I would like to add my comments regarding gasoline-powered leaf blowers and the lack of compliance enforcement.

My objection to leaf blowers is mostly due to the amount of dust they blow into the air. The website of the Bay Area Air Quality Management District identifies particulate matter, which includes dust, as the most hazardous air pollutant in the Bay Area in terms of the effect on health. [BAAQMD](#) also identifies residential wood burning as the largest source of particulate matter during the winter. I ask the council to prioritize reducing the contribution of dust and wood burning as sources of particulate matter within Los Altos.

With respect to compliance, I believe the homeowner should be cited for not complying with the existing regulations against the use of gas-powered leaf blowers. Yes, many times the gardener or lawn care person is using the blower, which s/he owns, but is violating the current regulation as an agent of the homeowner. As to the burden on the gardener to replace a gas-powered blower with an electric blower, the state Clean Off-Road Equipment Voucher Incentive Project (CORE) provides point-of-sale discounts for such equipment. This is listed on the California Air Resources Board website (search zero-emission landscape).

Enforcing compliance in the past has been a joke. Once a complaint is phoned to the non-emergency number and an officer dispatched to the site of the violation it is too late to observe the offense. On any given day a police officer can drive down just about any street and observe a gas-powered leaf blower in operation. Please step up enforcement by having all police officers, unless responding to an emergency, cite homeowners where a gas-powered leaf blower is in operation. I think a month or two of focused enforcement during spring and summer will get compliance moving in the right direction.

Submitted by,

Tom Shoup  
112 Garland Way  
Los Altos, CA

**From:** [Vicki Levy](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT - AGENDA ITEM 7 - Tuesday, May 09, 2023  
**Date:** Monday, May 8, 2023 6:26:17 PM

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Honorable City Council Members,

I am writing to add my voice in supporting an amendment to the Los Altos Municipal Code with regards to Gas Powered Leaf Blower Enforcement.

After thirty-two years of banning noisy leaf blowers in Los Altos, we still have no effective solution. Perhaps it is time to place the responsibility on the homeowner who hires the gardening service

rather than on the gardener who may not be aware of or care about the regulation. Since it is impractical for gardeners to own their own electric leaf blowers, one solution would be for each homeowner

to purchase an electric leaf blower and keep it in a designated spot for use by their own gardener. The battery life is more than sufficient for the gardening tasks of one residence.

Electric leaf blowers are reasonably priced and have lightweight, rechargeable batteries that are easily removed from the blower and taken inside where the homeowner can recharge it.

For some electric tool product lines, the same battery can be used for other electric tools such as lawn mowers, edgers, and trimmers. An electric leaf blower is as quiet as a hair dryer and does

not emit fumes.

We must find a solution to this problem. I am hopeful that with an informative, educational campaign our fellow residents of Los Altos will be open to making this small change knowing that it

will help lessen the environmental impact of pollution.

Thank you for your consideration.

Sincerely,

Vicki Levy

Los Altos resident for 37 years

**From:** [Dinesh Desai](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM 7 - 05/09/2023  
**Date:** Tuesday, May 9, 2023 9:40:22 AM

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I have heard that one revision under consideration is to impose fines on homeowners whose gardeners use gas-powered leaf blowers, instead of imposing fines on the gardeners using the gas-powered leaf blower. If this is true, I respectfully ask the council to consider my concern (see below).

I am not a lawyer, but I don't see how Los Altos can fine a homeowner. Many homeowners are not home when their gardeners come to their homes. They can tell the gardeners to use only electric blowers, but they have no control over what the gardeners actually use in their absence. I doubt such a law will stand up in a court.

Dinesh Desai  
870 Highlands Circle  
Los Altos

**From:** [Eric Muller](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #7 - May 9, 2023 - Gas Powered Leaf Blower Enforcement  
**Date:** Tuesday, May 9, 2023 10:17:47 AM

---

Dear Council,

Gasoline leaf blowers are clearly a nuisance, both for noise and pollution. Indeed, AB1346, signed into law, directs the California Air Resources Board (CARB) to ban the sale of new gasoline leaf blowers (and other gas powered lawn equipment) by Jan. 1, 2024.

I want to believe that Los Altos residents are supportive of electrification, or at least would be if properly informed; and that they will gladly help. I also recognize that this can be a financial burden for many of the gardeners who work in our city. In that spirit, I urge you to:

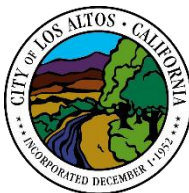
- significantly lower or even entirely waive the fee for Landscape & Gardening business licenses, at least for the next year or two, so that professional landscapers can easily benefit from the California CORE program, which covers 70% of the cost of new electric gardening equipment (see californiacore dot org).

- involve residents: when a violation is reported, send a letter to the resident with educational material on the benefits of gasoline lawn equipment, the CORE program (for professionals), and the SV Clean Energy rebate (for residents); at least in English and Spanish. I suggest to do that for the first two violations.

- on a third report, issue a fine to the resident (who could reassign it to their landlord, if appropriate). I would also support some mechanism to drop the fine if there is some evidence that the situation is addressed.

I also want to take this opportunity to thank the Council for switching the enforcement from the Police department to Development Services.

Thank you,  
Eric Muller  
752 Parma Way  
Los Altos, CA 94024



## AGENDA REPORT SUMMARY

**Meeting Date:** May 9th, 2023

**Subject** Automated License Plate Readers

**Prepared by:** Angela Averiett, Chief of Police

**Reviewed by:** Gabriel Engeland, City Manager

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Los Altos Police Department Policy 462 (Automated License Plate Readers)
2. Letter of support from Santa Clara County District Attorney Jeff Rosen
3. Map of Proposed Camera Locations
4. Responses to Council questions

**Initiated by:**

Police Department

**Previous Council Consideration:**

Council previously discussed use of ALPR cameras on March 28<sup>th</sup>, 2023.

**Fiscal Impact:**

The total expected financial impact to the City to complete the 1-year pilot project is \$42,750. If approved, staff will include this amount in the proposed 2023/24 Fiscal Year budget (line item 00065-6800).

**Environmental Review:**

Consideration of the purchase of the Automatic License Plate Reader cameras is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment.

**Policy Question(s) for Council Consideration:**

Does Council wish to approve the acquisition of Automated License Plate Reader (ALPR) cameras to complete a one-year study of their effectiveness?

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JD



**Subject:** Automated License Plate Reader Cameras

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**Summary:**

The City Council considered this item at the March 28<sup>th</sup>, 2023, Council Meeting and directed staff to:

1. Update the ALPR policy for both mobile and stationary units.
2. Provide responses to Council questions.
3. Provide more information on the expected impact of the cameras as it relates to crime and solvability.
4. Research whether the program can include a regular audit and independent review.

This staff report and presentation responds to the direction given by the City Council.

**Staff Recommendation:**

Staff recommends the City Council approve a one-year pilot program for the purchase and installation of 15 ALPR cameras.

**Background:**

Law enforcement agencies use Automated License Plate Reader (ALPR) systems for the purpose of rapidly identifying and locating vehicles of legitimate interest to law enforcement. ALPR cameras are currently being used extensively in the greater Bay Area and across California. In Santa Clara County, Los Altos is one of the few remaining cities not using ALPR technology. ALPR systems contain the data sets of license plate numbers, photos of vehicles, and geospatial locations from where the images were captured. There is no connectivity in the ALPR system to the vehicle’s registration information or the driver’s license information of the owner. The Los Altos Police Department seeks to utilize technologies that can assist efforts to solve crime and locate at risk missing persons identified in Amber and Silver alerts. The goal of the pilot program is to increase arrest rates for all crimes, but for purposes of the pilot program, the focus will be on crimes involving stolen vehicles, burglary, and catalytic converter thefts. Finding technology that can meet our current and future needs is imperative to increase safety, efficiency, and efficacy.

**Discussion/Analysis:**

ALPR systems function to capture an image of a vehicle (not the occupants), the vehicle’s license plate, and geospatial location where the image was captured. The license plate is queried through various databases and compared to lists of vehicles of legitimate interest to law enforcement, also known as “hot lists.” When a vehicle of interest is in the databases, such as a reported stolen





**Subject:** Automated License Plate Reader Cameras

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vehicle, local law enforcement is alerted. The license plate is then verified by law enforcement before any enforcement action is taken.

Additionally, the stored license plate data provides law enforcement investigators with a pointer system that may help them identify vehicles associated with suspects, witnesses, or victims, and to develop exculpatory information that assists them with focusing their investigative resources. The data allows law enforcement to connect serial criminal activities that may have occurred in multiple law enforcement jurisdictions. The stored data is kept for a fixed retention period, though it is only accessible by law enforcement given a legitimate law enforcement purpose.

The ALPR system logs each user’s activity by a unique log in identifier, date, time, and purpose of search associated with a case or incident number. Designated Los Altos Police Department personnel will perform random sample audits to the system to confirm it is functioning properly, and that required data is being appropriately accessed on a “need to know right to know basis.” Additionally, an outside law enforcement agency will conduct an annual ALPR system audit to ensure the Los Altos Police Department is following department policy and state law. Improperly accessing the ALPR systems for purposes of personal use, traffic enforcement, or immigration enforcement is strictly prohibited per Los Altos Police Department policy #462.

The Los Altos Police Department is seeking authorization to purchase ALPR cameras for a one-year pilot to gauge its effectiveness as a resource multiplier. The goal is to increase our arrest rates for all crimes, but for purposes of the pilot program, the focus will be on crimes involving stolen vehicles, burglary, and catalytic converter thefts. We intend to use the system as an additional investigative tool to combat crime. The ALPR cameras will be placed throughout Los Altos in areas that are publicly accessible such as public roadways and public property that are within public view. The recommended locations of the cameras are included as an attachment to this report. Furthermore, a transparency portal will be put in place to inform the community about the usage of the ALPR system.

The proposed pilot will assist Los Altos PD with gathering specific evidentiary data helpful to criminal investigations. The data will be accessed to gain leads on crimes that have already occurred and will also provide real time alerts to focus our patrol officer’s crime fighting efforts more effectively. The data collection and usage will be analyzed at the 6-month mark to determine how many investigations the ALPR technology has assisted with as well as how many real time hits were received and responded to.



**Subject:** Automated License Plate Reader Cameras

When a “real time” hit is responded to and the involved vehicle is located, the data will be analyzed to determine how many of those stops ended with an arrest.

The goal of the proposed pilot program is to increase arrest rates for all crimes, but for purposes of the pilot program, the focus will be on crimes involving stolen vehicles, burglary, and catalytic converter thefts.

Please see table below for total arrests and arrest by specific crime for 2020, 2021, and 2022.

Year	Total Arrests	Burglary Arrests	Grand Theft	Vehicle Theft
2020	170	4	4	3
2021	145	1	2	2
2022	133	9	3	1

**Recommendation:**

Staff recommends the City Council approve a one-year pilot program for the purchase and installation of 15 ALPR cameras.

# Automated License Plate Readers (ALPRs)

## 462.1 PURPOSE AND SCOPE

Best Practice MODIFIED

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. This policy is intended to assist the Los Altos Police Department with:

- Increasing public safety.
- Minimizing the threat and risk of injury to individuals.
- Promoting governmental legitimacy and accountability.
- Minimizing the potential risks to individual privacy, civil rights, and civil liberties.
- Protecting the integrity of the criminal investigatory, criminal intelligence and justice system processes and information.
- Increasing trust by maximizing transparency

## 462.2 POLICY

Best Practice MODIFIED

The policy of the Los Altos Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Such data is not open to public view, as it may contain confidential information. The Los Altos Police Department does not permit the sharing of ALPR data gathered by the City or its subcontractors for the purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code 7282.5: Government Code 7284.2 et seq) - these federal immigration agencies include Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).

## 462.3 ADMINISTRATION

Best Practice MODIFIED

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers through the Los Altos Police Department's ALPR system and the vendor's vehicle identification technology. It is used by the Los Altos Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Division Captain. The Administrative Division Captain

## Automated License Plate Readers (ALPRs)

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will assign members under his/her command to administer the day-to-day operation of the ALPR equipment, and data access. The Custodian of Records will be responsible for data retention in accordance with applicable law.

### 462.3.1 ALPR ADMINISTRATOR

State **MODIFIED**

The Administrative Division Captain shall be responsible for compliance with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) Ensuring that only properly trained sworn police officers, crime analysts and communication dispatchers are allowed access to the ALPR system or to collect ALPR information.
- (b) Ensuring that training requirements are completed for all authorized users, prior to use.
- (c) ALPR system monitoring to ensure the security of the information and compliance with applicable privacy laws.
- (d) Ensuring that procedures are followed for system operators and to maintain records of access in compliance with Civil Code 1798.90.52.
- (e) Continually working with the Custodian of Records on retention and destruction of ALPR data.
- (f) Ensuring this policy and related procedures are conspicuously posted on the department's website.

### 462.4 OPERATIONS

State **MODIFIED**

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) ALPR may be used to canvass license plates around any crime scene. Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) Login/log out procedure. To ensure proper operation, facilitation, oversight and auditing of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data.
- (f) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

## Automated License Plate Readers (ALPRs)

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- (g) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the ALPR system matches the license plate of the observed vehicle. Before any law enforcement action is taken due to an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated.
- (h) Hot Lists- designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or her/his designee. Occasionally, there may be errors in the ALPR's system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Los Altos Police Department members shall undertake the following steps:
1. Verification of status on a Hot List. An officer must receive confirmation from a communications dispatcher or other department computer device, that the license plate is still stolen, wanted or otherwise of interest before proceeding (absent exigent circumstances).
  2. Visual verification of license plate number. Officers shall visually verify that the license plate of interest matches with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issuance, and vehicle descriptors before proceeding. Officers alerted to the fact that an observed motor vehicle's license plate is entered as a "Hot plate" or "hit" in a specific BOLO ( be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.
  3. Department members will clear all stops from hot list alerts by indicating the positive ALPR hit, i.e. with an arrest or other enforcement action, or by noting that the hit was not a visual match with the associated vehicle. If it is not obvious in the text of the call as to the correlation of the ALPR hit and the arrest, then the Department member shall update the Communications Dispatcher with this information to ensure the text of the call is properly updated.
  4. General Hot Lists will be automatically downloaded into the ALPR system a minimum of once per day with the most current data overwriting the old data.
  5. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. Hot Lists shall be approved by the ALPR Administrator (or her/his designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational: created solely to bring the officers attention to specific vehicles that have been associated with criminal activity or missing persons.

## Automated License Plate Readers (ALPRs)

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All Hot License Plates and suspect information entered into the ALPR system will contain the following information at a minimum: Department member's name, related case number and a short synopsis describing the nature of the originating call for service. The member may add any additional information they deem to be relevant.

**Permitted/Prohibited Uses.** The ALPR system, and all data collected, is the property of the Los Altos Police Department. Department personnel shall only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this policy. The following uses of the ALPR system are specifically prohibited:

- 1.) Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is prohibited to utilize the ALPR system to record license plates except those of vehicles that are exposed to the public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate (s) are visible from a public road, street or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
- 2.) Harassment or Intimidation: It is prohibited to use the ALPR system to harass and/or intimidate any individual or group.
- 3.) Use based on a protected characteristic: It is prohibited to use the ALPR system or associated files or Hot Lists solely based on a person's or group's race, gender, gender identity, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, age or other classification protected by law.
- 4.) Personal Use: It is prohibited to use the ALPR system or associated files or Hot Lists for any personal purpose.
- 5.) First Amendment Rights: It is prohibited to use the ALPR system or associated files or Hot Lists for the purpose or known effect of infringing upon First Amendment rights.

Any member who engages in prohibited use of the ALPR system or associated files or Hot Lists may be subjected to:

- Criminal prosecution
- Civil liability, and/or
- Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

### 462.5 DATA COLLECTION AND RETENTION

**Best Practice** **MODIFIED**

The Administrative Division Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

The City contracted ALPR vendor will store the fixed position ALPR data and ensure proper maintenance and security of data stored in their data towers. The vendor will purge their data at the end of 30 days of storage. However, this will not preclude Los Altos Police Department

## Automated License Plate Readers (ALPRs)

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from maintaining any data obtained from the system after that period pursuant to any open/active investigations relevant to the vehicle data..

Information gathered or collected and records retained by the vendor, will not be sold, accessed or used for any reason other than legitimate law enforcement or public safety purposes.

### 462.6 ACCOUNTABILITY AND SAFEGUARDS

State **MODIFIED**

All data will be closely safeguarded and protected by both procedural and technological means. The Los Altos Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) All non-law enforcement requests for access to stored ALPR data will be processed in accordance with applicable law.
- (c) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
- (e) Every ALPR browsing inquiry must be documented by either the associated Los Altos Police Department case number or incident number, and the reason for the inquiry.
- (f) ALPR system audits shall be conducted on a semi-annual basis by the Administration Division Captain.
- (g) Annual ALPR audits will be conducted by an outside law enforcement agency as an added measure of transparency and to ensure policy compliance by members of the Los Altos Police Department.

It is the responsibility of the Administrative Division Captain, or her/his designee, to ensure that an audit is conducted of ALPR detection browsing inquiries at least twice during each calendar year. The Department will audit a sampling of the ALPR system utilization from the prior 6 month period to verify proper use in accordance with the above authorized uses. The audit will randomly select at minimum 15 detection browsing inquiries conducted by department employees during the preceding 6 month period and determine if each inquiry meets the requirements established in this policy.

The audit will be documented in the form of an internal department memorandum to the Chief of Police. The memorandum will include any data errors found so that such errors can be corrected.

## Automated License Plate Readers (ALPRs)

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After review by the Chief of Police, the memorandum and any associated documentation will be filed and retained by the Custodian of Records.

In addition, a designated law enforcement agency will do an annual audit of ALPR data, as an added layer of accountability, to ensure members of the Los Altos Police Department are in compliance with this policy.

### 462.7 RELEASING ALPR DATA

Best Practice MODIFIED

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
  1. The name of the agency.
  2. The name of the person requesting.
  3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Administrative Division Captain or her/his authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.
- (d) The Chief of Police or the authorized designee will consider the California Values Act (Government Code 7282.5; Government Code 7284.2 et seq), before approving the release of ALPR data. The Los Altos Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs (ICE) and Customs and Border Patrol (CBP).

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Los Altos Police Department Records Maintenance and Release Policy 810 (Civil Code § 1798.90.55).

### 462.8 TRAINING

State MODIFIED

The Administrative Division Captain shall ensure that prior to use, members receive department approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).



# County of Santa Clara

Office of the District Attorney

County Government Center, West Wing  
70 West Hedding Street  
San Jose, California 95110  
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Agenda Item # 8.



**Jeffrey Rosen**  
District Attorney

April 14, 2023

Chief Angela Averiett  
Los Altos Police Department  
1 N San Antonio Road  
Los Altos, California 94022

RE: Automated License Plate Reader (ALPR)

Dear Chief Averiett:

Through our recent conversations, I know reducing crime and improving public safety is one of your top priorities. I appreciate your commitment to technology and resources that work towards this goal, including the Automated License Plate Reader (ALPR) pilot program you drafted for your agency. Since most crimes are committed with a vehicle, license plate numbers give law enforcement officers the leads necessary to complete investigations and solve crimes. At the District Attorney's Office, we have seen an increase in filed cases associated with ALPR cameras in various jurisdictions within Santa Clara County.

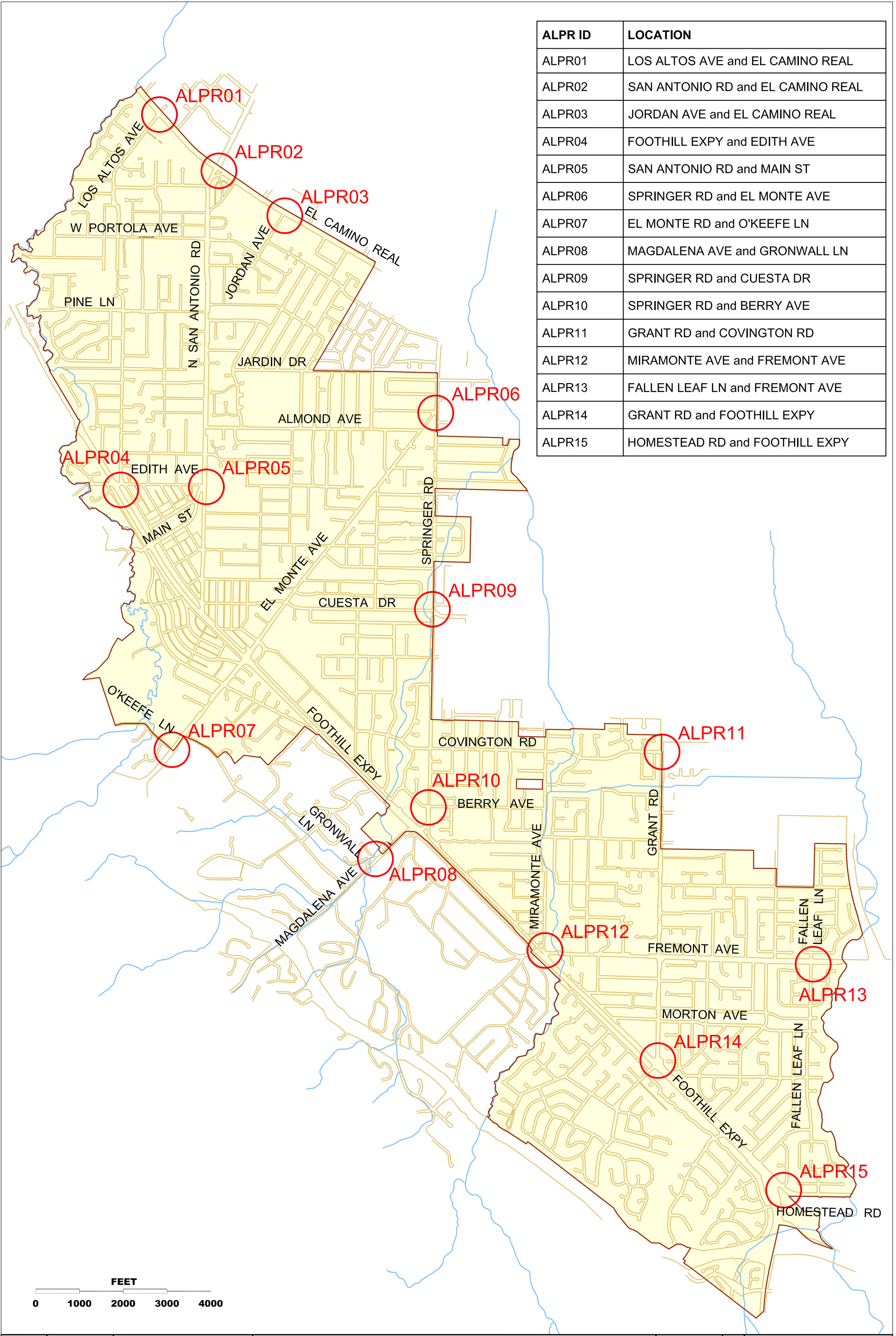
I understand you are returning to Los Altos City Council on April 28<sup>th</sup> to discuss Automated License Plate Reader (ALPR) cameras for your jurisdiction. As a resident of Los Altos, I would welcome the installation of the cameras in our city. I believe the ALPR policies that have been outlined will work to protect the privacy concerns of residents, such as the encryption system utilized by Flock, the short retention period of 30 days, and the Safe List feature that allows neighborhood residents to register their license plates and opt to be eliminated from captured footage.

As a community, we can stand up to the criminals victimizing the residents of Los Altos by giving law enforcement the technology tools to solve crimes quickly and effectively. In addition, an ALPR camera system aids in identifying Amber, Blue, and Silver alert vehicles that may enter Los Altos. The District Attorney's Office shares your priorities of reducing crime and improving public safety. We are here as your partners to achieve these goals.

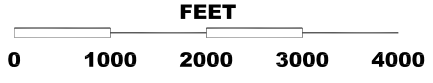
Sincerely,

A handwritten signature in blue ink that reads "Jeffrey F. Rosen".

Jeffrey F. Rosen  
District Attorney



ALPR ID	LOCATION
ALPR01	LOS ALTOS AVE and EL CAMINO REAL
ALPR02	SAN ANTONIO RD and EL CAMINO REAL
ALPR03	JORDAN AVE and EL CAMINO REAL
ALPR04	FOOTHILL EXPY and EDITH AVE
ALPR05	SAN ANTONIO RD and MAIN ST
ALPR06	SPRINGER RD and EL MONTE AVE
ALPR07	EL MONTE RD and O'KEEFE LN
ALPR08	MAGDALENA AVE and GRONWALL LN
ALPR09	SPRINGER RD and CUESTA DR
ALPR10	SPRINGER RD and BERRY AVE
ALPR11	GRANT RD and COVINGTON RD
ALPR12	MIRAMONTE AVE and FREMONT AVE
ALPR13	FALLEN LEAF LN and FREMONT AVE
ALPR14	GRANT RD and FOOTHILL EXPY
ALPR15	HOMESTEAD RD and FOOTHILL EXPY



**ALPR Follow Up Questions**

**1. What is the full/actual cost? Please include the cost of staff implementing the ALPR program and responding to alerts.**

Flock Cameras cost \$2,500 per year with an installation cost of \$350 per camera in the first year. The total cost for Los Altos, in the first year, will be determined by how many cameras are installed. If the pilot program is approved and Los Altos installs 15 cameras the cost will be \$37,500 in on going costs and \$5,250 in one-time costs.

There is not an “additional cost” for Los Altos personnel to implement Flock. Currently, Los Altos Police Officers and Communication Officers respond to numerous calls for during their shifts. The “hotlist alerts” received from ALPRs will be included as calls for service and prioritized accordingly. Calls for service through Flock OS are generated as “Hotlist Alerts” and Officers are automatically alerted through the Flock operating system that is integrated into the patrol officer’s vehicle. Officers will work to verify the alert and the call for service will be responded to based on the priority of the “hotlist alert” within the context of current calls for service. The hotlist alerts will make policing more effective and increase the number of responses on shift of Los Altos personnel, but it will not cost additional funds, as officers are on shift regardless of the number of calls for service are received.

**2. Please show how ALPR program have been effective in multiple other cities and across multiple years.**

Most bay area cities have experienced success with ALPR technology as it relates to crime prevention, crime solving and recovering missing at-risk persons. In addition, the Santa Clara County District Attorney has provided support for ALPR cameras (attached to this report) as they are of evidentiary value.

Agencies have recovered missing endangered persons, stolen vehicles/property, wanted persons and have solved many other criminal related incidents due to the utilization of ALPR cameras. Reports have been included in the previous presentation to Council, however, there are not longitudinal studies that staff is aware of showing the long-term outcomes or the experiences of multiple agencies. Flock does not own the data captured on ALPR cameras and therefore is unable to provide statistical data/reports.

**3. Can the City require an independent auditor as part of the pilot program?**

Yes, Los Altos can include an independent auditor as part of the program. However, the auditor must be cleared by CA POST (California Peace Officer Standards and Training) to receive confidential information. Because of this, the independent auditor would need to be another

Police agency or police personnel. This is not negotiable due to California law and DOJ requirements.

**4. How will police officers support this tool? How will it prioritize or re-prioritize calls for service?**

ALPR’s help Police Officers allocate their time efficiently. As described above, the system sends automatic alerts which can lead to a response or “call for service” for Police Officers. The Communications Officer and Police Officer will determine if the call for service is a priority as compared against current activity.

As an example, if a Police Officer is responding to a noise complaint and receives an alert of a stolen vehicle, they would most likely not respond to the noise complaint but instead respond to the stolen vehicle call as it is a higher priority. If an officer were responding to a burglary call and received notification of a general “be on the lookout” through the Flock system, they would not respond to the “be on the lookout” and would continue their response to the burglary call.

This type of prioritization is common for Los Altos police department personnel and describes how calls for service are managed today. Police Officers and Communication Officers are constantly prioritizing calls for service based on where the response is most valuable to public safety. This management of calls for service does not change with the introduction of ALPR cameras. The Flock system is expected to increase calls for service, but the prioritization of calls will remain at the discretion of the responding personnel.

**5. Can we have an audit policy that shows this isn’t being used in a disparate manner?**

Los Altos has proposed an audit component to add to the policy and as a part of the pilot program. Basic information from the audit can be made public for residents and interested parties to review, however, confidential DOJ data cannot be included in the public report.

Los Altos is committed to transparency and fairness and will not use the cameras in a disparate manner, as a matter of practice and policy. The California Department of Justice completes annual audits of all DOJ data access to ensure compliance with DOJ and legal requirements for access. The data accessed by Flock is tied into the DOJ database. DOJ database information cannot be shared with non-law enforcement entities.

**6. Where are the cameras proposed to be placed?**

In general, cameras will be placed at high volume intersections, entrances/exits to the city, near/around commercial business districts. Please refer to the map attached to this report, and review this list of proposed intersections:

El Camino/San Antonio  
Main St at San Antonio  
Foothill Expressway @ Edith Lane  
El Monte Rd @O'Keefe  
El Monte Rd @Springer Rd  
Magdalena Ave @ Gronwall Lane  
Grant Ave @ Covington Rd  
Fremont Ave @Fallen Leaf Ln  
Homestead Rd @ Foothill Expressway  
Fremont Ave @ Miramonte Ave  
Cuesta Ave @ springer Rd  
Jordan ave @ el Camino  
Grant Rd @ Foothill Expressway  
Berry Ave @ Springer Rd  
Los Altos Ave @El Camino

**7. How many cameras are proposed?**

Currently, staff believes 15 cameras would be appropriate to meet the goals of the pilot program as recommended in this report.

**8. Please explain the impact this may have on the budget. Including opportunity cost.**

The total expected fiscal impact to the City to complete the project is \$42,750. Should the Council continue the program after the first year of operation, with no changes, the on-going annual cost would be \$37,500.

As described above, officers would continue to prioritize and respond to calls as they do today. The opportunity cost, as defined by Council, is unlikely to be realized as officers currently have the capacity to respond to a higher number of calls during a shift.

**9. Please provide a policy that is not in draft form, incorporates the feedback from the Council.**

The updated policy, which includes feedback from Council and the public, has been submitted with the staff report.

**10. Please ensure the mobile and stationary ALRP policy are congruent.**

The proposed policy before Council is complete. The section addressing mobile ALPRs has been removed as this technology is not actively being used by the Los Altos Police Department.

**11. Please provide the full Vallejo policy. Please provide the ACLU comments.**

The City of Vallejo, like the City of Los Altos, engaged the public prior to making decisions on the use and implementation of automatic license plate readers. Vallejo sought feedback from the public and took the recommendations into account when creating their policy. Specifically, the ACLU made recommendations on limited date retention, case number, and a publicly posted policy. These recommendations are available in articles provided by ACLU and posted on their website.

Los Altos went through a similar public review process seeking feedback and accepted recommendations from civic groups to incorporate the same recommendations as the ACLU made to Vallejo. In addition to these recommendations, Los Altos also incorporated recommendations around completing an annual audit and assigning an independent agency to review use.

**12. Please provide more details on the proposed pilot:**

The proposed pilot will assist Los Altos PD with gathering specific evidentiary data helpful to criminal investigations. The data will be accessed to gain leads on crimes that have already occurred and will also provide real time alerts to focus our patrol officer’s crime fighting efforts more effectively. The data collection and usage will be analyzed at the 6-month mark to determine how many investigations the ALPR technology has assisted with as well as how many real time hits were received and responded to.

When a “real time” hit is responded to and the involved vehicle is located, the data will be analyzed to determine how many of those stops ended with an arrest.

The goal of the proposed pilot program is to increase arrest rates for all crimes, but for purposes of the pilot program, the focus will be on crimes involving stolen vehicles, burglary, and catalytic converter thefts.

Please see table below for total arrests and arrest by specific crime for 2020, 2021, and 2022.

Year	Total Arrests	Burglary Arrests	Grand Theft	Vehicle Theft
2020	170	4	4	3
2021	145	1	2	2
2022	133	9	3	1

**13. Please provide specific information on which crimes will have solvability increase by 10%**

During the last discussion it was proposed the solvability rate of specific crimes would be increased by 10% as a measurement of success of the pilot program. The term “solvability” and the metric proposed was difficult to explain as the term is not generally well known. To

simplify the goals of the pilot program, staff is recommending increasing the arrest rate on the following crimes:

- a. 10851 VC- vehicle theft
- b. 459 PC- burglary (commercial and residential)
- c. 487 PC- grand theft (includes catalytic converter)

Because the arrest rate in these three areas is low, staff is recommending an increase in arrests associated with these three crimes as an appropriate metric to measure effectiveness of ALPRs in Los Altos.

**14. Please review “common crimes” in Los Altos and determine if ALPRs will have No, Low, Medium, or High impact on solvability**

It is anticipated that the ALPRs will have a high impact (increased arrest rate) of the crime of vehicle theft (10851 VC) and grand theft (487 PC). These crime types involve vehicles and will be captured with this technology.

As it relates to the crime of burglary (459 PC), this type of crime is expected to have a medium impact with the installation of ALPRs. This is because these crimes are usually investigated after they have occurred. ALPR cameras will assist with the follow up investigation as well as in developing leads that will increase the likelihood of an arrest. However, it is important to note that ALPRs are an investigative tool as part of a larger investigation. It has investigative value and acts as a pointer to assist with the investigative process. They are not the only tools involved in investigating crime.

**15. Please describe what success will look like**

Success will mean the ALPR system has worked to assist with our investigations of crimes, both in progress and after the fact, with an increase in arrests in the crimes identified above. The pilot’s success will further be measured by strict adherence to the adopted policies and procedures, and the completion of the required audit and review by an independent agency without findings of misuse.



## PUBLIC CORRESPONDENCE

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**From:** [Pat Marriot](#)  
**To:** [Public Comment](#)  
**Subject:** [External Sender]PUBLIC COMMENT ITEM #9 MAY 9, 2023  
**Date:** Sunday, May 7, 2023 9:56:56 AM  
**Attachments:** [image001.png](#)

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Council Members,

Just passing on some ALPR analysis from friends in Palo Alto. My main concern is privacy.

The city should clearly define who can access the data, what will be collected, how long data will be retained, safeguards for data protection, whether non-city entities can access, and what compliance procedures will be used.

LAPD should not provide direct online access or bulk transfer of data from license plate readers to any other agencies.

Here's the info from Palo Alto:

The California State Auditor conducted an audit of ALPR data collected by the Fresno Police Department, Los Angeles Police Department, Marin County Sheriff's Office, and Sacramento County Sheriff's Office. The audit found

- None of the agencies fully implemented the practices required by law since 2016 in Senate Bill 34, which includes training of personnel on use of the system and restrictions on transfer of ALPR data,
- Fresno, Marin and Sacramento all were unable to confirm who has access to the system, who is responsible for oversight, or how to delete ALPR data.
- Los Angeles PD did not even have a usage or privacy policy and the other agencies ones did not implement all the legally mandated requirements
- Sacramento shares their ALPR data with one thousand agencies.
- In Marin, a former employee retained access to the ALPR for over a year after resigning.
- Marin was also forced to settle a lawsuit with three residents who alleged the Sheriff was sharing data with federal, state and local agencies in violation of SB34.
- Milpitas does not keep track of who accesses their ALPR database.
- Daly City shares its data via an MOU with fusion center and 15 northern California

counties with no clear limit on what it can be used for.

- Pasadena, Long Beach and BART all shared their data with ICE despite all saying they would not.

Senator Weiner proposed SB 210 in 2021, a bill that would have required deleting all license plate data not related to an investigation after one day. The bill did not pass the senate. But license plate information of citizens who are not on the state or city's vehicle stop list or currently under investigation should not be retained by the city for more than one day and should not be shared with other agencies or commercial entities.

For some background information you can read:

CA State Auditor: <https://www.auditor.ca.gov/reports/2019-118/summary.html>

Independent ALPR Privacy Report:

<https://www.independent.org/publications/article.asp?id=14254>

Pat Marriott

**From:** [Jeanine Valadez](#)  
**To:** [Public Comment](#)  
**Cc:** [Angel Rodriguez](#); [Neysa Fligor](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #8 5/9/2023  
**Date:** Monday, May 8, 2023 2:02:37 PM

---

Mayor Meadows, City Councilmembers,

I stand firmly against the proposed ALPR pilot.

While ALPRs have been shown to identify stolen vehicles, there are no comprehensive data to prove they reduce crime clearance rates in general and definitely not specifically for property crime and burglary. It is very easy for even semi-sophisticated criminals to sidestep this surveillance method. Natural causes for mistaken license plate number ID by ALPRs are well documented...entire mini industries are emerging to enable obfuscation of the license plate.

Significantly, the staff report does nothing to provide more data to support the prior assertions by FLOCK and Staff, nor does it in any way provide the data requested by city council in earlier meetings. In fact, it drops quantitative metrics for success of the proposed pilot altogether!

This pilot wastes city money, gives residents a false sense of safety, and, because of Staff's evident lack of concern for performance metrics, sets the stage for ongoing expansion of more invasive and intense surveillance methods.

Jeanine Valadez

member of parks and rec commission but speaking as member of the public.



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member of parks and rec commission but speaking as member of the public.

**From:** [Brian Jones](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT - AGENDA ITEM #8 ALPR CAMERAS - MAY 9, 2023  
**Date:** Monday, May 8, 2023 5:58:07 PM

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Esteemed Council Members,

I am extremely disappointed in the Staff Report delivered to you in response to your questions about ALPRs. Your questions were evaded in both letter and spirit.

In response to a request for data showing the effectiveness of ALPR systems, the Staff Report removes all quantitative considerations from their success criteria. Admitting that "there are not longitudinal studies that staff is aware of showing the long-term outcomes or the experiences of multiple agencies," the Report takes the opportunity to move the goalposts once again: Success is now vaguely defined as "an increase in arrests" -- not convictions, simply arrests -- in three specific crimes.

Additionally, the Department intends to "determine how many investigations the ALPR technology has assisted with." This is irrelevant – the thing that matters is how many investigations would not have been possible but for the ALPR system. Simply because the ALPR system is present when officers do the same job they have for years does not mean the ALPRs were effective.

On the cost side, the Staff Report claims that there will be no additional police staffing cost. If this is true, then one of three things must be the case:

- Officers have sufficient spare time right now to take on increased workload
- Other calls that officers currently make will be deprioritized in favor of ALPR hits. The loss of those other services to the community needs to be accounted for.
- Officers will simply have to shoulder the extra load, through either increased productivity or overtime.

The report claims that officers will reprioritize, but does not assess the impact of those calls that will now be deprioritized.

Furthermore, we learn that, contrary to previous claims, the ACLU did not vet the Vallejo policy at all. In fact, the only thing that happened was that the Vallejo PD consulted the ACLU website while preparing a policy.

In their enthusiastic acceptance of any rumor that seems to support ALPRs, and their assiduous effort to avoid any kind of quantitative accountability, the Department and Staff have proposed a pilot program that appears to be designed to allow them to claim success no matter what happens -- meaning that this vote is not a vote for a pilot program, it is a vote for a system that predestined to become permanent.

I urge you to reject the ALPR pilot program.

-Brian Jones

From: [Los Altos Racial Equity](#)  
To: [Public Comment](#)  
Subject: PUBLIC COMMENT AGENDA ITEM #8 - 5/9/2023  
Date: Tuesday, May 9, 2023 3:22:13 AM

Dear Mayor, Vice-Mayor & Councilmembers,

Los Altos for Racial Equity is writing to voice our opposition to the ALPR Pilot Program as proposed. Our concerns are as follows:

1. Based on data we previously provided, we do not see that ALPRs result in statistically significant reduction of crime, apprehension of criminals, or increase in crime solvability. So we do not believe that ALPRs are the best use of our budget to solve our issues. Therefore, our first recommendation is to vote NO on the Pilot.

If however, you decide to approve the pilot anyway, there are significant implementation deficiencies that need to be addressed. These are noted below.

2. Metrics have been completely removed from the goals. Our new vacuous goal is to "increase arrest rates for all crimes." The success criteria are meeting that goal, adhering to the policy, and making no findings of misuse. But this means that an increase from 133 arrests last year to 134 arrests this year would be enough to satisfy the goal and claim success, even without any data to support whether ALPRs played any role in those arrests. There is no requirement to assess whether the arrests are regular yearly fluctuations or actually statistically significant enough to show that ALPRs are working. This could be easily gamed for success as well by arresting suspects without sufficient evidence and later releasing them. We cannot support this budgetary spend without clear and measurable goals, the same standard that is applied in successful companies all over the world. This is simply a matter of enforcing good governance.

3. We should specify the data that we want collected during this pilot period, including monthly number of license plates scanned, monthly number of hotlists alerts received, Flock system used in how many investigations, how many investigations were solved because of Flock, how many stolen vehicles were retrieved due to Flock, etc. The data collected by LAH provides a base model.

4. Our policy does not safeguard the public based on recommendations by the ACLU, DOJ and Brennan Center for Justice. Contrary to previous claims by Chief Averiett, the ACLU did not "vet" the Vallejo policy upon which our policy is based. Merely taking a few points from the ACLU website does not equate to a "vetting" of the policy. This entire argument was misleading to the Council and to the public and does a fine job on its own of eroding trust in the Police. In fact, there are many points which the ACLU, USDOJ and Brennan Center for Justice recommend that are not addressed in our policy, including, but not limited to:

a. Downloaded data should have time restrictions for storage just as cloud data, unless actively being used for an investigation. Supported by the ACLU [https://www.aclunc.org/sites/default/files/20140129-aclu\\_analysis\\_of\\_alameda\\_alpr\\_policy.pdf](https://www.aclunc.org/sites/default/files/20140129-aclu_analysis_of_alameda_alpr_policy.pdf) page 8. We suggest the same 30 day time period as cloud data unless actively being used for an investigation.

b. Strong terms for requiring verification of hotlist data. This is supported by the Brennan Center for Justice: <https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>, USDOJ <https://vrnclearinghousefiles.blob.core.windows.net/documents/License%20Plate%20Reader%20Policy%20Development%20Template.pdf> page 12, section H.2, and California case law <https://willamette.edu/law/resources/journals/wlo/9thcir/2014/05/green-v-city--cnty.-of-san-francisco.html>. Our policy makes repeated exceptions for "exigent circumstances" or "If practicable" when specifying verification of hotlist data, which can increase liability risk for cities, as shown by the Green vs. City & County of SF case. Instead of the broad language that Lexipol has created, we support the USDOJ language on Required Steps Preliminary to Police Action, which balances flexibility for officers in emergencies as well as restricting unauthorized and unsafe practices:

*"Whenever a license plate reader alerts on license plate information, prior to taking any law enforcement action, officers will be required, to the fullest extent possible, to visually verify that the actual vehicle license plate information matches the license plate information used and alerted upon by the LPR system, including both alphanumeric characters of the license plate and the state of issuance; verify the current status of the plate as active through [insert name of source, such as mobile information terminal [MDT] query, NCIC, etc.]; and confirm whether the alert pertains to the registrant of the car or the car itself. Receipt of an LPR alert for a stolen or felony vehicle may not rise to the level of reasonable suspicion and is not sufficient probable cause to arrest without confirmation that the alert is still valid and active. If the alert is for another type of transaction, the officer will read the description of the alert and follow the appropriate action or reporting method. If an LPR alert cannot be verified both visually and for validity, then law enforcement should not act on the alert and it should be rejected. If the officer witnesses a violation of law or other action that establishes reasonable suspicion for a stop, the officer may conduct a stop based on that reasonable suspicion. This provision shall not prevent a law enforcement officer from taking immediate action when a verifiable emergency situation exists for officer safety. On each resulting alert, the officer is required to enter a disposition indicating the action taken or not taken on the alert"*

c. Much clearer limits on ALPR usage should be set. This is supported by the ACLU, and was actually recommended as changes to the Alameda ALPR Policy. [https://www.aclunc.org/sites/default/files/20140129-aclu\\_analysis\\_of\\_alameda\\_alpr\\_policy.pdf](https://www.aclunc.org/sites/default/files/20140129-aclu_analysis_of_alameda_alpr_policy.pdf) pages 5 & 6. While this policy is old, our Lexipol policy still has the same problematic wording as the original Alameda one.

d. Oversight of the hotlists to which we subscribe should belong to the City Council and not the ALPR administrator. The police should not

be able to decide without public review that one day they will subscribe to the vehicles of interest for insurance violations or known gang members, both of which are valid hotlists, and the latter of which can be extremely racially biased and problematic because of unclear criteria.

- e. We should also explicitly disallow the sharing of our ALPR data outside of California. This would ensure that our data is not used in states that criminalize reproductive health services (including abortions) or allow ALPR data interaction with ICE and other entities in violation of California's California Values Act SB54.

Thank you for your thoughtful consideration.  
Los Altos for Racial Equity



**From:** [Debra strichartz](#)  
**To:** [City Council](#); [Public Comment](#)  
**Subject:** I oppose the ALPR Pilot Programs  
**Date:** Tuesday, May 9, 2023 12:19:54 PM

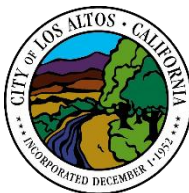
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I am opposed to the ALPR Pilot Program. Chief Averiett has proposed ALPR's to "increase our crime solvability rates by 10%. I have not seen conclusive data that ALPR's increase solvability.

ALPR's are expensive. Eac Flock camera costs \$2500/year. The proposed system would be \$75,000 plus one time setup cost plus costs for police department staff time to operate the system. We may achieve better results hiring a detective.

ALPR's have extremely high error rates which can make them an ineffective policing tool. Strict policies on ALPR usage are critical to ensure privacy and safety for the community. I do not believe the benefits of this ALPR proposal outweigh the costs -both fiscal and civil liberties, and I therefor, do not support the pilot program.

Debra Strichartz  
650-224-9490



**AGENDA REPORT SUMMARY**

**Meeting Date:** May 9, 2023

**Subject** Discuss and Consider Taking Positions on Various Senate and Assembly Bills and a Potential Local Ballot Measure

**Prepared by:** Melissa Thurman, City Clerk

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**  
*Pending*

**Initiated by:**  
City Council (N. Fligor)

**Previous Council Consideration:**  
None

**Fiscal Impact:**  
None

**Environmental Review:**  
Not applicable

**Policy Question(s) for Council Consideration:**

- Consider Taking Positions on the Following Items:
  - AB 838 CalWater – California Water Affordability and Infrastructure Transparency Act of 2023
  - AB573 (Garcia, D) – Organic Waste; Meeting Organic Waste Procurement Targets
  - AB1567 (Garcia); SB867 (Allen); SB638 (Eggman) – Housing Infrastructure and Climate Resiliency Funding Bills
  - SB769 (Gonzalez) – Fiscal and Financial Training
  - SB423 (Wiener) – Land Use: Streamlined housing approvals: multifamily housing developments
  - 2024 Ballot Measure – Potential Citizen Initiative for Taxpayer Protection and Government Accountability Act (pending qualification)

**Staff Recommendation:**  
This is a Council initiated discussion item. Staff requests direction from the City Council.

City Manager  
*GE*

**Reviewed By:**  
City Attorney  
*JH*

Finance Director  
*JE*



# Assemblymember Damon Connolly, 12<sup>th</sup> District

## AB 838 – THE CAN’T WAIT ACT

### THE CALIFORNIA WATER AFFORDABILITY & INFRASTRUCTURE TRANSPARENCY ACT

#### BACKGROUND

Water crises in Jackson, Mississippi, Flint, Michigan, and Newark, New Jersey have highlighted the critical need for investment in water infrastructure to ensure that residents have access to clean and safe water supply.

In late summer 2022, approximately 150,000 residents of Jackson, Mississippi lost access to potable drinking water for months as a result of the catastrophic failure of the city’s water system. This failure was the result of decades of neglect, deferred maintenance, and underinvestment, leaving the city’s water infrastructure in a state of crisis. Similar scenarios have played out in Flint, Michigan and Newark, New Jersey. These issues have made it clear that we CAN’t WAIT.

#### ISSUE

The State Water Resources Control Board estimated that 21% of water systems in California have unaffordable water rates – even for basic needs.

However, proper analysis of this issue is delayed due to a systemic lack of adequate data regarding water bills paid by customers. Instead, hypothetical amounts are calculated based on estimated water consumption. The public has a right to know how well water suppliers are maintaining the infrastructure in their communities and how their water bills compare to those in other communities.

Transparency regarding water affordability and infrastructure not only helps to keep the public informed, but also provides valuable data for state decision makers.

#### EXISTING LAW

In 2016, the California State Water Resources Control Board (State Water Board) adopted a Human Right to Water Resolution. In 2019, to advance these goals, California passed Senate Bill 200 (SB 200), which enabled the State Water Board to establish the Safe and Affordable Funding for Equity and Resilience (SAFER) Program. SB 200 established a set of tools, funding sources, and regulatory authorities that the State Water Board harnesses through the SAFER Program to help struggling water systems sustainably and affordably provide safe drinking water.

Current law requires public water systems to submit an Electronic Annual Report (EAR). The EAR collects critical water system information intended to assess the status of compliance with specific regulatory requirements, provide updated contact and inventory information (such as population served and number of service connections), and provide information that is used to assess the financial capacity of water systems, among other information reported.

In 2020, the State Water Board began a multi-year effort to improve the EAR survey to provide additional functionality, improve data validations, and enhance the EAR user experience. The 2020 EAR reporting year marked the first-time customer charges and financial data was required reporting.

#### THIS BILL

AB 383 would require, starting January 1, 2025, a public water system to include information related to the average water bill paid by customers in their state reporting, and data related to the system’s completed and planned efforts to replace aging infrastructure. Data regarding bill payments would include the median dollar amounts billed in the prior calendar year and the total dollar amount billed to customer accounts in the prior calendar year. Data regarding infrastructure costs would include costs of improvements completed and the percentage of water mains replaced. This bill would continue to advance the EAR’s goals to improve data collection, data quality and enhance the user experience.

#### SUPPORT

- California Water Association (Co-Sponsor)
- California Water Service (Co-Sponsor)
- California American Water
- California African American Chamber of Commerce
- California Hispanic Chamber of Commerce
- California Senior Advocates League
- Kern County Taxpayers Association
- League of United Latin American Citizens
- Sustainable Silicon Valley
- Visalia Chamber of Commerce

#### FOR MORE INFORMATION

Michael Dyar  
P: (916) 319-2012  
[Michael.Dyar@asm.ca.gov](mailto:Michael.Dyar@asm.ca.gov)



CALIFORNIA HISPANIC CHAMBERS OF COMMERCE

California



Assembly Member Alex Lee  
Chair of the Environmental Safety and Toxic Materials Committee  
1020 N Street, Room 171  
Sacramento, CA 95814

March 20, 2023

**RE: AB 838 - California Water Affordability and Infrastructure Transparency Act of 2023 – SUPPORT**

Dear Chair Lee,

On behalf of the undersigned organizations representing clean water advocates, community organizations, local business leaders, and others, we write to you in strong support of AB 838 – the California Water Affordability and Infrastructure Transparency Act.

In recent years, communities in Flint, MI, Jackson, MS, and Newark, NJ discovered that underinvestment in water infrastructure led to system failures that left residents without safe drinking water for weeks. To adequately understand the investment water utilities are making in their infrastructure and how those investments are impacting customer bills, water regulators and policy makers need more and better data from water providers.

AB 838 requires California water providers to submit infrastructure investment and customer bill data to the State Water Resources Control Board (SWRCB) annually. This will increase transparency and improve delivery of water to residents and businesses.

California’s water infrastructure is already in a state of disrepair. A [2022 report from the California State Auditor](#) found there are more than 370 failing water systems in California, two-thirds of which served disadvantaged communities, with significant financial need. An additional 432 systems serving more than 1 million Californians are at risk of failure without action.

Increasing data available to the SWRCB will make it easier for them to identify systems at risk and begin the process of improving water delivery.

Water providers are already required to report a wealth of information to the SWRCB, including water rates and revenue, but nothing about the actual water bills sent to customers. Without this critical piece

of information, it is impossible to know how much customers are really paying for their water and whether or not their water bills are affordable.

AB 838 is a common sense proposal that will ensure water providers are making appropriate investments in infrastructure and tracking water affordability. Our water systems can't afford to wait.

Sincerely,

Deborah Howard, Executive Director  
**California Senior Advocates League**

Julian Canete, President & CEO  
**California Hispanic Chambers of Commerce**

Tim McRae, SVP Sustainable Growth  
**Silicon Valley Leadership Group**

Gail Zurek, President & CEO  
**Visalia Chamber of Commerce**

Jose Barrera, State Director  
**League of United Latin American Citizens  
California**

Mayor Deborah Robertson, Chair, CAACC  
Legislative Committee  
**California African American Chamber of  
Commerce**

# YES AB838

Improve Water Reliability and Safety

## AB 838 (Connolly) Would Improve Water Reliability and Safety for Californians

AB 838 Will Provide More Transparency Into How Water Providers are Investing In and Modernizing Their Water Infrastructure

To avoid water infrastructure failures that have left customers in Jackson, MS, Flint, MI, and Newark, NJ, without access to clean drinking water for weeks and months on end, policy makers and the public need more information about improvements water utilities are making to their water systems and how those improvements are impacting the affordability of customer bills.

AB 838, the California Water Affordability and Infrastructure Transparency Act, would give Californians greater insight into their bills by requiring California water providers to submit infrastructure investment and customer bill data to the State Water Resources Control Board annually.

Just as residents have a right to know how water suppliers are maintaining the infrastructure in their communities, they also have a right to know how their actual water bills compare to those in other communities.

### Here’s why AB 838 makes sense.

#### Aging Water Infrastructure Disproportionally Affects Disadvantaged Communities

**370**

**FAILING SYSTEMS**

According to 2022 report from the California State Auditor, of the more than 370 failing water systems, **two-thirds of them served disadvantaged communities with significant financial need.**

**432**

**AT RISK OF FAILING**

Further, for 2022, the State Water Board’s data show that an additional 432 water systems serving more than 1 million people are at risk of failing.

**3-5**

**YEARS FAILING**

Nearly 240 of these water systems have been failing for at least three years, and more than 150 have been failing for five years.

**21%**

**ARE UNAFFORDABLE**

The State Water Resources Control Board estimated that 21 percent of water systems in California have water rates that are unaffordable, even for basic needs.

# Water Providers are Already Reporting a Wealth of Data to the Water Board, but Little About Infrastructure and Nothing About Actual Water Bills Paid by Customers

- 💧 Required by Health and Safety Code Section 116530, water utilities in California already report a wealth of information to the State Water Board, including everything from the average age of the water system's water pipes to the types of conservation programs that are offered.
- 💧 What is not included, is any information about the types of improvements they've made to their water systems.
- 💧 Similarly, water utilities currently report information about water rates and revenue to the State Water Board, but they do not provide any information about actual water bills sent to customers. Without this information, it is impossible to know how much customers are actually paying for their water and whether or not their water bills are affordable.
- 💧 Guestimates must be replaced by verifiable data.

# AB 838 Would Require All Water Utilities in California to Report Actionable Information

Starting January 1, 2025, water utilities would be required to report:

- 💧 Verifiable data showing customers' median monthly water bills.
- 💧 The total dollar amount billed to customer accounts in the prior calendar year.
- 💧 Information and data related to the public water system's completed and planned efforts to replace aging infrastructure, including:
  - The total cost of all infrastructure improvements completed in the prior calendar year.
  - The percentage of water main replaced in the prior calendar year.

# More Transparency for Customers and Water Leaders Will Help Identify Not Just Problems, But Also Solutions

- 💧 A 2022 study found that more disclosure by water providers improves compliance with public health standards such as drinking water quality violations.
- 💧 According to a study by the American Water Works Association, more transparency in water utility spending and the impacts on customer bills is critical. The study notes "making water affordability more transparent is important to improve our understandings of the scale of affordability challenges across and within utilities."
- 💧 Not only can more transparency identify infrastructure issues, but with more information, regulators can identify funding shortfalls and work with lawmakers to fashion policies to finance improvements or help offset customer bills.

**Vote Yes on AB 838**

[yesab838.com](http://yesab838.com)

January 19, 2022

Hon. Rob Bonta  
 Attorney General  
 1300 I Street, 17<sup>th</sup> Floor  
 Sacramento, California 95814

Attention: Ms. Anabel Renteria  
 Initiative Coordinator

Dear Attorney General Bonta:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional Taxpayer Protection and Government Accountability Act initiative (A.G. File No. 21-0042, Amendment #1).

## Background

### State Government

**Taxes and Fees.** This year’s state budget spends over \$255 billion in state funds. Over 90 percent of the state budget is funded with revenues from taxes. These include, for example, sales taxes paid on goods and income taxes paid on wages and other sources of income. Much of the rest of the state budget is funded by fees and other charges. Examples include: (1) charges relating to regulatory activities; (2) charges for specific government services or products, like fees charged to drivers to improve roads; (3) charges for entering state property, such as a state park; and (4) judicial fines, penalties, and other charges. The State Constitution requires the state to set fees at a reasonable level, generally reflecting the costs of the services or benefits provided. The state uses revenue from taxes and fees to fund a variety of programs and services, including education, health care, transportation, and housing and homelessness services.

**Current Requirements to Approve Taxes and Fees.** Under the State Constitution, state tax increases require approval by two-thirds of each house of the Legislature or a majority vote of the statewide electorate. The Legislature can reduce taxes with a majority vote of each house, provided the change does not result in an increase in taxes paid by any single taxpayer. In many cases, the Legislature has enacted statutes that delegate its authority to adjust fees and other

  
**Legislative Analyst’s Office**  
 California Legislature  
 Gabriel Petek, Legislative Analyst  
 925 L Street, Suite 1000, Sacramento, CA 95814  
 (916) 445-4656



charges to administrative entities, like state departments. In these cases, these charges can be increased or changed by the department within certain limits.

**Local Government**

*Taxes and Fees.* The largest local government tax is the property tax, which raises roughly \$75 billion annually. Other local taxes include sales taxes, utility taxes, and hotel taxes. In addition to these taxes, local governments levy a variety of fees and other charges. Examples include parking meter fees, building permit fees, regulatory fees, and judicial fines and penalties. In order to be considered a fee, the charge cannot exceed the reasonable costs to the local government of providing the associated product or service. Local governments use revenues from taxes and fees to fund a variety of services, like fire and police, public works, and parks.

*Current Requirements to Approve Taxes and Fees.* State law requires increases in local taxes to receive approval of the local governing body—for example, a city council or county board of supervisors—as well as approval of voters in that local jurisdiction. Most proposed taxes require a two-thirds vote of the local governing board before being presented to the voters. Special taxes (those used for a specific purpose) require a two-thirds vote of the electorate while other types of taxes require a majority vote of the electorate. The majority-vote general taxes can be used for any purpose. Recent case law suggests that citizen initiative special taxes may be approved by majority vote, rather than a two-thirds vote. Currently, local governing bodies have the ability to delegate their authority to adjust fees and other charges to administrative entities, like city departments. In these cases, these charges can be increased or changed by the department within certain limits.

**Proposal**

This measure amends the State Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges.

**State and Local Government Taxes**

*Expands Definition of Tax.* The measure amends the State Constitution to expand the definition of taxes to include some charges that state and local governments currently treat as fees and other charges. For example, certain charges imposed for a benefit or privilege granted to a payer but not granted to those not charged would no longer be considered fees. As a result, the measure could increase the number of revenue proposals subject to the higher state and local vote requirements for taxes discussed below.

*Requires Voter Approval for State Taxes.* The measure increases the vote requirements for increasing state taxes. Specifically, the measure requires that legislatively proposed tax increases receive approval by two-thirds of each house *and* a majority vote of the statewide electorate. Voters would still be able to increase taxes by majority vote of the electorate without legislative action, however. Any state tax approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

*Requirements for Approving Local Taxes.* Whether sought by the local governing body or the electorate, the measure establishes the same approval requirements for increasing local

special taxes. Any local tax approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

**Allowable Uses and Duration of State and Local Tax Revenues Must Be Specified.** The measure requires state and local tax measures to identify the type and amount (or rate) of the tax and the duration of the tax. State and local government general tax measures must state that the revenue can be used for general purposes.

**State and Local Government Fees**

**Requires the Legislature and Local Government Bodies to Impose State and Local Fees.** Fees would have to be imposed by a majority vote of both houses of the Legislature or local governing bodies. The measure would restrict the ability of state and local governments to delegate fee changes to administrative entities. The extent of these restrictions would depend on future court decisions. Any fee approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

**Some New State and Local Fees Could Not Exceed Actual Costs.** For some categories of fees, if the Legislature or a local governing body wished to impose a new fee or make changes to an existing fee, the measure generally would require that the charge be both reasonable and reflect the actual costs to the state or local government of providing the service. The measure also specifies that actual cost should not exceed “the minimum amount necessary.” In many cases, existing fees already reflect the government’s actual costs. In other cases, some fees would have to more closely approximate the payer’s actual costs in order to remain fees. If a fee payer challenged the charge, the state or local government would need to provide clear and convincing evidence that the fee meets this threshold. State and local governments also would bear the burden of providing clear and convincing evidence that the levy is a fee—which is not subject to a vote by the electorate—and not a tax under the new definition.

**Fiscal Effects**

**Lower State Tax and Fee Revenue.** By expanding the definition of a tax, increasing the vote requirements for approving taxes, and restricting administrative changes to fees, the measure makes it harder for the Legislature to increase nearly all types of state revenues. The extent to which revenues would be lower under the measure would depend on various factors, most notably future decisions made by the Legislature and voters. For example, requirements for legislative approval of fee increases currently set administratively could result in lower fee revenues, depending on future votes of the Legislature. That lower revenue could be particularly notable for some state programs largely funded by fees. Due to the uncertainty of these factors, we cannot estimate the amount of reduced state revenue, but it could be substantial.

**Lower Local Government Tax and Fee Revenue.** Compared to the state, local governments generally face greater restrictions to raising revenue. By expanding the definition of taxes and restricting administrative changes to fees, the measure would make it somewhat harder for local governments to raise revenue. Consequently, future local tax and fee revenue could be lower than they would be otherwise. The extent to which revenues would be lower is unknown, but

Hon. Rob Bonta

4

January 19, 2022

fees could be more impacted. The actual impact on local government revenue would depend on various factors, including future decisions by the courts, local governing bodies, and voters.

**Possible Increased State and Local Administrative Costs to Change Some Fee Levels.** In some cases, state and local departments would need to develop methods for setting fees to reflect actual costs if the Legislature or local governing bodies wanted to change those fees in the future. Estimating actual costs by program and fee source could involve some added workload for those state and local departments, which likely would be supported by fee revenue. The extent of these administrative costs would depend on (1) whether the state and local governments determine a fee increase is needed in order to maintain their current level of programs and services funded through fee revenue and (2) future court decisions.

**Summary of Fiscal Effects.** We estimate that this measure would have the following major fiscal effects:

- Lower annual state and local revenues, potentially substantially lower, depending on future actions of the Legislature, local governing bodies, voters, and the courts.

Sincerely,

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for Gabriel Petek  
Legislative Analyst

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for Keely Martin Bosler  
Director of Finance

**Assembly Bill 573 - Organic waste: meeting recovered organic waste product procurement targets.**

SUMMARY (Source—CA Legislative Counsel’s Digest):

Existing law requires, no later than January 1, 2018, the State Air Resources Board to approve and begin implementing a comprehensive short-lived climate pollutant strategy to achieve a certain reduction in statewide emissions of methane, including a goal of a 75% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. Existing law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve these organic waste reduction goals, that provide for, among other things, the calculation by the department of recovered organic waste product procurement targets for each local jurisdiction, and that may include penalties to be imposed by the department for noncompliance.

This bill would require the department’s regulations to allow a local jurisdiction, until December 1, 2039, in procuring recovered organic waste products to meet the target procurement requirements, to use California-derived recovered organic waste that the local jurisdiction sends for processing at a facility or operation outside of the state that meets certain conditions, as provided.

POSITIONS (does not necessarily include all organizations or individuals):

Support: CalCities, California Against Waste (see attached sample letter)

Oppose: -

**Recommended action:** Authorize Mayor to send a letter similar to attached sample letter with added language encouraging the State to provide incentives that will expedite the siting and permitting of new and expanded in-state compost facilities.

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**Taxpayer Protection and Government Accountability Act 2024**

SUMMARY (See attached Legislative Analyst’s Office 1/19/2022 letter)

POSITIONS (does not necessarily include all organizations or individuals):

SUPPORT: California Business Roundtable

Taxpayerprotection.com: The Act requires state legislation imposing any new or higher taxes to be approved by a majority of voters in a statewide election. The Act will reinstate the two-thirds approval requirement for any new or higher “special taxes” proposed by initiative in a local election, while still maintaining the current majority vote requirement for general tax increases.

OPPOSE: California Professional Firefighters, California Alliance for Jobs, Rebuild SoCal Partnership, SEIU California, AFSCME California, California State Council of Laborers, the California Special Districts Association, California Contract Cities Association, and more than 80 individual local governments in opposing the measure.

CalCities.org: This Act will jeopardize vital local and state services. This far-reaching measure puts at risk billions of dollars currently dedicated to critical state and local services. It could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more. It would also reduce funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, utilities, and more.

It also opens the door for frivolous lawsuits, bureaucracy, and red tape that will cost taxpayers and hurt our communities. Undermines voter rights, transparency, and accountability; gives wealthy corporations a major loophole to avoid paying their fair share — forcing residents and taxpayers to pay more; and allows corporations to dodge enforcement when they violate environmental, health, public safety, and other laws.

**Recommended Action:** Direct staff to draft and agendize a Resolution opposing the Measure (see sample Resolution from City of Monterey).

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**Senate Bill 769 (Gonzalez) – Fiscal and Financial Filing**

SUMMARY (Source – Legislative Counsel’s Digest)

Requires local agency officials, such as city councilmembers and other members of local agency legislative bodies, to complete fiscal and financial training on their duties and responsibilities in budgeting, contracting, procurement, and other critical fiscal obligations, at least two 2 hours at least once every two 2 years. The bill would exempt a local agency official from the training requirements if they comply with specified criteria under existing law relating to eligibility for appointment or election to, and continuing education for, the office of county treasurer, county tax collector, or county treasurer-tax collector. The materials for the training would be developed by experts in local government finance.

POSITIONS (does not necessarily include all organizations or individuals)--

SUPPORT: CA Association of County Treasurers and Tax Collectors; Open Contracting Partnership; State Association of County Auditors

State Senator Gonzalez’s website-- SB 769 will encourage responsible governing and prevent fiscal mismanagement by applying training requirements for local officials who receive any type of compensation, salary, or stipend, on the fiscal and financial responsibilities of their position.

OPPOSE: -

Please note: CalCities has taken a No Position on this bill. The bill was placed on the suspense file on 5/1/23 for its fiscal impacts to be considered.

**Recommended Action:** Authorize Mayor to send a letter in support of this bill if amended to change the training requirement to be at least 2 hours every 4 years, require that it applies to all local jurisdictions, and specify who the experts in local government finance will be.

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**AB 1576 (Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024.**

**SB 867 (Allen) - Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024**

**SB 638 (Eggman) - Climate Resiliency and Flood Protection Bond Act of 2024.**

Summary: These 3 measures collectively propose \$20 billion in bonds for safe drinking water, wildfire prevention, drought preparation, flood protection and extreme heat mitigation. (Please see attached from the CalCities Transportation, Communications, and Public Works Policy Committee)

POSITIONS (does not necessarily include all organizations or individuals) --:

SUPPORT: Cal Cities has a support if amended position for the bills and is seeking changes that increase the available investments for local governments.

OPPOSE: -

**Recommended Action:** Authorize Mayor to draft and send a letter in support of all 3 measures if amended to increase the available investments for local governments and ensure that all cities (large/small; coastal/inland; southern/northern/central; urban/rural/agricultural) have direct access to these funds.

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**Assembly Bill 838 (Connolly) -- California Water Affordability and Infrastructure Transparency Act of 2023**

Summary (Source – [yesAB838.com](http://yesAB838.com); also [see attached documents from yesAB838.com](http://yesAB838.com))

This bill would require, on beginning January 1, 2025, and annually thereafter, at intervals determined by the state board, public water systems to provide specified information and data related to customer water bills and efforts to replace aging infrastructure to the state board. The intended purpose is to increase transparency to ensure that water rates are equitable and affordable for those who need our help the most. It is also intended to address the aging water infrastructure to stay ahead of a crisis that could leave hundreds of thousands of families throughout the state without a secure source of clean drinking water.

POSITIONS (does not necessarily include all organizations and individuals)

SUPPORT: Silicon Valley Leadership Group; The California Water Service

The current information collected is insufficient. The Water Board does not currently collect information on actual water bills paid by customers, the only means by which affordability can be measured is by comparing theoretical monthly water bills based on hypothetical amounts of monthly water use. AB 838 closes this gap by asking water utilities to report median monthly water bills. This information will allow for a more thorough and in-depth analysis of water affordability in California. Second, because the Water Board does not currently collect information on the types of infrastructure improvements water utilities are completing, the state is left with an incomplete picture of where additional assistance – be it technical or financial – may be needed to ensure customers are receiving safe, reliable water utility service. AB 838 addresses this challenge by asking water utilities to report on the percentage of water mains that it has replaced. Main replacement rates are generally a good barometer of how proactive a utility is in maintaining, upgrading, and replacing its infrastructure. Additionally, proactive main replacements programs are a central component of water conservation efforts as they help to minimize water lost due to leaks. Finally, as the Water Board has updated the Electronic Annual Report (EAR) over the last several years, some have questioned whether it has the statutory authority to collect financial, including data on water rates, or infrastructure investment information from water utilities. AB 838 addresses this by plainly providing the Water Board with statutory authority to collect these types of information from water utilities.

OPPOSE - The California Municipal Utilities Association

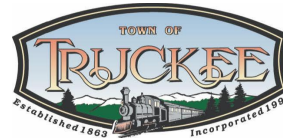
CMUA’s members support transparency and actively engage with the public through their local governing boards and other means. That includes disclosures on rate structures and infrastructure needs. However, data collection to just collect it without a stated specific purpose or benefit, is not appropriate. Notwithstanding the fact the Board can, and in many instances, already collects this data, requiring information on infrastructure is not going to result in additional investment and comparing bills in different communities will not improve



affordability given the unique needs of each water system. In addition, carving out specific data requirements in statute opens up the door to the Board having to adjust statute every year for changes in the Electronic Annual Report (EAR). Further, while the author's desire is to ensure the public has more access to this data, submitting it through the EAR is unlikely to achieve that goal.

**Recommended Action:** Authorize the Mayor to send a letter in support if amended, using the attached sample letter dated March 20, 2023 from Silicon Valley Leadership Group and others, and also clearly stating that the City supports the intended purpose of the bill to increase transparency, ensure that water rates are equitable and affordable and address the aging water infrastructure to stay ahead of a crisis that could leave hundreds of thousands of families throughout the state without a secure source of clean drinking water. The bill should be amended to clarify how the data collected will be tracked and used to achieve the intended purpose.

*Please note* this bill was placed on the suspense file for its fiscal impacts to be considered.



April 4, 2023

The Honorable Luz Rivas  
Assembly Natural Resources Committee, Chair  
1020 N Street, Room 164  
Sacramento, CA 95814

**Re: AB 573 (Garcia): Solid waste: organic waste disposal reduction targets – SUPPORT**

On behalf of the undersigned organizations, we are pleased to support AB 573 (Garcia), which will assist local jurisdictions in meeting their SB 1383 organic waste diversion requirements by allowing California-derived material processed at existing out-of-state compost facilities to count towards their procurement requirements.

Organic materials make up half of what Californians dump in landfills and emit 20% of the state’s methane. In a critical effort to reduce methane and other short-lived climate pollutant emissions, California set organic waste diversion targets of 50% by 2020 and 75% by 2025 (SB 1383 Lara, 2016). To drive infrastructure investment and create demand for organic waste products, the SB 1383 regulations required cities and counties by January 1, 2022, to procure or purchase a specific quantity of organic waste products based on their population.

Jurisdictions can fulfill these annual procurement targets using any combination of organic waste products such as compost, mulch, or renewable energy. These organic waste products offer benefits to local communities by improving soil and air quality, creating green jobs to help the economy, and supporting local climate initiatives (i.e., Climate Action Plans).

As jurisdictions ramp up their organic waste collection programs, many cities and counties have struggled to meet their procurement targets due to a limited amount of organic waste infrastructure across the state. In some cases, purchasing compost from within state borders and delivering it to a jurisdiction can require trucking compost hundreds of miles, unnecessarily increasing vehicle miles traveled and ratepayer costs. CalRecycle acknowledges that the state still needs approximately 50-100 new or expanded facilities for the successful implementation of SB 1383 and that it can take several years – and even sometimes a decade – to site and permit new facilities.<sup>1</sup>

While jurisdictions wait for in-state compost facilities to get sited and permitted, AB 573 will help local jurisdictions in meeting their SB 1383 procurement targets by allowing jurisdictions near the state border to purchase California-derived compost processed at existing out-of-state facilities.

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<sup>1</sup> <https://calrecycle.ca.gov/organics/slcp/capacityplanning/recycling/>

Sincerely,



Nick Lapis  
Director of Advocacy  
Californians Against Waste



Nick Romo  
Legislative Representative  
League of California Cities



Lindsay Romack  
Mayor  
Town of Truckee

**RESOLUTION NO. 22-017 C.S.****A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY****OPPOSING THE  
“TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT”  
(INITIATIVE 21-0042A1)**

WHEREAS, the California Business Roundtable filed the Taxpayer Protection and Government Accountability Act (AG# 21-0042A1) to be considered for the November 2020 ballot, which would decimate vital local and state revenue-generating methods;

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 (“CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability;

WHEREAS, the measure creates barriers for cities to maintain and generate revenue to provide services to communities, including local infrastructure, protecting our environment, water quality, air quality, and natural resources;

WHEREAS, the measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure;

WHEREAS, the League of California Cities’ Board of Directors voted unanimously to oppose the initiative. Following the Board’s unanimous decision, a coalition of public safety, labor, local government and infrastructure advocates have joined together to fight against this potential measure;

WHEREAS, according to Michael Coleman, a local government finance expert and advisor to the League of California Cities, should Initiative 21-0042A1 be placed on the ballot and passed by voters, billions of local government fee and charge revenues placed at heightened legal peril. Related public service reductions across virtually every aspect of city, county, special district, and school services especially for transportation, and public facility use;

WHEREAS, hundreds of millions of dollars of annual revenues from dozens of tax and bond measures approved by voters between January 1, 2022 and November 9, 2022 subject to additional voter approval if not in compliance with the initiative;

WHEREAS, this initiative would not affect City of Monterey’s potential future renewal of the Measure S and Measure G sales tax, and Measure Y hotel tax, since these taxes have had sunset dates. However, the initiative would directly affect the City of Monterey if the City Council decides to place a Cannabis Tax on the ballot in November 2022. In addition, this is a statewide policy that disadvantages the ability of cities to generate revenue to provide core services;

WHEREAS, the measure puts billions of dollars currently dedicated to state and local services at risk, and could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, harbors, affordable housing, services to support homeless residents, mental health services, and more.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that it hereby opposes Initiative 21-0042A1, deceptively called the “Taxpayer Protection and Government Accountability Act,” and;

BE IT FURTHER RESOLVED that the City of Monterey will join the NO on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state.


PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 1st day of March, 2022, by the following vote:

AYES:	4	COUNCILMEMBERS:	Albert, Smith, Williamson, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	1	COUNCILMEMBERS:	Haffa
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:  
  
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 \_\_\_\_\_  
 Mayor of said City

DocuSigned by:  
  
 ED8453A4F62C4AA...  
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 City Clerk thereof



**TRANSPORTATION, COMMUNICATIONS, AND PUBLIC WORKS POLICY COMMITTEE**  
**Friday, March 17, 2023**  
**10:00 a.m. – 2:00 p.m.**

Join the Meeting: <https://us06web.zoom.us/j/83553651571>

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**AGENDA**

**I. Welcome and Introductions**

*Speakers: Chair Priya Bhat-Patel, Council Member, City of Carlsbad  
Vice Chair Colleen Wallace, Mayor pro Tem, City of Banning  
Cal Cities President Ali Sajjad Taj, Council Member, Artesia  
Cal Cities Executive Director and CEO Carolyn Coleman*

**II. Public Comment**

**III. General Briefing**

**IV. Rail Safety Update**

*Informational*

*Speaker: Nate Kaplan, California State Director, GORAIL*

**V. Community Water Projects**

*Informational*

*Speakers: Jennifer Burke, Director, Santa Rosa Water, City of Santa Rosa  
Brian Sanders, Policy & Legislative Specialist, City of Sacramento  
Alexandra Berenter, Senior Manager, External Affairs & Water Policy,  
City of San Diego Public Utilities  
Joshua Haggmark, Water Resources Manager, City of Santa Barbara*

**VI. Legislative Update (Attachment A)**

*Action*

*Speaker: Damon Conklin, Legislative Representative, League of California Cities*

- [SB 638 \(Eggman\)](#) Climate Resiliency and Flood Protection Bond Act of 2024.
- [AB 1567 \(Garcia\)](#) Safe Drinking Water Bond Act.
- [SB 867 \(Allen\)](#) Drought and Resiliency Bond Act.

**VII. Adjourn**

**Next Meeting:** Friday, June 23, 10:00 a.m. – 2:00 p.m., Pomona

*Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:*

*1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*

*2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

*A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.*

**Transportation, Communications, and Public Works Policy Committee  
Legislative Agenda  
March, 2023**

**Staff:** Damon Conklin, Legislative Representative

**1. [SB 638 \(Eggman\): Climate Resiliency and Flood Protection Bond Act of 2024.](#)**

**Bill Summary:**

This bill would enact the Climate Resiliency and Flood Protection Bond Act of 2024, which, if approved by the voters, would authorize the sale of \$4.5 billion in general obligation bonds. This bill would submit the bond for a vote during the November 5, 2024, statewide general election.

**Bill Description:**

Specifically, this measure would:

- Require the Department of Water Resources (DWR) to develop project solicitation and evaluation guidelines, which could include a limitation on the size of the grants to be awarded.
- Allocate up to 5 percent of funds allocated for a program may be used to pay the administrative costs of that program.
- Allocate up to 10 percent of funds allocated for a program could be allocated for planning and monitoring.
- Advance payments to grant recipients of up to 25 percent of a grant award would be allowed for projects that restore habitat for threatened or endangered species or improve flood protection.

Additionally, this measure would allocate \$4.5 billion for climate resiliency and flood protection to be categorized into four areas:

- \$2.5 billion to the DWR evaluate, repair, rehabilitate, reconstruct, expand, or replace levees, weirs, bypasses, and facilities of the State Plan of Flood Control, including improving or adding facilities to the State Plan of Flood Control, not to exceed \$100 million on a single project; \$200 million for levees that protect nonurbanized areas and undeveloped areas, and \$200 million for levees of the San Joaquin River and its tributaries.
- \$1 billion for payment for the State's share of the nonfederal costs, and related costs, of specified flood protection and climate resiliency projects.
- \$500 million for Delta flood protection and climate resilience.
- \$500 million for multi-benefit flood management projects, including \$100 million for multi-benefit flood management projects in urban coastal watersheds.

**Background:**

Several climate resilience bonds have been introduced in past years, including AB 2387 (E. Garcia, 2022), AB 1500 (E. Garcia, 2021), SB 45 (Portantino, 2021), AB 352 (E. Garcia, 2019), AB 1298 (Mullin, 2019), and SB 45 (Allen, 2018). These proposals were put on hold

during the COVID-19 pandemic. The last water related bond that passed was Proposition 68, a \$4 billion parks and water bond, passed in June of 2018 with 57 percent of the statewide vote. Proposition 3, an \$8.877 billion water bond on the 2018 general election ballot in November, was narrowly defeated.

In 2021, with a historic budget surplus, the Governor and Legislature passed a General Fund package totaling \$5.2 billion for drought response and water resiliency spread over three years. In 2023, the Governor has proposed an additional investment of \$750 million for drought response and water resilience.

The Governor and Legislature have shifted their attention to federal funding opportunities and statewide bond proposals to fund ambitious infrastructure projects and climate change programs.

**Fiscal Impact:**

While the cost to pay off the principal payments would be equal to the size of the bond – \$4.5 billion – the total cost to the state would depend on the interest rates in effect at the time they are sold, the timing of bond sales, and the time period over which they are repaid.

In 2018, when analyzing Proposition 3, the Legislative Analyst's Office (LAO) estimated that interest costs over the life of the bonds will add \$8.4 billion over the next 40 years to the \$8.9 billion principal of Proposition 3, resulting in a total of \$17.3 billion. This calculation added an average annual cost of \$430 million to the state budget, or roughly .03 percent of the current general fund budget.

A \$4.5 billion bond, as proposed by SB 638, would have a mixed effect on local governments' fiscal outlook. In cases where state funds replace money that local governments would have spent on projects anyway; SB 638 could reduce local spending. But in other cases, SB 638 could increase local spending as local governments build more or bigger projects than they would if state funds were not available, which often require local matching funds. Ultimately, the LAO estimated that on balance, Proposition 3 would result in savings to local governments averaging around a couple hundred million dollars annually for the next few decades.

**Relevant Existing Cal Cities Policy:** Summary of Existing Policy and Guiding Principles (Environmental Quality, 2022):

**Flood management**

- Cal Cities believes that our citizens have a reasonable expectation that their federal, state and local governments will work to protect them from flooding.
- Cal Cities believes that flood protection and management is a statewide issue, involving flood infrastructure issues related to levees, urban/suburban/rural creeks, streams and rivers, and alluvial fans.
- Cal Cities believes that it is important to recognize that levee failures in the Sacramento-San Joaquin River Delta have water quality, water supply and economic impacts that may have statewide effects beyond the local or regional levee break situation.



- Flood control issues require cooperative planning, evaluation and solutions that utilize a regional and statewide perspective, such as the state IRWMP process.
- In assessing problems and proposing solutions, it is important to consider the differences between infill development and new, greenfield development.
- The public safety and health of California citizens and the economic health of California communities and our state depend upon good flood protection. This includes the potentially devastating impacts of floods on homes and businesses.
- Cal Cities supports efforts to improve communication, cooperation and better coordinated planning between different government agencies involved in flood management. Cal Cities believes that there must be a genuine partnership between state and local agencies in addressing flood control issues.
- Cal Cities believes cities must ask the right questions and have the means to obtain accurate information prior to approving development in floodplains. This involves educating elected officials and staff about whether their city is located in a floodplain, the local flood control infrastructure, the agencies that are responsible for providing flood protection, the status of levees and other structures that provide flood protection, emergency response and evacuation protocols, and how their city would be impacted by flooding.
- Cal Cities believes that city officials should understand that a 100-year flood zone does not mean a low, once-in-100-years risk of flooding. The designation actually means that there is a 1 percent chance of flooding in any given year. This translates to a 26 percent chance of flooding over the life of a typical 30-year mortgage.
- Cal Cities supports a 200-year flood standard for cities in the Sacramento-San Joaquin and Central Valleys.
- Cal Cities generally endorses the recommendations of the State's Flood Control Task Force, especially those recommendations involved in updating the CEQA Checklist and General Plan Guidelines and building codes.
- The State, Army Corps of Engineers (ACOE) and Federal Emergency Management Agency (FEMA) should work collaboratively with state and local governments regarding flood issues.

**Water Storage**

- Cal Cities believes that California needs to develop additional water storage and therefore believes that the construction and retention of economically feasible and environmentally sound flood control, storage and multi-use projects that will meet present and future needs should be supported.
- The development of additional surface facilities and use of groundwater basins to store surface water that is surplus to that needed to maintain State Water Resource Control Board (SWRCB) Bay-Delta estuary water quality standards should be supported.
- Cal Cities encourages project developers to mitigate the negative impacts of water storage projects on fishery and wildlife resources, adjacent lands, water quality and recreation.

**Conveyance Systems**

- Conveyance facilities including, but not limited to, the Sacramento River, whether man-made or natural, should be constructed and/or operated to

minimize seepage and erosion problems and, where practicable, to restore or maintain river functions and to protect previously existing riparian habitats. They should be constructed to mitigate these problems and other adverse impacts on adjacent lands.

- Environmentally-sound methods of erosion-control should be encouraged along river banks to protect adjacent lands from flood or other erosive flows provided any adverse impacts on fish and wildlife habitat are mitigated.
- Local distribution systems should be interconnected with regional systems, where feasible, to assist in maximizing the use of local ground and surface waters during droughts and emergencies.
- Solving the water quality, levee stability and fishery problems in the Sacramento-San Joaquin Delta is a primary step in developing any plan to meet the state's water needs.
- Cal Cities acknowledges that the use of the Sacramento River as a conveyance system presents problems of erosion and seepage which must be addressed in the operation of existing projects and the design of future projects.

**Comments:**

California's ongoing atmospheric river events in 2023, have resulted in significant flooding throughout Southern, Central, and Northern California. At least 200,000 homes and businesses lost power due to the series of storms and 6,000 individuals were ordered to evacuate certain parts of the state. As a result of the impacts of climate change, long periods of drought followed by significant periods of rain and snow, are projected to become more common. SB 638 seeks to partially address this issue by directing additional funding to the facilities identified in the State Plan of Flood Control, delta levees, and multi-benefit flood protection projects.

This bond proposal would potentially provide much needed funding to California's aging infrastructure, with funding for flood protection and management projects, including the replacement and restoration of levees and bypasses.

With multiple water and resource bond proposals introduced this legislative session, Cal Cities may wish to consider favoring and supporting efforts where possible. If multiple proposals continue to move forward through the legislative session the legislature may be forced to resolve these proposals into one broader legislative bond effort.

**Support and Opposition:**

Support

California Central Valley Flood Control Association (sponsor)

**Staff Recommendation:**

Staff recommends the committee discuss and identify bond funding priorities, and make a recommendation to the Board.

**Committee Recommendation:**

**Board Action:**

**2. AB 1567 (Eduardo Garcia): Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act.**

**Bill Summary:**

This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act. If approved by the voters at the November 5, 2024, statewide general election, this bill would authorize the sale of \$15.105 billion in general obligation bonds.

**Bill Description:**

Specifically, this measure would currently allocate roughly \$8 billion to:

**Funding Framework**

- At least 35 percent would be set aside for projects that provide meaningful and direct benefits to vulnerable populations, under-resourced communities, or disadvantaged communities.
- Up to 10 percent could be allocated for technical assistance and capacity building.
- Up to 5 percent of funds allocated for a program may be used to pay the administrative costs of that program.
- Up to 5 percent could be allocated for ongoing monitoring and scientific review.
- Advanced payments to grant recipients of up to 25 percent of a grant award would be allowed.

**Wildfire Prevention, Climate Risk Reduction, and Protection Against Power Shutoffs**

(\$1.3 billion of \$2.3 billion allocated)

- \$350 million to cities, counties, districts, and regional park entities for projects that reduce the risk of fire, flood, or drought, enhance outdoor water conservation and efficiency, or promote access for individuals with disabilities
- \$300 million for pre-hazard mitigation program
- \$500 million for forest resilience and wildfire risk reduction
  - \$150 million for Department of Conservation's Regional Forest and Fire Capacity Program
  - \$150 million for long-term forest health
  - \$150 million for watershed improvements that use prescribed fire and improve water supply or quality
  - \$50 million to Sierra Nevada Conservancy
- \$70 million to reduce fire risk to state parks
- \$50 million for workforce development programs that improve climate resilience
- \$30 million for development of alternative uses of forest products

**Protecting Coastal Lands, Bays, and Oceans from Sea Level Rise and Other Climate Risks**

(\$1.16 billion of \$2.16 billion allocated)

- \$960 million for coastal protection, restoration, and resilience to State Coastal Conservancy

- \$300 million for San Francisco Bay Restoration Authority Act
- \$100 million to San Francisco Bay Area Conservancy Program
- \$100 million for natural infrastructure projects
- \$65 million for the removal of outdated or obsolete dams and to upgrade associated downstream infrastructure
- \$100 million for California Ocean Protection Trust Fund to California Ocean Protection Council
- \$50 million to reduce risks from sea-level rise in state parks
- \$30 million for coastal adaptation planning to California Coastal Commission
- \$20 million for coastal adaptation planning to the San Francisco Bay Conservation and Development Commission

**Ensuring Safe Drinking Water, Drought Preparation, and Enhancing the State’s Flood Protection**

(\$2.11 billion of \$3.11 billion allocated)

- \$450 million for restoration of rivers, lakes, streams to improve climate resilience, water quality, or water supply
  - \$240 million for Salton Sea
  - \$50 million for Tijuana River Border Pollution Control Project
  - \$25 million for Los Angeles River
  - \$25 million for Los Angeles River
  - \$15 million for Lower American River – Wildlife Conservation Board (WCB)
  - \$15 million for Clear Lake
- \$400 million for safe drinking water
  - \$30 million for drought contingency plans
- \$300 million for water recycling projects
- \$250 million for implementation of the Sustainable Groundwater Management Act
- \$200 million for regional water management planning
- \$200 million for multi-benefit flood protection projects
  - \$50 million for coastal urban watersheds
  - \$50 million for Delta levees
- \$100 million for public agencies or public-private partnerships to clean up contaminated groundwater or surface water supplies that are drinking water sources and improve access to wastewater infrastructure
- \$100 million for projects that prevent, reduce, or treat contaminated groundwater that serve as a major source of drinking water for a community – State Water Board
- \$50 million for New River Water Quality, Public Health, and River Parkway Development Program
- \$35 million for the development of the State Plan of Flood Control to Central Valley Flood Protection Board

**Protecting Fish, Wildlife, and Natural Areas from Climate Risks** (\$940 million of \$1.94 billion allocated)

- \$500 million for fish and wildlife restoration and stewardship projects
- \$340 million for climate risk reduction projects
  - \$10 million for Baldwin Hills Conservancy

- \$50 million for State Coastal Conservancy
- \$30 million for Tahoe Conservancy
- \$20 million for Coachella Mountains Conservancy
- \$30 million for Sacramento-San Joaquin Delta Conservancy
- \$40 million for San Diego River Conservancy
- \$50 million for San Gabriel and Lower Los Angeles River Conservancy
- \$10 million for San Joaquin River Conservancy
- \$50 million for Santa Monica Mountains Conservancy
- \$50 million for Sierra Nevada Conservancy
- \$50 million for groundwater projects that provide wildlife habitat
- \$50 million for climate resilience of fish and wildlife habitat

**Protecting Farms, Ranches, and Working Lands from the Impacts of Climate Change**

(\$320 million of \$1.32 billion allocated)

- \$160 million for climate resilience of agriculture land
- \$100 million to benefit disadvantaged farmers and small and medium-sized farmers and increase the sustainability of agricultural infrastructure and facilities
- \$50 million for climate practices on farms and ranches, including those that promote soil health, carbon sequestration, air/water quality, groundwater recharge/surface water, or fish/wildlife habitat
- \$50 million for protection, restoration, and enhancement of farmland and rangeland
- \$40 million for on-farm water efficiency
- \$40 million for methane emissions reductions from dairy and livestock operations and to improve water quality through manure management
- \$20 million for invasive species control
- \$10 million for monarch butterflies and other pollinators

**Responding to Extreme Heat, Community Enhancement, and Resilience** (\$1.165 billion of \$2.165 billion allocated)

- \$800 million for parks in park-poor neighborhoods
  - \$150 million for communities with 130 percent of the state median income average
  - \$50 million for local park creation and improvement in park deficient communities
- \$100 million for urban greening that benefits vulnerable populations
- \$100 million to reduce urban heat island effect and other extreme heat impacts
  - \$75 million for urban forestry to mitigate the urban heat island effect and extreme heat impacts
- \$50 million for low-income weatherization
- \$40 million to the Recreational Trails and Greenways Grant Program for fuel breaks, risk reduction buffers, and recreational corridors

**Strengthening California's Regional Climate Resilience** (\$1.11 billion of \$2.11 billion allocated)

- \$850 million for climate resilience and climate risk reduction for communities
- \$100 million for Transformative Climate Communities program

- \$60 million for modifications or upgrades of fairgrounds for disaster staging/evacuation centers \$50 million for sea-level rise and extreme storms multijurisdictional projects led by countywide special districts
- \$50 million for community resilience centers

**\$7 Billion Unallocated for Additional/Increased Priorities**

AB 1567 currently has \$7 billion unallocated. It is critical that Cal Cities priorities be identified and elevated to support working with the author to include in the final proposal.

**Areas that committee members may consider elevating for consideration include:**

- Solid waste and recycling infrastructure (inclusive of funding to support compliance with organic and plastic waste diversion mandates)
- Building electrification
- Vehicle electrification
- Local and regional water conveyance projects, including those to address subsidence impacts
- Groundwater recharge
- Surface water storage
- Water recycling and reuse
- Dam and reservoir safety
- Watershed management
- Local water conservation programs
- Sea level rise adaptation planning
- Extreme heat and cold shelter programs
- Undergrounding of utility power lines

**Background:**

Several climate resilience bonds have been introduced in past years, including AB 2387 (E. Garcia, 2022), AB 1500 (E. Garcia, 2021), SB 45 (Portantino, 2021), AB 352 (E. Garcia, 2019), AB 1298 (Mullin, 2019), and SB 45 (Allen, 2018). These proposals were primarily put on hold during the COVID-19 pandemic. The last water-related bond that passed was Proposition 68, a \$4 billion parks and water bond, passed in June 2018 with 57 percent of the statewide vote. Proposition 3, an \$8.877 billion water bond on the 2018 general election ballot in November, was narrowly defeated.

In 2022, with a historic \$100 billion budget surplus, the Governor and Legislature passed a climate change budget package totaling \$54 billion over five years. Following projections of state budget deficit of at least \$22 billion in 2023, the Governor has proposed [slashing \\$6 billion from the package](#) with heavy hits to vehicle electrification and coastal programs.

The Governor and Legislature have shifted their attention to federal funding opportunities and statewide bond proposals to fund ambitious infrastructure projects and climate change programs. Cities should position their priorities early in the bond discussion as state budget funds for these programs are expected to remain stagnant or decline in coming years.

**Fiscal Impact:**

In 2018 when analyzing Proposition 3, the Legislative Analyst's Office (LAO) estimated that interest costs over the life of the bonds will add \$8.4 billion over the next 40 years to the \$8.9 billion principal of Proposition 3, resulting in a total of \$17.3 billion. This calculation added an average annual cost of \$430 million to the state budget, or roughly .03 percent of the current general fund budget.

A \$15.1 billion bond, as proposed by AB 1567, would have a mixed effect on local governments' fiscal outlook. In cases where state funds replace money that local governments would have spent on projects regardless, AB 1567 could reduce local spending. But in other cases, AB 1567 could increase local spending, as local governments build more or bigger projects than they would if state funds were not available, which often require local matching funds. Ultimately, the LAO estimated that on balance, Proposition 3 would result in savings to local governments, averaging around a couple \$100 million dollars annually for the next few decades.

**Existing Cal Cities Policy:**

**Water Infrastructure Funding**

Cal Cities supports the development of additional groundwater and surface water storage, including proposed surface storage projects now under study if they are determined to be feasible, including but not limited to: environmentally, economically, and geographically relating to point of origin. Appropriate funding sources could include, but are not limited to user fees, bonds and federal funding.

**Park Bond Funds**

Cal Cities believes that any statewide park bond measure should include a component that provides per capita grants to cities and counties. Cal Cities opposes tying local eligibility for grant funds to non-park related issues, such as rent control or housing element status.

**Support and Opposition:**

None on file as of March 9.

**Staff Recommendation:**

Staff recommends the committee discuss and identify bond funding priorities, and make a recommendation to the Board.

**Committee Recommendation:**

**Board Action:**

- 3. **SB 867 (Allen): Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.**

**Bill Summary:**

This bill would enact the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023. This bill would authorize the sale of an unspecified amount in general obligation bonds. The bill does not specify in which statewide election this initiative would be included.

This bill proposes seven broad categories of funding and does not specify funding allocations. The categories and subcategories are listed below:

- **Drought and Water Resilience**
  - Protection of California's water supply and water quality
  - Reduce flood risk and improve stormwater management
  - Improve watershed resilience and to protect and restore rivers, lakes, and streams
  - Establish a water trust
- **Wildfire and Forest Resilience**
  - Reducing community wildfire risk and restoring the health and resilience of forests
- **Coastal Resilience**
  - Protection of coastal lands, waters, communities, natural resources, and urban waterfronts from climate impacts
- **Extreme Heat Mitigation**
  - Address extreme heat in communities
- **Protect Biodiversity and Accelerating Nature-Based Climate Solutions**
  - Protection of California's biodiversity and to protect nature and restore landscape health
- **Climate Smart Agriculture for Sustainability and Resiliency**
  - Improving climate resilience of agricultural lands
- **Park Creation and Outdoor Access**
  - Creation and protection of parks, outdoor access, and educational institutions

**Background:**

See background provided above on AB 1567 (Garcia).

**Comments:**

SB 867 will be the Senate's broader proposal for a general obligation water and resources bond for the 2024 ballot.

**Support and Opposition:**

None on file as of March 9.

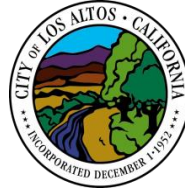
**Staff Recommendation:**

Staff recommends the committee discuss and identify bond funding priorities, and make a recommendation to the Board.



**Committee Recommendation:**

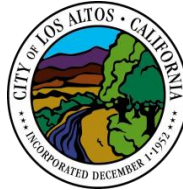
**Board Action:**



**City of Los Altos 2023 Tentative Council Agenda Calendar**

<b>MAY 9, 2023</b>		
<i>Study Session – 5:30 p.m. – Downtown Theater</i>		
<i>Regular Meeting – 7:00 p.m.</i>		
<b>AGENDA TITLE:</b>	<b>DEPARTMENT:</b>	<b>PUBLIC HEARING?</b>
<b><u>SPECIAL ITEMS:</u></b>		
Recognition of Annual Historical Essay Contest Winners		
Recognize May as Asian American and Pacific Islander (AAPI) Heritage Month		
Recognize May as Affordable Housing Month		
<b><u>CONSENT:</u></b>		
Second Reading and Adoption – Bicycle Parking Ordinance	Dev. Svcs.	Yes
Solid Waste Collection Rates	ESUD	No
Approval of Final Map of 140 Lyell St.	Pub. Works	No
Award construction contract for the City Hall Permit Counter	Dev. Svcs.	No
<b><u>DISCUSSION:</u></b>		
Gas Powered Leaf Blowers	Dev. Svcs.	No
Legislative Bills Discussion	Council	No
Pilot Program for Automated License Plate Readers	PD	No

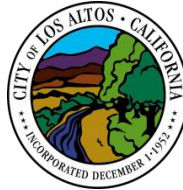
*All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.*



**City of Los Altos 2023 Tentative Council Agenda Calendar**

<b>MAY 23, 2023</b> <b>Closed Session – TBD</b> <b>Study Session – 5:30 p.m. – Orchard and Community Survey Results</b> <b>Regular Meeting – 7:00 p.m.</b>		
AGENDA TITLE:	DEPARTMENT:	PUBLIC HEARING?
<b><u>CONSENT:</u></b>		
Treasury Report	Finance	No
Third Quarterly Report	Finance	No
<b><u>DISCUSSION:</u></b>		
Review of Council Norms and Procedures	City Manager	No
Council Non-Profit Civic Organization Contributions	City Manager	No
Library Patio	City Manager	No
Emergency Operations Report	PD	No
<b><u>PUBLIC HEARING:</u></b>		
Introduce Noise Ordinance	Dev. Svcs.	Yes
Adopt by reference the IBC Property Maintenance Code	Dev. Svcs.	Yes
Halsey House Public Hearing	ESUD	Yes
<b><u>INFORMATION:</u></b>		

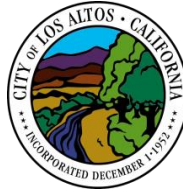
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**City of Los Altos 2023 Tentative Council Agenda Calendar**

<b>JUNE 13, 2023</b> <b>Closed Session – TBD</b> <b>Study Session – Time TBD – Storm Water Master Plan</b> <b>Regular Meeting – 7:00 p.m.</b>		
AGENDA TITLE:	DEPARTMENT:	PUBLIC HEARING?
<b><u>CONSENT:</u></b>		
Adopt Noise Ordinance	Dev. Svcs.	
OBAG3 Grant Funding for N. San Antonio Rd Complete Streets Project	Pub. Works	No
<b><u>DISCUSSION:</u></b>		
<b><u>PUBLIC HEARING:</u></b>		
Adopt Resolution No. 2022-XX approving the Report of Sewer Service Charges and directing the Filing of Charges for Collection by the Tax Collector	ESUD	Yes
FY 2023/24 Budget Presentation	Finance	Yes
<b><u>INFORMATION:</u></b>		

*All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.*



**City of Los Altos 2023 Tentative Council Agenda Calendar**

<b>JUNE 27, 2023</b> <b>Closed Session – TBD</b> <b>Study Session – Time TBD</b> <b>Regular Meeting – 7:00 p.m.</b>		
AGENDA TITLE:	DEPARTMENT:	PUBLIC HEARING?
<b><u>CONSENT:</u></b>		
Treasury Report	Finance	No
Adoption of FY2023/24	Finance	Yes
<b><u>DISCUSSION:</u></b>		
<b><u>PUBLIC HEARING:</u></b>		
<b><u>INFORMATION:</u></b>		
MidPen Board Member Presentation		

*Remaining 2023 City Council agenda calendar items are pending and will be published at a later date.*

*All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.*

PROGRAM	SUB PROJECT	INITIATION DATE	HEU COMPLETION DATE	STATUS
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Budget & Hire Planning Technician		December 31, 2022	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Amend ADU Ordinance based upon HCD's letter		6 months or less	
Program 3.H: Amend design review process and requirements.	Eliminate 3rd Party Architectural Review		February 28, 2023	COMPLETED
Program 3.H: Amend design review process and requirements.	Dismiss Design Review Commission		February 28, 2023	COMPLETED
Program 3.L: Eliminate the requirement of story poles.			March 31, 2023	COMPLETED
Program 2.E: Conduct annual ADU rental income surveys.	Budget & Hire Housing Manager	March 31, 2023		BUDGET DEPENDENT
Program 4.J: Facilitate alternate modes of transportation for	Adopt VMT Policy &		June 30, 2023	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	RFP-Permit Ready ADU Plans		July 31, 2023	DEVELOPING RFP
Program 1.H: Facilitate housing on City-owned sites.	Financial Analysis	July 1, 2023	December 31, 2023	DEVELOPING RFP
Program 3.D: Evaluate and adjust impact fees.		August 1, 2023	December 31, 2024	RFP RELEASED 4/10/23
Program 1.H: Facilitate housing on City-owned sites.	Release RFP	December 31, 2023		
Program 6.C: Target housing development in highest resource areas.	Initial Outreach		September 31, 2023	
Program 6.D: Promote Housing Choice (Section 8) rental assistance program.			September 31, 2023	
Program 2.A: Continue to implement and enhance inclusionary housing requirements.			December 31, 2023	IN-PROGRESS
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Housing in-lieu fee.		December 31, 2023	IN-PROGRESS
Program 2.F: Water and Sewer Service Providers.			December 31, 2023	
Program 3.B: Modify building height in mixed-use zoning districts.	Downtown Districts		December 31, 2023	
Program 3.E: Ensure that the density bonus ordinance remains consistent with State law.			December 31, 2023	ONGOING
Program 3.H: Amend design review process and requirements.	Code Amendments		December 31, 2023	COMPLETED

Program 3.K: Standardize multimodal transportation requirements.	Bicycle Storage and Charging Regulations		December 31, 2023	<b>IN-PROGRESS</b>
Program 3.K: Standardize multimodal transportation requirements.	Remove CSC Review of Housing Developments		December 31, 2023	<b>COMPLETED</b>
Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.			December 31, 2023	
Program 4.D: Allow transitional and supportive housing consistent with State law.			December 31, 2023	
Program 4.E: Allow employee/farmworker housing consistent with State law.			December 31, 2023	
Program 4.F: Reasonably accommodate disabled persons' housing needs.			December 31, 2023	
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Prepare Inventory.		December 31, 2023	
Program 6.E: Prepare and distribute anti-displacement information.			December 31, 2023	
Program 1.A: Rezone for RHNA shortfall.			January 31, 2024	
Program 1.G: Rezone housing sites from previous Housing Elements.			January 31, 2024	
Program 3.G: Amend Conditional Use Permits findings applicable to housing developments.			March 31, 2024	
Program 3.I: Allow residential care facilities consistent with State law.			March 31, 2024	
Program 3.J: Explicitly allow manufactured homes consistent with State law.			March 31, 2024	
Program 3.F: Reduce Conditional Use Permit requirement for residential mixed-use and multi-family.			September 31, 2024	
Program 1.B: Facilitate higher density housing in the Commercial Thoroughfare (CT) District.			December 31, 2024	
Program 1.C: Allow housing in the Office Administrative (OA) District.			December 31, 2024	
Program 1.E: Update the Loyola Corners Specific Plan.			December 31, 2024	

Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Adopt-Permit Ready ADU Plans		December 31, 2024	
Program 3.A: Prepare a Downtown parking plan and update citywide parking requirements.			December 31, 2024	<b>DEVELOPING RFP</b>
Program 3.B: Modify building height in mixed-use zoning districts.	Neighborhood (CN) District		December 31, 2024	
Program 3.C: Remove floor-to-area ratio (FAR) restriction at Rancho Shopping Center and Woodland Plaza.			December 31, 2024	
Program 3.M: Modify parking requirements for emergency shelters consistent with State law.			December 31, 2024	
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Commercial linkage fee.	December 31, 2025		
Program 1.D: Allow housing on certain Public and Community Facilities District sites and facilitate housing on religious institution properties.			December 31, 2025	
Program 1.F: Rezone Village Court parcel.			December 31, 2025	
Program 4.H: Provide additional density bonuses and incentives for housing that accommodates special needs groups.			December 31, 2025	
Program 4.I: Allow senior housing with extended care facilities in multi-family and mixed-use zoning districts.			December 31, 2025	
Program 1.I: Incentivize Downtown lot consolidation.			July 31, 2026	
Program 4.G: Assist seniors to maintain and rehabilitate their homes.			July 31, 2026	
Program 6.C: Target housing development in highest resource areas.	Follow-up Outreach		September 31, 2026	
Program 1.H: Facilitate housing on City-owned sites.	Entitlement Review		December 31, 2026	
Program 3.N: Modify standards in the R3 zoning districts.			December 31, 2026	



Program 4.J: Facilitate alternate modes of transportation for residents.	Capital Improvement Project for above head pedestrian crossing signals on San Antonio Road near Downtown Los Altos		December 31, 2027	
Program 5.F: Incentivize the creation of play areas for multi-family housing projects.			December 31, 2027	
Program 1.K: Participate in regional housing needs planning efforts.			Ongoing	
Program 1.L: General Plan amendments.			Ongoing	
Program 1.M: SB 9 implementation.			Ongoing	
Program 1.N: Facilitate and monitor pipeline housing projects.			Ongoing	
Program 2.C: Assist in securing funding for affordable housing projects.			Ongoing	
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).			Ongoing	
Program 2.E: Conduct annual ADU rental income surveys.	Annual Survey		Annually	
Program 4.A: Support efforts to fund homeless services.			Ongoing	
Program 4.B: Continue to participate in local and regional forums for homelessness, supportive, and transitional housing.			Ongoing	
Program 5.A: Monitor condominium conversions.			Ongoing	
Program 5.B: Continue to administer the City's affordable housing programs.			Ongoing	
Program 5.C: Restrict commercial uses from displacing residential neighborhoods.			Ongoing	
Program 5.D: Implement voluntary code inspection program.			Ongoing	
Program 5.E: Help secure funding for housing rehabilitation and assistance programs.			Ongoing	

Program 6.A: Assist residents with housing discrimination and landlord-tenant complaints.			Ongoing	
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Inform, Evaluate Apply/Submit		Ongoing	
Program 6.F: Affirmatively market physically accessible units.			Ongoing	
Program 7.A: Promote energy and water conservation and greenhouse gas reduction through education and awareness campaigns.			Ongoing	
Program 7.B: Monitor and implement thresholds and statutory requirements of climate change legislation.			Ongoing	