

# CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, February 27, 2024  
*via Videoconference and In Person*

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**PARTICIPATION:** Members of the public may participate by being present at the Los Altos City Hall Council Chambers,

1 N. San Antonio Rd., Los Altos, CA 94022. Public comment is accepted in person at the physical meeting location, or via email to [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov).

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

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

<https://losaltosca-gov.zoom.us/j/87493423527?pwd=eFkO1UPhf2Wvj1csTiCuPrnjZrtFsE.1>

**Telephone: 1-669-444-9171 / Webinar ID: 874 9342 3527 / Passcode: 341603**

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

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

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

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

## AGENDA

### CALL MEETING TO ORDER

### ESTABLISH QUORUM

### PLEDGE ALLEGIANCE TO THE FLAG

### REPORT ON CLOSED SESSION

### CHANGES TO THE ORDER OF THE AGENDA

### SPECIAL ITEMS

Issue proclamation recognizing the Year of the Dragon in Los Altos

Present Certificates to the 2023 STEM Award Winners

### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

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

[02-27-2024](#) Written Public Comments

### CONSENT CALENDAR

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

- [1.](#) Approve draft Special and Regular Meeting Minutes for the meeting of February 13, 2024
- [2.](#) Receive the Treasurer's Report from the month ended August 31, 2023 through January 31, 2024
- [3.](#) Adopt the Investment Policy Update for 2024
- [4.](#) Adopt a Resolution Authorizing Application to and Participation in the HCD Prohousing Designation Program
- [5.](#) Adopt an ordinance of the City Council of the City of Los Altos amending Chapter 14.74 of the Los Altos Municipal Code to implement Program 1.I, Program 3.A, and Program 3.M of the 6th Cycle Housing Element and find that this ordinance is exempt from environmental review

pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970

- [6.](#) Adopt Municipal Code Amendment to Section 6.16.070 of the Los Altos Municipal Code updating to reflect prohibited days of construction on City Observed Holidays and find that this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970
- [7.](#) Adopt Resolution 2024 Approving the Updated Fiscal Year 2023/24 Pay Schedule to Comply with California Public Employees' Retirement System (CalPERS) Statutory and Regulatory Requirements for Compensation Earnable and Publicly Available Salary Schedules

## **PUBLIC HEARINGS**

- [8.](#) Hold a public hearing, review and renew Ordinance No. 2023-489 by re-introducing and waiving further reading of the Ordinance approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481

## **DISCUSSION ITEMS**

- [9.](#) Requirements for Off-Site Street Improvements: Waive First Reading and Introduce an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.20 Street Improvements to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970
- [10.](#) Approve the recommended adjustments to the FY22-24 budget appropriations
- [11.](#) Waive Second Reading and Adopt an Ordinance amending Chapter 2.04 of the Los Altos Municipal Code to establish City Council salaries
- [12.](#) Consider the recommended installation locations in Los Altos for the Heart Sculpture recommended by the Parks, Arts, Recreation and Culture Commission
- [13.](#) Review a travel request from Councilmember Lee Eng to attend the League of California Cities Community Services Policy Committee Meeting in Burbank, CA on March 21, 2024
- [14.](#) Receive an update on the current Parks & Recreation senior transportation program

## **INFORMATIONAL ITEMS ONLY**

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

- [15.](#) Tentative Council Calendar and Housing Element Update Implementation Calendar

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

## **ADJOURNMENT**

**(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The**

**established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)**

SPECIAL NOTICES TO THE PUBLIC

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

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

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

## Melissa Thurman

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**From:** Couture, Terri <Terri.Couture@cbnorcal.com>  
**Sent:** Monday, February 26, 2024 2:30 PM  
**To:** Public Comment  
**Subject:** city council meeting 2/27 - Public comment for agenda item #8

Dear city council members

We applaud the staff for recommending to renew Ordinance No. 2023-489 by re-introducing and waiving further reading of the Ordinance approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment.

I grew up in Los Altos, from the age of 5 years old, and we have been safe. Even now, it is of the utmost importance, as our citizens want to be safe. A safe community can only be assured by a strong police department. Our police department needs all the tools possible to protect our community.

thank you,

Terri Couture

**\*Wire Fraud is Real\*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

## Melissa Thurman

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**From:** Cindy Sidaris <csidaris@gmail.com>  
**Sent:** Monday, February 26, 2024 10:43 PM  
**To:** Public Comment; Administration  
**Subject:** Public comment on Agenda Item 8 (Police Policy 709) 2/27/2024 meeting

To: Los Altos City Council  
Los Altos City Manager

I am disappointed and concerned that City staff and Police Department staff are, again, not following the process requirements of AB 481. I am also concerned about the request for drones for indoor and outdoor use could present risks to privacy and civil rights.

- 1) The proposed Policy 709 documents should have been made available on the department website, with announcements to the public about its availability through many forums (not just a city council meeting agenda item). The "current" policy should remain on the website while the "proposed" policy is well-labeled as such.
- 2) A 30-day public review clock should have started at the time of that posting.
- 3) AFTER the 30-day period a well-advertised public meeting should be held during which the public can ask questions of the police department regarding the policy document, the equipment inventory, and the new equipment requests.
- 4) In the interest of transparency, the police department should have released the updated proposed Policy 709 document with editing markups so that it is easily apparent what changes are being requested to the policy.
- 5) Is the cost of the drones justified (\$44,576 plus \$13,693 for a total of \$58,269) given the current crime statistics in Los Altos? Will the drones truly make a difference in solving crimes in our city? Are those hoped for improvements worth the risk to our privacy and civil rights?

The errors in following the mandated review process were raised to the City Council and Police Department in March 2023. That the same errors are occurring again this year is concerning. We citizens of Los Altos deserve better.

Sincerely,  
Cindy Sidaris

## Melissa Thurman

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**From:** caroline horn <caroline\_horn@hotmail.com>  
**Sent:** Monday, February 26, 2024 11:06 PM  
**To:** Public Comment  
**Subject:** February 27, 2024 Los Altos City Council, Agenda item 1.c

To whom it may concern,

To improve safety for all road users, I suggest that Los Altos use the new AB43 state law to lower speed limits in areas where fatal or serious accidents have occurred. This will help reduce the number of serious accidents for all.

If the roads are safer, more people will bike, scooter, or walk, rather than drive.

Many thanks,  
Caroline

## Melissa Thurman

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**From:** Eric Muller <eric.muller@efele.net>  
**Sent:** Tuesday, February 27, 2024 11:57 AM  
**To:** Public Comment  
**Subject:** Public comment agenda item #8 - February 27, 2023 - Los Altos Police Policy 709

I concur with Cindy Sidaris' public comment pointing out that the process requirements have not been followed.

Also, rather than spending money on drones for hypothetical benefits, I would prefer the Police Department to enforce the speed limits in our streets, in particular near schools. Less glamorous, but much more relevant to public safety in my opinion.

Sincerely,  
Eric Muller



## Melissa Thurman

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**From:** Eric Muller <eric.muller@efele.net>  
**Sent:** Tuesday, February 27, 2024 1:20 PM  
**To:** Public Comment  
**Subject:** Public comment - February 27, 2023 Study Session, Environmental Commission work plan

Dear Council,

A suggestion regarding the Environmental Commission work plan and specifically about the item "EV Fair". I fully support the education of the Los Altos community on EVs. My suggestion is to extend this into a "Mobility Fair", to encompass other climate-friendly solutions, such as public transit, bicycles, walking, ride sharing; and education about their benefits.

Sincerely,  
Eric Muller.

## Melissa Thurman

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**From:** Laura Larghi <laura\_larghi@hotmail.com>  
**Sent:** Tuesday, February 27, 2024 1:20 PM  
**To:** Public Comment  
**Subject:** Subject: February 27, 2024 Los Altos City Council, Agenda item 1.c

To whom it may concern,

To improve safety for all road users, I suggest that Los Altos use the new AB43 state law to lower speed limits in areas where fatal or serious accidents have occurred. This will help reduce the number of serious accidents for all.

Many thanks,  
Laura

## Melissa Thurman

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**From:** admin@shinwei.net  
**Sent:** Tuesday, February 27, 2024 5:55 PM  
**To:** Public Comment  
**Subject:** PUBLIC COMMENT – NOT ON THE AGENDA  
**Attachments:** Revenue\_20\_19\_18\_17.pdf; Revenue\_24\_23\_22\_21.pdf; Multiyear Budget to Actual 17-20.pdf; Multiyear Budget to Actual 21-24.pdf

I am writing tonight to share with you the financials of the Tiny Tots program. I've attached the financials here, but they are also available to the public at <https://losaltos.school/>. The financials show that the program brought in \$150,328 in 2023 with expenses of \$233,463 resulting in a loss of \$83,135. The Tiny Tots program currently costs residents about \$4,000/yr for 5 day/week attendance compared to roughly \$15,000/yr for comparable programs run by Children's House and Children's Corner, which have [registered for the RFP](#). The statements show that a 55% increase in revenue would be necessary for the program to break even based on 2023's numbers. Increasing tuition for the first time in over a decade would allow the program to remain available at *less than half the cost* of comparable programs.

In addition to increasing tuition, many other changes could be made to improve the financials of the program. Lunch and Play, the extended hours program, has very low attendance typically running with about as many teachers as students and could be eliminated or better advertised. Promotion could also help fully enroll Playschool - since the Town Crier article stating that the program was being *cancelled*, three new families have enrolled showing how poorly advertised this program is! With 60 years of alumni, the community could certainly get the word out about this program if given the chance. The Playschool program could be extended to 5 days per week - the same teachers still work there as when a 5 day/week program was offered, so staffing would not be an issue for such a change. We could also do a better job letting the community know that they can rent out San Antonio Club outside school hours. And we could reduce any staffing pressures by having the highly involved parents at the school volunteer as subs as is often done at many local co-ops.

[City Manager Engeland cited losses of up to \\$180,000-300,000 annually in the Town Crier](#) - far out of line with the actual loss of \$83,135 above. I will be generous to the City Manager and assume he was mistaken rather than attempting to mislead the public. However, this raises the question of how we're cancelling a program without a basic understanding of the facts. As a [recent editorial](#) stated, community input on this topic has been lacking, and it seems that there's a desire to simply ram this change through without due consideration. If the city staff has had concerns about this program, why did they not raise tuition before this or pursue any of the above changes? KinderPrep has a waiting list every year and could clearly absorb a tuition increase.

A trained eye may observe in the attached financials that the loss isn't actually caused by the program itself, but by the administrative costs of the program. E.g. see that the program was profitable in 2017 before administrative costs were allocated to the program. But the administrative costs aren't going anywhere. The city would not eliminate any administrative positions and city staff will have to administer the new program. And teachers are often asked to work at the senior center, as facilities attendants, at Family Fun Days, at the Farmers Market table, at the art fair table, at the Spring Egg Hunt, at summer concerts, and at summer camp. If we lose these teachers as city staff we will incur large new staffing costs to cover all of their current duties. The city's steps here are out-of-line with surrounding cities like

Mountain View, Sunnyvale, and Cupertino, which continue to offer city-run preschool programs. And finally, I will note that the teachers in this program are not licensed and do not need to be given the way that the program is currently run. If we hand over the program to a licensed private operator, it is likely that they will be unable to retain the teachers due to licensing issues causing irreparable harm to the program and community.

I would urge the council to review any proposal before the city signs a contract with a new provider. Please do not let this decades-old Los Altos institution, which is a cornerstone of the community, end in a haphazard fashion on your watch.



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING MINUTES  
TUESDAY, FEBRUARY 13, 2024  
5:00 p.m.  
1 N. San Antonio Rd. ~ Los Altos, CA**

Agenda Item # 1.

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

**SPECIAL MEETING**

**CALL MEETING TO ORDER:** Mayor Weinberg called the meeting to order at 5:00 p.m.

**ESTABLISH QUORUM:**

All Councilmembers were present and in person during the meeting.

**DISCUSSION ITEM(S)**

1. The City Council will meet with the following Commissions in the following order to discuss 2024 Commission work plans:
  - a. Financial
  - b. Parks, Arts, Recreation and Cultural
  - c. Historical
  - d. Planning

Chairs for each Commission presented 2024 work plans to the City Council.

There were no public speakers for this item.

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

**ADJOURNMENT** – The meeting adjourned at 6:55 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of February 27, 2024.

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Jonathan D. Weinberg,  
Mayor

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Melissa Thurman, MMC  
City Clerk

The February 13, 2024 City Council Special Meeting recording may be viewed via the following external website: <https://www.youtube.com/@CityofLosAltosCA>

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



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING MINUTES  
TUESDAY, FEBRUARY 13, 2024  
7:00 p.m.  
1 N. San Antonio Rd. ~ Los Altos, CA**

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

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

**ESTABLISH QUORUM** – All Councilmembers were present.

**PLEDGE ALLEGIANCE TO THE FLAG** – **Jonathan D. Weinberg, Mayor**, led the Pledge of Allegiance.

**REPORT ON CLOSED SESSION**

There was no reportable action taken during the Closed Session meeting of January 23, 2024.

**CHANGES TO THE ORDER OF THE AGENDA**

Motion by Weinberg and Seconded by Fligor to move Item 11 on the agenda to the first item after the Consent Calendar. **Motion carried unanimously by roll call vote.**

**SPECIAL ITEM**

Issue a proclamation recognizing February as Black History Month in Los Altos

**Jonathan D. Weinberg, Mayor**, presented a proclamation recognizing February as Black History Month to Forrest Williams, a former San Jose City Councilmember and an educator in the STEM field promoting science and technology to students.

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

The following members of the public spoke during Public Comments:

- Benjamin McCann
- Marjan Yahya
- Marna
- Jessica Behrmann

**CONSENT CALENDAR**

There were no public speakers who spoke regarding items on the Consent Calendar.

**Lynette Lee Eng, Councilmember**, requested to pull Item 4 from the Consent Calendar.

**Jonathan D. Weinberg, Mayor**, moved Item 4 of the Consent Calendar to before Item 7 of the agenda.

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

1. Approve the draft meeting minutes for the Special and Regular Meetings of January 9 and January 23, 2024
2. Quarterly Investment Portfolio Report – Quarter Ended December 31, 2023
3. Authorize the City Manager to execute a Professional Services Agreement for the General Plan Safety Element Update with Michael Baker International as the most qualified responsive consultant for the project with a project budget not to exceed \$102,600 and up to a 20% contingency, if needed, in the amount not to exceed \$20,520 for a total of \$123,120

*Item 4 was moved to Discussion Items on the agenda.*

5. Adopt a resolution of the City Council of the City of Los Altos amending Tree Removal Permit Fee Structure and find that the resolution is exempt from environmental review pursuant to Section 15073 (Fee Exemption) of the State Guidelines implementing the California Environmental Quality Act of 1970
6. Receive the annual report on Development Impact Fees for the Fiscal Year 2023 and find that the project is categorically exempt from CEQA under CEQA Guidelines, §15273, which exempts from CEQA fees, rates, tolls, fares and other charges by the local agency for the purpose of meeting financial reserve needs and requirements, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies

**DISCUSSION ITEMS**

11. Discuss the formation of an ad hoc subcommittee to discuss strategies for street maintenance, appoint members to such a committee, and determine a timeline for the subcommittee or provide other direction regarding street maintenance as appropriate

**Aida Fairman, Public Works Director**, presented the report.

The following members of the public spoke regarding the item:

- Lili Najimi

Motion by Dailey and Seconded by Weinberg to provide direction to staff that the City should manage street maintenance in accordance to the current City Council priorities rather than previous City Council direction pertaining to CPI. **Motion carried unanimously by roll call vote.**

4. Adopt an ordinance of the City Council of the City of Los Altos amending Chapter 11.08 Tree Protection Regulations and find that this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970

**Lynette Lee Eng, Councilmember**, explained why she requested the item to be pulled from the Consent Calendar.

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City Council Regular Meeting Minutes  
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**Neysa Fligor, Councilmember**, suggested additional language to the ordinance under Section 11.08.150 “Delegation of Functions” to include: “Including any reasons for the waivers or exceptions”. *There was no Council opposition to including this language.*

Motion by Weinberg and Seconded by Dailey to waive further reading and adopt an ordinance of the City Council of the City of Los Altos amending Chapter 11.08 of Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code of Tree Protection Regulations, as amended. **Motion carried unanimously by roll call vote.**

**PUBLIC HEARINGS**

- 7. Comprehensive parking regulations: Introduce and waive further reading of an ordinance of the City Council of the City of Los Altos amending Chapter 14.74 of the Los Altos Municipal Code to implement Program 1.I, Program 3.A, and Program 3.M of the 6th Cycle Housing Element

**Nick Zornes, Development Services Director**, presented the report.

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

There were no speakers during the Public Hearing.

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

The City Council provided the following amendments to the ordinance:

- Correct the word “utilizes” to “utilities”
- Provide clarification to section 14.74.030(A)

Motion by Weinberg and Seconded by Dailey to waive further reading and introduce an ordinance amending Chapter 14.74 of the Los Altos Municipal Code to implement Program 1.I, Program 3.A, and Program 3.M of the 6th Cycle Housing Element, as amended. **Motion carried unanimously by roll call vote.**

**DISCUSSION ITEMS**

- 8. Municipal Code Amendment to Section 6.16.070 of the Los Altos Municipal Code updating to reflect prohibited days of construction on City Observed Holidays

**Nick Zornes, Development Services Director**, presented the report.

There were no speakers regarding the item.

Motion by Lee Eng and Seconded by Fligor to waive further reading and introduce an ordinance amendment to section 6.16.070 of the Los Altos Municipal Code to reflect prohibited days of construction on City Observed Holidays and find that the ordinance is exempt from environmental review pursuant to Section 15.061(b)(3) of the state guidelines implementing the California Environmental Quality Act of 1970, and to replace the first Whereas clause in the



ordinance with the proposed language Council provided to staff. **Motion carried unanimously by roll call vote.**

9. Review the City's Mission Statement and provide direction to staff on any potential changes

**Jon Maginot, Assistant City Manager**, presented the report.

The following member of the public spoke regarding the item:

- Eric Steinle

The City Council recommended that **Neysa Fligor, Councilmember**, work with staff on drafting a new mission statement.

10. Introduce and waive further reading of an Ordinance amending Chapter 2.04 to establish City Council salaries and adopt a Resolution adjusting the level of benefits offered City Council members

**Jon Maginot, Assistant City Manager**, presented the report.

There were no public speakers regarding the item.

Motion by Weinberg and Seconded by Dailey to waive further reading and introduce an ordinance amending Chapter 2.04 of the Los Altos Municipal Code to establish City Council salaries and find that this ordinance is categorically exempt from CEQA, with the addition of Government Code Section 365.615, that the salary council increase will not take effect until so allowed by law. **Motion carried 4-1 by roll call vote with Councilmember Lee Eng opposed.**

Motion by Weinberg and Seconded by Dailey to adopt a resolution adjusting the level of benefits offered to City Council members in the City of Los Altos. **Motion carried unanimously by roll call vote.**

#### **INFORMATIONAL ITEMS ONLY**

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

12. Tentative Council Calendar and Housing Element Implementation Calendar
13. Receive staff update on Community Center Café
14. Response to 2024 Santa Clara County Local Agency Formation Commission Countywide Fire Service Review Report

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

- **Pete Dailey, Vice Mayor** – Requested future agenda items:
  - Discussion on directing staff to research extending benefits to former Councilmembers, including any potential costs and financial implications for the

city. The Council also allowed for staff to determine how to bring this information to Council. *(Supported by Fligor and Weinberg)*

- Report from staff on mitigation on power outages in Los Altos. *(Supported by Fligor and Lee Eng)*
  
- **Neysa Fligor, Councilmember** – Requested a future agenda item:
  - Discussion to adopt the Cities Association by-laws in April. *(Supported by Weinberg and Meadows)*
  
- **Lynette Lee Eng, Councilmember** – Requested a future agenda item:
  - Discussion to direct the Historic Commission to review the Historic Resources Inventory (HRI) and to provide the information to Council at a future meeting. *(No additional support)*
  - Discussion about setting a policy on how Commissions should perform market research or surveys/outreach. *(Supported by Dailey)*

**ADJOURNMENT** – The regular meeting adjourned at 11:22 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of February 27, 2024.

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Jonathan D. Weinberg  
Mayor

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Melissa Thurman, MMC  
City Clerk

The February 13, 2024 City Council meeting recording may be viewed via the following external website: <https://www.youtube.com/@CityofLosAltosCA>

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



**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject** Treasurer’s Report – Month Ended August 31, 2023 through January 31, 2024

**Prepared by:** Minh Nguyen, Senior Accountant

**Reviewed by:** June Du, Finance Director

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

**Attachment(s):**

- 1. Change in Total Fund Balances by Fund
- 2. Cash Balances by Fund

**Initiated by:**

Staff.

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

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

- None

**Summary:**

As indicated in the City’s response to the 2022 Civil Grand Jury Report, the City is providing this report as desired by the Grand Jury. The following attachment provides various financial transaction data for the City of Los Altos for the months of August 31, 2023, through January 31,2024.

**Staff Recommendation:**

Receive and accept the Treasurer’s Report August 31, 2023 through January 31, 2024.

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



Agenda Item # 2.

FUND	August 2023 Activities* (Unaudited)			September 2023 Activities* (Unaudited)			October 2023 Activities* (Unaudited)			November 2023 Activities* (Unaudited)			December 2023 Activities* (Unaudited)			January 2024 Activities* (Unaudited)		
	Estimated Ending Cash Balance 8/31/2023	Debit	Credit	Estimated Ending Cash Balance 9/30/2023	Debit	Credit	Estimated Ending Cash Balance 9/30/2023	Debit	Credit	Estimated Ending Cash Balance 10/31/2023	Debit	Credit	Estimated Ending Cash Balance 11/30/2023	Debit	Credit	Estimated Ending Cash Balance 12/31/2023	Debit	Credit
<b>RESERVE FUNDS</b>																		
General Fund	25,087,383	4,794,329	(2,848,562)	24,321,746	1,897,544	(6,933,999)	19,285,091	2,976,723	(3,383,309)	18,866,305	5,970,534	(3,559,849)	21,266,991	7,571,111	(2,020,083)	26,818,018	673,047	(3,165,954)
Grant Reimbursement Fund	295,857	188,000	-	483,857	-	-	483,857	23,160	-	509,017	-	-	509,017	-	-	509,017	-	-
Payroll Liability Fund	-	648,827	(648,827)	-	630,059	(630,059)	-	636,500	(636,500)	956,217	(956,217)	-	318,682	(318,682)	-	146,070	-	(146,070)
<b>Total General Fund:</b>	<b>25,383,240</b>	<b>5,631,156</b>	<b>(4,497,389)</b>	<b>24,805,603</b>	<b>2,527,383</b>	<b>(7,564,067)</b>	<b>19,748,948</b>	<b>3,638,382</b>	<b>(4,020,008)</b>	<b>19,855,322</b>	<b>6,926,751</b>	<b>(4,516,066)</b>	<b>21,766,008</b>	<b>7,889,793</b>	<b>(2,338,765)</b>	<b>27,327,836</b>	<b>819,886</b>	<b>(3,211,994)</b>
<b>ENTERPRISE FUNDS</b>																		
Sewer Fund	12,743,251	24,880	(974,407)	11,793,724	250,127	(220,411)	11,825,440	48,208	(1,918,642)	9,955,086	15,119	(309,830)	9,660,267	-	(1,044,664)	8,615,604	-	(44,699)
Solid Waste Fund	4,761,862	129,325	(107,730)	4,783,458	107,726	(83,373)	4,828,089	82,963	(67,382)	4,843,590	83,106	(86,072)	4,840,624	80,226	(61,899)	4,885,951	80,226	(73,301)
Storm Drain Fund	-	802	-	-	802	-	-	802	-	-	802	-	-	802	-	-	802	-
<b>Total Enterprise Funds:</b>	<b>17,505,113</b>	<b>154,407</b>	<b>(1,082,137)</b>	<b>16,580,184</b>	<b>357,855</b>	<b>(283,784)</b>	<b>16,653,529</b>	<b>131,171</b>	<b>(1,986,024)</b>	<b>14,799,380</b>	<b>98,225</b>	<b>(395,930)</b>	<b>14,501,094</b>	<b>80,226</b>	<b>(1,106,563)</b>	<b>13,475,337</b>	<b>80,226</b>	<b>(137,991)</b>
<b>CAPITAL IMPROVEMENT FUNDS</b>																		
Capital Projects Fund	13,006,763	-	(461,582)	12,545,181	-	(81,671)	12,463,510	-	(1,387,270)	10,876,234	1,371,991	(657,632)	11,590,592	-	(28,712)	11,561,880	-	(64,336)
Equipment Replacement Fund	632,607	-	(2919)	629,688	-	(63,348)	566,339	-	(36,848)	229,500	-	(24,231)	505,269	-	(30,790)	474,479	-	(56,664)
<b>Total Capital Improvement Funds:</b>	<b>13,639,370</b>	<b>-</b>	<b>(464,501)</b>	<b>13,174,869</b>	<b>-</b>	<b>(145,019)</b>	<b>13,029,849</b>	<b>-</b>	<b>(1,424,118)</b>	<b>11,105,733</b>	<b>1,371,991</b>	<b>(681,862)</b>	<b>12,095,861</b>	<b>-</b>	<b>(59,502)</b>	<b>12,036,159</b>	<b>-</b>	<b>(161,999)</b>
<b>INTERNAL SERVICE FUNDS</b>																		
PERK & COVID Reserve	551,314	-	-	551,314	-	-	551,314	-	-	551,314	-	-	551,314	-	-	551,314	-	-
Technology Reserve	1,242,518	21,547	(85,374)	1,178,491	13,475	(77,908)	1,044,082	15,621	(85,398)	1,044,082	14,011	(18,514)	1,039,579	11,752	(6,620)	1,044,906	10,338	(1,268)
Dental/Vision Fund	28,253	-	(30,198)	(24,945)	-	(19,857)	(24,945)	-	(16,472)	(61,273)	-	(20,394)	(81,669)	-	-	(81,669)	-	(81,669)
Unemployment Fund	87,502	-	-	87,502	-	-	87,502	-	-	87,502	-	(5,436)	82,066	-	-	82,066	-	-
Workers Compensation Fund	5,870,905	-	(28,180)	5,842,725	-	(17,322)	5,825,403	-	(15,466)	5,809,937	-	(12,057)	5,797,880	-	(48)	5,797,880	-	(169,414)
<b>Total Internal Service Funds:</b>	<b>7,777,292</b>	<b>21,547</b>	<b>(163,752)</b>	<b>7,635,086</b>	<b>13,475</b>	<b>(115,087)</b>	<b>7,533,475</b>	<b>15,621</b>	<b>(117,537)</b>	<b>7,431,560</b>	<b>14,011</b>	<b>(56,401)</b>	<b>7,389,170</b>	<b>11,752</b>	<b>(6,674)</b>	<b>7,394,248</b>	<b>10,338</b>	<b>(170,682)</b>
<b>SPECIAL REVENUE FUNDS</b>																		
Road Maintenance (SR)	259,636	62,376	-	322,012	68,564	-	390,576	67,134	-	457,710	72,166	-	529,876	37,104	-	586,980	-	-
CDMG Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Downtown Parking Fund	940,721	1,087	(5,419)	940,791	6,674	(1,259)	940,207	790	(2,970)	944,021	607	(3,677)	942,951	8,202	(794)	950,560	1,250	(2,186)
Historic Downtown Fund	17,689	37	-	17,726	115	-	17,840	-	-	17,840	-	-	17,840	-	-	17,840	-	-
Gas Tax Fund	61,185	163,854	-	225,039	1,084	-	226,043	153,953	-	379,995	-	-	379,995	-	-	457,321	-	-
Prop 1B Road Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Measure B	7,964,079	17,776	-	7,981,855	52,865	-	8,034,700	-	-	8,034,700	-	-	669,000	-	(687,127)	(18,127)	-	(18,127)
Indian Park Fund	558,722	-	(86,158)	472,564	-	-	272,564	8,333	-	280,897	8,333	-	289,230	8,333	-	297,564	-	-
Supplemental Law Enforcement Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TDA Fund	473	112	-	385	5	-	389	-	-	389	-	-	389	-	-	389	-	-
Traffic Impact Fee Fund	6,774	-	-	6,774	36	-	6,810	-	-	6,810	6,774	-	13,583	-	(199,341)	(185,757)	-	-
Vehicle Registration Fund	864,233	2,605	-	866,838	5,622	-	872,460	-	-	872,460	-	-	872,460	-	-	872,460	-	-
PERK Fees	252,831	446	-	253,277	1,510	-	254,786	-	-	254,786	20,373	-	255,160	-	-	255,160	2,186	-
Public Art Fund	435,631	-	(1,500)	434,131	-	-	434,631	-	-	434,631	-	-	434,631	-	-	434,631	-	-
Storm Drain Deposits	56,086	-	-	56,086	-	-	56,086	-	-	56,086	-	-	56,086	-	-	56,086	-	-
AR-179 CASP Fee	92,077	1,198	(11)	93,884	2,484	-	96,367	1,892	-	98,259	940	-	99,199	1,408	-	100,606	688	-
Vehicle Impound Fund	3,285	3,382	-	6,667	2,762	-	9,429	-	-	9,429	-	-	9,429	-	(14,142)	(4,713)	-	(15,855)
<b>Total Special Revenue Funds:</b>	<b>11,295,684</b>	<b>251,773</b>	<b>(93,088)</b>	<b>11,454,367</b>	<b>141,642</b>	<b>(1,259)</b>	<b>11,594,751</b>	<b>234,521</b>	<b>(2,976)</b>	<b>11,826,296</b>	<b>857,076</b>	<b>(1,677)</b>	<b>12,681,096</b>	<b>152,719</b>	<b>(901,403)</b>	<b>11,933,011</b>	<b>4,124</b>	<b>(2,186)</b>
<b>DEBT SERVICE FUNDS</b>																		
General Obligation Bond	196,346	-	-	196,346	-	-	196,346	-	-	196,346	-	(12,963)	183,384	-	-	183,384	-	-
Community Center Lease	780	-	(729)	51	-	-	51	-	-	51	-	-	99,376	-	-	99,376	-	-
<b>Total Debt Service Fund:</b>	<b>197,126</b>	<b>-</b>	<b>(729)</b>	<b>196,447</b>	<b>-</b>	<b>-</b>	<b>196,447</b>	<b>-</b>	<b>-</b>	<b>196,447</b>	<b>-</b>	<b>(12,963)</b>	<b>183,384</b>	<b>-</b>	<b>-</b>	<b>183,384</b>	<b>-</b>	<b>-</b>
<b>AGENCY FUND</b>																		
Blue Oaks Law Sewer	43,668	-	(1,314)	42,354	277	-	42,632	-	-	42,632	-	(1,127)	41,505	-	(2,683)	38,821	-	-
<b>Total Debt Service Fund:</b>	<b>43,668</b>	<b>-</b>	<b>(1,314)</b>	<b>42,354</b>	<b>277</b>	<b>-</b>	<b>42,632</b>	<b>-</b>	<b>-</b>	<b>42,632</b>	<b>-</b>	<b>(1,127)</b>	<b>41,505</b>	<b>-</b>	<b>(2,683)</b>	<b>38,821</b>	<b>-</b>	<b>-</b>
<b>ALL FUNDS TOTAL</b>	<b>75,266,008</b>	<b>6,058,881</b>	<b>(5,302,990)</b>	<b>73,888,811</b>	<b>3,040,631</b>	<b>(8,111,188)</b>	<b>68,798,254</b>	<b>4,089,695</b>	<b>(7,750,661)</b>	<b>65,067,289</b>	<b>9,308,054</b>	<b>(5,765,400)</b>	<b>68,569,943</b>	<b>8,134,490</b>	<b>(4,415,591)</b>	<b>72,288,842</b>	<b>913,793</b>	<b>(3,723,852)</b>



**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject:** 2024 Update of City Investment Policy

**Prepared by:** June Du, Finance Director

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

**Attachment(s):**

- 1. Investment Policy (with track changes to highlight edits)

**Initiated by:**

Staff and the Financial Commission

**Previous Council Consideration:**

March 28, 2023

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Summary:**

Revised Investment Policies have been recommended by the Financial Commission.

**Staff Recommendation:**

Move to adopt the revised Investment Policy for 2024.



**Subject:** 2024 Update of City Investment Policy

**Purpose**

The City Council’s primary responsibilities over the investment function include approving the Policy, annually reviewing such policy, reviewing investment reports issued by the City Manager, authorizing bond documents and other unique financing transactions, and authorizing any deviations from the City’s Investment Policy.

**Background**

The City’s Investment Policy sets forth guidelines that ensure the City’s funds are invested in compliance with State law and in a prudent manner. This Policy undergoes annual review by the Financial Commission, with the most recent review occurring on February 5, 2024.

At the commission meeting of February 27, 2023, the City’s investment advisor, PFM Asset Management (PFM), presented recommended changes to the Policy as the following, the changes were recommended by the Finance Commission and later adopted by the City Council on March 28, 2023.

1. In section K, Maximum Maturity, we recommend adding language stating that a security’s maturity is calculated from settlement date to maturity date. We also recommend adding the new Code language regarding forward settlement.
2. In Exhibit A, under City of Los Altos Allowable Investments, we recommend adding shares of beneficial interest issued by a Joint Powers Authority as an allowable investment. Investments. The pool’s rating and investment advisor must meet the requirements outlined in CA Code 53601.

PFM, the City’s investment advisor since FY2009, has consistently provided satisfactory services. However, in alignment with the City’s purchasing policy, the staff initiated the publication of a Request for Proposal (RFP) for investment advisor services. This strategic move aims to collect current market pricing information and provide an opportunity for other vendors to serve the City. Public Trust Advisor, LLC, deemed the most qualified candidate, was unanimously recommended by the interview panel. They have since reviewed the City’s Investment Policy and presented proposed changes to the Financial Commission on February 5, 2024. The detailed modifications are outlined in the following section.

**Discussion/Analysis**

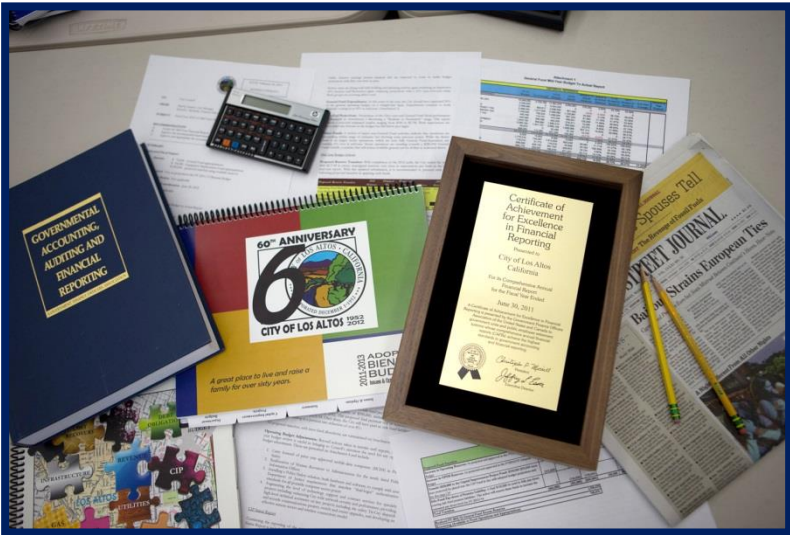
On an annual basis, the Financial Commission reviews the Investment Policy to ensure there is diversity, while still fiscally prudent when investing the City’s funds. The recommended changes by the Financial Commission to the Investment Policy February 2024 includes the following:

1. New Section J: Added a section on Authorized Broker Dealers and Competitive Transactions
2. Section L. Maximum Maturity & Duration: Added language for the duration of the investment portfolio.
3. Section M. Permitted Investment Instruments: Additional language regarding credit ratings, procedures in the event of a downgrade and language for diversification.
4. Section N. Prohibited Investment Instruments: Removed California and other states obligations (Municipal Obligations) as being prohibited investments. We recommend including this investment type and is consistent with Exhibit A, Municipal Obligations are listed as a permitted investment A rated or better up to 30%.
5. Exhibit A: There are two separate listings for Supranationals – we recommend deleting one section and maintaining the more specific Supranationals with a limit of 10% total and 5% per issuer.
6. Removing the reference for California based Money Market Mutual Funds (MMF), Repurchase Agreements and Banker’s Acceptances since we cannot control the California ownership within these asset classes.
7. Additionally, at the last review of the Investment Policy, the City Council included additional language in the Guiding Principles section as follows: *“**Environmental, Social and Governance (ESG)**. Where feasible and in the best interest of the City, investment decisions will take into account environmental, social and corporate governance factors, which align with the objectives and reflect the City's values and policies, in managing the investment portfolio.”*

**Recommendation**

The staff recommends the City Council adopt the revised Investment Policy.





# CITY OF LOS ALTOS INVESTMENT POLICY

FEBRUARY 2024

## A. INTRODUCTION

This document sets forth policies designed to ensure that the City’s public funds are invested prudently, efficiently, and in compliance with legal requirements. It was developed in accordance with California Government Code Sections 53600 *et seq.* and is reviewed by the Financial Commission and adopted by City Council each fiscal year.

This document discusses the most important elements of investment management in one comprehensive centralized format and is organized into the following areas of discussion:

- A. Introduction
- B. Scope
- C. Prudent Investor Standard
- D. Objectives
- E. Guiding Principles
- F. Delegation of Authority
- G. Financial Commission Oversight
- H. Ethics and Conflict of Interest
- I. Safekeeping and Custody
- J. Reporting Requirements
- K. Maximum Maturity
- L. Permitted Investment Instruments
- M. Prohibited Investment Instruments
- N. Glossary of Investment Terms

## B. SCOPE

This policy covers all public funds under the direction of the City Manager or their successor within the following fund types:

- Governmental Funds
- Proprietary Funds
- Fiduciary Funds

The investment of bond proceeds is governed separately by the provisions of the relevant bond documents.

## C. PRUDENT INVESTOR STANDARD

All persons involved in investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing the City’s investment portfolio shall act with the care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the City, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City.

## D. OBJECTIVES

The primary objectives, in order or their priority, of the City’s investment program shall be:

**Safety** - The preservation of the principal of the City’s overall investment portfolio is the foremost objective of the investment program.

**Liquidity** - The City’s investment portfolio will remain sufficiently liquid to meet its cash flow requirements.

**Return on Investment** - The City’s investment portfolio shall be designed with the objective of attaining a reasonable and prudent rate of return consistent with the risk constraints and liquidity demands imposed by its safety objective and cash flow requirements.

## E. GUIDING PRINCIPLES

The following guiding principles are important in the pursuit of such objectives:

**Minimizing Liquidity, Credit and Market Risks:** Investment decisions should minimize liquidity, credit or market risks in the following ways:

**Liquidity Risk** - The risk that the investment portfolio will not provide adequate cash liquidity for operations shall be mitigated by structuring the portfolio so that securities mature at the same time that major cash outflows occur, thus minimizing the need to sell securities prior to their scheduled maturity date unless market conditions present favorable repositioning opportunities.

**Credit Risk** - The risk of loss of principal associated with the failure of any one security issuer shall be mitigated by investing in only securities with credit ratings meeting the requirements of this investment policy and prudently diversifying the investment portfolio to avoid concentrating investments in specific security types, maturity durations, or in individual financial institutions.

**Market Risk** - The risk of market value fluctuations arising from overall changes in the general level of interest rates shall be mitigated through maintaining prudent duration levels, staggering investment maturity dates evenly over a desired overall duration target and prohibiting the taking of short positions (selling securities that the City does not own) and interest rate sensitive derivative instruments. It is explicitly recognized herein, however, that in a diversified portfolio occasional measured losses are inevitable and must be considered within the context of the overall portfolio's structure and expected investment return, with the proviso that adequate diversification and credit analysis have been implemented.

**Market Average Rate of Return:** The investment portfolio shall be managed to attain a market average rate of return based upon a benchmark that is appropriate for a fund of like character and aims and commensurate with the portfolio's current investment strategy.

**Non-Speculative Approach:** This policy specifically prohibits all speculative investment practices, including, but not limited to, those that seek to gain or profit through transactions of high and unusual risk, or that utilize securities whose price is dependent upon or derived from one or more underlying assets (Derivatives).

**Professionalism and Public Trust:** The City's investment portfolio is subject to public review and evaluation and shall be designed and managed with the high degree of professionalism that is worthy of the public trust.

**Environmental, Social and Governance (ESG).** When feasible and in the best interest of the City, investment decisions will take into account environmental, social and corporate governance factors, which align with the objectives and reflect the City's values and policies, in managing the investment portfolio.

## F. DELEGATION OF AUTHORITY

The management responsibility for the City's investment program has been delegated to the City Manager or their successor. The City Manager or their successor shall monitor and review all investments for consistency with this policy, and may delegate investment decision-making and execution authority to investment advisors in accordance with an agreement as authorized by the City Council. The investment advisor shall follow and comply with this policy and all other written instructions provided by the City. The City Manager or their successor may, in writing, further delegate such investment authority to designated management staff in the Executive and/or Finance Department in the event of the City Manager or their successor's absence or other unavailability. The City Manager or their successor shall prepare and file documents with all financial institutions with which the City conducts investment activities certifying the names of those persons authorized to effect transactions on behalf of the City.

## G. FINANCIAL COMMISSION OVERSIGHT

The Financial Commission consists of citizen members appointed by the City Council. The Financial Commission shall meet periodically, at least quarterly, to review general investment strategies and monitor the results of the City’s investment portfolio in coordination with the City Manager or their successor or finance staff designee. The Financial Commission shall also review any proposed changes to this policy before they are submitted to the City Council for final adoption.

**H. ETHICS AND CONFLICT OF INTEREST**

All persons involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the City’s investment program or which could impair their ability to make impartial decisions.

**I. SAFEKEEPING AND CUSTODY**

All investments of the City’s investment portfolio shall have the City of Los Altos as the registered owner, and all interest and principal payments and withdrawals shall indicate the City of Los Altos as the payee.

All securities shall be safely kept with a qualified financial institution, contracted independently by the City as a third party. All securities shall be acquired by the safekeeping institution on a "delivery-vs.-payment" (DVP) basis. In other words, the security must be delivered before funds are released. The DVP basis for delivery applies also to the delivery and safekeeping of repurchase agreement collateral.

**J. AUTHORIZED BROKER DEALERS AND COMPETITIVE TRANSACTIONS**

The City shall maintain a list of approved security broker/dealers selected by conducting a process of due diligence. These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (“SEC”) Rule 15C3-1 (uniform net capital rule). The City Manager will determine which financial institutions are authorized to provide investment services to the City.

Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the investment adviser. The investment advisors shall provide the City with a copy of its approved broker dealer list no less than annually or at any time upon request of the City.

It is the policy of the City to require competitive bidding from at least three broker/dealers for investment transactions that are not classified as “new issue” securities whenever possible and practical. Such competitive bidding may be executed through the use of a nationally recognized trading platform. It is understood that competitive bidding may not always be feasible for all securities, for example, secondary market offerings that are unique to a particular broker/dealer. In such circumstances where competitive price comparisons are not available, best efforts will be made to document quotations for comparable or alternative securities. Competitive solicitations wherein at least three broker/dealers are queried but only one bid or offer is received shall satisfy the competitive bidding requirements of this investment policy.

**K. REPORTING REQUIREMENTS**

The City Manager will present to the City Council quarterly investment reports, which will present an overall summary of investment performance and include the following type of information:

- Description of investment instruments held
- Interest rate and yield to maturity
- Maturity dates
- Purchase price
- Par value
- Current market value as of the date of the report, including the source of such valuation
- Overall portfolio yield based on cost
- Total return (Quarterly)
- Benchmark comparisons

- Detailed transaction reports shall be made available upon request by any governing member or member of the public

## L. MAXIMUM MATURITY & DURATION

The City may not invest in a security with a maturity date that exceeds five years from the date of purchase.

For purposes of compliance with this Policy, an investment's term or remaining maturity shall be measured from the settlement date to final maturity. In addition, a security purchased shall not have a forward settlement date exceeding 45 days from time of investment.

In addition to the individual security maturity limitations set forth in this investment policy, the weighted average duration of the actively managed portion of the portfolio, i.e. non liquidity funds, shall be maintained in a range of +/- 25% the duration of a market benchmark as selected by the City based upon the City's risk tolerances and investment objectives. Portfolio duration may deviate from this range at the City's discretion based upon prevailing facts and circumstances.

## M. PERMITTED INVESTMENT INSTRUMENTS

The California Government Code in section 53600 *et seq.* sets certain limits on the investment instruments, credit criteria, maximum maturity dates, concentration percentages and other conditions of eligibility in which a government agency's funds may be invested. However, this policy sets limits on the investment of the City's investment portfolio that are more restrictive than such California law. The California Code limits and the more restrictive limits applicable to this policy are listed and summarized in the attached **Exhibit A** (City of Los Altos Allowable Investments). The City's investment portfolio may be invested only in those instruments permitted in **Exhibit A**.

The security credit rating requirements of this investment policy shall apply at the time the time of purchase. It is important to note that from time to time the City may be invested in a security whose rating is downgraded subsequent to the original date of purchase. The City Manager or their successor, directly or indirectly through the delegation of authority to the investment advisor, shall monitor the status of security ratings. When the City uses the services of outside investment advisors and a rating of a prior-purchased security drops below the minimum allowed rating category for that given investment type, the investment advisor shall notify the City Manager or their successor within two business days of the ratings downgrade and recommend whether such securities should be sold or retained in the portfolio based upon its remaining term to maturity, the credit outlook for the issuer, and other relevant facts and circumstances.

The diversification requirements set forth in this investment policy relating to the maximum allowable percentage for a particular issuer or investment type shall apply at the time of purchase. Due to fluctuations in the aggregate invested balance, these maximum percentages may be exceeded from time to time and shall not require liquidation to realign the portfolio. However, consideration should be given to this matter when future purchases are made.

## N. PROHIBITED INVESTMENT INSTRUMENTS

Investment of the City's investment portfolio in any of the following identified instruments is specifically prohibited:

- **Reverse Repurchase Agreements** - Differs from a Repurchase Agreement in the sense that a reverse repurchase agreement is one that sells security positions in return for cash with an agreement to repurchase the securities for an agreed upon price.
- **Derivatives** - Financial instruments whose values are based on or determined by another security, financial instrument or index, including instruments used for hedging.

- **Prohibited Investments Cited in California Government Code Section 53601.6 including, but not limited to:**
  - Inverse Floaters
  - Range Notes
  - Mortgage Derivatives or other similar asset backed securities
  - Interest Only Strips
  - Zero Interest Coupon Securities\*

\*Additionally, the City shall not invest in any security that could result in zero interest accrual if held to maturity, except as provided in the subsequent paragraph.

Notwithstanding the prohibitions stated in the above paragraph, effective January 1, 2021, the City may invest in securities issued by, or backed by, the United States government that could result in zero- or negative-interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates. The City may hold these instruments until their maturity dates. Securities described in this paragraph shall remain in effect only until January 1, 2026, and as of that date is repealed.

**O. GLOSSARY OF INVESTMENT TERMS**

**Exhibit B** contains a glossary of key investment terms that may be used in this policy.

**Exhibit A**  
**City of Los Altos Allowable Investments**

## Exhibit A

### City of Los Altos Allowable Investments

Investment Instruments	Calif. Code Limitation	City Policy Limitation
Collateralized Bank Deposits	No term 100% of portfolio	No term 100% of portfolio
State of California - Local Agency Investment Fund (LAIF)	No term 100% of portfolio Max \$75 million	No term 100% of portfolio Max \$75 million
Money Market Mutual Funds (SEC Rule 2a7)	No term 20% of portfolio 10% per issuer	Overnight 20% of portfolio US owned 10% of portfolio per issuer
U.S. Treasuries	5 years 100% of portfolio	5 years 100% of portfolio
Federal Agencies or United States government-sponsored enterprises (including, mortgage-backed securities, callable securities)	5 years 100% of portfolio	5 years 100% of portfolio 20% of portfolio per issuer 20% of portfolio in callable
Municipal Obligations (including notes issued by the State of California, California local agencies, and the other 49 states)	5 years 100% of portfolio	5 years 30% of portfolio Credit rating category of "A" or its equivalent or higher by an NRSRO Other <sup>1</sup>
Bank /Time Certificates of Deposit	5 years 100% of portfolio	3 years 50% of portfolio 10% of portfolio per issuer US owned FDIC/NCUA Insured and/or collateralized in Treasuries and Agencies
Negotiable Certificates of Deposit	5 years 30% of portfolio	5 years 30% of portfolio 3% of portfolio per issuer Credit rating category of "A" or its equivalent or higher by an NRSRO
Corporate Medium Term Notes	5 years 30% of portfolio Credit rating category of "A" or its equivalent or higher by an NRSRO	5 years 30% of portfolio 3% of portfolio per issuer Credit rating category of "A" or its equivalent or higher by an NRSRO

<sup>1</sup>Municipal bonds must also be either (1) a general obligation bond whose principal and interest payments are secured by the full faith and credit of the issuer and supported by either the issuer's unlimited or limited taxing power, or (2) an essential service bond secured with revenue from a water, sewer, power or electric system.



Investment Instruments	Calif. Code Limitation	City Policy Limitation
Repurchase Agreements	1 year 100% of portfolio 102% Collateral	180 days 20% of portfolio 10% of portfolio per issuer 102% Collateral Treasuries/Agencies
Bankers' Acceptances	180 days 40% of portfolio 30% per issuer	180 days 20% of portfolio 10% of portfolio per issuer
Commercial Paper	270 days 25% of portfolio 10% per issuer	270 days 25% of portfolio 5% of portfolio per issuer Credit rating of no less than "A-1" or its equivalent or higher by an NRSRO.
Supranational obligations issued by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank	5 years 30% of portfolio Credit rating of no less than AA by an NRSRO	5 years 10% of portfolio 5% of portfolio per issuer Credit rating of no less than AAA by an NRSRO
Asset-Backed Securities <sup>2</sup>	5 years 20% of portfolio Credit rating of no less than AA by an NRSRO	5 years 20% of portfolio 3% of portfolio per issuer Security shall be rated AAA by an NRSRO
Shares of beneficial interest issued by a Joint Powers Authority	100% of portfolio Advisor requirements	100% of portfolio Advisor and rating requirements must meet CA Code 53601

<sup>2</sup> Asset-Backed Securities shall not include mortgage related products issued by commercial entities. Investments in asset-backed securities shall generally be limited to those in "senior" tranches.

**Exhibit B**  
**Glossary of Investment Terms**

## Exhibit B

### Glossary of Investment Terms

**Agency** - See "Federal Agency."

**Asset-Backed Securities (ABS)** - Securities whose income payments and hence value is derived from and collateralized (or "backed") by a specified pool of underlying assets which are receivables. Pooling the assets into financial instruments allows them to be sold to general investors, a process called securitization, and allows the risk of investing in the underlying assets to be diversified because each security will represent a fraction of the total value of the diverse pool of underlying assets. The pools of underlying assets can comprise common payments credit cards, auto loans, mortgage loans, and other types of assets. Interest and principal is paid to investors from borrowers who are paying down their debt.

**Bankers' Acceptance (BA's)** - A draft or bill of exchange drawn upon and accepted by a bank frequently used to finance the shipping of international goods. Used as a short-term credit instrument, bankers' acceptances are traded at a discount from face value as a money market instrument in the secondary market on the basis of the credit quality of the guaranteeing bank.

**Benchmark** - A market index used as a comparative basis for measuring the performance of an investment portfolio. A performance benchmark should represent a close correlation to investment guidelines, risk tolerance, and duration of the actual portfolio's investments.

**Certificate of Deposit (CD)** - Bank obligation issued by a financial institution generally offering a fixed rate of return (coupon) for a specified period of time (maturity). Can be as long as ten years to maturity, but most CDs purchased by public agencies are one year and under.

**Collateral** - Investment securities or other property that a borrower pledges to secure repayment of a loan, secure deposits of public monies, or provide security for a repurchase agreement.

**Commercial Paper** - Short-term unsecured promissory note issued by a company or financial institution that is issued at a discount and matures for par or face value. This instrument usually matures at a maximum maturity of 270 days and bears a short-term debt rating by one or more Nationally Recognized Statistical Rating Organization (NRSRO).

**Corporate Medium Term Notes** - A debt instrument issued by a corporation with a maturity of greater than one year and less than ten years. Used frequently to refer to corporate notes of medium maturity (five years and under).

**Custody** - Safekeeping services offered by a bank, financial institution or trust company, referred to as the "custodian." Service normally includes the holding and reporting of the customer's securities, the collection and disbursement of income, securities settlement and market values.

**Delivery Versus Payment (DVP)** - The settlement procedure in which securities are delivered versus payment of cash, but only after cash has been received. Most security transactions, including those through the Federal Reserve Securities Wire system and DTC, are done DVP as a protection for both the buyer and seller of securities.

**Depository Trust Company (DTC)** - A firm through which members can use a computer to arrange for securities to be delivered to other members without physical delivery of certificates. A member of the Federal Reserve System and owned mostly by the New York Stock Exchange, the Depository Trust Company uses computerized debit and credit entries. Most corporate securities, commercial paper, CDs, and BAs clear through DTC.

**Derivative** - A financial instrument whose value is based on or determined by another security, financial instrument, or index.

**Diversification** - Dividing investment funds among a variety of security types, maturities, industries, and issuers offering potentially independent returns.

**Federal Agency** - These are Federal government sponsored and/or owned entities created by the U.S. Congress, generally for the purpose of acting as a financial intermediary by borrowing in the marketplace and directing proceeds to specific areas of the economy considered to otherwise have restricted access to credit markets. The largest federal agencies are Fannie Mae, Freddie Mac, FHLB, FFCB, and TVA.

**Federal Reserve System (the Fed)** - The independent central bank system of the United States that establishes and conducts the nation's monetary policy. This is accomplished in three major ways: (1) raising or lowering bank reserve requirements, (2) raising or lowering the target Federal Reserve Funds Rate and Discount Rate, and (3) in open market operations by buying and selling government securities. The Federal Reserve System is made up of twelve Federal Reserve District Banks, their branches, and many national and state banks throughout the nation. It is headed by the seven-member Board of Governors known as the "Federal Reserve Board" and led by its Chairman.

**Federal Treasuries** - A collective term used to describe debt instruments backed by the U.S. Government and issued through the U.S. Department of the Treasury that includes Treasury bills, Treasury notes, and Treasury bonds. Also a benchmark term used as a basis by which the yields of non-Treasury securities are compared (e.g., "trading at 50 basis points over Treasuries").

**Fiduciary Funds** - Term used when a governmental unit acts in a fiduciary capacity such as a trustee or agent. The government unit is responsible for handling the assets placed under its control.

**Government Sponsored Enterprise (GSE)** - A privately owned entity subject to federal regulation and supervision, created by the U.S. Congress to reduce the cost of capital for certain borrowing sectors of the economy such as students, farmers, and homeowners. GSEs carry the implicit backing of the U.S. Government, but they are not direct obligations of the U.S. Government. For this reason, these securities will offer a yield premium over Treasuries. Examples of GSEs include: FHLB, FHLMC, FNMA, and SLMA.

**Governmental Funds** - Term used in Government Accounting to apply to all funds except for the profit and loss funds (e.g., enterprise fund, internal service fund) and trust and agency funds. Examples of governmental funds are the general fund, special assessment fund, and capital projects fund. Governmental funds use the modified accrual accounting method.

**Government Instrumentalities (Supranationals)** – Entities formed by two or more central governments with the purpose of promoting economic development for the member countries. Supranational institutions finance their activities by issuing debt, such as supranational bonds. Examples of supranational institutions include the European Investment Bank and the World Bank. Similarly to the government bonds, the bonds issued by these institutions are considered direct obligations of the issuing nations and have a high credit rating.

**Index** - A compilation of statistical data that tracks changes in the economy or in financial markets.

**Interest-Only (IO) Strips** - A security based solely on the interest payments from the bond. After the principal has been repaid, interest payments stop and the value of the security falls to nothing. Therefore, IOs are considered risky investments and are usually associated with mortgage-backed securities.

**Inverse Floater** - A floating rate security structured in such a way that it reacts inversely to the direction of interest rates. Considered risky as their value moves in the opposite direction of normal fixed income investments and whose interest rate can fall to zero.

**Investment Advisor** - A company that provides professional advice managing investment portfolios offers investment recommendations and/or research in exchange for a management fee.

**Liquidity** – This is a measure of the relative ease of converting an asset into cash without significant loss of value and the level of cash and near-cash items in a portfolio of assets. This term also describes the marketability of money market security correlating to the narrowness of the spread between bid and ask prices.

**Local Agency Investment Fund (LAIF)** - Special fund in the California State Treasurer’s Office which local agencies may access to deposit funds for short-term investment and reinvestment.

**Market Value** - The fair market value of a security or commodity or the price at which a willing buyer and seller would pay for a security.

**Maturity Date** - Date on which principal payment of a financial obligation is due.

**Money Market Mutual Fund (2a-7)** - A type of mutual fund that invests solely in money market instruments, such as Treasury bills, commercial paper, bankers' acceptances, and repurchase agreements. Money market mutual funds are registered with the SEC under the Investment Company Act of 1940 and are subject “rule 2a-7” which significantly limits average maturity and credit quality of holdings.

**Mortgage-Backed Securities (MBS)** - Mortgage-backed securities represent an ownership interest in a pool of mortgage loans made by financial institutions, such as savings and loans, commercial banks, or mortgage companies, to finance the borrower's purchase of a home or other real estate. The majority of MBS are issued and/or guaranteed by GNMA, FNMA and FHLMC. There are a variety of MBS structures, some of which can be very risky and complicated. All MBS have reinvestment risk as actual principal and interest payments are dependent on the payment of the underlying mortgages which can be prepaid by mortgage holders to refinance at lower rates or simply because the underlying property was sold.

**Mortgage Pass-Through Securities** - A pool of residential mortgage loans with the monthly interest and principal distributed to investors on a pro-rata basis. Largest issuer is GNMA.

**Municipal Note/Bond** - Debt issued by a state or local government unit or public agency. The vast majority of municipals are exempt from state and federal income tax, although some non-qualified issues are taxable.

**Mutual Fund** - Portfolio of securities professionally managed by a registered investment company that issues shares to investors. Many different types of mutual funds exist (bond, equity, money market fund); all except money market funds operate on a variable net asset value (NAV).

**NRSRO** - “Nationally Recognized Statistical Rating Organization.” An entity designated as a rating organization that the SEC has recognized as having a strong national presence in the U.S. NRSROs provide credit ratings on corporate and bank debt issues. Only ratings of an NRSRO may be used for the regulatory purposes of rating. They include Moody’s, Standard & Poor’s, and Fitch among others.

**Par Value** - Face value, stated value or maturity value of a security.

**Principal** - Face value of a financial instrument on which interest accrues which may be less than par value if some principal has been repaid or retired. For a transaction, principal is par value as a factor of price and includes any premium or discount.

**Proprietary Funds** - In governmental accounting, one having profit and loss aspects; therefore it uses the *accrual* rather than modified accrual accounting method. The two types of proprietary funds are the Enterprise Fund and the Internal Service Fund.

**Prudent Investor Standard** - Standard that requires that when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. This standard is more stringent than the “prudent person” standard as it implies a level of knowledge commensurate with the responsibility at hand.

**Range Note** - A type of structured note that accrues interest daily at a set coupon rate that is tied to an index. Most range notes have two coupon levels; a higher accrual rate for the period the index is within a designated range, the lower accrual rate for the period that the index falls outside the designated range. This lower rate may be zero and may result in zero earnings.

**Rate of Return** - Amount of income received from an investment, expressed as a percentage of the amount invested.

**Repurchase Agreement (Repo)** - A short-term investment vehicle in which an investor agrees to buy securities from a counterparty and simultaneously agrees to resell the securities back to the counterparty at an agreed upon time and for an agreed upon price. The difference between the purchase price and the sale price represents interest earned on the agreement. In effect, it represents a collateralized loan to the investor, where the securities are the collateral. Can be DVP, where securities are delivered to the investor’s custodial bank, or “tri-party” where the securities are delivered to a third-party intermediary. Any type of security can be used as “collateral,” but only some types provide the investor with special bankruptcy protection under the law. Repos should be undertaken only when an appropriate approved banking master repurchase agreement is in place.

**Reverse Repurchase Agreement (Reverse Repo)** - This is a repo from the point of view of the original seller of securities. Used by dealers to finance their inventory of securities by essentially borrowing at short-term rates. Can also be used to leverage a portfolio and in this sense, can be considered risky if used improperly.

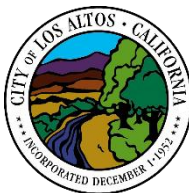
**Safekeeping** - Service offered for a fee, usually by financial institutions, for the holding of securities and other valuables. Safekeeping is a component of custody services.

**Supranational Bonds** - Are defined as those issued by entities formed by two or more central governments to promote economic development for the member countries. For example, United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank.

**Total Return** - Investment performance measured over a period of time that includes coupon interest, interest on interest, and both realized and unrealized gains or losses. Total return includes, therefore, any market value appreciation/depreciation on investments held at period end.

**Weighted average maturity (WAM)** - is the weighted average amount of time of the maturities on the underlying mortgages in a mortgage-backed security (MBS) and assets in asset backed securities (ABS). This term is used more broadly to describe maturities for these instruments as these securities invest in multiple specified pools of underlying assets and these underlying pools may have varying maturities.

**Yield to Maturity (YTM)** - Calculated return on an investment, assuming all cash flows from the security are reinvested at the same original yield. Can be higher or lower than the coupon rate depending on market rates and whether the security was purchased at a premium or discount. There are different conventions for calculating YTM for various types of securities.



## AGENDA REPORT SUMMARY

**Meeting Date:** February 27, 2024

**Subject** Approve Resolution Authorizing Application to and Participation in the HCD Prohousing Designation Program

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

**Reviewed by:** Jolie Houston, City Attorney

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

**Attachment(s):**

1. Standard Resolution for Program Participation

**Initiated by:**

City Council’s 5-Year Strategic Goals.

Goal #4: Housing: The City of Los Altos will implement the Housing Element, programs, and policies to facilitate, incentivize and administer the availability of housing that is safe, diverse, and affordable for all income levels to meet the needs of the Community and seek to increase and protect its green space.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Summary:**

- The City of Los Altos seeks to submit and participate in the HCD Prohousing Designation Program.
- Local governments that receive the Prohousing Designation can also receive priority processing or funding points when applying for several funding programs, including:
  - Affordable Housing & Sustainable Communities (AHSC)
  - Infill Infrastructure Grant (IIG)
  - Transformative Climate Communities (TCC)
  - Solutions for Congested Corridors
  - Local Partnership Program





**Subject:** Approve Resolution Authorizing Application to and Participation in the HCD Prohousing Designation Program

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- Transit and Intercity Rail Capital Program (TIRCP)
  - Other programs may be added to the list after HCD engages with stakeholders and partner agencies on adding Prohousing points to other housing and non-housing programs.
  - Currently there are only 37 participating jurisdictions throughout California.

**Staff Recommendation:**

Approve Resolution Authorizing Application to and Participation in the HCD Prohousing Designation Program

**Background**

Increasing the availability of housing statewide is critical to bettering the quality of life of all Californians and to ending homelessness. The 2019-2020 Budget Act provided a spectrum of support, incentives, and accountability measures to meet California’s housing goals, and provided for the establishment of the Prohousing Designation Program.

**Discussion**

As of January 2, 2024, the permanent regulations for the Prohousing Designation Program are approved. All new Prohousing Designation Program applications will need to be developed in accordance with the permanent regulations, and HCD will begin accepting applications under those regulations on March 2, 2024.

The Program creates incentives for Jurisdictions that are compliant with State Housing Element Law and that have enacted Prohousing Policies. These incentives will take the form of additional points or other preference in the scoring of applications for competitive housing and infrastructure programs. The administrators of each such program will determine the value and form of the preference.

Examples of HCD Prohousing Policies:

- 2H: Absence, elimination, or replacement of subjective development and design standards with objective development and design standards that simplify zoning clearance and improve approval certainty and timing.
- 2J: Priority permit processing or reduced plan check times for ADUs/JADUs or multifamily housing.
- 2M: Limitation on the total number of hearings for any project to three or fewer.
- 3A: Waiver or significant reduction of development impact fees for residential development with units affordable to Lower-Income Households.

**RESOLUTION NO. 2024-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AUTHORIZING APPLICATION TO AND PARTICIPATION IN THE PROHOUSING  
DESIGNATION PROGRAM**

**WHEREAS**, Government Code section 65589.9 established the Prohousing Designation Program (“Program”), which creates incentives for jurisdictions that are compliant with state housing element requirements and that have enacted Prohousing local policies; and

**WHEREAS**, such jurisdictions will be designated Prohousing, and, as such, will receive additional points or other preference during the scoring of their competitive Applications for specified housing and infrastructure funding; and

**WHEREAS**, the California Department of Housing and Community Development (“Department”) has adopted regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) to implement the Program (“Program Regulations”), as authorized by Government Code section 65589.9, subdivision (d); and

**WHEREAS**, the City of Los Altos (“Applicant”) desires to submit an Application for a Prohousing Designation (“Application”).

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. Applicant is hereby authorized and directed to submit an Application to the Department.
2. Applicant acknowledges and confirms that it is currently in compliance with applicable state housing law.
3. Applicant acknowledges and confirms that it will continue to comply with applicable housing laws and to refrain from enacting laws, developing policies, or taking other local governmental actions that may or do inhibit or constrain housing production. Examples of such local laws, policies, and actions include moratoriums on development; local voter approval requirements related to housing production; downzoning; and unduly restrictive or onerous zoning regulations, development standards, or permit procedures. Applicant further acknowledges and confirms that the Prohousing Policies in its Application comply with its duty to Affirmatively Further Fair Housing pursuant to Government Code sections 8899.50 and 65583. Applicant further acknowledges and confirms that its general plan is in alignment with an adopted sustainable communities strategy pursuant to Public Resources Code section 21155- 21155.4. Applicant further acknowledges and confirms that its policies for the treatment of homeless encampments on public property comply with and will continue to comply with the Constitution and that it has enacted best practices in its jurisdiction that are consistent with the United States Interagency Council on Homelessness’ “7 Principles for Addressing Encampments” (June 17, 2022, update).
4. If the Application is approved, Applicant is hereby authorized and directed to enter into, execute, and deliver all documents required or deemed necessary or appropriate to participate in the Program, and all amendments thereto (the “Program Documents”).

5. Applicant acknowledges and agrees that it shall be subject to the Application; the terms and conditions specified in the Program Documents; the Program Regulations; and any and all other applicable law.
6. The Development Services Director is authorized to execute and deliver the Application and the Program Documents on behalf of the Applicant for participation in the Program.

**BE IT FURTHER RESOLVED** that the application and participation in the prohousing designation program is authorized upon adoption of this resolution.

**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 27<sup>th</sup> day of February 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Attest:

\_\_\_\_\_  
Melissa Thurman MMC, City Clerk



**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject:** Comprehensive Parking Code Amendment 1.0 - Housing Element Implementing Ordinance

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

**Reviewed by:** Jolie Houston, City Attorney

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

**Attachment(s):**

- 1. Draft Ordinance
- 2. Appendix A – Chapter 14.74

**Initiated by:**

City of Los Altos adopted 6<sup>th</sup> Cycle Housing Element, Program 1.I, 3.A, and 3.M.

**Fiscal Impact:**

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

**Environmental Review:**

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

**Staff Recommendation:**

Adopt an ordinance of the City Council of the City of Los Altos amending Chapter 14.74 of the Los Altos Municipal Code to implement Program 1.I, Program 3.A, and Program 3.M of the 6<sup>th</sup> Cycle Housing Element and find that this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

**Background:**

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



**Subject:** Comprehensive Parking Code Amendment 1.0 - Housing Element Implementing Ordinance

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agencies or officials responsible for implementation, describe the city’s specific role in implementation, and (whenever possible) identify specific, measurable outcomes.

Program 1.I is prescribed under Goal 1 in the adopted Housing Element which is intended to promote new housing construction to meet Los Altos’ Regional Housing Needs Allocation (RHNA). The proposed amendments contained in the draft ordinance help to encourage mixed-use development in designated zoning districts as required in Policy 1.2 of the adopted Housing Element.

Programs 3.A, and 3.M are prescribed under Goal 3 in the adopted Housing Element which is intended to remove constraints to the development of housing. The proposed amendments contained in the draft ordinance help to further Policy 3.1 promote housing through city regulation, and Policy 3.2 modify zoning code to assist in meeting housing needs.

The draft ordinance under consideration implementing Programs 1.I, Program 3.A, and Program 3.M is required to be adopted at various times within the planning cycle. Due to the various requirements and deliverables of the 6<sup>th</sup> Cycle Housing Element the draft ordinance was prepared early to help ensure that ample time is available to execute several other adopted programs. By providing additional time in amending each chapter of the draft ordinance the city hopes to provide additional buffer in creating the regulatory environment to allow for the approval and creation of housing units.

It is important to note that Program 1.I, and Program 3.A will require additional future action of the City of Los Altos, and future Zone Text Amendments will be prepared for consideration. Additional amendments to implement Program 1.I will be incentives beyond the confines of the City’s Parking Ordinance, while Program 3.A will require additional amendments to the Parking Ordinance once completion of the Comprehensive Downtown Parking Plan has been completed with assistance from outside consultants; the Comprehensive Downtown Parking Plan is currently underway and began work in late 2023, the completion date of the Plan is anticipated for late 2024.

**Analysis:**

The City’s adopted 6<sup>th</sup> Cycle Housing Element 2023-2031, included Program 31.I. The housing program requires the proposed ordinance amendments to *Incentivize downtown lot consolidation*. The draft ordinance included in this agenda packet begins to implement the multipronged deliverables called out within the housing program.

***Program 1.I: Incentivize downtown lot consolidation.***

*In certain portions of Downtown, particularly along Main Street and State Street, the presence of small lots, fragmented ownership pattern, and lack of ability to provide on-site parking may constrain future development. Considering other programs*



**Subject:** Comprehensive Parking Code Amendment 1.0 - Housing Element Implementing Ordinance

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*addressing governmental constraints (see programs under Goal 3), the City will evaluate and adopt (through the Zoning Code or by resolution, as appropriate) complementary incentives to further encourage lot consolidation in Downtown. This will include expedited application processing, reduction in application fees, reduction in permit fees, or other incentives. The City will promote the lot consolidation incentives on the City’s website, through regular updates at the Planning Commission and City Council public meetings, and at the developers roundtable (see Program 2.C). Additionally, Policy 3.7 in the Community Design & Historic Resources Element of the General Plan will be modified for consistency with this Program.*

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

**Funding Source:** *General Fund*

**Time Frame:** *Adoption of incentives and amendment of Community Design & Historic Resources Element by July 2026; promotion to occur annually thereafter.*

**Objective:** *Facilitate at least two Downtown lot consolidations by January 2031. If by January 2027, this objective is not on track to be met (i.e., 50 percent of objective), the City will offer additional and increased incentives no later than July 2027.*

The City’s adopted 6th Cycle Housing Element 2023-2031, included Program 3.A. The housing program requires the proposed ordinance amendments to *Prepare a Downtown parking plan and update citywide parking requirements*. The draft ordinance included in this agenda packet effectively completes portions of these deliverables as explicitly called out within the housing program.

***Program 3.A: Prepare a Downtown parking plan and update citywide parking requirements.***

*To address all parking constraints, the City will analyze and update parking requirements citywide and implement a Downtown parking plan. This effort will include the following:*

- *Assess parking demand, requirements, and strategies in the Downtown and citywide.*
- *Identify approaches to address short and long-term parking needs considering innovative parking design and strategies that support efficient use of land.*
- *Reflect that the City will support consolidation of City-owned parking plazas.*
- *Prepare a Downtown parking plan and modify parking requirements to reflect this plan and reflect ensuring that overflow parking does not spill over into adjacent residential only districts.*



**Subject:** Comprehensive Parking Code Amendment 1.0 - Housing Element Implementing Ordinance

- *Revise parking standards citywide for commercial (mixed-use) and multi-family residential zones to implement a sliding scale based on unit size (number of bedrooms). Multi-family parking ratios shall be reduced to be consistent with State Density Bonus Law (Government Code §65915(p)), with no more than the following required:*
  - *0-1 bedroom – one parking space*
  - *2-3 bedrooms – 1.5 parking spaces*
  - *4 or more bedrooms -2.5 parking spaces*
  - *Guest Parking – 0 spaces*

*Lower ratios or no parking shall be required for qualifying projects pursuant to §65915(p).*
- *Consistent with AB 2097, the City will update its parking regulations to remove minimum parking requirements on any residential, commercial, or other development projects within one half-mile of public transit (as defined in AB 2097) unless required findings are made as specified in State law. The City will map eligible properties consistent with AB 2097 and will apply current State law even before local amendments are adopted (AB 2097 is effective January 1, 2023).*
- *Amend the City’s parking requirements citywide based on the assessment’s findings. This will include reducing parking ratios (as noted above), eliminate guest parking requirements for multi-family housing; offering further reduced ratios for properties participating in a public parking district; establishing further reduced parking ratios for single-room occupancy units, senior housing, housing for persons with disabilities, deed-restricted affordable housing, etc. (e.g., 0.5 spaces per unit); providing more flexibility related to the underground parking requirement by allowing covered parking instead of requiring undergrounding; offering other alternatives to comply with parking requirements; and modifying the required parking design dimensions (e.g., parking stall and lane dimensions) so that less land area is required to be dedicated to parking while providing safe vehicle movement as approved by the City’s Engineering Division.*

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

**Funding Source:** *General Fund, Parking In-Lieu Fees, Public-Private Partnership*

**Time Frame:** *December 2024*

The City’s adopted 6th Cycle Housing Element 2023-2031, included Program 3.M. The housing program requires the proposed ordinance amendments to *Modify parking*



**Subject:** Comprehensive Parking Code Amendment 1.0 - Housing Element Implementing Ordinance

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*requirements for emergency shelters consistent with State law.* The draft ordinance included in this agenda packet effectively completes these deliverables as explicitly called out within the housing program.

***Program 3.M: Modify parking requirements for emergency shelters consistent with State law.***

*The City will amend its Zoning Ordinance to only require parking necessary for emergency shelter staff consistent with Government Code §65583(a)(4)(A).*

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

***Funding Source:*** *General Fund*

***Time Frame:*** *December 2024*

**Discussion:**

The actions included within the attached draft ordinance are requirements pursuant to the City’s adopted 6<sup>th</sup> Cycle Housing Element. Once a jurisdiction takes final action by adopting its housing element this requires immediate action in order to remain compliant with State housing law. The draft ordinance will effectively accomplish multiple components of the required housing programs within the adopted housing element by fully implementing one of the three programs included as apart of the amendments presented, and partially two of the remaining programs presented.

**Housing Element Noncompliance:**

Should the Los Altos City Council vote not to proceed with the implementing actions discussed in this report the City will be vulnerable to penalties and consequences of housing element noncompliance. HCD is authorized to review any action or failure to act by a local government that determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government’s actions do not comply with state law. Examples of penalties and consequence of housing element noncompliance:

- **General Plan Inadequacy:** the housing element is a mandatory element of the General Plan. When a jurisdiction’s housing element is found to be out of compliance, its General Plan could be found inadequate, and therefore invalid. Local governments with an invalid General Plan can no longer make permitting decisions.
- **Lawsuits and Attorney Fees:** local governments with noncompliant housing elements are vulnerable to litigation from housing rights’ organization, developers, and HCD. If a





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jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it often must pay substantial attorney fees to the plaintiff’s attorneys in addition to the fees paid by its own attorneys. Potential consequences of lawsuits include mandatory compliance within 120 days, suspension of local control on building matters, and court approval of housing developments.

- **Loss of Permitting Authority:** courts have authority to take local government residential and nonresidential permit authority to bring the jurisdiction’s General Plan and housing element into substantial compliance with State law. The court may suspend the locality’s authority to issue building permits or grant zoning changes, variances, or subdivision map approvals – giving local governments a strong incentive to bring its housing element into compliance.
- **Financial Penalties:** court-issued judgement directing the jurisdiction to bring its housing element into substantial compliance with state housing element law. If a jurisdiction’s housing element continues to be found out of compliance, courts can multiply financial penalties by a factor of six.
- **Court Receivership:** courts may appoint an agent with all powers necessary to remedy identified housing element deficiencies and bring the jurisdiction’s housing element into substantial compliance with housing element law.

**Petition for Writ of Mandate – California Housing Defense Fund, Yes In My Back Yard v. City of Cupertino.**

So that the City Council and public are well-informed the City of Los Altos has included this information with this agenda item so that all circumstances are understood as housing law is rapidly evolving.

Early this year Californians for Homeownership, California Housing Defense Fund, and YIMBY Law had filed 12 lawsuits in Contra Costa, Santa Clara, Marin, and San Mateo County Superior Courts with the intention to file more in the coming weeks. The cities and counties sued include Belvedere, Burlingame, Cupertino, Daly City, Fairfax, Martinez, Novato, Palo Alto, Pinole, Pleasant Hill, Richmond, and Santa Clara County. Each municipality has been sued by one or two of the non-profits.

With the Bay Area’s 109 cities and counties at widely varied stages in the process of Housing Element adoption and compliance, these twelve lawsuits mark the first round of what will likely be many rounds of judicial review for noncompliance with state housing law in the Bay Area. The initial lawsuits focus on cities with a long history of exclusionary housing practices, cities that adopted housing elements unlawfully, and localities that have made little progress in developing



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their draft housing elements. The organizations will continue to file suits in the coming weeks, prioritizing cities with the most egregious violations in each organization’s judgment.

A Petition for Writ of Mandate in the State of California is used by superior courts, courts of appeal and the Supreme Court to command lower bodies (such as lower level of government agencies, in this case a city) to do or not do specific actions. In this case, a Writ of Mandate can result in the city being directed to adopt a compliant housing element or other associated actions to comply with State law. A Writ of Mandate could also be petitioned for and direct a city to specifically implement programs that were included in their adopted housing element.

Given the current and ongoing legal climate around housing element law it is vital for the City of Los Altos to expeditiously implement the adopted 6<sup>th</sup> Cycle Housing Element 2023-2031. As noted above the potential legal risks associated with housing element noncompliance could be further enforced by similar legal actions.

**December 21, 2023 – HCD Letter of Inquiry**

On December 21, 2023, the Development Services Director received written correspondence from the Department of Housing and Community Development (HCD) Proactive Enforcement Unit of HCD. The Letter of Inquiry was regarding the Rezone Requirements of the City of Los Altos, and the status of the City’s progress to complete such actions by January 31, 2024. As of November 28, 2023, the City of Los Altos has completed all necessary rezoning actions.

The Letter of Inquiry should serve as a cautionary warning to the City of Los Altos that all adopted programs must be implemented timely, and completed with strict adherence to the strong commitments contained within the adopted Housing Element.

**Countywide Compliance Report:**

Of the sixteen (16) jurisdictions in Santa Clara County at the time of this report only seven (7) jurisdictions are in compliance with Housing Element Law. As of September 5, 2023, the City of Los Altos was the sixth (6<sup>th</sup>) jurisdiction in the county to receive final concurrence from the Department of Housing and Community Development (HCD). The following table shows the status of all jurisdictions within Santa Clara County:

<b>Jurisdiction:</b>	<b>Compliance Status:</b>	<b>Date:</b>
Campbell	IN	5/30/2023
Cupertino	OUT	12/15/2023
Gilroy	IN	8/21/2023



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Los Altos	IN	9/5/2023
Los Altos Hills	IN	5/30/2023
Los Gatos	OUT	12/1/2023
Milpitas	IN	5/17/2023
Monte Sereno	OUT	9/22/2023
Morgan Hill	IN	11/29/2023
Mountain View	IN	5/26/2023
Palo Alto	OUT	8/3/2023
San Jose	IN REVIEW	11/30/2023
Santa Clara (City)	OUT	10/20/2023
Santa Clara (County)	OUT	12/18/2023
Saratoga	OUT	7/27/2023
Sunnyvale	IN REVIEW	11/15/2023

**Planning Commission Recommendation – January 4, 2024**

On January 4, 2024, the Los Altos Planning Commission considered the proposed draft ordinance at their regularly scheduled meeting. A public hearing was held, a presentation was given by staff, and public testimony was received. The Planning Commission had a robust discussion regarding the amended parking standards which resulted in minor modifications to the draft ordinance; the modifications were clarifications to be incorporated. The amendments were incorporated into the draft ordinance before the City Council tonight.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AMENDING CHAPTER 14.74 OF THE LOS ALTOS MUNICIPAL CODE TO  
IMPLEMENT PROGRAM 1.I, PROGRAM 3.A, AND PROGRAM 3.M OF THE SIXTH  
CYCLE HOUSING ELEMENT**

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

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

**WHEREAS**, the City Council held a duly noticed public hearing on February 13, 2024, and February 27, 2024; and

**WHEREAS**, Program 1.I of the Housing Element Update calls for Incentivization of Downtown Los Altos Lot Consolidation; and

**WHEREAS**, Program 1.I of the Housing Element Update to facilitate housing development in mixed-use zoning districts, the City will amend the Zoning Code to address governmental constraints by reducing the parking requirements for the consolidation of small lots in Downtown Los Altos; and

**WHEREAS**, Program 3.A of the Housing Element Update calls for and update to citywide parking requirements; and

**WHEREAS**, Program 3.A of the Housing Element Update expressly requires the modification to parking ratios for all multi-family housing development to be consistent with the provisions of State Density Bonus pursuant to Government Code Section 65915(p); and

**WHEREAS**, Program 3.A of the Housing Element Update expressly requires the establishment of reduced parking ratios for single-room occupancy units, senior citizen housing developments, affordable housing units, and other specialized housing unit types within the City; and

**WHEREAS**, Program 3.A of the Housing Element Update expressly requires the modification of required parking design dimensions such as stall dimensions, so that less land area is required to be dedicated to parking; and

**WHEREAS**, Program 3.M of the Housing Element Update calls for the modification of parking requirements for emergency shelters consistent with State law pursuant to Government Code Section 65583(a)(4)(A); 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 14.74 OF THE MUNICIPAL CODE.** Chapter 14.74 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion.

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

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

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

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

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

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

Attest:

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

**APPENDIX A  
AMENDMENTS TO CHAPTER 14.74**

APPENDIX A

Chapter 14.74 ACCESS, OFF-STREET PARKING AND LOADING

Sections:

**14.74.010 Purpose and Intent~~R-1 District requirements.~~**

- ~~A. — Not less than two parking spaces, one of which shall be covered, shall be required for each living unit, except accessory dwelling units which shall provide parking as required under Chapter 14.14 of this title.~~
- ~~B. — All required parking spaces shall be provided on site.~~
- ~~C. — No commercial vehicle or trailer shall be parked, stored, or otherwise left unattended at any place within the R-1 District, except while actually engaged in pickup or delivery activities, or during the course of the actual construction, alteration, or repair of structures in the immediate proximity, or unless kept entirely in an enclosed parking structure or behind a solid fence or wall not less than six feet in height.~~

The access, off-street parking and loading regulations ensure that all land uses provide safe access and on-site circulation along with adequate off-street parking and loading facilities. These regulations shall be maintained and consistent with State law. In the event that there is conflict between State law and this chapter State law shall prevail.

~~(Prior code § 10-2.2301)~~

~~(Ord. No. 2018-448, § 5, 7-10-2018)~~

**14.74.020 Applicability. Reserved.**

- A. The minimum standards of this chapter shall apply to all proposed land uses, buildings, and structures.
- B. The minimum standards of this chapter shall also apply to all proposed additions, enhancements and modifications to existing land use(s) and associated structure(s). At the time a building or structure is added onto, enlarged, or modified, parking and loading spaces shall be provided for both the existing and the modified or enlarged portions so as to conform to the provisions of the chapter.
- C. Unless otherwise provided through an approved discretionary permit such as a joint use parking agreement, all required access, off-street parking and loading facilities shall be provided onsite.
- D. No commercial vehicle or trailer shall be parked, stored, or otherwise left unattended at any place within the R-1 District, except while actually engaged in pickup or delivery activities, or during the course of the actual construction, alteration, or repair of structures in the immediate proximity, or unless kept entirely in an enclosed parking structure or behind a solid fence or wall not less than six feet in height and does not project above the maximum height of the solid fence or wall provided.

~~Editor's note(s) — Ord. No. 2012-375, § 8, adopted Jan. 24, 2012, repealed § 14.74.020 which pertained to R-1-10 district requirements and derived from § 10-2.2302 of the prior code.~~

**14.74.030 Site Plan and Permit Required. R3-5 District requirements.**

- A. A site plan shall be submitted for all required parking facilities. The plan shall consist of a detailed layout of the existing and proposed parking facilities, including the site, grades, drainage, utilities, easements, all

structures, landscaping, walls and fences, parking stalls, drive aisles, and ingress and egress drives. The plan shall be accurately and thoroughly dimensioned to scale.

- B. The site plan shall be submitted and reviewed in conjunction with any discretionary review or ministerial permits.
- C. In the event that no other permit is required the modification of any existing required parking facilities shall be reviewed by the Development Services Department as an Administrative Design Review Permit to ensure consistency with all requirements of this chapter.

~~Not less than two parking spaces for each dwelling unit in a multiple family unit or apartment, one of which shall be covered, shall be required.~~

(Ord. 07-312 § 9 (part); prior code § 10-2.2303)

**14.74.040 General Provisions. R3-4.5 District requirements.**

- A. Accessibility.
  - i. Required access, off-street parking, and loading facilities shall be made available and permanently maintained for access, off-street parking, and loading for all uses and structures.
  - ii. Required access, off-street parking, and loading facilities shall be designed, located, constructed, and maintained so as to be fully and independently usable and accessible at all times.
  - iii. Required access, off-street parking, and loading facilities, and associated driveways providing access to such facilities, shall not be used for any purpose which at any time would preclude the use of the area for its intended and approved use.
  - iv. Inoperable motor vehicles shall not be parked in or on any driveway, carport and/or easement(s).
    - a. Any inoperable motor vehicle shall be required to be fully enclosed and always contained within a permanent structure.
- B. Exclusivity of Access, Off-Street Parking, and Loading Facilities.
  - i. Unless otherwise provided through an approved discretionary permit such as a joint use parking agreement, no owner or tenant shall lease, rent, or otherwise make the required access, off-street parking, and loading facilities unavailable to the intended onsite users.
    - a. The joint use of access, off-street parking, and loading facilities shall be permitted subject to the approval of a Conditional Use Permit reviewed by the Zoning Administrator at a Public Hearing.
- C. Encroachment into Right-of-Way Prohibited.
  - i. Land within the right-of-way of a proposed street or highway, or within the planned ultimate right-of-way on a street or highway proposed to be widened, shall not be used to provide required off-street parking.
    - a. Exception. Loading facilities shall be permitted within the public right-of-way immediately adjacent to any proposed or existing development if adequate fire access is provided and bicycle and pedestrian safety is maintained at all times and is subject to the approval of a Conditional Use Permit reviewed by the Zoning Administrator at a Public Hearing.

~~Not less than two parking spaces for each dwelling unit in a multiple family unit or apartment, one of which shall be covered, shall be required.~~



~~(Ord. 07-312 § 9 (part); prior code § 10-2-2304)~~

**14.74.050 Access. R3-3 District requirements.**

- A. Driveways. Driveways are intended to provide access from public or private streets to off-street parking facilities. Entry driveways provide direct ingress or egress from a street, alley or public right-of-way to a parking aisle, internal driveway, or parking maneuvering area. Internal driveways provide interior circulation between parking aisles. Except as is customary on a parcel developed with a single-family dwelling, no parking shall be permitted in an entry driveway.
  - i. Location of Driveway on a Corner Lot. When a building site abuts two (2) intersecting streets and a driveway is proposed, the driveway shall be located on the primary building frontage.
    - a. Exception. When the primary building frontage is along a public street which causes safety concerns for ingress and egress to and from the site the driveway may locate along the secondary building frontage.
- B. Driveway Spacing. Spacing between adjacent property driveways shall be provided to create a clear delineation of ingress and egress to each parcel or property within the city.
  - i. A minimum of five (5) feet shall be provided between driveways of adjacent parcels or properties.
- C. Limit on Single Family Residential Driveways.
  - i. For all residential uses, the driveway must lead to a garage, carport, or other approved parking facility.
  - ii. The number of permitted driveways, driveway approaches, or curb cuts shall be one (1) per fifty (50) feet of lot frontage, not to exceed a total of two (2).
- D. Driveway/Drive Aisle Widths.
  - i. The minimum width of a one-way driveway/drive aisle shall be twelve (12) feet.
  - ii. The minimum width of a two-way driveway/drive aisle shall be eighteen (18) feet.
- E. Primary Access.
  - i. When a proposed development is immediately adjacent to an alleyway the primary driveway access shall be taken from the alleyway.
  - ii. When a proposed development with building frontage along Main Street and/or State Street the primary driveway access shall be taken from the rear of the property immediately adjacent to the public parking plazas.

~~Not less than two parking spaces for each dwelling unit in a multiple family unit or apartment, one of which shall be covered, shall be required.~~

~~(Ord. 07-312 § 9 (part))~~

**14.74.060 Development Standards of Access, Off-Street Parking and Loading Facilities. R3-1-8 District requirements.**

- A. Access, Off-Street Parking and Loading Facilities shall conform to the following standards:
  - i. Parking Stall Standard Dimensions, shall be as follows:



- iii. Decorative paving or decorative concrete entry areas of any parking facility shall be provided in any required setback area or a minimum of the first twenty (20) feet of depth of any parking facility whichever is greater, as measured from the primary entrance into the required facility.
  - D. Lighting. The lighting of all onsite parking facilities shall be designed and maintained in a manner to prevent glare or indirect illumination from intruding into any off-site areas or adjacent properties or parcels. Lighting fixtures shall be provided in accordance with the following specifications:
    - i. Lighting fixtures shall be oriented and shielded downward to prevent any excess light intrusion.
    - ii. Lighting fixtures shall only illuminate what is necessary to provide sufficient lighting for the safety and security of all parking facilities.
    - iii. Lighting fixtures installed on the exterior of any building onsite or visible from public view shall be architecturally compatible and integrated into the building design.
    - iv. Lighting fixtures shall be installed to illuminate any walkways or paths of travel for pedestrians to and from any onsite parking facilities.
    - v. Lighting fixtures shall be provided as external illumination for any onsite signage for wayfinding or directional signage of any parking facility built in conjunction with a development.
  - E. Landscaping of all Access, Off-Street Parking, and Loading Areas.
    - i. All landscaping shall conform to the Water Efficient Landscape requirements and best arboricultural practices.
    - ii. Perimeter Landscaping. All unenclosed or surface parking facilities shall provide a perimeter landscaped strip/buffer at least five (5) feet in depth between any parking facility and adjacent properties.
      - a. Perimeter landscaping shall include a mixture of trees, shrubs, and ground cover. Sufficient number of trees shall be utilized in order to achieve complete screening of required parking facilities from adjacent properties at full maturity.
    - iii. Interior Landscaping Island(s) and Diamond(s). All unenclosed or surface parking facilities shall provide interior landscaping island(s) or diamond(s).
      - a. Interior landscaping island(s) or diamond(s) shall be provided one (1) per every five (5) parking stalls; any fraction resulting based on this calculation shall be rounded down to the next whole number.
      - b. Any required landscaping island(s) shall be provided no less than two (2) feet by eight (8) feet in dimensions.
      - c. Any required landscaping diamond(s) shall be provided no less than four (4) feet by four (4) feet in dimensions.
      - d. As an alternative to any required landscaping island(s) or diamond(s) a project may propose above ground decorative planter(s) or pot(s) to satisfy this standard. The final location, and planter or pot design shall be determined by the Development Services Director.
  - F. Wheel Stops. A permanent curb, bumper wheel stop, or similar device shall be installed for all required parking stalls onsite. When a permanent curb is installed as a method for satisfying this requirement no vehicle overhang shall be permitted to encroach into any required landscaping area onsite.
  - G. Vertical Clearance. All required parking facilities shall have a vertical clearance of not less than seven (7) feet.

- H. Horizontal Clearance. All required parking stalls and loading facilities shall be free and clear of any encroachments into the required size dimensions (i.e., no pillars or structural members shall be located within the required dimension area of any parking stall or loading facilities).
  - I. Gates at Entrance(s), Exit(s) and Perimeter of all Access, Off-Street Parking, and Loading Areas.
    - i. When gates are proposed onsite for any access, off-street parking, and loading areas they shall be designed and constructed to be architecturally compatible with the existing or proposed building(s) in that building materials shall be the same materials and finishes of the primary building(s).
    - ii. Adequate vehicle staging shall be provided at the approach of any gated access, off-street parking, and loading areas to prevent vehicles from staging off-site or in the public right-of-way.
    - iii. Parking Management Plan. A parking management plan shall be required for any development that proposes gates into any required access, off-street parking, and loading areas to the satisfaction of the Development Services Director.
      - a. The parking management plan shall be reviewed independently of any other permit and processed as a Conditional Use Permit reviewed by the Zoning Administrator.
      - b. The purposes of a parking management plan shall be to ensure adequate access is maintained at all times, and in the event of emergency all necessary provisions have been made to accommodate the safe ingress and egress of emergency response personnel and evacuation of any occupants.
  - J. Maintenance. All access, off-street parking and loading areas shall be maintained to assure the facilities are ready for use at all times. Such facilities shall be maintained free of refuse or debris at all times. When storage is included within any required parking facilities the designated parking and loading areas shall maintained free and clear and ready for vehicular use at all times.
  - K. Signage. Adequate onsite directional and wayfinding signage shall be provided for all access, off-street parking and loading areas. Signage shall include but is not limited to:
    - i. Entrance height clearance signage and bar.
    - ii. Directional and wayfinding signage for access into and around development.
    - iii. When non-residential uses are provided onsite a directory shall be provided near all main entrances and exits of the site.
    - iv. When reserved or dedicated parking stalls are provided individual signage or floor markings shall be provided and maintained at all times.
  - L. Electric Vehicle (EV) dedicated parking stalls shall include signage indicating the type and capacity of each charging station.
- A. ~~Two spaces, one of which shall be covered, for each dwelling unit in a multiple family dwelling or apartment house having two rooms or more in addition to the kitchen and bathrooms shall be required.~~
- B. ~~One and one-half spaces, one of which shall be covered, for each dwelling unit in a multiple family dwelling or apartment house having less than two rooms in addition to the kitchen and bathrooms shall be required.~~
- C. ~~One on-site visitor space shall be required for every four multifamily residential dwelling units or fraction thereof.~~
- (Ord. 07-312 § 9 (part); Ord. 02-410 § 4; prior code § 10-2.2305)

**14.74.070 Alternative to Off-Street Parking and Loading Facilities. R3-1 District requirements.**

**A. Compact Parking Stall Provisions.**

- i. Compact parking stalls shall be provided only for vehicles mid-size or smaller and are parking stalls designed with a standard reduction in size as compared to the City standard stall requirements.
- ii. Compact parking space size. Each standard compact parking space shall consist of an area not less than eight (8) feet wide by sixteen (16) feet long.
- iii. Multiple-Family Residential shall be permitted to accommodate a maximum of twenty (20) percent of required residential parking as compact parking stalls.
- iv. Non-Residential Uses shall be permitted to accommodate a maximum of forty (40) percent of required non-residential parking as compact parking stalls.

**B. Tandem Parking Stall Provisions.**

- i. Tandem parking stalls are an alternative parking configuration where one (1) parking stall is in front of another creating one (1) long parking stall that provides sufficient parking for two (2) required parking stalls.
- ii. Tandem parking space size. Each standard tandem parking space shall consist of an area not less than nine (9) feet wide by thirty-six (36) feet long.
- iii. Tandem parking stalls shall only be allowed for meeting the requirements of Residential Parking Standards.
- iv. Tandem parking stalls shall only be allowed for required parking assigned to the same residential dwelling unit.

**C. Mechanical Lift and Automated Parking Stall Provisions.**

- i. Mechanical Lift Parking is an alternative parking configuration where one (1) vehicle is mechanically lifted on a parking system vertically above the ground to provide sufficient clearance for another vehicle to be parked directly beneath the vehicle above.
  - a. Mechanical lift parking stalls shall only be allowed for required parking assigned to the same residential dwelling unit. Mechanical lift parking stalls shall not be allowed in meeting the parking requirements for any non-residential uses.
  - b. Mechanical lift parking stalls shall provide a minimum of seven (7) feet in height clearance for each parking stall for a minimum of fourteen (14) feet in height for the two (2) stacked vehicles.
  - c. Back-up Power shall be provided for any proposed mechanical lift parking facilities to allow emergency operation of the system in retrieving all parked vehicles.
- ii. Automated Parking is a mechanical system designed to minimize the area and volume required for parking vehicles. Automated parking configurations can include single level or multiple levels of parking lifts in meeting the parking requirements. Automated parking systems utilize Artificial Intelligence (AI) to park and retrieve all vehicles parked within the automated parking facility.
  - a. Automated parking shall be allowed for required parking of residential and non-residential uses shall be permitted subject to the approval of a Conditional Use Permit reviewed by the Zoning Administrator at a Public Hearing. The following requirements shall be provided as apart of any request for use of an automated parking system:

1. A parking management plan shall be provided to ensure adequate access is maintained at all times, and in the event of emergency all necessary provisions have been made to accommodate the safe ingress and egress of emergency response personnel and evacuation of any occupants.
2. All automated parking stalls, and associated equipment shall be located wholly within a permanent structure.
3. Technical study shall be provided with initial request for consideration demonstrating that the proposed design and operation of automated parking system will not be detrimental to surrounding uses and properties in the vicinity relative to noise, visual impacts, and general use of the proposed facilities.
4. Back-up Power shall be provided for any proposed automated parking facilities to allow emergency operation of the system in retrieving all parked vehicles.
5. The Zoning Administrator shall have the discretion to require any necessary technical study or manufacturer specifications in order to determine the appropriateness and operational standards of the proposed automated parking system.

D. Motorcycle Stall Provisions.

- i. Motorcycle parking stalls shall be provided only for the cycle of motorcycles and are parking stalls designed with a standard reduction in size as compared to the City standard stall requirements.
- ii. Motorcycle parking space size. Each standard motorcycle parking space shall consist of an area not less than five (5) feet wide by ten (10) feet long.
- iii. Motorcycle parking shall be permitted to accommodate a maximum of five (5) percent of the required non-residential parking.
- iv. Motorcycle parking shall not be allowed for meeting the requirements of Residential Parking Standards.

- ~~A. There shall be two underground off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having two rooms or more in addition to the kitchens and bathrooms.~~
- ~~B. There shall be one and one-half underground off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having less than two rooms in addition to the kitchens and bathrooms.~~
- ~~C. Projects with a site area less than thirty thousand (30,000) square feet may provide up to a maximum of one-half of the required parking above ground. The proposed parking plan shall be subject to the approval of the commission and council.~~
- ~~D. One on-site visitor space shall be required for every four multiple-family residential dwelling units or fraction thereof.~~

~~{Ord. 07-312 § 9 (part); prior code § 10-2.2305.1}~~

~~{Ord. No. 2012-375, § 9, 1-24-2012}~~

**14.74.080 Mixed Use Development Parking Requirements. Residential uses in CN, CD, CD/R3, CRS/OAD, CRS and CT Districts.**

Where more than one use is included in one building or on a single parcel, the parking requirements shall be the sum total of the requirements of all the uses (each onsite use parking requirement is calculated independently); provided, however, when determined by the Development Services Director that a conflict in demand for parking will not occur, parking requirements may be combined. Appropriate legal documents, as approved by the City Attorney, shall be executed when such a combination is required and approved.

For those properties which participated in a public parking district, no parking shall be required for the net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required as follows for any net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district:

- A. There shall be two off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having two rooms or more in addition to the kitchens and bathrooms.
- B. There shall be one and one-half off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having less than two rooms in addition to the kitchens and bathrooms.
- C. One on-site visitor space shall be required for every four multiple-family residential dwelling units or fraction thereof. Mixed use projects may substitute nonresidential parking spaces for visitor use in lieu of providing dedicated visitor parking spaces, subject to approval of the commission and council.
- D. For emergency shelters the following off-street parking shall be provided: 0.25 parking spaces per bed, 0.2 bike spaces per bed, one parking space per family room, and one parking space per employee on duty.

(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part))

(Ord. No. 2012-375, § 10, 1-24-2012; Ord. No. 2015-408, § 3, 6-9-2015)

**14.74.090 Loading Facilities. Reserved.**

In order to accommodate the delivery or shipping of goods of all developments, on-site loading facilities shall be provided for all non-residential development and housing developments of ten (10) units or greater:

- A. There shall be at least one loading facility provided, which shall have minimum dimensions of at least ten (10) feet by twenty-five (25) feet, with fourteen (14) feet of vertical clearance (when provided within the building envelope).
- B. Loading facilities shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way without interfering with the orderly movement of vehicular traffic, bicyclists and pedestrians on any public way and complete the loading and unloading operations without obstructing or interfering with any parking stall or parking lot aisle.
- C. No area allocated to loading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any of off-street parking area be used to satisfy the area requirements for loading facilities.
- D. A loading facility may be located in the front yard setback but shall comply with other required setbacks.
- E. All loading facilities shall be designed and maintained so that vehicles do not back in from, or onto, a public street.

F. Loading facilities shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

G. Adequate signage shall be provided that directs delivery vehicles to the loading space.

Editor's note(s) — Ord. No. 2012-375, § 11, adopted Jan. 24, 2012, repealed § 14.74.090 which pertained to office uses in the OA-1, OA-4.5 and CN district and derived from § 10-2.2306 of the prior code; Ord. No. 05-294, § 3(part); Ord. No. 07-312, § 9(part); and Ord. No. 10-348, § 7, adopted April 13, 2010.

**14.74.100 Downtown Los Altos Parking Provisions. Office uses in CRS/OAD, OA, CN, CD, CD/R3, CRS and CT Districts.**

A. Downtown Los Altos Parking District.

- i. Properties located in Downtown Los Altos which participated in a public parking district, no parking shall be required for the net square footage of existing nonresidential buildings which does not exceed one hundred (100) percent of the net lot area.
- ii. Parking shall be required for any new net square footage in excess of one hundred (100) percent of the lot area and for all properties which did not participate in the original public parking district.
- iii. All parking requirements shall be calculated based on the adopted parking ratios and provisions contained within this code.

B. Downtown Lot Consolidation.

- i. In certain portions of Downtown Los Altos, specifically along Main Street and State Street, the presence of small lots, fragmented ownership pattern, and lack of ability to provide on-site parking have historically constrained redevelopment potential. In order to incentivize Downtown Lot Consolidation for the redevelopment of existing buildings with frontages along Main Street and State Street the following standards shall apply:
  - a. The maximum parking requirement of any residential dwelling unit shall be one (1) parking stall per unit.

~~For those properties which participated in a public parking district, no parking shall be required for the net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required for any net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district and shall be not less than one parking space for each three hundred (300) square feet of net floor area.~~

~~(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part); prior code § 10-2.2307)~~

~~(Ord. No. 10-348, § 8, 4-13-2010; Ord. No. 2012-375, § 12, 1-24-2012)~~

**14.74.110 Common Parking Facilities. Commercial uses in CRS/OAD, OA, CN, CD, CD/R3, CRS and CT Districts.**

A. Parking space requirements prescribed in this chapter may be satisfied by the permanent allocation of the required area or number of spaces for each permitted use in a common parking facility, cooperatively established and operated, either under private auspices or a public assessment district, which includes the site of any use permitted under this chapter, provided the total number of spaces allocated shall be not



less than the sum of the individual requirements, and provided also that the parking facility shall be within five hundred (500) feet of the site of the permitted use.

B. When a common parking facility is approved as prescribed per subsection A, appropriate legal documents, as approved by the City Attorney and Development Services Director, shall be executed to insure permanent use of such spaces.

~~For those properties which participated in a public parking district, no parking shall be required for the net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required as follows for any net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district.~~

- ~~A. For intensive retail uses and personal services, not less than one parking space for each two hundred (200) square feet of net floor area;~~
- ~~B. For extensive retail uses, not less than one parking space for each five hundred (500) square feet of net floor area;~~
- ~~C. For business, professional and trade schools, one parking space for every three employees, including teachers and administrators, plus one additional space for every two students;~~
- ~~D. For bars, cafes, nightclubs, restaurants, and soda fountains, one parking space for every three employees, plus one space for every three seats provided for patrons, and such additional parking spaces as may be prescribed by the commission;~~
- ~~E. For bowling alleys, one parking space for every three employees, plus six additional parking spaces for each alley;~~
- ~~F. For pool halls, one parking space for every three employees, plus one additional parking space for each pool table;~~
- ~~G. For other types of commercial recreation establishments, one parking space for every three employees, plus such additional parking spaces as may be prescribed by the planning commission;~~
- ~~H. For hotels and motels, one parking space for every three employees, plus one additional space for each sleeping room or suite, and additional parking spaces as prescribed in subsection A of this section for any store, service establishment, shop, or studio located on the site, and additional parking spaces as prescribed in subsection C of this section for any bar, cafe, nightclub, restaurant, or soda fountain located on the site;~~
- ~~I. For mortuaries, one parking space for every three employees, and one additional space for each hearse and funeral car owned or hired by the mortuary, plus the number of spaces prescribed by the planning commission for visitors and persons attending funerals;~~
- ~~J. For theaters and auditoriums, one parking space for every four seats, plus one additional space for every three employees; and~~
- ~~K. For automobile display or salesrooms, bus depots, drive-in banks, drive-in restaurants, repair garages, and storage garages, one parking space for every three employees, plus such additional parking spaces as prescribed by the planning commission or city council.~~

~~(Ord. 07-312 § 9 (part); Ord. 07-306 § 7; Ord. 05-294 § 3 (part); prior code § 10-2.2308)~~

~~(Ord. No. 2012-375, § 13, 1-24-2012)~~

**14.74.120 Authorization to Execute Parking License Agreements. Community facilities.**

**A. Applicability.**

- i. The provisions of Section 14.74.120 of the Los Altos Municipal Code shall only apply to properties within Downtown Los Altos and for meeting the parking requirements of nonresidential development and uses.

**B. Authorization Granted.**

- i. The City Council authorizes the Development Services Director to determine the parking requirements of any proposed project within the City of Los Altos consistent with the provisions of this code.
  - a. When it is determined that providing the required parking onsite is infeasible the Development Services Director shall negotiate with consultation of the City Attorney a Parking License Agreement to satisfy the parking requirements of Chapter 14.74 of the Los Altos Municipal Code.

- ii. The City Council authorizes the City Manager to execute any proposed Parking License Agreement and subsequent amendments to existing and proposed Parking License Agreements based on the provisions of Section 14.74.120 of the Los Altos Municipal Code.

**C. Establishment of Fee.**

- i. The fee for use of public parking plazas, and structures for meeting the parking requirements of nonresidential uses shall be based upon the Master Fee Schedule of the City of Los Altos as amended annually.
  - a. Annual amendments to the Master Fee Schedule shall be applied to each executed Parking License Agreement as necessary.

**D. Executed Parking License Agreement.**

- i. The executed agreement shall be reported out to the City Council as an Informational Item on its published agenda at its next regularly scheduled meeting following the final execution of said agreement.

Parking space requirements shall be as follows:

- A. ~~For public, parochial, and private schools and for nursery schools, church schools, and colleges, one parking space for every two employees, including teachers and administrators, plus sufficient space for the safe, convenient loading and unloading of students, and such additional area for student and visitor parking as may be prescribed by the commission;~~
- B. ~~For public playgrounds, parks, community centers, and other public buildings, structures, and facilities, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- C. ~~For day care centers and private nonprofit recreation facilities, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- D. ~~For churches, not less than one parking space for every three and one half seats in the main sanctuary, plus one additional space for each church official resident on the premises, and one additional space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- E. ~~For monasteries, convents, and other religious institutions, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~

- F. ~~For golf courses, country clubs, and private commercial clubs, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- G. ~~For private noncommercial clubs, other than country clubs, one parking space for every two employees, plus one parking space for every three members, or, in the alternative, such additional parking area for members as may be prescribed by the commission;~~
- H. ~~For libraries, museums, and noncommercial art galleries, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- I. ~~For institutions of an educational or philanthropic nature, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- J. ~~For public utility service structures or installations, one parking space for every two employees;~~
- K. ~~For hospitals, one parking space for every two patient beds, plus one additional space for each staff doctor and one space for every three employees, including nurses. Loading space for ambulances and similar vehicles shall not be included therein;~~
- L. ~~For nursing home and convalescent hospitals, one-half of one parking space for each bed, plus additional parking space as may be determined by the planning commission and city council;~~
- M. ~~For retirement homes, three-fourths of one parking space for each dwelling unit, plus additional parking spaces as may be determined by the planning commission and city council; and~~
- N. ~~For residential care homes for aged persons on sites containing ten thousand (10,000) to forty-three thousand five hundred sixty (43,560) square feet, not less than one garage or carport, plus one parking space; provided, however, in the event there are more than two vehicles, additional space shall be provided for each additional vehicle beyond the required front yard setback in accordance with plans approved by the commission. The occupants of the care home shall be prohibited from parking their vehicles off site.~~

(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part); prior code § 10-2.2311)

**14.74.130 Minimum Number of Required Parking Stalls. ~~Plant nurseries.~~**

**A. Calculation of Minimum Parking Requirements.**

- i. For the purposes of this chapter, "net square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.
- ii. The requirement for a use not specifically mentioned in Chapter 14.74 of the Los Altos Municipal Code shall be the same as for a specified use which has the most similar traffic or parking generation characteristics. The Development Services Director shall determine what constitutes similar traffic or parking generation characteristics. The Development Services Director shall have the authority to require a parking analysis or report of any proposed development in order to determine the appropriate parking requirement of a use not listed below. The number of required stalls shall be adequate to service the proposed use.
- iii. When the calculation of required parking stalls results in a fractional number, the number of required stalls shall be rounded up to the next whole number when the fraction is equal to or greater than .5 and may be rounded down to the next whole number when the fraction is less than .5.

**B. Minimum Number of Required Parking Stalls by Use are as follows:**

<u>USE</u>	<u>REQUIRED NUMBER OF PARKING STALLS</u>
<b><u>Residential Uses</u></b>	
<b><u>Accessory Dwelling Unit(s)</u></b>	<u>Shall comply with the provisions of Chapter 14.14 of this title per unit.</u>
<b><u>Affordable Housing Unit(s), Below Market Rate (BMR), Deed Restricted Unit</u></b>	<u>One Half (0.5) stalls per unit.</u>
<b><u>Senior Citizen Housing Development</u></b> , as defined in Section 51.3 and 51.12 of the California Civil Code and based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code.	<u>One (1) stall per unit.</u>
<b><u>Single Family Dwelling Unit</u></b>	<u>Two (2) stalls, one of which shall be covered per unit.</u>
<b><u>Multiple Family Dwelling Units</u></b>	
<u>Studio Unit(s)</u>	<u>One (1) stall per unit.</u>
<u>0 to 1 Bedroom Unit(s)</u>	<u>One (1) stall per unit.</u>
<u>2 to 3 Bedroom Unit(s)</u>	<u>One and one half (1.5) stalls per unit.</u>
<u>4 or more Bedroom Unit(s)</u>	<u>Two and one half (2.5) stalls per unit.</u>
<u>Guest Parking (For Multiple Family Housing Development(s) Only)</u>	<u>Zero (0) stalls required.</u>
<b><u>Specialized Housing Uses</u></b>	
<b><u>Emergency Shelters</u></b>	<u>One (1) stall for every three (3) employees, plus (1) stall for every ten (10) beds within the emergency shelter.</u>
<b><u>Nursing Homes, Including: Convalescent Hospitals, Assisted Living Homes or Similar Uses.</u></b>	<u>One (1) stall for every two (2) patient beds or for every two (2) resident units, plus one (1) for every three (3) employees.</u>
<b><u>Single Room Occupancy (SRO)</u></b>	<u>One half (0.5) stall per single room occupancy unit.</u>
<b><u>Supportive and Transitional Housing</u></b>	<u>One half (0.5) stall per supportive and transitional housing unit, plus one (1) stall for every three (3) employees.</u>
<b><u>Nonresidential Uses</u></b>	
<b><u>Arcades</u></b>	<u>One (1) stall for every three (3) employees plus one (1) for every one hundred and fifty (150) square feet of net floor area.</u>
<b><u>Art Galleries, and Museums</u></b>	<u>One (1) stall for every two hundred and fifty (250) square feet of net floor area.</u>

<b><u>Bowling Alleys</u></b>	<u>One (1) stall for every three (3) employees, plus six (6) stalls for each alley.</u>
<b><u>Business and Professional Offices, Including: Accountants, Lawyers, Real Estate Companies, Estate Planning, and similar uses.</u></b>	<u>One (1) stall for every three hundred (300) square feet of net floor area.</u>
<b><u>Business, Professional, and Trade Schools</u></b>	<u>One (1) stall for every three (3) employees, plus one (1) stall for every two (2) students.</u>
<b><u>Commercial Recreation Establishments (Not Specifically Listed in this Chapter.)</u></b>	<u>One (1) stall for every three (3) employees, plus additional parking stalls as determined by the Development Services Director.</u>
<b><u>Country Clubs</u></b>	<u>Individual uses shall be calculated independently of each other and included in the comprehensive parking total for all uses onsite.</u>
<b><u>Churches, Monasteries, Convents, and Other Religious Institutions</u></b>	<u>One (1) stall for every three (3) employees, plus one (1) stall for every three (3) fixed seats (or 72" of bench seating), or one (1) stall for every twenty-five (25) square feet of net floor area.</u>
<b><u>Daycare Facilities</u></b>	<u>One (1) stall for every two (2) employees, plus (1) stall for every four (4) persons left in the care of the daycare facility. Additional parking and loading requirements shall be considered when bicycle and pedestrian safety is determined to be necessary as determined by the Development Services Director.</u>
<b><u>Financial Services, Including: Banks, Savings and Loans, Credit Unions, and similar uses.</u></b>	<u>One (1) stall for every two hundred and fifty (250) square feet of net floor area.</u>
<b><u>Golf Courses</u></b>	<u>Four (4) stalls for each hole of golf course, plus additional stalls for each use calculated separately.</u>
<b><u>Government Uses, and other Public and Community Facility Uses</u></b>	<u>To be determined by the Development Services Director and supported by a Parking Study or Analysis.</u>
<b><u>Gyms, Spas, and Health Clubs</u></b>	<u>One (1) stall for every two hundred (200) square feet of net floor area.</u>
<b><u>Hospitals</u></b>	<u>One (1) stall for every two (2) patient beds, plus one (1) stall for every three (3) employees. Additional parking and loading shall be required for emergency response vehicles.</u>
<b><u>Hotels and Motels</u></b>	<u>One (1) stall for every three (3) employees, plus one (1) for each sleeping room.</u>
<b><u>Laundromat</u></b>	<u>One (1) stall for every three (3) washing machines.</u>
<b><u>Libraries</u></b>	<u>One (1) stall for every two hundred and fifty (250) square feet of net floor area.</u>

<u><b>Medical and Dental Offices</b></u>	<u>One (1) stall for every two hundred (200) square feet of net floor area.</u>
<u><b>Mortuaries and Funeral Homes</b></u>	<u>One (1) stall for every three (3) employees, plus one (1) for each hearse, plus one (1) stall for every three (3) fixed seats (or 72" of bench seating), or one (1) stall for every twenty-five (25) square feet of net floor area.</u>
<u><b>Nonprofit Organizations</b></u>	<u>One (1) stall for every three hundred (300) square feet of net floor area.</u>
<u><b>Parks, Playgrounds, Sport Fields</b></u>	<u>To be determined by the Development Services Director and supported by a Parking Study or Analysis.</u>
<u><b>Personal Services</b></u>	<u>One (1) stall for every two hundred (200) square feet of net floor area.</u>
<u><b>Plant Nurseries</b></u>	<u>One (1) stall for every one thousand (1,000) square feet of gross floor area of indoor/enclosed areas, plus one (1) stall for every two thousand (2,000) square feet of gross floor area of all outdoor sale, storage or display areas.</u>
<u><b>Pool Halls</b></u>	<u>One (1) stall for every three (3) employees, plus one (1) for each pool table.</u>
<u><b>Private Membership Clubs</b></u>	<u>One (1) stall for every one hundred and fifty (150) square feet of net floor area.</u>
<u><b>Public Utility Service Structures (open to the public and agency use only).</b></u>	<u>One (1) stall for every two (2) employees, plus (1) stall for every two hundred (200) square feet of net floor area of customer service and office areas.</u>
<u><b>Restaurants, Including: Bars, Cafes, Nightclubs, Ice Cream Shops, Food Halls, Coffee Shops</b></u>	<u>One (1) stall for every three (3) employees, plus one (1) stall for every three (3) seats for patrons.</u>
<u><b>Retail</b></u>	
<u>Extensive Retail Sales</u>	<u>One (1) stall for every five hundred (500) square feet of net floor area.</u>
<u>Intensive Retail Sales</u>	<u>One (1) stall for every two hundred (200) square feet of net floor area.</u>
<u><b>Schools (Public and Private)</b></u>	<u>One (1) stall for every two (2) employees, plus additional stalls as determined by a Parking Study or Analysis. Additional parking and loading requirements shall be considered when bicycle and pedestrian safety is determined to be necessary as determined by the Development Services Director.</u>
<u><b>Swimming Pools</b></u>	<u>Ten (10) stalls, plus one (1) for every three (3) employees.</u>
<u><b>Tennis Courts, Including Pickleball and Racquetball</b></u>	<u>Three (3) stalls for each court.</u>

<u><b>Theaters and Auditoriums</b></u>	<u>One (1) stall for every four (4) fixed seats, plus one (1) stall for every three (3) employees.</u>
<u><b>Union Halls, Lodges, and Clubs</b></u>	<u>One (1) stall for every two (2) employees, plus (1) stall for every three (3) members.</u>
<u><b>Veterinary Offices</b></u>	<u>One (1) stall for every three hundred (300) square feet of net floor area.</u>
<u><b>Other Uses</b></u>	
<u><b>Other Uses, all uses not specifically listed</b></u>	<u>To be determined by the Development Services Director and supported by a Parking Study or Analysis.</u>

Parking space requirements shall be as follows:

- A. ~~Ten (10) parking spaces for each acre, or fraction thereof, contained in the site, plus such additional parking spaces as may be prescribed by the commission; or~~
- B. ~~One parking space for every three employees, plus such additional parking spaces as may be prescribed by the commission.~~

~~(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part); prior code § 10-2.2312)~~

~~**14.74.140 Other uses.**~~

~~Other uses not specifically set forth in the foregoing sections of this chapter shall furnish parking as prescribed by the commission. In determining the off-street parking requirements for such uses, the commission shall use the foregoing requirements as a general guide and shall determine the minimum number of parking spaces necessary to avoid undue interference with the public use of streets and alleys.~~

~~(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part); prior code § 10-2.2313)~~

~~**14.74.150 Mixed use development.**~~

~~Where more than one use is included in one building or on a single parcel, the parking requirements shall be the sum total of the requirements of all the uses; provided, however, when determined by the city that a conflict in demand for parking will not occur, parking requirements may be combined. Appropriate legal documents, as approved by the city attorney, shall be executed when such combination is approved. Any use or building requiring five-tenths or more parking space shall be deemed to require a full space.~~

~~(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part); prior code § 10-2.2314)~~

~~(Ord. No. 10-348, § 10, 4-13-2010)~~

~~**14.74.160 Off-street loading spaces.**~~

~~Loading spaces shall be provided on the site of each of the permitted uses in the CN, CN-T, CD, CT, Community Facilities, and Plant Nursery districts when found by the commission to require the receipt or~~

distribution of materials by vehicles or when found to be necessary for the public safety or welfare. The number of spaces shall be determined on the basis of the number of anticipated truck movements.

(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part); prior code § 10-2.2315)

**14.74.170 Common parking facilities.**

A. — Parking space requirements prescribed in this chapter may be satisfied by the permanent allocation of the required area or number of spaces for each permitted use in a common parking facility, cooperatively established and operated, either under private auspices or a public assessment district, which includes the site of any use permitted under this chapter, provided the total number of spaces allocated shall be not less than the sum of the individual requirements, and provided also that the parking facility shall be within three hundred (300) feet of the site of the permitted use, and further provided that the parking facility meets the design standards set forth in this chapter.

B. — The Planning and Transportation Commission shall review and approve a common parking facility proposal to ensure that it meets the intent of this chapter.

C. — When a common parking facility is approved as prescribed per subsections A and B, appropriate legal documents, as approved by the City Attorney and the City Planner, shall be executed to insure permanent use of such spaces.

(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part); prior code § 10-2.2316; Ord. No. 2015-414 , § 11, 9-8-2015)

**14.74.180 Off-street parking and loading spaces.**

No parking space or loading space provided on one site for a structure or a use in compliance with the regulations for the district in which it is located shall be deemed to provide a parking space or loading space for a structure or use on any other site.

(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part); prior code § 10-2.2317)

**14.74.190 Reduction of off-street parking and loading spaces.**

No parking space or truck loading space provided for a structure or use in compliance with the regulations for the district in which it is located shall be reduced in area or capacity without sufficient additional area or capacity being provided to comply with the district regulations.

(Ord. 07-312 § 9 (part); Ord. 05-294 § 3 (part); prior code § 10-2.2318)

**14.74.200 Development standards for off-street parking and truck loading spaces.**

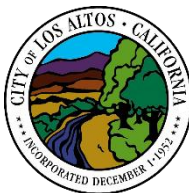
A. — Off-street parking facilities shall conform to the following standards:

- 1. — Perpendicular parking space size. Each standard parking space shall consist of an area not less than nine feet wide by eighteen (18) feet long, except as noted on the drawing labeled "Parking Standards Exhibit A" on file in the office of the planning department.
- 2. — Handicapped persons perpendicular parking space size. Parking stalls for the use of the physically handicapped shall comply with the requirements set forth in Part 2 of Title 24 of the California Administrative Code and Chapter 9 of Division 11 of the Vehicle Code of the state.



- 3. ~~Truck loading space size. Truck loading spaces shall not be less than ten (10) feet wide by twenty-five (25) feet long.~~
  - 4. ~~Clearance. Standard and compact parking spaces shall have a vertical clearance of at least seven feet over the entire area. In addition, the spaces shall be clear horizontally (for example, pillars in a basement or parking structure shall not be located in required parking spaces). Truck loading spaces shall have a vertical clearance of at least fourteen (14) feet.~~
  - B. ~~Each parking and loading space shall be accessible from a public street or alley.~~
  - C. ~~The parking and loading area shall be paved with an all-weather asphaltic concrete or portland cement concrete pavement and marked in accordance with the city engineering standards (not applicable for single-family dwellings).~~
  - D. ~~Concrete bumper guards or wheel stops shall be provided for all parking spaces, except as provided in this section. The concrete curb around a perimeter landscaped area shall not be used as a bumper stop unless approved by the commission and the council. In such cases, the commission and the council may allow a parking space length to be reduced by two feet.~~
  - E. ~~Lighting shall be deflected downward and away from any residential property.~~
  - F. ~~No advertising or sign, other than identification or direction signs, shall be permitted in the parking or loading area.~~
  - G. ~~No repair or servicing of vehicles shall be permitted in the parking or loading area.~~
  - H. ~~No area which lies within the precise plan line for a public street or alley adopted by the council shall be computed as satisfying the parking and loading space requirements of this chapter.~~
  - I. ~~A parking area abutting on property in an R-District or across a street or an alley from property in an R-District shall be screened, subject to the approval of the planning department, by a solid fence or wall or a compact evergreen hedge or other screening not less than six feet high, subject to the provisions of Chapter 14.72 of this title regulating fences (not applicable for single-family dwellings).~~
  - J. ~~The minimum width of a one-way drive shall be twelve (12) feet.~~
  - K. ~~The minimum width of a two-way drive shall be eighteen (18) feet.~~
  - L. ~~Space for turning around on the site shall be provided for parking areas of three or more spaces so that no cars need back into the street (not applicable for single-family dwellings).~~
  - M. ~~Parallel and acute angle parking shall be designed for one-way traffic only, unless otherwise specified by the commission.~~
  - N. ~~The minimum standards for the design of off-street parking areas shall be in accordance with those shown on the drawing labeled "Parking Standards Exhibit A" on file in the office of the planning department.~~
  - O. ~~If found to be necessary or desirable by the city, the design standards set forth in this section may be waived for public and community facility uses or commercially operated public parking facilities in order to permit attended or supervised parking.~~
  - P. ~~District requirements resulting in one-half or greater parking space shall be deemed to require a full space. Any fractional parking spaces .5 and greater shall be rounded up to the next whole number.~~
  - Q. ~~For the purposes of this section, "net square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.~~
- ~~(Ord. 07-312 §§ 9 (part), 10; Ord. 05-294 § 3 (part); prior code § 10-2.2319)~~
- ~~(Ord. No. 10-348, § 11, 4-13-2010; Ord. No. 2012-375, § 14, 1-24-2012)~~





**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject:** Municipal Code Amendment to Section 6.16.070 of the Los Altos Municipal Code updating to reflect prohibited days of construction on City Observed Holidays.

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

**Reviewed by:** Jolie Houston, City Attorney

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

**Attachment(s):**

- 1. Draft Ordinance
- 2. Appendix A

**Initiated by:**

Staff.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Summary:**

- The draft ordinance brings the Municipal Code in alignment with the actual practice of the City of Los Altos for observed holidays.

**Staff Recommendation:**

Adopt Municipal Code Amendment to Section 6.16.070 of the Los Altos Municipal Code updating to reflect prohibited days of construction on City Observed Holidays and find that this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

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**Reviewed By:**

City Manager

GE

City Attorney

JH



**Subject:** Municipal Code Amendment to Section 6.16.070 of the Los Altos Municipal Code updating to reflect prohibited days of construction on City Observed Holidays.

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**Purpose**

The purpose of the draft ordinance is to bring the Los Altos Municipal Code into alignment with the actual practice of the City of Los Altos for observed holidays. The amendments will help to accurately inform City staff, the community, and contractors on City Observed Holidays.

**Discussion and Analysis**

The existing municipal code Section 6.16.070 only reflects the following holidays:

- New Year’s Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans’ Day
- Thanksgiving Day
- Christmas Day

The draft municipal code amendment incorporates the following missing holidays:

- Martin Luther King Jr. Birthday
- Cesar Chavez Day
- Presidents Day
- Juneteenth Day
- Indigenous Peoples’ Day
- Day After Thanksgiving
- Christmas Eve

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AMENDING SECTION 6.16.070 OF TITLE 6 HEALTH AND SAFETY OF THE LOS  
ALTOS MUNICIPAL CODE FOR PROHIBITED ACTS**

**WHEREAS**, the Los Altos Municipal Code (LAMC) currently does not expressly list all of the days that Construction is not allowed; and the City Council desires to amend the LAMC to expressly list all such dates in accordance with the relevant provisions of the California Government Code and the policy of the City Council.; and

**WHEREAS**, the City Council held a duly noticed public meeting on February 13, 2024 and February 27, 2024; and

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

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

**SECTION 1. AMENDMENT OF TITLE 6 OF THE MUNICIPAL CODE.** Section 6.16.070 is hereby amended of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance, strikethrough indicates deletion, and underlined indicates addition.

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

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

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

**I HEREBY CERTIFY** that the foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on February 13, 2024, and was thereafter, at a regular meeting held on February 27, 2024, passed and adopted by the following vote:

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

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Jonathan D. Weinberg, MAYOR

Attest:

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Melissa Thurman MMC  
City Clerk

## APPENDIX A

### 6.16.070 Prohibited acts.

- A. Noise disturbances prohibited. No person shall unnecessarily make or continue, or cause to be made or continued, any noise disturbance.
- B. Specific prohibitions. The following acts, and the causing or permitting thereof, are declared to be in violation of this chapter:
  - 1. Radios, television sets, musical instruments, and similar devices. Operating, playing, or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound:
    - a. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day Monday through Friday or between 10:00 p.m. and 8:00 a.m. Saturday and Sunday in such a manner as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Sections 6.16.050 or 6.16.060 of this chapter, except for activities for which a variance has been issued; or
    - b. In such a manner as to exceed the levels set forth for public space in Table 1, measured at a distance of at least fifty (50) feet (fifteen (15) meters) from such device operating on a public right-of-way or public space;
  - 2. Loudspeakers (amplified sound).
    - a. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property line or at any time violates the provisions of Section 6.16.050 of this chapter; or
    - b. Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or violates the provisions of Section 6.16.050 of this chapter;
  - 3. Street sales. Offering for sale, selling anything, or advertising by shouting, outcry, or the use of a noise-making device within any residential or commercial area or noise sensitive zone of the city, except by variance issued by the noise control office. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverage at licensed sporting events, parades, fairs, circuses, or other similar licensed public entertainment events;
  - 4. Animals and birds. Owning, possessing, or harboring any animal or bird which howls, barks, meows, squawks, or makes other noises continuously and/or incessantly for a period of ten (10) minutes or intermittently for one-half hour or more which creates a noise disturbance across a residential or commercial real property line or within a noise sensitive zone. For the purposes of this chapter, the animal or bird noise shall not be deemed a disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird;
  - 5. Loading and unloading. Loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, or similar objects, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, in such a manner as to cause a noise disturbance across a residential real property line or at any time to violate the provisions of Section 6.16.050 of this chapter;
  - 6. Construction and demolition.

- a.
  - i. Single-family zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 5:30 p.m. and on Saturdays before 9:00 a.m. or after 3:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, [Martin Luther King Jr. Birthday](#), [Cesar Chavez Day](#), [Presidents Day](#), [Juneteenth Day](#), Memorial Day, Independence Day, Labor Day, [Indigenous Peoples' Day](#), Veterans' Day, Thanksgiving Day, [Day After Thanksgiving](#), [Christmas Eve](#) and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public utilities or by special exception. This section shall apply to operations on residentially zoned property only. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
  - ii. All other zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 7:00 p.m. and Saturdays before 9:00 a.m. or after 6:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, [Martin Luther King Jr. Birthday](#), [Cesar Chavez Day](#), [Presidents Day](#), [Juneteenth Day](#), Memorial Day, Independence Day, Labor Day, [Indigenous Peoples' Day](#), Veterans' Day, Thanksgiving Day, [Day After Thanksgiving](#), [Christmas Eve](#) and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by special exception. This section shall apply to operations on properties other than residentially zoned property. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
- b. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedules:
  - i. Mobile equipment. Maximum noise levels for the nonscheduled, intermittent, short-term operation (less than ten (10) days) of mobile equipment:

**TABLE 3.**

	All R1 Zoning Districts	All PCF and R3 Zoning Districts	All OA and C Zoning Districts
Daily, except Sundays and legal holidays 7:00 a.m. — 7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. — 7:00 a.m. and all day Sundays and legal holidays	50 dBA	55 dBA	60 dBA

- ii. Stationary equipment. Maximum noise levels for the respectively scheduled and relatively long-term operation (periods of ten (10) days or more) of stationary equipment:

**TABLE 4.**

	All R1 Zoning Districts	All PCF and R3 Zoning Districts	All OA and C Zoning Districts
Daily, except Sundays and legal holidays 7:00 a.m. — 7:00 p.m.	75 dBA	80 dBA	85 dBA



Daily, 7:00 p.m. — 7:00 a.m. and all day Sundays and legal holidays	50 dBA	55 dBA	60 dBA
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- c. Deliveries, start-up and closing down. The construction times above shall apply to deliveries of materials and equipment, and arrival of workers, start-up and closing down and departure activities on a job site.
  
- 7. Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty (150) feet (forty-six (46) meters) from the source if on a public space or public right-of-way;
  
- 8. Powered model vehicles. Operating or permitting the operation of powered model vehicles:
  - a. Between the hours of 7:00 p.m. and 7:00 a.m. of the following day so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 6.16.050 of this chapter; or
  - b. In such a manner as to exceed the levels set forth for public space land use in Table 1, measured at a distance not less than one hundred (100) feet (thirty (30) meters) from any point on the path of a vehicle operating on a public space or public right-of-way;
  
- 9. Emergency signaling devices.
  - a. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (b) of this subsection;
  - b. The testing of emergency signaling devices shall be restricted as follows:
    - i. The testing of a stationary emergency signaling device shall not occur before 8:00 a.m. or after 7:00 p.m.. Any such testing shall use only the maximum cycle test time. In no case shall such test time exceed sixty (60) seconds; and
    - ii. The testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device shall not occur more than once in each calendar month. Such testing shall not occur before 8:00 a.m. or after 10:00 p.m.. The time limit specified in subsection (i) of this subsection shall not apply to such complete system testing; and
  - c. The sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is terminated within fifteen (15) minutes of activation and no more than two false activations within a four hour period;
  
- 10. Noise sensitive zones.
  - a. Creating or causing the creation of any sound within any noise sensitive zone so as to exceed the specified land use noise standards set forth in Sections 6.16.050 and 6.16.060 of this chapter provided conspicuous signs are displayed indicating the presence of the zone; or
  - b. Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, or other designated area, so as to interfere with the functions of such activity or annoy the occupants in the activity, provided conspicuous signs are displayed indicating the presence of the zone;
  
- 11. Lawn or garden tools.

- a. Operating or permitting the operation of any lawn or garden tool (except portable gasoline engine powered blowers), or similar tool between 8:00 p.m. and 8:00 a.m. of the following day Monday through Friday or between 6:00 p.m. and 9:00 a.m. of the following Saturday and Sunday; and portable electric powered blowers used to blow leaves, dirt and other debris off sidewalks, driveways, lawns, landscape areas or other surfaces between 5:00 p.m. and 9:00 a.m. seven days a week, so as to create a noise disturbance across a residential or commercial real property line. This section shall apply to operations on residentially zoned property only;
  - b. Where technically and economically feasible, any motor, machinery, or pump shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with Section 6.16.050 of this chapter;
12. Air-conditioning or air-handling equipment. Operating or permitting the operation of any air-conditioning or air-handling equipment in such a manner as to exceed any of the following sound levels without a variance:

**TABLE 6.**

Measurement Location	93-PUD/R-1 zoned properties at Chester Circle* dB(A)	All other residentially zoned properties dB(A)
Any point on a neighboring property line, five feet above grade level, no closer than three feet from any wall	No standard	50
Center of a neighboring patio, five feet above grade level, no closer than three feet from any wall	45	45
Outside the neighboring living area window nearest the equipment location, not more than three feet from the window opening, but at least three feet from any other surface	55	45

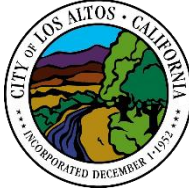
\* The standards set forth for all residential properties shall be utilized when a 93-PUD/R-1 zoned property adjoins a neighboring property outside of the 93-PUD/R-1 zone.

- 13. Swimming pool motors and equipment. Operating or permitting the operation of any swimming pool motor or swimming pool equipment, such that the sound therefrom creates a noise disturbance across a residential real property line or at any time violates the provisions of Section 6.16.050 of this chapter. Where such equipment exceeds 45 dBA at its maximum use, such equipment shall be enclosed in a noise attenuating structure;
- 14. Helicopters. Operating or permitting to be operated any helicopter which violates the nighttime provisions of Section 6.16.050 of this chapter or which causes a noise that exceeds eighty (80) dBA during the day in residential or commercial areas without a variance. Military and government operated helicopters shall be exempted from the provisions of this subsection; and
- 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.

(Ord. 07-314 § 1; Ord. 01-398 § 1; Ord. 01-396 § 1; Ord. 00-391 §§ 2—4; prior code § 10-5.07)



**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject** Adopt Resolution 2024-XX Approving the Updated Fiscal Year 2023/24 Pay Schedule to Comply with California Public Employees’ Retirement System (CalPERS) Statutory and Regulatory Requirements for Compensation Earnable and Publicly Available Salary Schedules

**Prepared by:** Scott Gerdes, Human Resources Manager  
**Reviewed by:** Irene Barragan, Human Resources Director  
**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**  
1. City of Los Altos Resolution No. 2024-XX  
2. Revised FY 23-24 Pay Schedule

**Initiated by:**  
City Staff

**Previous Council Consideration:**  
City Council Meeting on June 13, 2023 (Initial Fiscal Year 23/24 Pay Schedule)  
City Council Meeting on August 22, 2023 (Misc. Classification Updates)

**Fiscal Impact:**  
None

**Environmental Review:**  
This action does not qualify as a “Project” as defined in California Government Code Section 15378(b) of the Guidelines for California Environmental Quality Act (CEQA).

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

- Does the Council wish to adopt Resolution 2023-XX that includes the Revised Fiscal Year 2023/24 publicly available Pay Schedule?

**Summary:**

- There have been recent adjustments to pay rates due to the Los Altos minimum wage increase in January 2024, an amended contract with the City Manager approved by

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**Reviewed By:**

City Manager	City Attorney	Finance Director
<i>GE</i>	<i>JH</i>	<i>JD</i>



**Subject:** Title

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Council in November 2023, updates to the Human Resources Director classification to stay competitive with market peers, and a new classification of Human Resources Analyst II to have a complete Human Resources job series.

- While the City of Los Altos has a publicly available pay schedule on its external website and incorporates all City Council approved Memorandum of Understandings (MOU) and non-represented pay changes to date, a comprehensive pay schedule needs to be approved by Council to confirm pay rates.
- Thus, to comply with both California Government Code (GC) 20636(d) and California Code of Regulations (CCR) 570.5, staff requests approval and confirmation of the updated comprehensive pay schedule.

**Staff Recommendation:**

Adopt City of Los Altos Resolution No. 2024-XX approving the Revised FY23-24 Pay Schedule.



**Subject:** Title

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**Purpose**

Approve the updated Fiscal Year 2023/24 pay schedule that incorporates all City Council approved Memorandum of Understanding (MOU) and non-represented pay rate changes to date.

**Background**

The California Public Employees’ Retirement System (CalPERS) reinforces the requirement under California Government Code (GC) section 20636(d) that “Notwithstanding any other provision of law, payrate and special compensation schedules, ordinances, or similar documents shall be public records available for public scrutiny”. Additionally, the California Code of Regulations (CCR) 570.5 specifies the required elements necessary to meet the definitions of a publicly available pay schedule. An overview of these requirements is as follows:

1. Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
2. Identifies the position title for every employee position;
3. Shows the payrate range for each identified classification,
4. Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
5. Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
6. Indicates an effective date and date of any revisions;
7. Is retained by the employer and available for public inspection for not less than five years; and
8. Does not reference another document in lieu of disclosing the payrate.

**Discussion/Analysis**

While the City of Los Altos has a publicly available salary schedule on its external website and incorporates all City Council approved Memorandum of Understanding (MOU) pay changes to date, a comprehensive pay schedule needs to be approved by Council when updates are made to the pay schedule.

The updates to this pay schedule cover the classifications of City Manager, Human Resources Director, Human Resources Analyst II, and minimum wage increases for impacted part-time classifications.

**Recommendation**

Staff recommends Council adopt City of Los Altos Resolution No. 2024-XX approving the Revised FY23-24 Pay Schedule.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING THE UPDATED FISCAL YEAR 2023/24 PAY SCHEDULE TO COMPLY  
WITH CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS)  
STATUTORY AND REGULATORY REQUIREMENTS FOR COMPENSATION  
EARNABLE AND PUBLICLY AVAILABLE PAY SCHEDULES**

**WHEREAS**, all employers must comply with the compensation earnable and publicly available pay schedules provisions contained within California Government Code (GC) section 20636(d) and California Code of Regulations (CCR) 570.5; and

**WHEREAS**, it is necessary for the City Council to review and duly approve and adopt in accordance with requirements of applicable public meetings laws a publicly available pay schedule; and

**WHEREAS**, attached to this resolution and incorporated by reference is the City's comprehensive pay schedule which will be made publicly available on the City's external website and provided upon request; and

**WHEREAS**, the City reviews and may revise employee compensation and pay schedule ranges; and

**WHEREAS**, the City benefits from a highly qualified, municipal workforce; and

**WHEREAS**, to assist in retaining such a workforce, it is critical that the City's compensation levels are competitive in the marketplace; and

**WHEREAS**, the City should adjust pay to reflect changes in the region's cost of living; and

**WHEREAS**, represented classifications are covered by current contracts which specify the amount of the pay adjustments in the fiscal year; and

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

1. Approves updating the minimum wage to \$17.75 per hour effective 01/01/2024; and
2. Approves updating the City Manager's annual base salary to \$284,595 based on comparable market peers effective 07/09/2023; and
3. Approves updating the Human Resources Director pay range based on comparable market peers effective 03/03/2024; and
4. Approves adding the classification Human Resources Analyst II effective 03/03/2024; and
5. Adopts the Update Fiscal Year 2023/24 Pay Schedule in Exhibit A reflecting these pay adjustments.

**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 \_\_\_ day of \_\_\_\_, 2024 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

Attest:

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



City Manager: 10.4% Market Adjustment effective 07/09/23

POA: 5% increase effective 06/25/23

LAMEA: 5% increase effective 06/25/23

Unrepresented Department Heads: 4.2% Market Range Adjustment to Individual Classifications effective 06/25/23 Teamsters: 3.5% increase and Market Adjustments to Individual Classifications effective 06/25/23

Unrepresented Management: 4.2% Market Range Adjustment to Individual Classifications effective 06/25/23

Unrepresented Confidential: 4.2% COLA increase effective 06/25/23

\*New Classification for FY 23/24

^ Market Adjustment

+ Market Range Adjustment

City of Los Altos - Full Time Salary Schedule FY 23/24

**Resolution 2024-XX**

Unrep. Department Head Classifications	FLSA Status	Biweekly					Monthly					Annual				
		Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
City Manager^	Exempt					\$10,945.96					\$23,716.25					\$284,595.00
Assistant City Manager+	Exempt	\$8,013.15		Open Range		\$9,739.98	\$17,361.83		Open Range		\$21,103.30	\$208,341.90		Open Range		\$253,239.58
Police Chief+	Exempt	\$8,013.15		Open Range		\$9,739.98	\$17,361.83		Open Range		\$21,103.30	\$208,341.90		Open Range		\$253,239.58
Public Works Director+	Exempt	\$7,576.29		Open Range		\$9,208.98	\$16,415.30		Open Range		\$19,952.79	\$196,983.58		Open Range		\$239,433.49
Utilities and Environmental Director+	Exempt	\$7,576.29		Open Range		\$9,208.98	\$16,415.30		Open Range		\$19,952.79	\$196,983.58		Open Range		\$239,433.49
Development Services Director+	Exempt	\$7,576.29		Open Range		\$9,208.98	\$16,415.30		Open Range		\$19,952.79	\$196,983.58		Open Range		\$239,433.49
Finance Director+	Exempt	\$7,522.46		Open Range		\$9,143.55	\$16,298.66		Open Range		\$19,811.03	\$195,583.96		Open Range		\$237,732.30
Human Resources Director+	Exempt	\$7,408.52		Open Range		\$9,005.06	\$16,051.80		Open Range		\$19,510.96	\$192,621.55		Open Range		\$234,131.50
Parks, Recreation, & Community Services Director	Exempt	\$7,287.00		Open Range		\$8,857.34	\$15,788.50		Open Range		\$19,190.91	\$189,461.94		Open Range		\$230,290.94

Unrep. Management Classifications	FLSA Status	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Police Captain	Exempt	\$6,931.71		Open Range		\$8,425.53	\$15,018.70		Open Range		\$18,255.32	\$180,224.40		Open Range		\$219,063.88
Deputy City Manager+	Exempt	\$6,809.80		Open Range		\$8,277.35	\$14,754.56		Open Range		\$17,934.26	\$177,054.77		Open Range		\$215,211.18
Deputy Director*	Exempt	\$6,703.75		Open Range		\$8,148.45	\$14,524.79		Open Range		\$17,654.98	\$174,297.50		Open Range		\$211,859.70
Capital Improvement Projects Manager	Exempt	\$6,597.70		Open Range		\$8,019.54	\$14,295.01		Open Range		\$17,375.68	\$171,540.17		Open Range		\$208,508.15
City Engineer+	Exempt	\$6,578.07		Open Range		\$7,995.69	\$14,252.50		Open Range		\$17,324.00	\$171,029.94		Open Range		\$207,887.96
Financial Services Manager	Exempt	\$6,279.78		Open Range		\$7,633.12	\$13,606.20		Open Range		\$16,538.42	\$163,274.41		Open Range		\$198,461.06
Information Technology Manager	Exempt	\$6,279.78		Open Range		\$7,633.12	\$13,606.20		Open Range		\$16,538.42	\$163,274.41		Open Range		\$198,461.06
Human Resources Manager	Exempt	\$6,279.78		Open Range		\$7,633.12	\$13,606.20		Open Range		\$16,538.42	\$163,274.41		Open Range		\$198,461.06
Building Official	Exempt	\$5,831.40		Open Range		\$7,088.11	\$12,634.71		Open Range		\$15,357.57	\$151,616.52		Open Range		\$184,290.83
Development Services Manager	Exempt	\$5,831.40		Open Range		\$7,088.11	\$12,634.71		Open Range		\$15,357.57	\$151,616.52		Open Range		\$184,290.83
Planning Services Manager	Exempt	\$5,831.40		Open Range		\$7,088.11	\$12,634.71		Open Range		\$15,357.57	\$151,616.52		Open Range		\$184,290.83
Transportation Services Manager	Exempt	\$5,831.40		Open Range		\$7,088.11	\$12,634.71		Open Range		\$15,357.57	\$151,616.52		Open Range		\$184,290.83
Economic Development Manager	Exempt	\$5,689.18		Open Range		\$6,915.23	\$12,326.55		Open Range		\$14,982.99	\$147,918.56		Open Range		\$179,795.93
Assistant to the City Manager+	Exempt	\$5,502.53		Open Range		\$6,688.36	\$11,922.15		Open Range		\$14,491.45	\$143,065.78		Open Range		\$173,897.35
Project Manager	Exempt	\$5,415.04		Open Range		\$6,582.01	\$11,732.58		Open Range		\$14,261.03	\$140,791.01		Open Range		\$171,132.35
City Clerk	Exempt	\$5,375.02		Open Range		\$6,533.37	\$11,645.87		Open Range		\$14,155.63	\$139,750.44		Open Range		\$169,867.54
Public Information Officer	Exempt	\$5,031.73		Open Range		\$6,116.10	\$10,902.08		Open Range		\$13,251.54	\$130,824.93		Open Range		\$159,018.52
Maintenance Superintendent*	Exempt	\$4,915.16		Open Range		\$5,974.40	\$10,649.51		Open Range		\$12,944.54	\$127,794.07		Open Range		\$155,334.50
Recreation Manager+	Exempt	\$4,832.80		Open Range		\$5,874.30	\$10,471.06		Open Range		\$12,727.64	\$125,652.77		Open Range		\$152,731.73

Unrep. Confidential Classifications	FLSA Status	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Senior Accountant	Exempt	\$4,461.87	\$4,684.97	\$4,919.21	\$5,165.17	\$5,423.43	\$9,667.39	\$10,150.76	\$10,658.30	\$11,191.21	\$11,750.77	\$116,008.67	\$121,809.11	\$127,899.56	\$134,294.54	\$141,009.27
Senior Human Resources Analyst	Exempt	\$4,461.87	\$4,684.97	\$4,919.21	\$5,165.17	\$5,423.43	\$9,667.39	\$10,150.76	\$10,658.30	\$11,191.21	\$11,750.77	\$116,008.67	\$121,809.11	\$127,899.56	\$134,294.54	\$141,009.27
Human Resources Analyst II*	Exempt	\$4,353.05	\$4,570.70	\$4,799.23	\$5,039.19	\$5,291.15	\$9,431.60	\$9,903.18	\$10,398.34	\$10,918.26	\$11,464.17	\$113,179.19	\$118,838.15	\$124,780.06	\$131,019.07	\$137,570.02
Management Analyst II	Exempt	\$4,353.05	\$4,570.70	\$4,799.23	\$5,039.19	\$5,291.15	\$9,431.60	\$9,903.18	\$10,398.34	\$10,918.26	\$11,464.17	\$113,179.19	\$118,838.15	\$124,780.06	\$131,019.07	\$137,570.02
Human Resources Analyst	Exempt	\$4,143.29	\$4,350.46	\$4,567.98	\$4,796.38	\$5,036.20	\$8,977.13	\$9,425.99	\$9,897.29	\$10,392.15	\$10,911.76	\$107,725.59	\$113,111.87	\$118,767.46	\$124,705.83	\$130,941.12
Management Analyst I	Exempt	\$3,943.64	\$4,140.83	\$4,347.87	\$4,565.26	\$4,793.52	\$8,544.56	\$8,971.79	\$9,420.38	\$9,891.40	\$10,385.97	\$102,534.76	\$107,661.50	\$113,044.58	\$118,696.81	\$124,631.65
Assistant City Clerk	Exempt	\$3,943.64	\$4,140.83	\$4,347.87	\$4,565.26	\$4,793.52	\$8,544.56	\$8,971.79	\$9,420.38	\$9,891.40	\$10,385.97	\$102,534.76	\$107,661.50	\$113,044.58	\$118,696.81	\$124,631.65
Human Resources Technician	Non-Exempt	\$3,400.59	\$3,570.62	\$3,749.15	\$3,936.61	\$4,133.44	\$7,367.95	\$7,736.35	\$8,123.17	\$8,529.32	\$8,955.79	\$88,415.41	\$92,836.18	\$97,477.99	\$102,351.88	\$107,469.48
Confidential Executive Assistant*	Non-Exempt	\$3,308.26	\$3,473.68	\$3,647.36	\$3,829.73	\$4,021.22	\$7,167.91	\$7,526.30	\$7,902.62	\$8,297.75	\$8,712.64	\$86,014.88	\$90,315.63	\$94,831.41	\$99,572.98	\$104,551.63
Deputy City Clerk+	Exempt	\$3,308.26	\$3,473.68	\$3,647.36	\$3,829.73	\$4,021.22	\$7,167.91	\$7,526.30	\$7,902.62	\$8,297.75	\$8,712.64	\$86,014.88	\$90,315.63	\$94,831.41	\$99,572.98	\$104,551.63

LAMEA: 5% increase effective 06/25/23

City of Los Altos - Full Time Salary Schedule FY 23/24  
 Resolution 2024-XX

LAMEA Classifications	FLSA Status	Biweekly					Monthly					Annual				
		Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Senior Engineer	Exempt	\$5,393.21	\$5,662.87	\$5,946.02	\$6,243.32	\$6,555.48	\$11,685.29	\$12,269.56	\$12,883.04	\$13,527.19	\$14,203.55	\$140,223.52	\$147,234.70	\$154,596.43	\$162,326.25	\$170,442.56
Senior Planner	Exempt	\$5,268.53	\$5,531.96	\$5,808.56	\$6,098.99	\$6,403.94	\$11,415.16	\$11,985.92	\$12,585.21	\$13,214.47	\$13,875.20	\$136,981.89	\$143,830.99	\$151,022.54	\$158,573.66	\$166,502.35
Senior Network Systems Administrator*	Exempt	\$5,053.20	\$5,305.86	\$5,571.15	\$5,849.71	\$6,142.19	\$10,948.59	\$11,496.02	\$12,070.83	\$12,674.37	\$13,308.09	\$131,383.14	\$137,952.30	\$144,849.91	\$152,092.41	\$159,697.03
Information Technology Analyst II*	Exempt	\$4,812.57	\$5,053.20	\$5,305.86	\$5,571.15	\$5,849.71	\$10,427.23	\$10,948.59	\$11,496.02	\$12,070.83	\$12,674.37	\$125,126.80	\$131,383.14	\$137,952.30	\$144,849.91	\$152,092.41
Network Systems Administrator	Non-Exempt	\$4,812.57	\$5,053.20	\$5,305.86	\$5,571.15	\$5,849.71	\$10,427.23	\$10,948.59	\$11,496.02	\$12,070.83	\$12,674.37	\$125,126.80	\$131,383.14	\$137,952.30	\$144,849.91	\$152,092.41
Associate Civil Engineer	Non-Exempt	\$4,706.89	\$4,942.23	\$5,189.35	\$5,448.81	\$5,721.25	\$10,198.26	\$10,708.17	\$11,243.58	\$11,805.76	\$12,396.05	\$122,379.13	\$128,498.09	\$134,923.00	\$141,669.15	\$148,752.60
Information Technology Analyst I	Exempt	\$4,583.40	\$4,812.57	\$5,053.20	\$5,305.86	\$5,571.15	\$9,930.70	\$10,427.23	\$10,948.59	\$11,496.02	\$12,070.83	\$119,168.38	\$125,126.80	\$131,383.14	\$137,952.30	\$144,849.91
Associate Planner	Non-Exempt	\$4,445.66	\$4,667.94	\$4,901.34	\$5,146.41	\$5,403.73	\$9,632.26	\$10,113.88	\$10,619.57	\$11,150.55	\$11,708.08	\$115,587.15	\$121,366.51	\$127,434.84	\$133,806.58	\$140,496.91
Senior Building Inspector	Exempt	\$4,385.10	\$4,604.36	\$4,834.57	\$5,076.30	\$5,330.12	\$9,501.05	\$9,976.11	\$10,474.91	\$10,998.66	\$11,548.59	\$114,012.65	\$119,713.28	\$125,698.95	\$131,983.89	\$138,583.09
Assistant Civil Engineer	Non-Exempt	\$4,160.68	\$4,368.72	\$4,587.15	\$4,816.51	\$5,057.33	\$9,014.81	\$9,465.55	\$9,938.83	\$10,435.77	\$10,957.56	\$108,177.72	\$113,586.61	\$119,265.94	\$125,229.23	\$131,490.70
Accountant	Non-Exempt	\$4,120.48	\$4,326.51	\$4,542.83	\$4,769.97	\$5,008.47	\$8,927.71	\$9,374.10	\$9,842.80	\$10,334.95	\$10,851.69	\$107,132.57	\$112,489.20	\$118,113.66	\$124,019.34	\$130,220.31
Administrative Officer*	Exempt	\$4,120.48	\$4,326.51	\$4,542.83	\$4,769.97	\$5,008.47	\$8,927.71	\$9,374.10	\$9,842.80	\$10,334.95	\$10,851.69	\$107,132.57	\$112,489.20	\$118,113.66	\$124,019.34	\$130,220.31
Senior Recreation Supervisor	Non-Exempt	\$4,115.56	\$4,321.34	\$4,537.40	\$4,764.28	\$5,002.49	\$8,917.05	\$9,362.90	\$9,831.04	\$10,322.60	\$10,838.73	\$107,004.56	\$112,354.79	\$117,972.53	\$123,871.16	\$130,064.71
Maintenance Supervisor	Non-Exempt	\$4,036.00	\$4,237.80	\$4,449.69	\$4,672.18	\$4,905.79	\$8,744.67	\$9,181.91	\$9,641.00	\$10,123.05	\$10,629.21	\$104,936.09	\$110,182.90	\$115,692.04	\$121,476.65	\$127,550.48
Emergency Response Coordinator*	Non-Exempt	\$4,034.82	\$4,236.56	\$4,448.38	\$4,670.80	\$4,904.34	\$8,742.10	\$9,179.21	\$9,638.17	\$10,120.08	\$10,626.08	\$104,905.22	\$110,150.48	\$115,658.01	\$121,440.91	\$127,512.95
Economic Development Coordinator	Non-Exempt	\$4,034.82	\$4,236.56	\$4,448.38	\$4,670.80	\$4,904.34	\$8,742.10	\$9,179.21	\$9,638.17	\$10,120.08	\$10,626.08	\$104,905.22	\$110,150.48	\$115,658.01	\$121,440.91	\$127,512.95
Sustainability Coordinator	Non-Exempt	\$4,034.82	\$4,236.56	\$4,448.38	\$4,670.80	\$4,904.34	\$8,742.10	\$9,179.21	\$9,638.17	\$10,120.08	\$10,626.08	\$104,905.22	\$110,150.48	\$115,658.01	\$121,440.91	\$127,512.95
Public Information Coordinator	Non-Exempt	\$4,034.82	\$4,236.56	\$4,448.38	\$4,670.80	\$4,904.34	\$8,742.10	\$9,179.21	\$9,638.17	\$10,120.08	\$10,626.08	\$104,905.22	\$110,150.48	\$115,658.01	\$121,440.91	\$127,512.95
Assistant Planner	Non-Exempt	\$4,024.13	\$4,225.34	\$4,436.60	\$4,658.43	\$4,891.35	\$8,718.95	\$9,154.89	\$9,612.64	\$10,093.27	\$10,597.94	\$104,627.37	\$109,858.74	\$115,351.67	\$121,119.26	\$127,175.22
Building Inspector	Non-Exempt	\$3,967.13	\$4,165.49	\$4,373.77	\$4,592.45	\$4,822.08	\$8,595.46	\$9,025.23	\$9,476.49	\$9,950.32	\$10,447.83	\$103,145.48	\$108,302.76	\$113,717.89	\$119,403.79	\$125,373.98
Recreation Supervisor	Non-Exempt	\$3,914.89	\$4,110.63	\$4,316.16	\$4,531.97	\$4,758.57	\$8,482.26	\$8,906.37	\$9,351.69	\$9,819.27	\$10,310.24	\$101,787.09	\$106,876.44	\$112,220.26	\$117,831.27	\$123,722.84
GIS Technician	Non-Exempt	\$3,781.90	\$3,970.99	\$4,169.54	\$4,378.02	\$4,596.92	\$8,194.11	\$8,603.82	\$9,034.01	\$9,485.71	\$9,959.99	\$98,329.35	\$103,245.82	\$108,408.11	\$113,828.51	\$119,519.94
Junior Engineer	Non-Exempt	\$3,781.90	\$3,970.99	\$4,169.54	\$4,378.02	\$4,596.92	\$8,194.11	\$8,603.82	\$9,034.01	\$9,485.71	\$9,959.99	\$98,329.35	\$103,245.82	\$108,408.11	\$113,828.51	\$119,519.94
Police Records Supervisor	Non-Exempt	\$3,781.90	\$3,970.99	\$4,169.54	\$4,378.02	\$4,596.92	\$8,194.11	\$8,603.82	\$9,034.01	\$9,485.71	\$9,959.99	\$98,329.35	\$103,245.82	\$108,408.11	\$113,828.51	\$119,519.94
Construction Inspector	Non-Exempt	\$3,601.41	\$3,781.48	\$3,970.56	\$4,169.08	\$4,377.54	\$7,803.06	\$8,193.21	\$8,602.87	\$9,033.02	\$9,484.67	\$93,636.71	\$98,318.54	\$103,234.47	\$108,396.20	\$113,816.01
Engineering Technician	Non-Exempt	\$3,601.41	\$3,781.48	\$3,970.56	\$4,169.08	\$4,377.54	\$7,803.06	\$8,193.21	\$8,602.87	\$9,033.02	\$9,484.67	\$93,636.71	\$98,318.54	\$103,234.47	\$108,396.20	\$113,816.01
Information Technology Technician	Non-Exempt	\$3,480.30	\$3,654.31	\$3,837.03	\$4,028.88	\$4,230.32	\$7,540.64	\$7,917.67	\$8,313.56	\$8,729.24	\$9,165.70	\$90,487.70	\$95,012.09	\$99,762.69	\$104,750.82	\$109,988.37
Code Enforcement Officer	Non-Exempt	\$3,393.42	\$3,563.09	\$3,741.25	\$3,928.31	\$4,124.73	\$7,352.41	\$7,720.03	\$8,106.04	\$8,511.34	\$8,936.90	\$88,228.96	\$92,640.41	\$97,272.43	\$102,136.05	\$107,242.85
Accounting Technician II	Non-Exempt	\$3,274.87	\$3,438.62	\$3,610.55	\$3,791.08	\$3,980.63	\$7,095.56	\$7,450.34	\$7,822.86	\$8,214.00	\$8,624.70	\$85,146.73	\$89,404.07	\$93,874.27	\$98,567.99	\$103,496.39
Development Services Technician	Non-Exempt	\$3,187.01	\$3,346.36	\$3,513.67	\$3,689.36	\$3,873.83	\$6,905.18	\$7,250.44	\$7,612.96	\$7,993.61	\$8,393.29	\$82,862.16	\$87,005.27	\$91,355.53	\$95,923.31	\$100,719.47
Executive Assistant	Non-Exempt	\$3,090.83	\$3,245.37	\$3,407.64	\$3,578.02	\$3,756.92	\$6,696.79	\$7,031.63	\$7,383.21	\$7,752.37	\$8,139.99	\$80,361.48	\$84,379.55	\$88,598.53	\$93,028.45	\$97,679.88
Recreation Coordinator	Non-Exempt	\$2,973.27	\$3,121.94	\$3,278.03	\$3,441.93	\$3,614.03	\$6,442.09	\$6,764.19	\$7,102.40	\$7,457.52	\$7,830.40	\$77,305.08	\$81,170.34	\$85,228.86	\$89,490.30	\$93,964.81
Facilities Coordinator	Non-Exempt	\$2,973.27	\$3,121.94	\$3,278.03	\$3,441.93	\$3,614.03	\$6,442.09	\$6,764.19	\$7,102.40	\$7,457.52	\$7,830.40	\$77,305.08	\$81,170.34	\$85,228.86	\$89,490.30	\$93,964.81
Lead Records Specialist	Non-Exempt	\$2,885.40	\$3,029.67	\$3,181.16	\$3,340.22	\$3,507.23	\$6,251.71	\$6,564.29	\$6,892.51	\$7,237.13	\$7,598.99	\$75,020.51	\$78,771.53	\$82,710.11	\$86,845.62	\$91,187.90
Accounting Technician I	Non-Exempt	\$2,843.84	\$2,986.04	\$3,135.34	\$3,292.11	\$3,456.71	\$6,161.66	\$6,469.75	\$6,793.23	\$7,132.90	\$7,489.54	\$73,939.97	\$77,636.96	\$81,518.81	\$85,594.75	\$89,874.49
Records Specialist	Non-Exempt	\$2,620.61	\$2,751.64	\$2,889.22	\$3,033.69	\$3,185.37	\$5,677.99	\$5,961.89	\$6,259.99	\$6,572.99	\$6,901.64	\$68,135.91	\$71,542.71	\$75,119.84	\$78,875.83	\$82,819.63
Accounting Office Assistant	Non-Exempt	\$2,500.68	\$2,625.72	\$2,757.00	\$2,894.85	\$3,039.60	\$5,418.15	\$5,689.06	\$5,973.51	\$6,272.18	\$6,585.79	\$65,017.77	\$68,268.66	\$71,682.10	\$75,266.20	\$79,029.51
Office Assistant II	Non-Exempt	\$2,491.18	\$2,615.74	\$2,746.53	\$2,883.86	\$3,028.05	\$5,397.57	\$5,667.44	\$5,950.82	\$6,248.36	\$6,560.78	\$64,770.79	\$68,009.33	\$71,409.80	\$74,980.29	\$78,729.30
Office Assistant I	Non-Exempt	\$2,237.08	\$2,348.93	\$2,466.38	\$2,589.70	\$2,719.18	\$4,847.00	\$5,089.35	\$5,343.82	\$5,611.01	\$5,891.56	\$58,164.05	\$61,072.25	\$64,125.86	\$67,332.16	\$70,698.76

POA: 5% increase effective 06/25/23

City of Los Altos - Full Time Salary Schedule FY 23/24  
*Resolution 2024-XX*

<i>POA Classifications</i>	<i>FLSA Status</i>	Biweekly					Monthly					Annual				
		Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Police Sergeant	Non-Exempt	\$5,471.13	\$5,744.68	\$6,031.92	\$6,333.51	\$6,650.19	\$11,854.11	\$12,446.81	\$13,069.15	\$13,722.61	\$14,408.74	\$142,249.29	\$149,361.75	\$156,829.84	\$164,671.33	\$172,904.90
Police Agent	Non-Exempt	\$4,867.44	\$5,110.81	\$5,366.35	\$5,634.67	\$5,916.40	\$10,546.12	\$11,073.43	\$11,627.10	\$12,208.45	\$12,818.88	\$126,553.45	\$132,881.13	\$139,525.18	\$146,501.44	\$153,826.51
Communications Supervisor*	Non-Exempt	\$4,758.17	\$4,996.08	\$5,245.88	\$5,508.18	\$5,783.59	\$10,309.37	\$10,824.84	\$11,366.08	\$11,934.39	\$12,531.11	\$123,712.48	\$129,898.10	\$136,393.01	\$143,212.66	\$150,373.29
Police Officer	Non-Exempt	\$4,636.17	\$4,867.97	\$5,111.37	\$5,366.94	\$5,635.29	\$10,045.03	\$10,547.28	\$11,074.64	\$11,628.37	\$12,209.79	\$120,540.32	\$126,567.33	\$132,895.70	\$139,540.48	\$146,517.51
Lead Communications Officer	Non-Exempt	\$4,531.59	\$4,758.17	\$4,996.08	\$5,245.88	\$5,508.18	\$9,818.45	\$10,309.37	\$10,824.84	\$11,366.08	\$11,934.39	\$117,821.41	\$123,712.48	\$129,898.10	\$136,393.01	\$143,212.66
Police Officer Trainee	Non-Exempt	\$4,414.38	\$4,635.10	\$4,866.85	\$5,110.20	\$5,365.71	\$9,564.49	\$10,042.71	\$10,544.85	\$11,072.09	\$11,625.70	\$114,773.87	\$120,512.56	\$126,538.19	\$132,865.10	\$139,508.35
Communications Officer	Non-Exempt	\$4,117.71	\$4,323.60	\$4,539.78	\$4,766.77	\$5,005.10	\$8,921.71	\$9,367.79	\$9,836.18	\$10,327.99	\$10,844.39	\$107,060.49	\$112,413.51	\$118,034.19	\$123,935.90	\$130,132.69
Crime Analyst*	Non-Exempt	\$3,943.64	\$4,140.82	\$4,347.86	\$4,565.26	\$4,793.52	\$8,544.55	\$8,971.78	\$9,420.37	\$9,891.39	\$10,385.96	\$102,534.64	\$107,661.37	\$113,044.44	\$118,696.66	\$124,631.50
Community Service Officer	Non-Exempt	\$3,242.41	\$3,404.53	\$3,574.76	\$3,753.50	\$3,941.17	\$7,025.23	\$7,376.49	\$7,745.31	\$8,132.58	\$8,539.21	\$84,302.71	\$88,517.84	\$92,943.73	\$97,590.92	\$102,470.47

Teamsters: 3.5% increase and Market Adjustments to Individual Classifications effective 06/25/23

City of Los Altos - Full Time Salary Schedule FY 23/24

*Resolution 2024-XX*

<i>Teamsters Classifications</i>	<i>FLSA Status</i>	Biweekly					Monthly					Annual				
		Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
Senior Wastewater Maintenance Worker	Non-Exempt	\$3,713.13	Open Range			\$4,513.33	\$8,045.11	Open Range			\$9,778.88	\$96,541.33	Open Range			\$117,346.59
Equipment Mechanic II*	Non-Exempt	\$3,536.31	\$3,713.13	\$3,898.78	\$4,093.72	\$4,298.41	\$7,662.01	\$8,045.11	\$8,447.37	\$8,869.74	\$9,313.22	\$91,944.13	\$96,541.33	\$101,368.40	\$106,436.82	\$111,758.66
Senior Maintenance Technician	Non-Exempt	\$3,536.31	\$3,713.13	\$3,898.78	\$4,093.72	\$4,298.41	\$7,662.01	\$8,045.11	\$8,447.37	\$8,869.74	\$9,313.22	\$91,944.13	\$96,541.33	\$101,368.40	\$106,436.82	\$111,758.66
Wastewater Maintenance Worker II	Non-Exempt	\$3,375.58	Open Range			\$4,103.04	\$7,313.76	Open Range			\$8,889.92	\$87,765.08	Open Range			\$106,679.00
Equipment Mechanic	Non-Exempt	\$3,214.83	\$3,375.57	\$3,544.35	\$3,721.57	\$3,907.65	\$6,965.46	\$7,313.74	\$7,679.42	\$8,063.40	\$8,466.57	\$83,585.57	\$87,764.85	\$92,153.09	\$96,760.75	\$101,598.78
Maintenance Leadworker	Non-Exempt	\$3,214.83	\$3,375.57	\$3,544.35	\$3,721.57	\$3,907.65	\$6,965.46	\$7,313.74	\$7,679.42	\$8,063.40	\$8,466.57	\$83,585.57	\$87,764.85	\$92,153.09	\$96,760.75	\$101,598.78
Maintenance Technician	Non-Exempt	\$3,214.83	\$3,375.57	\$3,544.35	\$3,721.57	\$3,907.65	\$6,965.46	\$7,313.74	\$7,679.42	\$8,063.40	\$8,466.57	\$83,585.57	\$87,764.85	\$92,153.09	\$96,760.75	\$101,598.78
Wastewater Maintenance Worker I	Non-Exempt	\$3,062.59	Open Range			\$3,722.59	\$6,635.61	Open Range			\$8,065.62	\$79,627.27	Open Range			\$96,787.44
Maintenance Worker II	Non-Exempt	\$2,916.75	\$3,062.59	\$3,215.72	\$3,376.50	\$3,545.33	\$6,319.62	\$6,635.61	\$6,967.39	\$7,315.75	\$7,681.54	\$75,835.49	\$79,627.27	\$83,608.63	\$87,789.06	\$92,178.51
Maintenance Worker I^	Non-Exempt	\$2,591.85	\$2,721.44	\$2,857.51	\$3,000.39	\$3,150.41	\$5,615.67	\$5,896.45	\$6,191.27	\$6,500.84	\$6,825.88	\$67,388.00	\$70,757.40	\$74,295.27	\$78,010.03	\$81,910.53

Minimum Wage Increase: \$17.75 effective 01/01/24

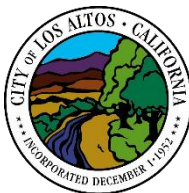
Part-Time Classifications: Market Range Adjustment to Individual Classifications, effective 09/03/23

+ Market Range Adjustment

City of Los Altos - Part-Time Hourly Rate Schedule FY 23/24

Resolution 2024-XX

Part-Time Classifications Title	FLSA Status	Employment Status	Rate Type	Min	Max
Public Safety Specialist - Dispatch+	Non-Exempt	Part-Time	Hourly	\$61.77	\$75.08
Network Engineer	Non-Exempt	Part-Time	Hourly	\$50.00	\$75.00
Project Manager+	Non-Exempt	Part-Time	Hourly	\$42.50	\$75.00
Police Officer (Reserve) - Level I+	Non-Exempt	Part-Time	Hourly	\$64.00	\$64.00
Emergency Preparedness Coordinator+	Non-Exempt	Part-Time	Hourly	\$50.44	\$61.30
IT Technician+	Non-Exempt	Part-Time	Hourly	\$37.97	\$52.88
Property & Evidence CSO	Non-Exempt	Part-Time	Hourly	\$43.12	\$52.41
Parking Enforcement Officer+	Non-Exempt	Part-Time	Hourly	\$41.45	\$49.73
Department Support Specialist	Non-Exempt	Part-Time	Hourly	\$35.70	\$45.90
Project Coordinator+	Non-Exempt	Part-Time	Hourly	\$31.14	\$43.21
Public Safety Specialist - Records+	Non-Exempt	Part-Time	Hourly	\$30.61	\$42.84
Clerical Assistant II+	Non-Exempt	Part-Time	Hourly	\$27.53	\$34.46
Preschool Teacher III+	Non-Exempt	Part-Time	Hourly	\$26.25	\$32.05
Recreation Specialist	Non-Exempt	Part-Time	Hourly	\$25.00	\$30.00
Maintenance Worker I+	Non-Exempt	Part-Time	Hourly	\$24.42	\$29.97
Clerical Assistant I+	Non-Exempt	Part-Time	Hourly	\$19.00	\$27.00
Preschool Teacher II+	Non-Exempt	Temporary	Hourly	\$22.25	\$26.00
Intern+	Non-Exempt	Temporary	Hourly	\$17.75	\$24.66
Preschool Teacher I+	Non-Exempt	Temporary	Hourly	\$18.75	\$21.85
Recreation Leader III	Non-Exempt	Seasonal	Hourly	\$18.75	\$21.75
Facility Attendant+	Non-Exempt	Part-Time	Hourly	\$17.75	\$21.74
Recreation Leader II+	Non-Exempt	Seasonal	Hourly	\$17.75	\$20.30
Recreation Leader I+	Non-Exempt	Seasonal	Hourly	\$17.75	\$18.85
Council Member	Non-Exempt	Part-Time	Stipend	Stipend \$300.00 / Month	
Police Officer (Reserve) - Level II	Non-Exempt	Per-Diem	Stipend	Stipend \$200.00 / Month	



**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject** Hold a public hearing, review and renew Ordinance No. 2023-489 by re-introducing and waiving further reading of the Ordinance approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481

**Prepared by:** Katie Krauss, Captain  
**Reviewed by:** Angela Averiett, Chief of Police  
**Approved by:** Jon Maginot, Assistant City Manager

**Attachment(s):**

- 1. AB 481 Annual Report 2023
- 2. Los Altos Police Policy 709
- 3. 40MM Sponge Round Specs
- 4. UAS Acquisition Report
- 5. Ordinance No. 2023-489

**Initiated by:**

Police Department, per requirements of Assembly Bill 481

**Previous Council Consideration:**

September 20, 2022  
March 14, 2023  
April 11, 2024

**Fiscal Impact:**

There is no fiscal impact to the General Fund.

**Environmental Review:**

This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to environment, directly or indirectly).



**Subject:** AB 481 Military Equipment Use Annual Report

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

1. Does the Council wish to review and renew the Ordinance by introducing and waiving further reading of the Ordinance approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481?
2. Does the Council wish to approve the acquisition of the replacement items of military equipment listed in the Annual Report?
3. Does the Council wish to approve the acquisition of the new items of military equipment listed in the Annual Report?

**Summary:**

- California Assembly Bill 481 requires the Los Altos Police Department to report annually on the inventory, procurement, use and misuse of covered military equipment items. The Annual Report also includes a description of new military equipment the police department seeks City Council approval for acquisition and funding for.
- Within a year of the initial approval, and at least annually thereafter, the City Council will review this ordinance and related resolutions. The City Council may, by resolution, make amendments, modifications or revisions to the military equipment use policy adopted by the Los Altos Police Department. The ordinance must be reviewed and renewed annually.

**Staff Recommendation:**

- Staff recommends review and renew the Ordinance by introducing and waiving further reading of the Ordinance approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481
- Staff recommends Council approve the acquisition of the replacement items of military equipment listed in the Annual Report
- Staff recommends Council approve the acquisition of the new items of military equipment listed in the Annual Report

**Purpose**

To review and renew the Ordinance by introducing and waiving further reading of the Ordinance approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481.

**Background**

On September 30, 2021, Governor Newsom signed a series of eight (8) policing reform legislation aimed at increasing transparency of peace officer misconduct records and creates a system to decertify peace officers for serious misconduct, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creates a public forum for the funding, acquisition and use of military equipment. Assembly Bill



**Subject:** AB 481 Military Equipment Use Annual Report

481 (AB 481) was authored by Assemblymember David Chiu (D-San Francisco) to address the funding, acquisition and use of military equipment.

California Government Section 7071 requires a law enforcement agency’s military equipment policy, which includes the type of equipment the department may acquire and use, to be approved by the governing body. “Military equipment” is not related to whether or not the equipment was acquired through military sources. The Los Altos Police Department does not possess any equipment specifically designed for military use, nor has the department acquired any equipment through a military surplus program, commonly known as the 1033 Program. Our “military equipment” is included in the attached policy under inventory, and includes items such as patrol rifles, several less lethal force options, and training flash bangs utilized as diversionary devices by our SWAT team.

As part of the approval process outlined in Assembly Bill 481, the initial proposed military equipment policy was made available on the department website (Government Code § 7071). The police department also hosted a community meeting to discuss AB 481 on May 12<sup>th</sup>, 2022. The Military Equipment Use Policy was presented to Council on September 20, 2022 and was approved with minor amendments. The 2022 Annual Report, a requirement of AB 481, was presented to citizens at a Town Hall meeting on February 8, 2023. It went before Council on March 14, 2023 and Ordinance No. 2023-489 was adopted on April 11, 2023. The 2023 Annual Report was published on the Department webpage on February 8, 2024 prior to the public meeting (City Council Meeting) on February 27, 2024.

**Discussion/Analysis**

California Assembly Bill 481, signed into law on September 30, 2021, requires police agencies to obtain City Council approval by the adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the legislature. The bill requires an annual report to the governing board regarding the military equipment. If an agency wishes to acquire additional equipment that is defined as military equipment, they must receive Council approval. The policy/ordinance governing military equipment use must be reviewed and renewed annually.

**Recommendation**

Staff recommends Council review and renew the Ordinance by introducing and waiving further reading of the Ordinance approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481. Staff also recommends Council approve the acquisition of the replacement items of military equipment listed in the Annual Report. Staff further recommends Council approve the acquisition of the new items of military equipment listed in the Annual Report.





# **AB 481 Annual Report 2023**

**Captain Katie Krauss**

**Los Altos Police Department**

Submitted February 27, 2024

**Military Equipment Use AB 481 Compliance Requirements:**

- Approval of the Military Use Policy (Completed 2022 & 2023, Policy 709)
- Publishing the Policy (Completed 2022 & 2023)
- Annual Report (see below)

**Annual Report Description:**

Assembly Bill 481 requires the police department report annually on the inventory, procurement, use and misuse of covered military equipment items. The annual report also includes a description of new military equipment the police department seeks City Council approval for acquisition and funding.

Per AB 481, the annual report must include the following:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

**LAMC 7.30.010. Military equipment policy (Reviewed 3/28/23, Adopted 4/11/23)**

As required by AB 481, the City Council reviewed this section as an ordinance to approve a military equipment use policy. The City Council's approval shall remain effective for a period of one year, which approval may be revoked, extended, renewed, modified or amended by resolution of the City Council. Within a year of the initial approval, and at least annually thereafter, the City Council will review this section and related resolutions. The City Council may, by resolution, make amendments, modifications or revisions to the military equipment use policy adopted by the Los Altos Police Department. The ordinance must be reviewed and renewed annually.

A. The City Council has made the following determinations:

1. The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy (“Policy”) will safeguard the public’s welfare, safety, civil rights and civil liberties (said Policy is attached hereto as Exhibit “A” and incorporated by this reference).
3. The equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any).
4. Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

**Equipment Usage for 2023:**

None of the equipment in the attached military equipment inventory was utilized in 2023, except in training situations including range and SWAT.

**Summary of Complaints for 2023:**

The Department did not receive any complaints concerning military equipment in 2023.

**Violations of Policy 709:**

An internal review revealed no violations of Policy 709, as none of the equipment was utilized in 2023 except in training situations.

**Total Annual Cost for Military Equipment:**

The estimated annual cost for the maintenance of the military equipment in the current inventory is \$4,800. This includes the cost of replacement parts, cleaning supplies, and the staff time to conduct inspections on the equipment.

### **Replacement Military Equipment Inventory List:**

- Replace SAGE CONTROL ORDINANCES baton rounds with DEFTEC sponge rounds.

### **New Proposed Items for the Military Equipment Inventory List:**

- UAS (Unmanned Aircraft System): See attached Memorandum with further details on this request

# Military Equipment

## 709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). Assembly Bill 481 (AB 481), signed into law on September 30, 2021, requires law enforcement agencies to create a policy establishing guidelines and requirements for the funding, acquisition, and use of "military equipment" (Government Code § 7070, 7071, and 7072), including requirements to host informational meetings with the public, generate annual "military equipment" use reports, and seek annual approval from their respective governing bodies. The purpose of this policy is to make sure that safeguards exist, including transparency, governing body oversight, and accountability measures, to ensure the funding, acquisition, and use of "military equipment" is consistent with the provisions set forth by the governing body and as outlined in AB 481. This policy will also provide the public with a transparent view of the "military equipment" utilized by the Los Altos Police Department. The military equipment use policy will safeguard the public's welfare, safety, civil rights and civil liberties.

### 709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The Los Altos City Council for the adoption of this ordinance and the approval of the annual report

**POST** - Peace Officer Standards and Training

**SWAT** - Special Weapons and Tactics

**Military equipment** – Per AB 481, military equipment includes but is not limited to the following:

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- (4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (6) Weaponized aircraft, vessels, or vehicles of any kind.

## *Military Equipment*

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(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

### **709.2 POLICY**

It is the policy of the Los Altos Police Department that members of the department comply with the provisions of Government Code § 7071 with respect to qualifying "military equipment". "Military equipment" should be used by members of the Department who have completed applicable training, including training required by the Commission on Peace Officer Standards and Training (POST). See the Military Equipment Inventory List (section 709.4) for associated "military equipment" training requirements.

"Military equipment", which has been approved for use by the governing body, shall be used in accordance with all other applicable department policies and laws. These policies and laws include, but are not limited to:

- Los Altos Police Department Policy 300 (Use of Force)
- Los Altos Police Department Policy 308 (Control Devices and Techniques)
- Los Altos Police Department Policy 312 (Firearms)

## Military Equipment

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- Los Altos Police Department Policy 414 (Hostage and Barricade Incidents)
- California Assembly Bill No. 48 (Use of Kinetic Energy Projectiles and Chemical Agents-Assemblies, Protests, and Demonstrations)
- California Penal Code Section 13652 (Use of Kinetic Energy Projectiles and Chemical Agents)

This policy expressly prohibits the use of "military equipment" on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

### 709.3 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body before the Department engages in any of the following (Government Code § 7071):

- (a) Requests military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeks funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquires military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborates with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Uses any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Solicits or responds to a proposal for, or enters into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquires military equipment through any means not provided above.

#### 709.3.1 EXIGENCY- PROCUREMENT AND USE

Subject to this paragraph, nothing in this policy shall prohibit the procurement or use of controlled equipment when exigent circumstances exist. In rare circumstances, exigent circumstances may occur where the immediate procurement and use of controlled equipment may be necessary to preserve life, prevent physical harm to officers or other persons, prevent the destruction of relevant evidence, prevent the escape of the suspect, or maintain public safety. In the event such an event occurs, the Chief of Police or the authorized designee may authorize the procurement and

## *Military Equipment*

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use of controlled equipment. Any exigent procurement and/or use of controlled equipment will be reported to the governing body, in writing, unless such information is confidential or privileged under local, state or federal law.

### **709.3.2 MAINTENANCE AND RESUPPLY OF CONTROLLED EQUIPMENT**

In the event a previously approved supply of controlled equipment falls below the approved quantity, the Department may replenish the supply, as needed, without first obtaining additional approval from the Governing Body.

### **709.4 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by other law enforcement agencies that are providing mutual aid to this jurisdiction or otherwise engaged in law enforcement operations within this jurisdiction should comply with their respective military equipment policies in rendering mutual aid.

### **709.5 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

### **709.6 POLICY COMPLIANCE AND SUBMITTING COMPLAINTS**

The Chief of Police or the authorized designee will ensure that all Los Altos Police Department employees comply with this policy. Suspected violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", should be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct). Additionally, violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", will be reported to the governing body via the annual Military Equipment Report.

Any member of the community can submit a complaint regarding the use of "military equipment" to any Los Altos Police Department employee or the Independent Intake Official. Complaints can be submitted in any form (e.g., in person, online, telephone, email, etc.). Once a complaint is received, it will be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct) and LAPD Policy 1020 (Personnel Complaints). Formal complaints regarding alleged violations of this policy will be handled by an independent investigator.

Complaints may be made directly to the Independent Intake Official (IIO) Stephanie Atigh in one of the following ways:



## *Military Equipment*

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### Online Submission:

[Complaint IIO WEBFORM](#) (online)

### By Email:

Fill out the appropriate Civilian Complaint Submission form (located online), save it to your computer and email as an attachment to [stephatigh@sbcglobal.net](mailto:stephatigh@sbcglobal.net)

### By Phone:

(831) 915-4643

Complaints may be made directly to the Los Altos Police Department in one of the following ways (for online options, please visit <https://www.losaltosca.gov/police/page/how-are-we-doing-0>):

### In Person:

Los Altos Police Department  
1 N. San Antonio Road, Los Altos, CA 94022

### Online Submission:

[Complaint PD WEBFORM](#)

### By Email:

Fill out the appropriate Civilian Complaint Submission form (online), save it to your computer and email as an attachment to [PoliceFeedback@losaltosca.gov](mailto:PoliceFeedback@losaltosca.gov)

### By Phone:

(650) 947-2770

## **709.7 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department should hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

## **709.8 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.

## *Military Equipment*

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- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Los Altos Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  - 1. Publicizing the details of the meeting.
  - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit any questions about the use of a type of military equipment, and how the Department will respond in a timely manner.

### **709.9 MILITARY EQUIPMENT INVENTORY**

[See attachment: Inventory List 2024 AB 481.pdf](#)

## Attachments

## Inventory List 2024 AB 481.pdf

**709.9 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list and description of qualifying equipment for the Department:

- 1. **40 MM Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.

(a) Description, quantity, capabilities, and purchase cost

- i. PENN ARMS GL-140-C, 40MM SINGLE SHOT LAUNCHER, cost:\$1,000, quantity: 13. The 40mm Single Launcher is a tactical single shot launcher that features a collapsible stock. It will fire standard 40mm less lethal ammunition, up to 6.0 inches in cartridge length. 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet.
- ii. SAGE CONTROL ORDINANCES INC K041 STANDARD ENERGY IMPACT BATON PROJECTILE, cost: \$21.00, quantity: 14. **Authorized to increase projectiles to 150 (on order).** A less lethal 40mm impact baton projectile fired from a single 40mm grenade launcher with a rifled barrel at 51-72 MPS (meters per second). The projectile provides accurate and effective performance when fired from the recommended firing distances of not less than 10 feet and no greater than 75 feet.

(b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

(c) Authorized Use: Subject to subsection (g) below, situations for use of the less lethal weapon systems may include, but are not limited to the following:

- i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- ii. The suspect has made credible threats to harm him/herself or others.
- iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
- v. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of less lethal weapon system.

(d) Training: All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(e) Lifespan:

i. Penn Arms GL-140-C- No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear

ii. K041 Standard Energy Impact Batons-5 years

(f) Fiscal Impact: Annual maintenance is approximately \$100 for each launcher.

(g) Legal and Procedural Rules: Use of the 40mm launcher and 40mm baton rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize the 40mm only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

2. **Less Lethal Shotgun and Rounds:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

(a) Description, quantity, capabilities, and purchase cost

i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$950, quantity: 11. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12- gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation. The less lethal 12- gauge shotgun is distinguishable by an orange butt stock and fore grip.

ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND 2581, cost: \$6, quantity: 90. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS (Combined Tactical Systems) Super-Sock rounds are discharged from a dedicated 12- gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

(b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

(c) Authorized Use - Subject to subsection (g) below, situations for use of the less lethal weapon systems may include, but are not limited to the following:

- i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- ii. The suspect has made credible threats to harm him/herself or others.
- iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
- v. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of less lethal weapon system.

(d) Lifespan:

- i. Remington 970 Less Lethal Shotgun-25 years
- ii. Super Sock Round Model 2581: No listed expiration date

(e) Training: All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(f) Fiscal Impact: Annual maintenance is approximately \$100 per shotgun.

(g) Legal and Procedural Rules: Use of the less lethal shotgun and Super Sock rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize the less lethal shotgun only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

**3. 5.56mm Semi-Automatic Rifles and Ammunition: The Colt AR-15/M4 5.56 mm/.223 semiautomatic rifles are used for patrol. Daniel Defense V7s AR-15/M4, 5.56mm/.223 caliber semi-automatic rifle are planned for use by SWAT team.**

(a) Description, quantity, capabilities, and purchase cost

i. COLT AR RIFLES, cost: \$1200, quantity: 27. These rifles, equipped and locked in each patrol car or police motorcycle, offer a higher degree of accuracy at a longer distance. The ammunition used in rifles are also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). They are normally kept secured in patrol cars or in the Police station and are only deployed on specific incidents where officers believe guns or weapons are involved.

ii. DANIEL DEFENSE V7 AR RIFLES, cost: \$3000, quantity: 5. These rifles offer a higher degree of accuracy at a longer distance. The ammunition used in rifles are also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). They are normally kept secured in SWAT armory or tactical vehicle and are only deployed on specific incidents where officers believe guns or weapons are involved.

iii. .223 CALIBER or 5.56MM RIFLE AMMUNITION, cost: \$280 per case of 500 rounds, quantity: 10,800 rounds. This rifle ammunition used in conjunction with an AR-15 type rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Rifle ammunition fired from AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

(b) Purpose: To address a threat with more precision and/or greater distances than a handgun, if present and feasible.

(c) Authorized Use - Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Subject to subsection (g) below), situations for use of these weapon systems may include, but are not limited to the following:

i. Situations where the member reasonably anticipates an armed encounter.

ii. When a member is faced with a situation that may require accurate and effective fire at long range.

iii. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

iv. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

v. When a member reasonably believes that a suspect may be wearing body armor.

vi. When authorized or requested by a supervisor.

vii. When needed to euthanize an animal.

viii. When an officer is training at an approved range or other approved facility



ix. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.

(d) Lifespan:

- i. Colt AR Rifles: Approximately 15-20 years
- ii. 223 Caliber or 5.56mm rifle ammunition: No expiration

(e) Training: Officers must successfully complete a 24-hour patrol rifle course as well as regular Department firearms training and qualifications as required by law and policy. Firearm Instructors attend a 40-hour POST-approved rifle instructor class, and SWAT personnel must attend an 80-hour basic SWAT Team course.

(f) Fiscal Impact: Annual maintenance is approximately \$100 per rifle.

(g) Legal and Procedural Rules: Use of the patrol rifles and ammunition are subject to the requirements of Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

4. **.308 caliber LWRC REPR MKII 7.62 NATO sniper rifles (quantity 2) and Ammunition:** The sniper rifles are capable of firing a .308 caliber bullet. This rifle may only be used by a SWAT Officer trained and certified to be a sniper (LAPD currently has two such officers) and may be deployed to assist the SWAT Team in a critical incident or emergency.

(a) Description, quantity, capabilities, and purchase cost

- i. .308 LWRC REPR MKII 7.62 NATO sniper rifles (quantity 2)., cost: \$7,725, quantity: 2
- ii. .308 AMMUNITION, cost: \$1.50 per round, Authorized quantity: 3,040 rounds. These nickel- plated bonded soft-point 308/7.62 cartridges from Speer Gold-Dot are resistant to corrosion, capable of expansion from barrels as short as 10", and retain accuracy from a variety of barrels lengths.

(b) Purpose: This rifle may only be used by a SWAT Officer trained and certified to be a sniper and may be deployed to assist the SWAT Team in a critical incident or emergency. The main use of this weapon system is for observation of an incident and to be able to accurately and immediately be able to stop a threat to life.

(c) Authorized Use: Subject to subsection (g) below, examples of situations for deploying the sniper rifle may include, but are not limited to the following:

- i. where the Officer reasonably anticipates an armed encounter;

- ii. when the Officer is faced with a situation that may require accurate and effective fire at a long distance;
- iii. where an Officer reasonably expects the need to meet or exceed the firearms and ammunition that a suspect is reported or believed to possess;
- iv. when an Officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage;
- v. when an Officer reasonably believes that a suspect may be wearing body armor.
- vi. When an officer is training at an approved range or other approved facility
- vii. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.

(d) Lifespan:

- i. .308 LWRC REPR MKII 7.62 NATO, sniper rifles (quantity 2). Approximately 15 years
- ii. .308 Ammunition: No expiration

(e) Training: In addition to patrol rifle and standard SWAT operator training, SWAT snipers must successfully complete a California POST-certified sniper course as well as regular SWAT sniper training and qualifications as required by law and policy.

(f) Fiscal Impact: Annual maintenance is approximately \$100 per LWRC REPR rifle.

(g) Legal and Procedural Rules: Use of the sniper rifles and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos, Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), Policy 312 (FIREARMS), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

5. **Benelli M3Super90 12-gauge shotgun and ammunition:** This firearm is not currently used by the department and is stored in the armory. The Benelli M3 is a dual-mode (hybrid pump-action and semi-automatic) shotgun The ammunition for the shotgun is 00 Buck and slug rounds.

(a) Description, quantity, capabilities, and purchase cost

- i. BENELLI M3SUPER90 12 GAUGE SHOTGUN, cost \$500, quantity: 1. The Benelli M3 is a combination Pump-Action and Semi-Automatic Shotgun. The shotgun can be chambered for 12 GA shells with a 20 inch barrel.

ii. 00 BUCK AMMUNITION, cost: \$1.80 per round, quantity: 600 rounds. A typical 12-gauge, 2 3/4-inch 00 Buckshot shell holds 8 pellets that are 0.33" in diameter. A 3-inch shell most often contains 12 of these same sized pellets.

iii. SLUG AMMUNITION, cost: \$1.40 per round, quantity: 100. The Foster-type shotgun slug features exterior rifled grooves which contact the shotgun's bore to give it spin; and, the slug's hollow-point design initiates expansion to augment stopping power.

(b) Purpose: This shotgun is not currently utilized by the department. The only shotguns used by the Department are the less lethal shotguns. The ammunition is purchased solely for recruits in the police academy, where shotgun instruction occurs.

(c) Authorized Use: There is currently no authorized use for the shotgun in our policy.

(d) Lifespan:

i. Benelli M3Super90 12 gauge shotgun: Approximately 15 years

ii. OO Buck Ammunition: No expiration

iii. Slug ammunition: No expiration

(e) Training: Officers receive training in shotgun use in the police academy, and have to pass firearm qualifications. There is no further training with the Benelli shotgun or ammunition.

(f) Fiscal Impact: None, the weapon is not utilized. When equipment is being used, yearly maintenance costs are estimated to be \$100.

(g) Legal and Procedural Rules: Use of all firearms fall under the following policies:

Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize firearms only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

**6. Remington 870 MCS 12 Gauge Breaching shotgun and breaching rounds:**

This firearm/ammunition is not currently used by the department and is stored in the SWAT armory.

(a) Description, quantity, capabilities, and purchase cost

i. REMINGTON 870 MCS 12 GAUGE BREACHING SHOTGUN, cost:\$1,400, quantity: 1. Extremely compact breaching model 12 gauge with a ten inch cylinder bore breaching barrel with parkerized finish, a Knox recoil reducing breacher pistol grip stock, and synthetic modular fore-end.

ii. 12 GAUGE BREACHING ROUNDS, cost: \$5.00 per round, quantity: 25 rounds. The 12-Gauge TKO Breaching Round is a 12-Gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. This is a widely used method to breach door locks or hinges for entry during tactical operations.

(b) Purpose: The breaching shotgun is used to safely gain entry into a structure. When properly deployed, the TKO breaching round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and pad locks on both wooden or hollow core doors. Upon impact with the target, the zinc slug disintegrates into a fine powder eliminating fragmentation. The Explosive Breaching Program, conducted in conjunction with the Mountain View Police Department, was established to provide the joint SWAT Team the ability to quickly create an opening in a wall or window to quickly enter a building for an emergency rescue of hostages. It is reserved for rescue operations only.

(c) Authorized Use: Subject to subsection (g) below, this equipment would only be deployed during a SWAT incident, and its use would need specific authorization from the Incident Commander. The equipment may only be used by a "tactical breacher" on the SWAT team. We currently do not have any authorized users at the Department.

(d) Lifespan:

i. Remington 870 MCS 12 Gauge Breaching shotgun: Approximately 15 years

ii. 12-Gauge TKO Breaching Round: Approximately 5 years

(e) Training: The training consists of an 80-hour course for a member of the SWAT Team specifically designated as the "breacher." At the conclusion of the course, the breacher must pass a test proctored by CAL/OSHA. The OSHA certification is valid for 5 years. Before the expiration of the certification, the breacher must retake and pass the test.

(f) Fiscal Impact: None, the weapon is not utilized. When equipment is being used, yearly maintenance costs are estimated to be \$100.

(g) Legal and Procedural Rules: Use of the breaching shotgun and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

7. **Kaiser Precision Vulcan II Munitions Pole:** Telescoping tool utilized by SWAT personnel to safely deliver approved noise/diversionary devices.

(a) Description, quantity, capabilities, and purchase cost

i. KAISER PRECISION VULCAN II MUNITIONS POLE, cost: \$2,000, quantity: 1. The munitions pole is a multi-purpose breaching tool, constructed of lightweight

aluminum square tubing used to deploy distraction devices and chemical munitions in order to gain entrance into a building, structure or even a vehicle.

(b) Purpose: The munitions pole is used to safely deploy diversionary devices, chemical munitions, or other objects (cell phones, cameras) during SWAT operations.

(c) Authorized Use: Subject to subsection (g) below, this equipment would be deployed during primarily during a SWAT incident, but could be utilized to gain entry into a residence during other high-risk operations on patrol.

(d) Lifespan: Approximately 10 years

(e) Training: Kaiser Precision provided an instructional video for individual and team training.

(f) Fiscal Impact: None, does not require annual maintenance

(g) Legal and Procedural Rules: Use of the munitions pole are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

**8. CTS Flash-bang Training Kit:** The training flash-bangs are built and weigh exactly the same as it's equivalent live Flash-Bang, but have no flash charge.

(a) Description, quantity, capabilities, and purchase cost

i. CTS FLASH-BANG TRAINING KIT, cost: \$964, Quantity 1 kit (comes with 70 reload Training Fuzes, 1 body), current fuze inventory is 25. The training bodies are painted with a bright blue coating, and can be used an unlimited number of times. The M201FB fuze for this system has 10 times the output of a normal M201 fuze and it is threaded with a left hand thread so it can not be accidentally used in any other munitions. The training devices produce an output of about 120db.

(b) Purpose: Flash-bangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations.

(c) Authorized Use: Subject to subsection (g) below, SWAT operators may utilize the training flash-bangs as a training tool to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. Los Altos Police Department does not have any live flash-bangs in the inventory. Our operators use live flash-bangs while on SWAT events or at training with Mountain View Police Department.

(d) Lifespan: 5 years

(e) Training: These are a training tool. SWAT operators must attend and pass an 80-hour SWAT training class. Flash-bang training is provided by an instructor who has completed an 8-hour noise flash diversionary device course.

(f) Fiscal Impact: None, does not require annual maintenance

(g) Legal and Procedural Rules: Use of the live flash-bangs are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

9. **Specialty Impact Munition (SIM) weapons and ammunition**: Simunition® is the pioneer and world leader in providing military, law enforcement and approved range members with the most realistic and non-lethal force-on-force, short range, simulation training system.

(a) Description, quantity, capabilities, and purchase cost

i. SIMUNITION GLOCK 17T, cost: \$500 each, quantity: 8. The GLOCK Training Pistols were developed with the purpose of enabling reality-based tactical operations training using color marking or plastic projectile ammunition. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.

ii. SIM CONVERTED BERETTA 92, cost: \$500 each, quantity: 4. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.

iii. HK MP5 CONVERSION KITS, cost: \$500 each, quantity 2. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When effective range of approximately 27 yards.

iv. SIMUNITION COLT AR-15 CARBINE RIFLE UPPERS, cost: \$1,000 each, quantity: 3. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards.

v. FX MARKING CARTRIDGES, cost: \$350 for 500 rounds, quantity: 3,500 rounds. The reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. They feature tactical accuracy up to 25 feet (7.6 meters).

(b) Purpose: Enabling reality-based, force-on-force tactical operations training using color marking or plastic projectile ammunition.

(c) Authorized Use: Subject to subsection (g) below, simunition weapons and marking rounds are non-operational rounds and non-operational weapons systems. These munitions provide for realistic close quarters firearms training while allowing the shooter to visually assess shot placement and accuracy in force on force training scenarios. These items are used for training purposes for all sworn staff members.

(d) Lifespan:

i. Simunition Glock 17T: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

ii. Sim Converted Beretta: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

iii. HK MP5 Conversion Kits: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

iv. Simunition Colt AR-15 Rifle Uppers: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

v. FX Marking Cartridges: Shelf life five (5) years.

(e) Training: These are a training tool. Simunition Instructors attend an informative, three-day (24-hour) course designed to provide students with substantial hands-on experience with Simunition® FX® training ammunition technology, weapons conversion kits, and the Simunition® line of protective equipment. The course provides in-depth, hands-on instruction in scenario-based training program development and training methodology, and gives critical practical experience to students on the best use of Simunition® training products in a highly effective, realistic, extremely safe training program. Sworn staff members are given extensive firearms handling courses and weapons safety instruction to include the use of SIMs for training purposes.

(f) Fiscal Impact: Annual maintenance cost is approximately \$500 for all of the simunition weapons to be inspected and repaired.

(g) Legal and Procedural Rules: Use of the Simunition firearms and marking rounds are subject to the requirements of Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS) while training. It is the policy of the Los Altos Police Department to utilize Simunition equipment only for official law enforcement training purposes, in accordance

with all requirements under State and Federal law, including those regarding the use of force.

10. **Flashbangs: Noise Flash Diversionary Device (NFDD)**\_An NFDD, or flashbang, is a device that creates a bright flash or loud sound to temporarily divert the attention of subjects in the immediate area.

a. Description, quantity, capabilities, and purchase cost

i. 7290-0 Flash-Bang, Aluminum body 9-bang, cost \$168.65 each, Authorized quantity: 12. The patented multi-bangs feature top and bottom non-fragmenting, minimal movement devices that perform with high reliability incorporating CTS Superior fuze components with the patented and US Army adopted Confidence Clip and pin shroud.

ii. 7290 Flash-Bang, Steel Body, cost \$55.45, authorized quantity 36. The CTS 7290 (single bang) is the standard for diversionary flash-bang devices. The 7290 produces a 165-180db and 6-8 million candela of light output. The patented design of the 7290, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.

b. Purpose: Flash-bangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations.

c. Authorized Uses: Flashbangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations. SWAT Operators that have received authorized training shall use Diversionary Devices only under the following:

- i. By officers who have been trained in their proper use.
- ii. In hostage and barricaded subject situations.
- iii. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iv. During other high-risk situations where their use would enhance officer safety.
- v. During training exercises.

d. Lifespan:



e. Training: 8-hour flash diversionary devices instructor school f. Fiscal Impact: No known annual maintenance cost g. Legal and Procedural Rules: Use of the live flash-bangs are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

11. **Chemical Agents**: Chemical agent munitions can be used as a non-lethal tool to deny a designated area to a suspect, force a suspect to move to a desired area, or to disorient a suspect.

a. Description, quantity, capabilities, and purchase cost:

i. OC Grenades (Purchase Cost \$52.10 each, authorized quantity 5): The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor-use in confined areas and, once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic yet requires minimal decontamination. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricade situations where the use of pyrotechnic, powder or liquid devices is not practical or desired.

ii. CTS 5230B Baffled CS chemical agent canister munition (purchase cost \$52.25 each, authorized quantity 15): Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.

iii. CTS 5230 CS Chemical agent canister munition (Purchase price \$39.70 each, authorized quantity 10): Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard. Can be hand thrown or launched.

b. Purpose: Compel an individual to cease their actions when such munitions present a reasonable option; deny a designated area to a suspect, force a suspect to move to a desired area, or to disorient a suspect. Only officers who have received training from POST certified instructors in the use chemical agents are authorized to use chemical agents. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Uses: Situations for use of the less lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals.

- ii. Circumstances where a tactical advantage can be obtained.
- iii. Potentially vicious animals.
- iv. Training exercises or approved demonstrations.
- d. Lifespan: 5 years from manufacturing date.
- e. Training: 40-hour chemical agent instructor course.
- f. Fiscal Impact: No known annual maintenance cost.
- g. Legal and Procedural Rules: Use is established under the Mountain View-Los Altos Regional SWAT SOP. Use is also covered under Policy 300 USE OF FORCE), Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the MVPD-LAPD Regional SWAT Team to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

12. **12 gauge Shotgun Chemical Munition Launcher**: Cup that attaches to 12 gauge less lethal shotgun which allow SWAT operators to launch canisters of chemical agents or smoke.

- a. Description, quantity, capabilities, and purchase cost: COMBINED SYSTEMS LC5 12 GAUGE LAUNCHING CUP, cost: \$400, authorized quantity: 1. The LC5 Launching Cups are designed for the 5200 series grenades. The cups can be attached to virtually any 12ga shotgun and the munition launched with the model 2600 launching cartridge.
- b. Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- c. Authorized Uses: Situations for use of the less-lethal weapon systems may include, but are not limited to:
  - i. Self-destructive, dangerous, and/or combative individuals
  - ii. Circumstances where a tactical advantage can be obtained
  - iii. Potentially vicious animals
  - iv. Training exercises or approved demonstrations
- d. Lifespan: Combined Systems LC5 40MM Launching Cup- 25 years
- e. Fiscal Impact: No known annual maintenance cost
- f. Training: 24-hour less lethal instructor course and/or 40 hour chemical instructor course.

g. Legal and Procedural Rules: Use is established under the Mountain View-Los Altos Regional SWAT SOP. Use is also covered under Policy 300 USE OF FORCE), Policy 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the MVPD-LAPD Regional SWAT Team to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.



# DEFENSE TECHNOLOGY®

## 40MM eXact iMpack™ SPONGE ROUND

PRODUCT SPECIFICATIONS	
Diameter	1.60 in / 40 mm
Length	3.65 in / 9.3 cm
Projectile Count	1
Velocity	345 fps / 105 mps
Minimum Safe Range	5 ft / 1.5 m
Maximum Effective Range	131 ft / 40 m
PROJECTILE SPECIFICATIONS	
Material	Foam
Height	2.62 in / 6.7 cm
Diameter	1.60 in / 40 mm
Weight	1.06 oz / 30 g
Part No.	6325
Warranty	5 years from date of manufacture

ALL SPECIFICATIONS ARE AVERAGES AND SUBJECT TO CHANGE

The 40mm eXact iMpack™ Sponge Round has evolved from the design of the 40mm XM1006 projectile, developed by the US Army Research Laboratory. This lightweight, high-speed projectile incorporates a plastic body and a foam (sponge) nose which is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and has velocities that are extremely consistent.

The 40mm eXact iMpack™ Sponge Round is a "point-of-aim, point-of-impact" direct fire round that is most commonly used by tactical teams in situations where maximum deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject. In many municipalities, these are being selected for both tactical call outs and as an available option for patrol.

The 40mm eXact iMpack™ Sponge Round is intended for direct fire deployment. The operator should be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing.

The 40mm eXact iMpack™ Sponge Round will prove most successful for incapacitation when used within its optimal energy range of approximately 5 – 40 meters, although it may be used in situations from 1.5 – 50 meters. The optimal zone offers the necessary energy and accuracy to target the large muscle groups of the buttocks, thigh, and even the knees of the subject. These areas provide sufficient pain stimulus, while greatly reducing serious or life-threatening injuries.

The 40mm eXact iMpack™ Sponge Round can also be deployed in crowd control situations to protect the riot line, cover or enhance chemical munitions, or targeting specific agitators and organizers of the crowd. When used in this fashion, it is primarily both a psychological deterrent and physiological distraction serving as a pain compliance device to either get the crowd or subject moving or keeping them at a designated distance.



### WARNING

This product can expose you to chemicals including Lead Salts and Hexavalent Chromium, which are known to the State of California to cause cancer, and Lead Salts, which are known to the State of California to cause birth defects or other reproductive harm. For more information, go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).

WARNING: THIS PRODUCT IS TO BE USED ONLY BY AUTHORIZED AND TRAINED LAW ENFORCEMENT, CORRECTIONS, OR MILITARY PERSONNEL. THIS PRODUCT MAY CAUSE SERIOUS INJURY OR DEATH TO YOU OR OTHERS. THIS PRODUCT MAY CAUSE SERIOUS DAMAGE TO PROPERTY. HANDLE, STORE AND USE WITH EXTREME CARE AND CAUTION. USE ONLY AS INSTRUCTED.





**1 North San Antonio Road  
Los Altos, California 94022-3087**

**M E M O R A N D U M**

**DATE: February 7, 2024**

**TO: City Council**

**FROM: Angela Averiett, Chief of Police**

**Joe Ledoux, Police Captain**

**SUBJECT: Request for the acquisition of drones (UAS) pursuant to AB481**

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Honorable Mayor and City Council,

Pursuant to Assembly Bill 481 the Los Altos Police Department is respectfully bringing forward an acquisition report seeking to acquire drones (UAS). Attached is an ethical and purposeful proposal for acquiring drones for specific and prescribed uses. Los Altos Police Department is only seeking the use of drones in a purpose-driven manner while being hyper-sensitive to the civil liberty concerns of our community.

In 2021, the State of California passed AB 481, which requires local agencies to seek permission from their respective governing bodies to approve the use of 'military equipment'. In compliance with AB 481, the Los Altos Police Department seeks to acquire four drones, two for exterior and two specifically designed for interior usage; further details about each model are contained in the attached acquisition report.

The below detail acquisition report thoroughly articulates the specified uses. Any video captured during any non-evidentiary use will be deleted in 30 days.

I respectfully request the City Council review and consider approving this request to enhance further and strengthen our abilities organizationally, especially regarding de-escalation and disaster response.

Please feel free to contact me if you need any additional information.

**UNMANNED AERIAL SYSTEM (UAS)**

**A. DESCRIPTION**

An Unmanned Aerial System (UAS) is an unmanned aircraft of any type that is capable of sustaining directed flight, whether pre-programmed or remotely controlled and all of the supporting or attached components designed for gathering information through imaging, recording, or any other means. Generally, a UAS consists of:

- An unmanned aircraft which consists of the chassis with several propellers for flight, radio frequency and antenna equipment to communicate with a remote-control unit, control propellers and other flight stabilization technology (e.g. accelerometer, a gyroscope), a computer chip for technology control, a camera for recording, and a digital image/video storage system for recording onto a secure digital card (SD card);
- A remote-control unit that communicates with the unmanned aircraft via radio frequency; and
- A battery charging equipment for the aircraft and remote control.

UAS are controlled from a remote-control unit (similar to a tablet computer). Wireless connectivity lets pilots view the UAS and its surroundings from a bird's-eye perspective. UAS have cameras so the UAS pilot can view the aerial perspective. UAS record image and video data onto a secure digital (SD) memory cards. SD cards can be removed from UAS after flights to input into a computer for evidence.

**B. PURPOSE**

UAS offer to significantly improve the capacity of law enforcement (LE) to provide a variety of foundational police services. This technology has already been used with many law enforcement agencies to save lives and help capture dangerous criminal suspects. UAS can support first responders in hazardous incidents that would benefit from an aerial perspective.

Responding to violent crime in Los Altos often requires officers to face risks to their safety – in addition to the clear risks faced by members of the public when violent crime is present.

Technology such as UAS can play a vital role in mitigating these omnipresent dangers, by providing a greater view into the immediate surroundings of crime scenes and active pursuits. The use of a UAS is also in line with the Department’s philosophy around de-escalation, as this tool can provide greater time and distance, which are the critical components in offering officers the greatest likelihood of a peaceful, or less violent resolution.

Searches for armed and dangerous suspects are more effective and controlled with UAS support; an armed suspect can be hiding in a tree or on a roof. Law Enforcement Officers can respond accordingly and more safely when provided with this critical information (see Section #10 below “Alternatives Considered” for more information on

**LOS ALTOS POLICE DEPARTMENT ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)**

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how UAS compares to alternatives for situational awareness). More informed responses also lead to less injury and less uses of force.

LE agencies have successfully used UAS to locate missing persons, especially in more remote areas – as well as for rescue missions. UAS is also being used during disasters and during any hazardous material releases. The situational awareness UAS provides has also become an important tool for large events (e.g. sport events, parades, and festivals); the aerial view provides information that would otherwise require a much larger deployment of LE personnel to maintain the same level of public safety support. Furthermore, smaller UAS can be equipped with a loud speaker to communicate (e.g. hostage situations/providing verbal commands and directions to the subject).

The use of UAS could also be beneficial for collaborative work with Public Works Department while inspecting the City’s utility infrastructure including but not limited to sewer, water, and other critical infrastructure.

**C. LOCATION**

LAPD proposes to use UAS as outlined in proposed policy 611- Unmanned Aerial System (UAS).

UAS may only be requested for the following specified situations:

- a. Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
- b. Disaster response and damage assessment;
- c. Missing or lost persons;
- d. Hazardous material releases;
- e. Identifying, locating and apprehending non-compliant, threatening or combative persons who pose a threat of injury or death to themselves, others or officers;
- f. Suspected explosive devices;
- g. Video/photographic documentation of crime scenes or collision locations;
- h. Reconnaissance of incident locations that are inaccessible for fire apparatus;
- i. Response to fires or post-fire investigations;
- j. Sideshow events where many vehicles and reckless driving is present;
- k. Rescue operations;
- l. Conduct inspections of the City’s utility infrastructure (e.g. electric, fiber, water, sewer, etc.) to detect leaks or stressed assets, and aid in general public works inspections.
- m. Training flights as required to meet FAA and Department certification standards;
- n. Hazardous situations which present a high risk to officer and/or public safety,

LOS ALTOS POLICE DEPARTMENT ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)

to include:

- i. Barricaded suspects;
- ii. Hostage situations;
- iii. Armed suicidal persons;
- o. Arrest of armed and/or dangerous persons
- p. Service of high-risk search and arrest warrants involving armed and/or dangerous persons
- q. Other unforeseen exigent circumstances

Unmanned Aerial Systems shall only be used for legitimate law enforcement purposes or to aid in other City divisions as guided by the above permissions.

Potentially, UAS could be deployed in any location in the City of Los Altos where one or more of the above situations occur and where the proper authorizations are provided. Fortunately, several of these situations rarely occur – but some do occur, such as arresting armed/dangerous persons. LAPD occasionally arrests individuals for violent crimes– UAS can provide situational awareness in all of these critical incidents to provide a greater level of safety for officers, as well as for nearby civilians.

**D. IMPACT**

LAPD recognizes that the use of UAS raises privacy concerns. UAS are becoming ubiquitous in the United States, and there is a growing concern that people can be surveilled without notice or reason. There is concern that UAS can be utilized to observe people in places, public or private, where there is an expectation of privacy. The level of potential privacy impact depends upon factors such as flight elevation and camera zoom magnitude, as well as where the UAS is flown.

The results of the research study titled, “Mission-based citizen views on UAV usage and privacy: an affective perspective<sup>1</sup>,” published in February 2016 found that people’s perceptions of how UAS impacts privacy relate to use type. The researchers from College of Aeronautics, Florida Institute of Technology, and the Aeronautical Science at Embry-Riddle Aeronautical University (ERAU), College of Aviation UAS Lab found that people tend to be less concerned about police UAS use when the technology is only used for specific uses - “concerns for privacy were less in the condition where the UAV was only used for a specific mission than when it was operated continuously.” Policy 611 provide strict acceptable guidelines, and Authorized Uses which explains when LAPD personnel can request the use of a UAS for specific missions.

**E. MITIGATION**

LAPD’s policy 611 restricts LAPD’s use of UAS in several ways to promote greater privacy protections.

<sup>1</sup> <https://www.nrcresearchpress.com/doi/abs/10.1139/juvs-2015-0031#.XkHEAWhKiUI>



**LOS ALTOS POLICE DEPARTMENT ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)**

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LAPD will only request use of the UAS for specific missions rather than operating continuously, mitigating concerns raised in the February 2016 study cited above.

Policy 611. Authorized Use lists the only allowable uses of UAS (e.g. mass casualty incidents, disaster response and damage assessment, missing or lost persons, hazardous material releases, Identifying, locating and apprehending non-compliant, threatening or combative persons who pose a threat of injury or death to themselves, others or officers, suspected explosive devices, video or photographic documentation of crime scenes or collision locations, reconnaissance of incident locations that are inaccessible for fire apparatus, response to fires or post-fire investigations, sideshow events where many vehicles and reckless driving is present, rescue operations, training, Conduct inspections of the City’s utility infrastructure (e.g. electric, fiber, water, sewer, etc.) to detect leaks or stressed assets and aid in general public works inspections, training flights as required to meet FAA and Department certification standards, hazardous situations which present a high risk to officer and/or public safety to included: armed suicidal persons, hostage situations, barricaded suspects, arrest of armed and/or dangerous persons, service of high-risk search and arrest warrants involving armed and/or dangerous persons, and other unforeseen exigent circumstances). Policy 611 also articulates the Request Process, which indicates the approval must come from the Watch Commander or Officer in Charge via the Chain of Command for all use approvals.

The Federal Aviation Administration (FAA) sets strict flight regulations for all UAS users, including for law enforcement. The FAA provides two law enforcement options for creating acceptable UAS under 14 Code of Federal Regulation (CFR) part 107, subpart E, Special Rule for Model Aircraft; the agency can designate individual members to earn FAA drone pilot certificates and fly under the rules for small UAS, or receive a FAA certificate to function as a “public aircraft operator” to self-certify agency drone pilots and drones. Either way, these options allow for LAPD to use systems under 55 pounds, for flying at or below 400 feet above ground level. Absent an emergency situation warranting a FAA COA/Part 107 waiver- permitted law enforcement response, law enforcement is also restricted from using UAS to fly over or near the following locations:

- Stadiums and Sporting Events;
- Near Airports; and
- Emergency and Rescue Operations (wildfires and hurricanes).

Policy 611 “Privacy Considerations,” outlines several other protocols for mitigating against privacy abuse:

LAPD UAS personnel must adhere to FAA altitude guidelines – flying below 400 feet helps to ensure that UAS is not used for surveilling overly large geographic areas; LAPD will use UAS to focus on specific areas.

**LOS ALTOS POLICE DEPARTMENT ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)**

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LAPD UAS operators shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g. residence, yard, enclosure, place of worship, medical provider’s office).

LAPD operators and observers shall take reasonable precautions, such as turning imaging devices away, to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

Policy 611 “Prohibited Use” explains that:

UAS shall not be used for the following activities:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation when not connected to actual information about specific individuals related to criminal investigations;
- For the purpose of harassing, intimidating, or discriminating against any individual or group; or
- To conduct personal business of any type.

LAPD is prohibited from weaponizing any UAS.

**F. DATA TYPES AND SOURCES**

UAS will record using industry standard file types such as (e.g. jpeg, mov, mp4, wav or RAW). Such files may contain standard color photograph, standard color video, or other imaging technology such as thermal. Although UAS can transmit one-way audio from the operator, the UAS technology available today does not currently record sound.

**G. DATA SECURITY**

LAPD takes data security seriously and safeguards UAS data by both procedural and technological means. The video recording function of the UAS shall be activated whenever the UAS is deployed. Video data will be recorded onto Secure Digital (SD) Cards. Any data collected by the use of a UAS should be kept by LAPD minimally for 30 days. The data should be uploaded into LAPD’s evidence database and kept pursuant to the established retention guidelines set forth in policy 810-Records Maintenance and Release.

**H. FISCAL COST**

The costs are approximate and will be sought in the upcoming budget. LAPD will seek to acquire two (2) DJI Matrice 30T drones with thermal cameras at a cost of approximately \$44,576 and two (2) Aardvark Loki Mk2 drones for indoor operations at a cost of

**LOS ALTOS POLICE DEPARTMENT ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)**

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approximately \$13,693. Additionally, the cost will require staff time for certification and training, which will be borne by the Department through its continuous training.

**I. THIRD-PARTY DEPENDENCE AND ACCESS**

Currently, LAPD is completely reliant upon surrounding agencies if an UAS requests is sought.

LAPD proposes that any data collected from the UAS may be shared with the following:

- The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- Other law enforcement personnel as part of an active criminal investigation;
- Other City divisions as it directly relate to the prescribed permissions in section C;
- Other third parties, pursuant to a Court Order or Search Warrant.

**J. ALTERNATIVES**

In some instances, the LAPD could rely on requesting the assistance of an outside agency's helicopter, which causes significant carbon emissions, especially when considering the footprint of a UAS.

Another alternative is the deployment of additional police resources. The inherent problem with this alternative is that it may be counterproductive to the Department's philosophy on de-escalation as it reduces the Department's ability to leverage time and distance to reduce the likeliness of a physical or violent confrontation.

**K. EXPERIENCE OF OTHER ENTITIES**

Currently, in Santa Clara County, the following cities have UAS programs: Campbell Police, Mountain View Police, Palo Alto Police, San Jose Police, Santa Clara Police, Santa Clara Sheriff's Office, and Sunnyvale DPS.

**ORDINANCE NO. 2023-489**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING A NEW CHAPTER 7.30, ENTITLED “MILITARY EQUIPMENT POLICY,” TO THE LOS ALTOS CITY CODE IN COMPLIANCE WITH ASSEMBLY BILL 481**

**WHEREAS**, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (“AB 481”) (creating Government Code, Section 7070, et seq.), relating to the use of military equipment by California law enforcement agencies; and

**WHEREAS**, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

**WHEREAS**, the Los Altos Police Department is in possession of certain items of equipment that qualify as “military equipment” under AB 481; and

**WHEREAS**, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process applicable to the Los Altos Police Department’s use of such equipment; and

**WHEREAS**, the Policy and supporting information must be approved by the governing body by Ordinance and reviewed annually; and

**WHEREAS**, the City Council of the City of Los Altos, having received the information required under AB 481 regarding the Los Altos Police Department’s use of military equipment as defined in said law, deems it to be in the best interest of the City to approve the Military Equipment Policy as set forth herein.

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

**SECTION 1. AMENDMENT TO CHAPTER 7 OF THE MUNICIPAL CODE.** Section 7.30.010 is hereby added to the Los Altos Municipal Code to read as follows:

**“7.30.010. Military equipment policy.**

- A. The City Council has made the following determinations:
  1. The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
  2. The proposed military equipment use policy (“Policy”) will safeguard the public’s welfare, safety, civil rights and civil liberties (said Policy is attached hereto as Exhibit “A” and incorporated by this reference).

- 3. The equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any).
- 4. Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

B. The Policy was considered by the City Council as an agenda item in an open session of regular meeting and noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.

C. The Policy shall be made publicly available on the Los Altos police department’s website for as long as the military equipment is available for use.

D. The Los Altos police department shall submit an annual military equipment report to the city council containing the information required in California Government Code, Section 7072, and the city council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in Paragraphs (a)(1)-(4) above.

E. The City Council shall review this Ordinance and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with California Government Code Section 7071(e)(2).

F. The City Council approves the use of the Policy and finds that it satisfies the requirements of California Government Code Section 7070(d).”

**SECTION 2.** This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to environment, directly or indirectly).

**SECTION 3. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 4. PUBLICATION.** This Ordinance shall be published as provided in Government Code section 36933.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on March 28, 2023 and was thereafter, at a regular meeting held on April 11, 2023 passed and adopted by the following vote:

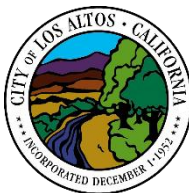
**AYES:** Dailey, Fligor, Lee Eng, Meadows and Weinberg  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

Attest:

  
\_\_\_\_\_  
Melissa Thurman, MMC  
City Clerk





**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024  
**Subject:** Introduction of Street Improvement Ordinance  
**Prepared by:** Nick Zornes, Development Services Director  
**Reviewed by:** Jolie Houston, City Attorney  
**Reviewed by:** Jon Maginot, Assistant City Manager  
**Approved by:** Gabriel Engeland, City Manager

**Initiated by:**  
Development Services Department

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

**Fiscal Impact:**  
None.

- Attachments:**
1. Draft Ordinance
  2. Appendix A

**Summary:**  
The draft ordinance proposes a legal mechanism to require appropriate street improvements for applicable parcels within the City of Los Altos with or without a subdivision.

**Staff Recommendation:**  
Introduce an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.20 Street Improvements to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970.

**Background**  
The existing Los Altos Municipal Code is silent on street improvements when private development is occurring within the City of Los Altos and does not require or request a subdivision or “map”.

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City Manager  
*GE*

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





**Subject:** Adoption of Mechanical Equipment Ordinance

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In the absence of regulations any property that is developed within the City of Los Altos that does not require or request a subdivision of land will not be required to make offsite street improvements immediately adjacent to the subject site. In practical terms this will result in no sidewalk or curb and gutter improvements throughout the city, even when the city finds that it is prudent.

The proposed ordinance as drafted is akin to the City of Los Altos subdivision ordinance which is Title 13 of the Los Altos Municipal Code. The proposed ordinance will allow for the enforcement and requirement of street improvements as necessary when associated with an applicable project or permit.

**Discussion**

Any required improvements required as a part of this ordinance shall be consistent with improvements typically expected and required per city standard design. In practical terms, this means the city will require sidewalks consistent with the standards approved and on file with the City Engineer.

The proposed ordinance will require the following infrastructure improvements if applicable depending on location and city standard details and requirements: curbs and gutters, driveways, sidewalks, ADA ramps, bicycle lanes, bike racks, pedestrian crossings, overlay, pavement structural section, pavement striping, street lights, storm sewers, stormwater treatment measures, sanitary sewers, street trees, street signs, water lines, fire hydrants, monumentation, retaining walls and, where necessary, the dedications and improvement of service roads, facilities for off-street parking, alleys, easements for public utilities, drainage, sewers, walkways, watercourses, planting strips and nonaccess facilities.

Contained within the draft ordinance are two legal mechanisms for the requirements of street improvements as identified within this ordinance; 1. Street Improvement Agreement or 2. Deferred Street Improvement Agreement. Both mechanisms identified within this ordinance allow for the improvements to occur when practical and appropriate based on best engineering practices and standards. Mechanism #1 would allow for immediate deployment of improvements during the course of active construction of the project which has triggered such requirements, and #2 will defer improvement requirements until it is practical and possible for the required infrastructure to be connected to additional infrastructure immediately adjacent.

**ORDINANCE NO. 2024-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 11.20 TO TITLE 11 MISCELLANEOUS PROPERTY REGULATIONS OF THE LOS ALTOS MUNICIPAL CODE ENACTING REGULATIONS FOR STREET IMPROVEMENTS**

**WHEREAS**, enactment of Street Improvement regulations provides consistent and practical improvements that supports pedestrian and bicycle safety through the City of Los Altos; and

**WHEREAS**, enactment of Street Improvement regulations helps to provide necessary infrastructure for stormwater management; and

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

**WHEREAS**, the City Council held a duly noticed public hearing on February 27, 2024, and March 12, 2024; and

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

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

**SECTION 1. AMENDMENT OF TITLE 11 OF THE MUNICIPAL CODE.** Chapter 11.20 are hereby added of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance, underline indicates addition, strikethrough indicates deletion.

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

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

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

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on February 27, 2024, and was thereafter, at a regular meeting held on March 12, 2024, passed and adopted by the following vote:

AYES:  
NOES:

ABSENT:  
ABSTAIN:

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Jonathan D. Weinberg, MAYOR

Attest:

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Melissa Thurman MMC, City Clerk

**APPENDIX A  
AMENDMENTS TO CHAPTER 11.20**

## APPENDIX A

### Chapter 11.20 STREET IMPROVEMENTS

#### 11.20.010 Definitions.

"Block" means the property frontage located on one side of a street between the centerlines of the immediately adjacent cross streets. In the case of a cul-de-sac, "block" means the property frontage along both sides of the cu-de-sac.

"Deferred street improvement agreement" means a written agreement between the permittee and the city whereby the property owner agrees, in lieu of installing street improvements required under this chapter within one year following the date of issuance of the permit, to install said improvements within one year from the date applicant is called upon to do so by the Development Services Director or Public Works Director, unless an extension of time is granted by the city in writing. Said agreement may provide for such other covenants and conditions as may be desirable to accomplish the purposes of this chapter.

"Notice of improvement obligation" means the notice prepared by the Development Services Director or Public Works Director or their designee describing land acquired and/or improvements installed by the city for which the adjacent property owner will be required to reimburse the city upon request for a permit and describing the obligation of the permittee for the reimbursement.

"Parcel of land" means a parcel created in compliance with the Subdivision Map Act and recognized by the city and county as a legally created parcel.

"Permit" means any building permit, use permit, design review permit, planned development permit, discretionary approval, or site and architectural approval issued by the city under and pursuant to the provision of its ordinance(s).

"Permittee" means any individual, partnership, association, corporation, governmental body or unit or agency (other than the city), or any other entity owning or occupying land adjacent to any unimproved street or unimproved streets in the city who is required to have a permit from the city in order to erect, construct, add to, alter or repair any building or structure upon such land, or who is required to have any discretionary approval.

"Person" means any individual, partnership, association, corporation, governmental body or unit, or agency (other than the city), or any other entity.

"Repayment agreement" means an agreement executed between the city and a property owner for the property owner's repayment to the city for previously purchased land and/or installed improvements.

"Street improvement agreement" means a written agreement between permittee and the city whereby the permittee agrees to install street improvements required under this

chapter within one year of the date of the agreement's execution, unless extended by the parties for good cause. Such an agreement may provide for such other covenants and conditions as may be desirable to accomplish the purposes of this chapter.

"Unimproved street" means any street or highway in the city which is less in width from property line to property line than the width prescribed for such street, either through the adoption of plan lines in accordance with all applicable chapters of the Los Altos Municipal Code, the city's adopted general plan or any master plan, or other ordinances of the city, or which lacks one or more of the following improvements as required by this chapter, the city's adopted general plan or other ordinances of the city: curbs and gutters, driveways, sidewalks, bicycle lanes, pedestrian crossings, street trees, street signs, water lines, fire hydrants, monumentation, retaining walls, pavement, pavement structural section, storm sewers, sanitary sewers, streetlights and pavement striping or as otherwise determined by the City Engineer in accordance with the general purpose and intent of this chapter as specified in Section 11.20.030.

**11.20.020 Application.**

Nothing contained in this chapter shall be construed to limit the power of the city to require the installation of street improvements as a condition of approval in accordance with the Subdivision Map Act of the state of California.

**11.20.030 Purpose and Intent.**

The provisions of this chapter are intended to define the policies and procedures for the acquisition of public streets and highways and public easements, and for the construction of public improvements, in connection with the development of areas and parcels of property, in order to:

- A. Ensure that lands hereafter developed are put to uses compatible with their surrounding areas, and which uses will not unduly adversely affect other persons, or land, or the general public;
- B. Spread the costs of required public improvements upon the abutting properties, as contemplated by law;
- C. Cause the installation of those improvements necessary properly to serve the property developed at the time of its development, so far as may be practicable, so that the benefiting property may enjoy the use of such improvements throughout the normal life thereof;
- D. Protect the vested interest of the public in the pre-existing capacity of the city's streets and highways;
- E. Promote the installation of all necessary street improvements in the most economically feasible manner, both to city and to the owners of affected parcels of land;
- F. Protect the public safety, living standards and common welfare of the general public.

**11.20.040 Requirements—General.**

Except as provided for in Section 11.20.180 of this chapter or any other adopted city council policy, any person who proposes to erect, construct, add to, alter or repair any building or structure for which a permit is required by the city on or upon any land adjacent to an unimproved street, or who seeks a discretionary approval, or a tentative map approval from the city for land adjacent to or containing an unimproved street must improve, or agree to improve by street improvement agreement or deferred street improvement agreement such street as herein required. The permittee shall install such improvements that the City Engineer deems necessary, in accordance with the general purpose and intent of this chapter as specified in Section 11.20.030 of this chapter, which may include the following; curbs and gutters, driveways, sidewalks, ADA ramps, bicycle lanes, bike racks, pedestrian crossings, overlay, pavement structural section, pavement striping, street lights, storm sewers, stormwater treatment measures, sanitary sewers, street trees, street signs, water lines, fire hydrants, monumentation, retaining walls and, where necessary, the dedications and improvement of service roads, facilities for off-street parking, alleys, easements for public utilities, drainage, sewers, walkways, watercourses, planting strips and nonaccess facilities. Such improvements or the agreement to install such improvements shall be a condition precedent to the issuance of any required permit, or discretionary approval. The Development Services Director or Public Works Director shall have the authority to execute such agreements on behalf of the city in accordance with this chapter.

**11.20.050 Deferred Street Improvement Agreements.**

Deferred street improvement agreements may be allowed when the city engineer has determined that extenuating circumstances exist and the deferral of the street improvements is reasonable and appropriate, or when the following conditions are satisfied:

1. The property is not adjacent to existing improvements of the same type being required; and
2. Agreements do not exist for installation of street improvements for all properties between the subject property and existing improvements of the type being required; and
3. There are no capital improvement projects identified in the current capital improvement program for installation of the required street improvements within the next five (5) years; and
4. The deferral of the street improvements is not in conflict with any other adopted city council policy.

**11.20.060 Credit—Purpose.**

The owner of any parcel of land for which dedications have been made or for which improvements have been installed as required by this chapter, shall receive credit in the event that the parcel involved is subsequently included in a city assessment district

proceeding as determined by the engineer's report for the applicable proceeding. No person shall receive a credit in excess of the amount of dedication required or the cost of the improvements required by this chapter.

**11.20.070 Improvements installed by others—Preceding permit.**

In some instances, the public welfare and convenience and the greatest economy and safety can be accomplished by the acquisition of land and the installation of improvements on unimproved streets prior to the time that a property owner or owners seek a permit. Such owners, or their successors in title, are required to contribute their fair, equitable share to the street improvements in such areas (just as permittees who seek a permit prior to the installation of improvements are required to do) when their property develops, or when they seek a permit.

In such instances where land has been acquired and improvements have been installed by the city, anyone seeking a permit with respect to the property abutting such acquired land or installed improvements, as a condition precedent to obtaining such permit shall reimburse the city for the cost of the land acquired and improvements installed as specified in the notice of improvement obligation provided for in Section 11.20.080 of this chapter.

The obligation to pay for previously installed street improvements or previously acquired land shall not be imposed as a result of the reconstruction of a building that was damaged or destroyed by earthquake, fire, flood, or other physical peril over which the owner had no control, except as follows:

1. When construction of a replacement building substantially exceeds the floor area of the damaged or destroyed building;
2. Where the damaged or destroyed building had been a nonconforming use which is prohibited from being resumed under the provision of the code; or
3. Where the damage or destruction of the building is the result of an action of the city, state, or federal government's authority under law.

If the improvements installed by the city prior to the issuance of the permit are less than the improvements required by, or authorized to be required by, this chapter, the permittee shall make, or agree to make, such other improvements, all as required by this chapter. A permittee who obtains his permit after improvements have been made shall be required to provide the equivalent of what would have been required to provide had the permit predated the improvements, as determined by the city engineer in accordance with the general purpose and intent of this chapter as specified in Section 11.20.030.

**11.20.080 Notice of Improvement Obligations.**

When land is purchased or street improvements are constructed by the city in accordance with Section 11.20.070 of this chapter, the Development Services Director or Public Works Director, are authorized to execute and record a notice of improvement



obligation or repayment agreement. Such notice or agreement shall describe the improvements constructed and any land purchased and define the obligation of any property owner or future property owner.

Payments for both land and improvements shall include interest at a rate equal to one-half (1.5) percent above the city's net effective portfolio yield calculated on a fiscal year basis. The interest rate on both land and improvements for each project shall be adjusted annually; and the amount of interest due shall accrue in the following manner:

1. Land Cost. Interest to be accrued from the date of acquisition to the date the permittee is required to reimburse the city;
2. Improvement Cost. Interest to accrue from the award of contract or, if installed by city forces, from the date of commencement to the date the permittee is required to reimburse the city.

However, the interest shall be waived if the abutting property owner dedicates or has dedicated to the city the required land for improvements.

Such notice of improvement obligation or repayment agreement shall constitute constructive notice of the obligation imposed by this chapter, but the failure to execute and record such notice or agreement shall not relieve any permittee or property owner or future property owner of the obligation. The Development Services Director or Public Works Director is authorized to execute and record a notice of satisfaction of improvement obligation when the obligation created by Section 11.20.070 of this chapter has been satisfied.

**11.20.090 Rules and regulations.**

The City Engineer shall have the authority to establish reasonable rules and regulations consistent with the provisions of this chapter for the purpose of its administration and enforcement. Such rules and regulations shall be effective upon approval thereof by the City Council.

**11.20.100 Dedication and Improvements—Requirements.**

For the purpose of determining the length and width of street rights-of-way which shall be dedicated and improved under the provisions of this chapter, the following rules shall apply:

- A. Unless otherwise required by the City Engineer, dedication and improvement shall be for the full length of the property line of each parcel or parcels abutting the street or streets for which the permit, or discretionary approval applies and any additional distance necessary to conform to existing improvements.
- B. The permittee shall be required to dedicate and improve walkways and bicycle lanes/facilities or to provide access to school, park, or other public areas.
- C. When the rear or side lines of any parcels border any major or secondary street, alleyway, highway or parkway, the permittee may be required to execute and

deliver to the city an instrument deemed sufficient by the city attorney, prohibiting the right of ingress and egress to such parcels across the sidelines of such street, alleyway, highway, or parkway.

- D. The permittee shall grant easements for public utility and drainage purposes as deemed necessary by the city engineer. Dedication of easements shall be for the purpose of installing utilities and for other public purposes, as may be ordered or directed by the city engineer.
- E. The permittee shall, subject to existing water rights, dedicate a right-of-way for storm drainage purposes conforming substantially with the lines of any natural watercourse or channel, stream or creek that traverses the development, or provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and stormwater as determined by the city engineer as reasonably necessary.
- F. Without limitation to any other provision of this chapter, the regulations herein contained are expressly declared to be applicable to any parcel which is abutted on one or more sides by a street, one or more of which is unimproved. The permittee shall have a separate obligation for each of such streets, to the extent that one or more shall be unimproved, and shall be required to install improvements and make provision for each of such streets in accordance with the provisions of this chapter.
- G. The permittee may be required to quitclaim all his rights and interests in, and grant to the city authorization to extract water from the underground strata lying beneath such tract or parcel.
- H. Where any dedication of land is made, and where deemed necessary by the city engineer, the applicant shall furnish the city at applicant's expense, with a preliminary title report issued by a title insurance company authorized to transact a title insurance business in the state of California.

**11.20.110 Credits—Prior Improvements.**

- A. Whenever a parcel of land is brought within the jurisdiction of this chapter, and a permittee or his predecessor in title has made, or paid for, any dedications of land or any of the improvements required by this chapter, by special assessment or otherwise, the extent of such dedication and/or improvements shall be credited against the obligation created. In estimating the value of such past dedication and/or improvements, the City Engineer's estimate of current land and/or construction costs shall apply. The credit allowed for past dedications and/or improvements, however, shall not exceed the cost of the land and/or improvements required by this chapter.
- B. Whenever a parcel of land is brought within the jurisdiction of this chapter, and a permittee makes any dedication of land required by this chapter or makes or pays for any improvements required by this chapter, and said land is thereafter included in a city assessment district proceeding for the acquisition of land and the construction of some or all of the improvements of the kind required by this

chapter, the permittee or his successor in title shall be entitled to a credit against such sums as the permittee shall be required to pay in the city assessment district proceeding as follows:

- i. For any land dedicated pursuant to the provisions of this chapter, a permittee or his successor in title shall be entitled to a credit equal to the value of the land as appraised by city as of the time of the assessment proceedings (i.e., as of the time of the appraisal of other land included in the assessment proceedings);
- ii. For any improvements actually made pursuant to the provisions of the chapter, a permittee or his successor in title shall be entitled to a credit equal to the value of the improvements as appraised by the city as of the time of the assessment proceedings (i.e., as of the time of the appraisal of land included in the assessment proceedings);
- iii. For any improvements actually paid for pursuant to the provisions of this chapter, a permittee or his successor in title shall be entitled to a credit equal to the amount paid to the city, without interest;
- iv. Credit shall be allowed only for dedications actually made, or improvements actually made or actually paid for; no credit shall be allowed for dedications or improvements which a permittee has agreed to make or pay for, but has not made as of the date of the resolution or ordinance of intent to establish said district;
- v. In the event a permittee has agreed to make or pay for dedication or improvements under the provisions of this chapter, but has not made or paid for said dedication or improvements as of the date of the resolution or ordinance of intent to establish said district, the permittee's contractual obligation to make or pay for said dedication or improvements shall be terminated, but only to the extent that said dedication or improvements shall be required, made and completed pursuant to said assessment district proceedings;
- vi. In no event shall the credit allowed exceed the amount which a permittee or his successor in title shall be obligated to pay under the assessment proceedings;
- vii. Appraisals for the purpose of determining credit shall be made by the city, and the amount thereof shall be at the sole discretion of the city and shall be binding upon a permittee or his successor in title;
- viii. The provisions of this section shall apply only to assessment proceedings under the jurisdiction, supervision, and control of the city.

**11.20.120 Street Improvement Agreement—Bond—Other Security.**

- A. Whenever a street improvement agreement is executed pursuant to the provisions of this chapter, the permittee shall file with the city at the time of

making said agreement a faithful performance bond to assure his full and faithful performance of the agreement. The permittee shall, in addition to the faithful performance, file with the city at the time of making the agreement a labor and materials bond in a penal sum adequate to making full payment of all labor and materials required to construct said improvements. The amount of the bonds shall be as determined by the City Engineer. To assist the City Engineer in estimating such bond amount, the permittee may be required to retain the services of an engineer, whose design estimates of quantity and cost can then be checked by the City Engineer to determine their accuracy, completeness, and conformance to city standards. The bonds shall be executed by a surety company authorized to transact a surety business in the state of California. In the event that the permittee fails to faithfully perform the covenants and conditions of the agreement, the city shall call on the surety to perform the agreement or otherwise indemnify the city for the permittee's failure to do so.

- B. In lieu of a surety bond, the permittee may elect to secure any said agreement by depositing with the city:
  - i. Cash; or
  - ii. A cashier's check, or a certified check, payable to the order of the city; or
  - iii. A certificate of deposit or irrevocable letters of credit as approved by the City Attorney; or
  - iv. Any other form of security determined by the City Attorney and the City Engineer to be equivalent to the foregoing.
- C. The amount of said cash, checks, certificate of deposit or irrevocable letters of credit shall be as designated by the City Engineer and shall be the equivalent to that which would have been required had the permittee furnished the city with a surety bond. In the event that the permittee fails faithfully to fulfil the covenants and conditions of said agreements, the city may apply the proceeds of said security thereto.
- D. Provision of security in accordance with this section shall not be deemed to relieve an applicant from the obligation to install the required improvements.
- E. Provision of security shall not be required for deferred street improvement agreements pursuant to Section 11.20.050.

**11.20.130 Encroachment Permit and Other Fees.**

The permittee shall be required to obtain an encroachment permit for construction of the required street improvements as provided for in Section 11.20.040 and shall pay all fees, post all bonds and deposits, and comply with all the terms and conditions of the encroachment permit, including but not limited to any indirect costs such as design engineering costs and insurance premiums and any costs incurred by the city in connection with said application, and shall, prior to the issuance of any permit, pay the city or applicable agency the amount of the fees required by the City Engineer in connection therewith.

**11.20.140 Standard Specifications.**

- A. Except as otherwise provided by this chapter, improvements herein required shall be made in accordance with the standard specifications of the city, current at the time the improvements are made. When a required improvement is not provided for by standard specifications of the city, the nature and type of any such improvement shall be as approved by the City Engineer in accordance with accepted engineering principles.
- B. Utility installations shall be consistent with the requirements of Section 13.20.160 requiring the installation of all utility facilities underground.

**11.20.150 Alternative Specifications.**

In certain areas, as approved by the City Council, alternative materials and surface treatment may be utilized for construction of curbs, gutters and sidewalks and pedestrian walkways may be installed along curvilinear alignment.

**11.20.160 Street and Highway Widths.**

For the purposes of this chapter, the streets and highways within the city shall be deemed to have the widths set previously by the Zoning Administrator, Planning Commission or City Council along adjacent improved sections of the unimproved street, except that, where no cross-sections have been established, the roadway shall be established by the Zoning Administrator, Planning Commission or City Council.

**11.20.170 Exceptions.**

- A. Upon application for an exception, the Zoning Administrator or Planning Commission may hear and recommend that the City Council authorize conditional exception to any of the requirements and regulations set forth in this chapter; provided that the following facts are found:
  - i. That there are special circumstances and conditions affecting subject property;
  - ii. That the exception is necessary for the preservation and enjoyment of a substantial property right of the developer; and,
  - iii. That the granting of the exception will not be detrimental to the public welfare, or injurious to other property in the territory in which said property is situated.
- B. Zoning Administrator and Planning Commission Recommendations:
  - i. In recommending such exceptions, the Zoning Administrator or Planning Commission shall secure substantially the objectives of the regulations to which exceptions are requested, and shall act to protect the public health, safety, convenience and general welfare;
  - ii. In recommending the authorization of any exception under the provisions of this section, the Zoning Administrator and Planning Commission shall report to the City Council its findings with respect

thereto, and all facts in connection therewith, and shall specifically and fully set forth the exceptions recommended, and the conditions designated.

- C. Upon receipt of such report, the City Council may accept recommendation for exception as recommended by the Zoning Administrator or Planning Commission, or the City Council can reject the recommendation for exception.
- D. Additions, alterations or repairs to any existing residential structure, (excluding construction of an accessory dwelling unit or junior accessory dwelling unit), within a five-year period that add less than fifty percent of the size of the existing primary structure, measured in square feet of habitable conditioned space only, to the existing structural coverage shall be exempt from the requirement of this chapter to install street improvements unless the contemplated additions and use of the property in question will result in an immediate danger to the public safety, as determined by the City Engineer.

**11.20.180 Appeals.**

- A. Any permittee aggrieved by a decision of any officer, department, or commission of the city under the provisions of this chapter may appeal such decision to the City Council by filing written notice of the appeal with the City Clerk within fourteen (14) calendar days after the date of the decision. Such appeal of a decision shall be accompanied by a filing fee in accord with the schedule of fees as established by the City Council, no part of which is refundable.
- B. Said notice of appeal must state:
  - i. The asserted error;
  - ii. The grounds upon which said appeal is taken; and
  - iii. The name and address of the permittee appealing.

Said notice of appeal must be signed by the permittee appealing, or by their agent. Said notice of appeal shall not be effective unless it is filed with the City Clerk within the time required by subsection A of this section.

- C. A public hearing shall be scheduled to be held by the City Council following the filing of the notice at the next regularly scheduled meeting and shall not be extended upon request of any appellant.
- D. Notice of the time and place of the hearing shall be given by mail, postage prepaid, and dispatched not less than ten (10) days prior to the hearing to the appellant at their address as shown upon notice of appeal.
- E. The City Council shall hear the appeal. At the conclusion of the hearing, the City Council may affirm, reverse, or modify the action appealed; subject, however, to the provisions of this chapter only. The findings and decisions of the City Council shall be entered upon the minutes of the City Council, and the decision shall be final and shall take effect as directed by the City Council.

**11.20.190 Chapter Conformance Required.**

All departments, officials and employees of the city vested with the duty or authority to issue permits shall conform to the provisions of this chapter, and shall not issue any permit, certificate or license for use or building, or for purposes in conflict with the provisions of this chapter. Any such permit, certificate or license issued in conflict with the provisions of this chapter shall be null and void.

**11.20.200 Violation—Nuisance.**

Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained, or any use of land contrary to the provisions of this chapter is declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence action or proceeding for the abatement and removal or enjoinder thereof in the manner provided by law.

**11.20.210 Violation—Utility Connection Denial.**

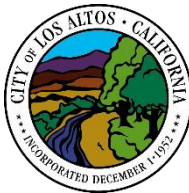
The Development Services Department shall deny approval and acceptance of and shall refuse to allow final public utility connection to, any building or structure erected, constructed, added to, altered, or repaired, contrary to the provisions of this chapter, unless and until the provisions of this chapter are met.

**11.20.220 Violation—Penalty.**

Any person, or other entity, violating any provision of this chapter shall be guilty of an unlawful act, punishable pursuant to Title 1 of the Los Altos Municipal Code.

**11.20.230 Cumulative Remedies.**

The remedies herein contained shall be cumulative, in addition to such other remedies as are provided by law, and without limitation to the right to institute such legal action as may be necessary to enforce any agreement hereinabove provided, or to recover damages for the breach thereof against the principal or the surety.



**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject** **FY23/24 Mid-Year Budget Adjustments**

**Prepared by:** June Du, Finance Director

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

**Attachment(s):**

- 1. Resolution

**Initiated by:**

Staff

**Previous Council Consideration:**

June 13, 2023

**Fiscal Impact:**

Budget revisions detail

**Environmental Review:**

Not applicable

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

- Does the City Council wish to approve the proposed adjustments to the midyear budget as presented?

**Summary:**

On June 13, 2023, City Council approved the FY23-24 Mid-Term operating budget and FY24-28 capital improvement budget. Throughout the past six months, staff has actively monitored actual revenues and expenditures. This report provides an update to the City Council on the General Fund operating budget for the remainder of FY23-24 and outlines proposed budget adjustments to all City Funds.

This report was presented to the Financial Commission on February 5, 2024 and unanimously recommended for approval to the City Council.

**Staff Recommendation:**

Approve the recommended adjustments to the FY22-24 budget appropriations as presented.

City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JD





**Subject: FY23/24 Mid-Year Budget Adjustments**

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**Background:**

In FY23-24 budget process, City implemented zero based budget with the goal of providing the public services more effectively by allocating the resources to the most needed areas. On June 13, 2023, City Council adopted the FY23-24 Operating Budget and Five-Year Capital Improvement and Major Maintenance Program (CIMMP).

**Summary of the requests:**

**Departmental Budget Changes**

- **City Administration (\$300K expenditure from General Fund balance):**

The City Administration department is requesting an additional \$300,000 expenditure appropriation for the litigation services.

- **Public Works Department (\$30K expenditure from General Fund balance):**

The Public Works department is requesting an additional \$30,000 in expenditure appropriation to cover the costs of emergency traffic control on 4600 ECR, resulting from a recent fire.

- **Development Services Department (\$660K expenditure from General Fund balance):**

The Development Services department is requesting an additional \$800,000 in expenditure appropriation to cover the potential consulting fee for the permitting and recognize \$140,000 in permit revenue. This item was initially budgeted in the deposit performance account as a revenue, but the expenditure was not included; the actual costs are tied to the permit revenues.

- **Police Department (\$340K transfers in to General Fund):**

The City receives \$100,000 Supplemental Law Enforcement Service Fund (SLESF) and additional growth allocation under AB3229 annually to cover the costs of “front line law enforcement services.” The staff is requesting to transfer \$340K from the SLESF fund to the General Fund to supplement the Police Department costs.

- **Internal Services Fund (\$350K transfer out reduction from General Fund):**

The staff is recommending reducing General Fund transfers to the Internal Services fund by \$300,000, with \$50,000 going to the Technology Fund and \$300,000 to the Dental Fund. It's projected that both the Dental Fund and Technology Fund will maintain balances above \$500,000 by the end of FY24.



**Subject: FY23/24 Mid-Year Budget Adjustments**

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- **City Clerk (\$6K expenditure transfer from General Fund to Technology Fund):**

The City Clerk’s office is requesting the transfer of \$6,000 from its operating budget to the Technology Fund to address the extra expenses associated with online subscriptions.

- **Emergency Operation Center Project- CF-01021 (\$500K revenue increase in Grant Revenue):**

In January 2024, the City was awarded a \$500,000 grant from the Office of Emergency Services pursuant to Bill AB 102 for emergency operations retrofitting. Initially, the City allocated \$2.35 million from the General Fund in FY24 for this purpose. It is now requesting to recognize the \$500,000 grant as revenue, appropriate it to the EOC project (CF-01021), and to release/return an equivalent amount from the General Fund in the Capital Project Fund.

- **Public Works Department-Sewer Division (\$241K expenditure from Sewer Fund balance):**

The Public Works Sewer division is seeking \$241,000 from the Sewer fund balance. The request encompasses \$11,000 for emergency sewer repairs at 74 Dior Terr, \$10,000 for emergency repairs to the Blue Oak pump station, and \$220,000 for additional costs related to the Vac-Con purchase.

- **Gas Tax and SB1 Tax revenues (\$70K revenues reduction from revenues)**

Per the projection from the state, by comparison the May 2023 projection, the gas tax revenue will decrease \$45,000 and SB1 gas tax revenues will decrease \$25,000. The projects funded by the Gas tax and SB1 tax will be either paid by the other funding sources or being delayed.

- **Traffic Impact Fee revenue (\$900K revenue reduction from revenues)**

The Traffic Impact fee forecast, based on current development projects, has been reduced by \$900,000 by the Development Service department as a conservative measure.

- **CIMMP Projects have been affected by the reduction in revenue from Gas Tax, SB1 Tax, and Traffic Impact Fee. The impacted projects are listed below:**



**Subject: FY23/24 Mid-Year Budget Adjustments**

Project #	Project Name	Fund Title	Adopted Budget
TS-01001	Annual Street Resurfacing	SB1	782,816
		Subtotal	782,816
TS-01001	Annual Street Resurfacing	Gas Tax	400,000
TS-01003	Annual Street Striping	Gas Tax	150,000
TS-01004	Annual Street Slurry Seal	Gas Tax	350,000
		Subtotal	900,000
TS-01005	Annual Concrete Repair	Traffic Impact Fees	411,743
TS-01006	Annual Traffic Sign Replacement	Traffic Impact Fees	200,091
TS-01057	In-Road Light System Maintenance	Traffic Impact Fees	445,000
TS-01062	San Antonio Road Complete Street Project	Traffic Impact Fees	280,000
		Subtotal	1,336,834

**Conclusion**

The overall adjustments will bring \$190K increase to the City’s estimated General Fund balance, with a final estimated decrease of \$60,000 at the end of the fiscal year. The proposed budget fund statements with the changes are summarized in the tables below. Staff will continue to review the financial records and will bring forward the change if it is needed on a case-by-case basis. At this time, staff recommend that the City Council approve the budget changes requested to the FY23-24 budget as presented in this report.

Table 1 General Fund Budget Summary (In Million)			
	6/13 CC meeting budget (1)	Operating Request (2)	Revised Budget (3)=(1)+(2)
Budgeted Revenues	53.67	0.14	53.81
Budgeted Expenditures	-51.16	-1.13	-52.29
Net	2.51	-0.99	1.52
Transfer In	0.00	0.84	0.84
Transfer Out	-2.76	0.34	-2.42
Surplus/ (Shortfall)	-0.25	0.19	-0.06
Estimated Beginning Bal.	15.20		15.20
Estimated Ending Bal.	14.95		15.14



**Subject: FY23/24 Mid-Year Budget Adjustments**

<b>Table 2 Sewer Fund Budget Summary (In Million)</b>			
	6/13 CC meeting budget (1)	Operating Request (2)	Revised Budget (3)=(1)+(2)
Budgeted Revenues	9.71	0.00	9.71
Budgeted Expenditures	-8.74	-0.24	-8.98
Net	0.98	-0.24	0.74
Capital Expenditures	-8.42		-8.42
Debt Services	-0.02		-0.02
Transfer Out	-0.50	0.00	-0.50
<b>Surplus/ (Shortfall)</b>	<b>-7.97</b>	<b>-0.24</b>	<b>-8.21</b>
Estimated Beginning Bal.	9.21		9.21
<b>Estimated Ending Bal.</b>	<b>1.24</b>		<b>1.00</b>

<b>Table 3 Internal Services Fund - Dental Budget Summary (In Million)</b>			
	6/13 CC meeting budget (1)	Operating Request (2)	Revised Budget (3)=(1)+(2)
Budgeted Revenues	0.49		0.49
Budgeted Expenditures	-0.49		-0.49
Net	0.00	0.00	0.00
Transfer in	0.50	-0.30	0.20
Transfer Out			0.00
<b>Surplus/ (Shortfall)</b>	<b>0.50</b>	<b>-0.30</b>	<b>0.20</b>
Estimated Beginning Bal.	0.53		0.53
<b>Estimated Ending Bal.</b>	<b>1.03</b>		<b>0.73</b>

<b>Table 4 Internal Services Fund - Technology Budget Summary (In Million)</b>			
	6/13 CC meeting budget (1)	Operating Request (2)	Revised Budget (3)=(1)+(2)
Budgeted Revenues	0.15		0.15
Budgeted Expenditures	-0.67	-0.02	-0.69
Net	-0.52	-0.02	-0.54
Transfer in	0.76	-0.04	0.72
Transfer Out	-0.90		-0.90
<b>Surplus/ (Shortfall)</b>	<b>-0.66</b>	<b>-0.06</b>	<b>-0.72</b>
Estimated Beginning Bal.	1.33		1.33
<b>Estimated Ending Bal.</b>	<b>0.67</b>		<b>0.61</b>

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ADOPTING THE FY2023-24 FINAL OPERATING BUDGET**

**WHEREAS**, the City Council adopted FY23-24 Operating budget on June 13, 2023;and

**WHEREAS**, The Finance Committee review the proposed FY23-24 Operating budget adjustment on February 5, 2024.

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

1. The City of Los Altos FY23-24 Final Operating Budget adjustments have been presented and reviewed by City Council with regard to the approval of adjustments to estimated revenues, appropriations, and transfers for all City Funds in accordance with adopted Financial and Investment Policies; and
2. City programs, services, and activities will be provided and maintained within the confines of this Financial Plan/Annual Operating Budget in a manner consistent with adopted Financial Policies; and
3. Funds are deemed appropriate for those purposes and in amounts contained in said Financial Plan/ Operating Budget, and the City Manager is authorized to approve appropriations and transfers of these funds to the extent allowed by law and Financial Policies in implementing the work programs incorporated within the adopted budget; and

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Janathan D. Weinberg, MAYOR

Attest:

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



**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject** City Council salary and benefits

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

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

**Attachment(s):**

- 1. Ordinance No. 2024-xxx

**Initiated by:**

City Council

**Previous Council Consideration:**

January 23, 2024; February 13, 2024

**Fiscal Impact:**

Adoption of this ordinance will increase costs for Council salaries from \$18,000 to \$57,000 annually beginning in December 2024

**Environmental Review:**

Not applicable

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

- Does the Council increase Council salaries from \$300 per month to \$950 per month?

**Summary:**

- Council introduced this ordinance on February 13, 2024
- The increase in salary will become effective when a Council member begins a new term on the Council (December 2024)

**Staff Recommendation:**

Adopt an Ordinance amending Chapter 2.04 to establish City Council salaries



**Subject:** City Council salary and benefits

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**Purpose**

To adopt an ordinance changing Council salary

**Background**

At the February 13, 2024 Council meeting, Council introduced an ordinance setting City Council salaries at \$950 per month. Council also adopted a Resolution at that same meeting defining benefits offered to City Council members.

**Discussion/Analysis**

This ordinance will go into effect in 31 days. The increase in salary will be effective when a Council member begins a new term, which will next occur in December 2024.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 2.04 OF THE LOS ALTOS MUNICIPAL CODE TO ESTABLISH CITY COUNCIL SALARIES**

**WHEREAS**, California Government Code Section 36516 outlines procedures for providing salaries to City Council members; and

**WHEREAS**, the City Council wishes to establish the salary for City Council members; and

**WHEREAS**, the City Council finds that the cost of living in Los Altos has increased significantly since Council salaries were first implemented; and

**WHEREAS**, the City Council finds that the workload and responsibility of City Council members has increased and requires a significant commitment of time; and

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

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

**SECTION 1. AMENDMENT OF CODE:** Section 2.04.060 of the Los Altos Municipal Code is hereby amended to read as follows:

**2.04.060 – Salaries**

- A. This section is enacted pursuant to California Government Code Sections 36516 and 36516.5 authorizing the City council to provide by ordinance that each member of the City Council shall receive a prescribed salary;
- B. Each member of the City Council shall receive, as salary, nine hundred and fifty dollars (\$950.00) per month which shall be payable at the same time and in the same manner as the salaries paid to other officers and employees of the City;
- C. The City may provide other benefits to City Council members as determined by resolution of the City Council;
- D. The salaries and benefits prescribed in this section are and shall be exclusive of any amounts payable to each member of the City Council as reimbursement for actual and necessary expenses incurred by the member in the performance of official duties for the City.

**SECTION 2. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.



**SECTION 3. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

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

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on February 13, 2024 and was thereafter, at a regular meeting held on February 27, 2024 passed and adopted by the following vote:

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

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

Attest:

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



**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject** PARC Recommendation - Heart Art Placement

**Prepared by:** Manny Hernandez, Parks & Recreation Director

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

**Attachment(s):**

- 1. Photo – Proposed heart sculpture by Matthew Duffy
- 2. Street view of recommended locations

**Initiated by:**

Parks, Arts, Recreation and Culture Commission (PARC)

**Previous Council Consideration:**

September 12, 2023

**Fiscal Impact:**

The following project will cost an estimated not to exceed amount of \$55,000

- Breakdown of funds to be used:
  - o \$55K Public Art Fund (Purchase and installation)
- Funding is sufficient for this purchase in the Annual Public Arts Project CIP (CD-01003)

**Environmental Review:**

Not applicable

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

- Does the Council wish to purchase this piece of art for public display in one of the recommended locations?

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** PARC Recommendation - Heart Art Placement

**Summary:**

- City Council requested PARC make a recommendation on installation location for one heart.
- The price to purchase this piece of art is individually higher than purchasing multiple pieces as previously recommended.

**Staff Recommendation:**

Consider the proposed PARC Commission recommendation for the purchase and installation of one Heart Sculpture by Matthew Duffy.

**Purpose**

To consider the PARC Commission recommendation on the location the Heart Sculpture by Matthew Duffy.

**Background**

On September 12, 2023, the Public Arts Commission made a recommendation to City Council that the City purchase three (3) heart sculptures and place them at “gateway” entrances to the city.

At that meeting, City Council approved the purchase of one heart sculpture and directed the PARC Commission to make a recommendation on the placement of the sculpture. The recommended location was preferred to be in a part of the City that would benefit from additional public art.

**Discussion/Analysis**

At The sculpture “Low-Poly Open Heart - Red Exterior Dimond Interior (REDI)” (Attachment 1) measures 5’ x 5’ x 2.5’ and are proposed for the following locations in order of recommended priority:

1. 999 Fremont Ave.
2. Homestead Rd./Grant Rd.at Foothill Expressway (South-west corner)

The PARC recommends the use of Public Art Funds for the purchase and installation of this sculpture. The cost of the sculpture would be approximately \$35k plus any costs for transportation and installation, including construction of concrete pillars to support the sculpture.

As an additional option for the installation location of the sculpture staff would recommend the median island at the corner of Homestead and Grant Road. A picture of that location is included in Attachment 2.



**Subject:** PARC Recommendation - Heart Art Placement

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**Recommendation**

The staff recommends City Council consider the recommended installation locations for the Heart Sculpture by Matthew Duffy.



"Low-Poly Open Heart (REDI)" 2016. Hydro-Cut Aluminum Diamond Plate,  
Tractor Paint. (AP) 5ft x 5ft x 2.5 ft.

PARC Recommendations:

#1



#2



Staff Alternative:





**AGENDA REPORT SUMMARY**

**Meeting Date:** February 27, 2024

**Subject:** Los Altos Legislative Body Travel Request

**Prepared by:** Anthony Carnesecca, Assistant to the City Manager

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

**Attachment(s):**

1. Completed Legislative Body Travel Pre-Authorization Form and Supporting Documentation
2. City of Los Altos Policy – Training and Travel Expense Policy for Members of Legislative Body

**Initiated by:**

City Council

**Previous Council Consideration:**

None

**Fiscal Impact:**

This item is not earmarked in the amended FY24 adopted legislative bodies travel and meeting budget (1110-5180), however, the City will cover the \$268.82 estimated cost with City Manager contingency fund upon approval.

**Environmental Review:**

Not applicable

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

- Does the City Council wish to approve the attached travel request for Councilmember Lee Eng to attend the League of California Cities Community Services Policy Committee Meeting in Burbank, CA on March 21, 2024?

**Summary:**

- City Council has a policy for the authorization and administration of public funds for travel expenses and reimbursements for official City business, including a meeting, seminar, training, or conference.
- City staff received the completed Legislative Body Travel Pre-Authorization Form for Councilmember Lee Eng to attend the League of California Cities Community Services Policy Committee Meeting in Burbank, CA on March 21, 2024.





**Subject:** Los Altos Legislative Body Travel Request

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**Purpose**

Review the attached travel request for Councilmember Lee Eng to attend the League of California Cities Community Services Policy Committee Meeting in Burbank, CA on March 21, 2024.

**Background**

In December 2023, Councilmember Lee Eng was appointed to a one-year term on the Community Services Policy Committee by the League of California Cities Peninsula Division President. The Community Services Policy Committee reviews issues related to childcare, parks and recreation, libraries, natural disaster preparation, cultural arts, and community and human services programs.

This meeting on March 21, 2024 is the only in-person meeting scheduled for this committee during Councilmember Lee Eng’s appointment.

**CITY OF LOS ALTOS REQUEST FOR TRAINING AND TRAVEL EXPENSE  
AUTHORIZATION FOR MEMBERS OF LEGISLATIVE BODY**

Agenda Item # 13.

**Name:** Lynette Lee Eng

**Purpose of Travel/ Name of Course:**

*Provide Brief Description:*

The League of California Community Services Policy Committee Meeting.

**Estimated Expenses:**

A - Registration	\$	-
B - Airfare	\$	200.00
C - Transportation	\$	17.82
D - Lodging	\$ -	0 Nights \$ -

**Meals** (Estimated amount is based on GSA per diem - receipts not required).

Meals included in registration or hotel fees are not reimbursable.

Business Meeting Meals must be supported by actual receipts.

Any Dietary Restrictions? If yes, explain.  Yes  No

a. Breakfast	\$17	x	1	Days	\$	17.00
b. Lunch	\$0	x	0	Days	\$	-
c. Dinner	\$34	x	1	Days	\$	34.00
<b>Total Meals</b>					<b>\$</b>	<b>51.00</b>
Incidental (\$5)		x		Days	\$	-
Other (see below)		x		Days	\$	-
<b>Total Estimated Expenses</b>					<b>\$</b>	<b>268.82</b>

**Travel Destination Location:**

Los Angeles Marriott Burbank Airport Hotel, 2500 North Hollywood Way, Burbank, CA 91505.

**Conference Date:** From: 3/21/2024 To: 3/21/2024

**Conference Start Time:** 2PM

**Travel Date & Time** From: 3/21/24 before 12pm To: 3/21/24 after 6pm

*(Provide Reason under Remarks if Travel Date differs from Conference Date)*

**Travel Method** (City Vehicle, Air, etc.): Personal vehicle, Air

**Other Expenses:** (please provide brief description)

**Is Council member receiving monthly vehicle allowance?** No

**Primary residence address:** Los Altos, CA

**Is this budgeted?** No

**Budget Account No.:** 1110-5180, 1110-5170

**Is this reimbursable from other sources & how much?** No

No

**Remarks:**

Conference starts 3/21/24 10AM and ends 3/21/24 2PM. Taking personal vehicle from primary residence to San Jose Airport and back; mileage : 13.3 miles each way @ \$0.67 2024 IRS standard mileage rate =\$17.82. Lunch is included in the conference. No registration fees.

*I have read the City of Los Altos Training & Travel Expense Policy for Members of Legislative Body, understand its contents, and agree to abide by its provisions.*

<b>Lynette Lee Eng</b>	<b>Lynette Lee Eng</b>	<b>2/20/2024</b>
Applicant's Name	Applicant's Signature	Date

**Compliance check by Finance Department:**

<b>Lisa Clark</b>	<b>Lisa Clark</b>	<b>2/22/2024</b>
Finance Staff	Finance Staff Signature	Date

Once this application is deemed in compliance with the policy by Finance Staff, the request will be agendized as early as feasible for the final approval by the Legislative Body.

**Anthony Carnesecca**

**From:** Lynette Lee Eng  
**Sent:** Tuesday, February 20, 2024 1:17 PM  
**To:** Anthony Carnesecca  
**Subject:** Fwd: Cal Cities Community Services Policy Committee January Highlights

FYI

**From:** Meg Desmond <mdesmond@calcities.org>  
**Date:** February 1, 2024 at 1:10:24 PM PST  
**Subject:** Cal Cities Community Services Policy Committee January Highlights

Dear Community Services Policy Committee Members:

Thank you for your participation in the January policy committee meeting. For those who were not able to attend or would like to review, attached are the meeting highlights. The highlights briefly describe what happened in the meeting. Also attached is the PowerPoint presentation.

The next Community Services policy committee meeting will be held **in person** on Thursday, March 21 at the Los Angeles Marriott Burbank Airport Hotel, 2500 North Hollywood Way, Burbank. The meeting will begin at 10:00 a.m. and scheduled to adjourn by 2:00 p.m. Lunch will be provided.

If you are planning to attend the policy committee meetings, we request that you RSVP by Friday, March 15 by clicking on this [link](#).

If you need lodging, please click on this link: [Hotel in Burbank, California | Los Angeles Marriott Burbank Airport](#).

Please let me know if you have any questions.

Warm Regards,

**Meg Desmond**  
Associate Manager, Legislative Administration  
League of California Cities  
Office: 916-658-8224  
Cell: 916-837-6822  
mdesmond@calcities.org | [www.calcities.org](http://www.calcities.org)



# FY 2024 Per Diem Rates for burbank , California

## Meals & Incidentals (M&IE) rates and breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Los Angeles	Los Angeles / Orange / Ventura / Edwards AFB less the city of Santa Monica	\$74	\$17	\$18	\$34	\$5	\$55.50

- Menu
- Saved
- Recents

Best 24 min 1 hr 12 5 hr 1 hr 35

1 N San Antonio Rd, Los Altos, CA 94021

San José Mineta International Airport

Add destination

- San José Mineta International Airport 24 min
- 1 N San Antonio Rd
- 2500 N Hollywood Blvd

Leave now Options

Send directions to your phone Copy link

- via US-101 S** 24 min  
Best route now due to traffic conditions  
14.2 miles  
[Details](#)
- via CA-237 E and US-101 S** 23 min  
13.3 miles
- via I-280 S** 24 min  
17.6 miles

Explore nearby San José Mineta International Airport



## **CITY OF LOS ALTOS POLICY AND PROCEDURE TRAINING AND TRAVEL EXPENSE POLICY FOR MEMBERS OF LEGISLATIVE BODY**

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### **PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the authorization and administration of public funds for travel expenses and reimbursements for official City business as they apply to members of legislative bodies. For ease of reading, members of legislative bodies refers to Mayor, Vice Mayor, Council members, and Commission members in the following policy. Additionally, meetings can refer to any meeting, seminar, training, or conference in the following policy.

All travel paid by the City shall be for business and training purposes that is of value to the City and its residents. All expenses incurred while on City business shall constitute actual and necessary expenses that are reasonable and justified use of public funds. When traveling, members shall choose the most cost efficient, direct and economical travel options available. This policy shall be consistent with AB 1234.

City officials shall keep in mind that some expenditures shall be subject to reporting under the Political Reform Act and other laws. All agency expenditures are subject to disclosure under the Public Records Act.

### **POLICY**

The purpose of this policy is to establish business travel guidelines for members that are fair, accountable and transparent. This policy addresses the criteria for City payment of travel expenses and/or advances incurred by the member. Only the authorized members are eligible for reimbursement.

This policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources. This policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.

City funds, equipment, supplies, and staff time must only be used for authorized City business and shall not exceed the adopted budget appropriation.

The Council's training and travel budget shall include a separate appropriation for all Council members to attend the League of California Cities Legislative Annual Conference and Expo & League of California Cities City Leaders Summit. Additionally, new Council members and Mayors may attend the New Council Members and Mayors Academy through Cal Cities.

Any travel under this policy must be compliant with Assembly Bill 1887, which prohibits government-funded and government-sponsored travel to certain states to “avoid supporting or financing discrimination against lesbian, gay, bisexual, and transgender people.”

**INTERNAL CONTROLS**

In order to safeguard public funds, all of the following internal controls shall be followed by all members that incur expenses while traveling on City business:

- All members are responsible for reading and complying with this policy,;
- All training and travel expenses shall be properly authorized by the legislative body in advance of travel, except in emergency by the City Manager,;
- The duties between the travel authorization and reimbursement payment shall be properly segregated,;
- All training and travel expenses shall be properly supported by adequate documentation,;
- All reimbursement claims shall be filed in accordance with the policy,;
- If an advance check is provided, the member shall make certain the amount corresponds to the total estimated expenses minus any prepayment,;
- It shall also be the responsibility of the member to be aware of and understand the estimate of expenses established by the estimate. The member shall monitor expenses to ensure they are within the estimated amount unless unusual circumstances exist and if so, document such circumstances,;
- Prior to any travel during which reimbursable expenses will be incurred, the member shall estimate the expenses which will be incurred as a direct result of the travel and attendance at the training or conference,; and
- It shall be the responsibility of the member incurring the expenses to provide the proper documentation for each expense, including receipts as required.

**GENERAL GUIDELINES**

**Allowable Expenses**

1. Allowable expenses are those that are properly authorized and shall include, but are not limited to, authorized business expenses incurred while engaging and/or participating in the following activities and/or events, which meet the criteria listed below:
  - The meeting is mandatory and/or necessary to accomplish key City goals and objectives. Such activities include, but are not limited to:
    - Participating in and attending meetings of regional, state and national organizations whose activities affect the City’s interests,;
    - Attending educational seminars designed to improve skill and information levels that may be benefit to the City,; and
    - Attending business meetings, functions of local civic or community organizations where there is a clear nexus between the event and their official City duty, i.e., not purely social events.

- If the training location requires an overnight stay, efforts shall be made to ensure no local option is available. Government rates shall be used when available. Attendance at conferences and travel time to and from the conference shall receive prior approval from the legislative body.
- Registration fees will be fully paid by the City via check or credit card. Any discounts offered for early registration or attendance by additional persons shall be obtained whenever possible.

## **PROHIBITED EXPENDITURES**

1. The following are examples, but are not all inclusive, of personal expenses for which the City shall not reimburse the member, even when incurred in conjunction with other approved reimbursable expenses:
  - Receipts that are not itemized;
  - Any expenses that have not been properly authorized;
  - Double-dipping of expenses (submitting the same expense for reimbursement more than once through the same or various means);
  - Expenses incurred as a result of supplemental personal travel;
  - Political or charitable contributions or events;
  - Family or companion expenses, including those related to child or pet care;
  - Entertainment expenses;
  - Meals for any person other than the member;
  - Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;; air flight upgrades
  - Personal losses incurred while on City business;;
  - Inaccurate receipts that are greater than the reimbursable cost of the item;;
  - Alcohol and gambling expenses;;
  - Traffic and toll violations;; and
  - Any expenses incurred by individuals that are not members;
2. Payments for travel and expenses shall be requested as an advance, prepayment or reimbursement of appropriate expenses for lodging, food, transportation and incidental expenses. Reimbursement of expenses shall be made only for members; no reimbursement is allowed for non-members accompanying the attendee.
3. All reimbursement claims or advances for travel and expenses (including registration) shall be accompanied by sufficient supporting documentation including properly approved Request for Travel Authorization Form, original receipts, copies of registration forms, invoices, cancelled checks or notation for any receipts that are lost. An exception to this requirement is listed under section entitled *Meal Costs*.

## **LODGING, MEALS AND TRANSPORTATION**

### **Airfare**

1. Use of air, train, private automobile, or other mode of transportation shall be selected on the basis of the least expensive option for the City. Government and group rates shall be used when available.



2. Transportation costs to and from the authorized destination shall not exceed advance purchase economy class airfare unless such fare is not available. Members shall inquire as to any government discount the airlines may provide. The City shall not pay for upgrades (e.g. seat upgrades or early boarding options) without prior approval from the legislative body.
3. Members shall receive reimbursement for additional expenses (checked bags, travel insurance, etc.) with prior authorization.

**Automobile**

1. Automobile mileage shall be reimbursed at the rate set by the Internal Revenue Service (IRS) in effect at the time of travel and will be reimbursed for the distance between home and the destination or work and the destination, whichever is less. The Finance Division shall be responsible for determining the applicable rate at the time of travel. This amount does not include bridge and road tolls, which are reimbursable at actual rates. Mileage reimbursement shall be submitted within thirty (30) days of travel.
2. If a personal vehicle is used to and from the airport, the actual mileage shall be reimbursed. If a personal vehicle is left at the airport, the reimbursement shall be the lesser of the following: round trip and parking costs compared with shuttle transportation.
3. The necessity for a rental car must be established and authorized in advance by the legislative body. Only economy car models shall be rented, unless the upgrade is provided at no additional cost to the City. Prepaid gas is not to be selected, but optional insurance is required and shall be reimbursed. The member is required to notify the City's Risk Manager immediately in the event of any incident or accident related to the rental vehicle.

**Taxis/Shuttles**

1. Whenever possible, hotel courtesy buses or local shuttle services shall be used. Taxi service shall be used only when no other convenient, less costly transportation is available.

**Lodging**

1. No lodging expenses incurred by members within a 50-mile radius of Los Altos City Hall shall be reimbursed unless there are extenuating circumstances with prior legislative body approval.
2. The number of nights in the hotel shall be equal to the number of days at the conference unless prior legislative body approval for an additional night prior or afterward for necessary and legislative body related activities.
3. Lodging expenses shall be prepaid directly to the hotel or reimbursed. Prepayment or reimbursement shall be limited to single occupant room rates. Lodging reimbursement shall not exceed conference hotel cost or host group rate with the exception the conference lodging is not available. No reimbursement shall be made when lodging is at a family/friend's residence.

**Meal Costs**

1. The City shall reimburse for documented meal expenses including gratuity (not to exceed 15%), according to the daily Maximum Federal Rate. For per diem rates within the US, the member shall use rate listed on <http://www.gsa.gov/>. If the destination city is not listed, then the rate for the county applies. If there is no rate for the city or county, the lowest rate applies.
2. Meal expenses, including gratuity, in excess of the daily Maximum Federal Rate shall not be reimbursed without approval of the legislative body.
3. The per diem rates are to be reimbursed only for full days of travel (travel away from City overnight). If there is a partial day of travel, the City shall reimburse meal based on the Federal Meal Rate.
4. If any meal is included in the registration fee or the hotel fee, the member shall not receive reimbursement for the included meal. For example, if lunch is included in the registration fee, then the full day per diem will be less the per diem allocated for lunch.
5. If a member returns home after 1:00 p.m., the member will receive the per diem for breakfast and lunch. If a member returns home after 6:00 p.m., the member shall receive the full day's per diem.

### **Miscellaneous Expenses**

1. Expenses related to City business shall be reimbursed for actual telephone, fax, parking expenses, tolls, tipping (non-meal related as this falls under the Maximum Federal Rates), taxi, hotel wireless charges, or other reasonable expenses. Miscellaneous expenses shall be itemized and receipts shall be provided. Where receipts are not available, a signed declaration of expenditures shall be accepted by the City Manager or designee at their discretion.
2. Incidental expenses incurred for fees and tips given to porters, baggage carriers and hotel staff shall be reimbursed up to General Service Administration (GSA) limit (currently at \$5 per day). If the member receives a full day's per diem, no additional incidentals shall be provided, as this is already included in the GSA daily rate.
3. Personal expenses (e.g. shoe shine, in-room entertainment, personal phone calls, traffic fines, etc.) shall not be reimbursable.
4. If a personal side trip is planned, the City shall reimburse not more than the advance purchase economy class airfare to and from the original destination. Any additional costs related to personal travel shall not be reimbursed by the City.
5. If a companion accompanies a member, only the business cost incurred by the member shall be reimbursed. All costs incurred in addition to the member's costs shall not be reimbursed by the City.

### **Business Meeting Expenses**

1. Prior to any business meeting, the legislative body shall approve any meal expense based on the Federal Meal Rate or in excess. The itemized receipt shall include the amount of the expense, the date and place of the expense, the business purpose, and who attended the business meeting.

2. Meals shall only be reimbursed for the cost(s) of the eligible item on the meal receipt. Overcharged amounts shall not be reimbursed.
3. Meal reimbursement shall be submitted within 30 business days of the meeting.

## **PROCEDURE**

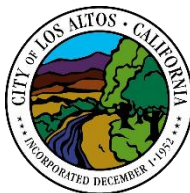
### **Member shall comply with the following procedures:**

1. Complete the Request for Travel Authorization for City staff and Finance Department with all information regarding meeting, travel dates, travel plan, hotel information, estimated costs, and justification for the event at least sixty days before registration for the meeting closes.
2. The relevant parties shall agendaize the request as early as feasible for legislative body review.
3. Legislative body shall approve or deny the proposed travel expenses.
4. Submit requests for registration and any advances or prepaid items within the standard disbursement time period.
5. Members are responsible for turning in all receipts to the Finance Division within 60 business days of returning from travel in the same fiscal year as the event. Only expenses approved prior to travel shall be reimbursed by the City.
6. Within 60 business days after the member's return from a trip in the same fiscal year, a Statement of Travel Expenses (travel and expense report), supported by the Approved Request for Travel Authorization Form, shall be filed with the Finance Division complete with the proper signing authority.
7. All Statement of Travel Expenses shall include copies of documentation of previous prepayments or advances made, including registration, airfare, hotel, training agenda, etc.
8. Following an event for which a reimbursement claim has or will be submitted, the official seeking reimbursement shall briefly report on the event during the next regular meeting of the legislative body and no more than 30 days after the claim has been fulfilled. If multiple officials attended, a joint report shall be made. This report shall be made verbally, or provided as a written report to be included as information in the agenda packet.

### **Finance Division shall comply with the following procedures:**

1. Receives completed Statement of Travel Expenses with the Approved Request for Travel Authorization Form from member.
2. Receives the required backup documentation: Meeting agenda, receipts for airfare, hotel, tax/transit, map to and from if mileage is used, per diem rate of the travel destination from GSA website or meal receipts with details if actual meal expenses is used.

3. Reviews requested prepayments, advances and reimbursements related to travel. Checks the budget for consistency with budgeted funds.
4. Process Statement of Travel Expenses and provides payment for advances, prepayments or reimbursements.



### AGENDA REPORT SUMMARY

**Meeting Date:** February 27, 2024

**Subject** Parks & Recreation Senior Transportation Program Update

**Prepared by:** Manny Hernandez, Parks & Recreation Director

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

**Attachment(s):**

- 1. Slide presentation

**Initiated by:**

City Council

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

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

- None

**Summary:**

- In 2019 the Parks & Recreation Department started the On the Move Ridecare Program.
- The program is still ongoing and has steadily increased usage since inception.

**Staff Recommendation:**

Receive an update on the current Parks & Recreation senior transportation program.

**Purpose**

To update City Council on the status of the current in-house Parks & Recreation senior transportation program.

**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** Parks & Recreation Senior Transportation Program Update

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**Background**

Beginning July 1, 2019, the City of Los Altos started a ride reimbursement program for participants of the Parks & Recreation Adult 50+ Program. This program was created to aid local, mature adults in being more mobile within the Los Altos and Los Altos Hills communities.

At the time the program was developed, several other ride program options were considered. The current program was the best financially and logistically for Parks & Recreation staff to manage.

**Discussion/Analysis**

This ride reimbursement program is for ages 50 years and older and you must be residents of Los Altos or Los Altos Hills. Other parameters of the program are as follows.

- Ride must begin and end within the city of Los Altos, Town of Los Altos Hills, El Camino Hospital Complex including North Dr., South Dr., Hospital Dr., and Solace Pl., Kaiser Mountain View (555 Castro St., Mountain View), Satellite Healthcare (247 El Camino Real, Mountain View), Kaiser Santa Clara (facilities on Lawrence Expressway & Facilities on Homestead), Palo Alto Medical Foundation in Palo Alto and Mountain View, Palo Alto VA Hospital and all VA associated facilities located on Miranda Ave. and Loop Road, Stanford Hospital and associated facilities on Jordan, 213 Quarry Road, Pasteur and Blake Wilber with no stops outside those areas.
- Reimbursements are for basic rides.
- For use with on-demand ride companies that can provide official verification of ride cost and transportation start and finish points.
- Full cost of ride and up to \$3 driver gratuity will be reimbursed.

The most apparent challenge of this program was the use of technology to summon rides. Staff hosted training sessions through the Adult 50+ program to help users better understand the different ways to access on-demand rides. Staff also has taken steps to make the reimbursement process as simple as possible while still being accountable to the City’s financial process.

**Recommendation**

Receive an update on the current Parks & Recreation senior transportation program.

# Senior Transportation Program

Manny A. Hernandez  
Parks & Recreation Director



# Started in 2019

**LOS ALTOS/LOS ALTOS HILLS**  
**50+ PROGRAMS**  
Uber, Lyft, & Taxi  
Reimbursement Program  
(Homebound & Active)

**ON THE MOVE**

**RIDECARE PROGRAM**  
Visit us at [LosAltosRecreation.org](http://LosAltosRecreation.org)  
(650) 947-2197

**Parks  
Make  
Life  
Better!**





# The Program

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- For residents of Los Altos or Los Altos Hills, ages 50 years+.
- For basic rides with on-demand ride companies that can provide official verification of ride cost and transportation start and finish points.
- Full cost of each ride, and up to \$3 driver gratuity will be reimbursed. There is no limit on number of uses.
- Staff worked closely with the Finance Department in creating this program to ensure proper tracking of reimbursement funds. The program is funded in the amount of \$10,000 annually in the Senior Program budget.



# Ride Boundaries

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Ride must begin and end:

- Within the city of Los Altos or Town of Los Altos Hills
- El Camino Hospital Complex including North Dr., South Dr., Hospital Dr., and Solace Pl.
- Kaiser Mountain View (555 Castro St., Mountain View)
- Satellite Healthcare (247 El Camino Real, Mountain View)
- Kaiser Santa Clara (facilities on Lawrence Expressway & Facilities on Homestead)
- Palo Alto Medical Foundation in Palo Alto and Mountain View
- Palo Alto VA Hospital and all VA associated facilities located on Miranda Ave. and Loop Road
- Stanford Hospital and associated facilities on Jordan, 213 Quarry Road, Pasteur and Blake Wilber
- With no stops outside those areas



# Anticipated Challenges

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## Use of Technology

- Trainings
- Options to summon rides

## Reimbursement Process

- Easy as possible (one page for multiple rides)

## Ride Boundaries

- Staff has taken input from seniors to expand usage boundaries as necessary



# Senior Ride Program Considerations

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Staff explored other senior ride models

- Purchase and/or operation of bus or van – costly
- Partnerships with organizations – complicated or limiting
- Direct partnerships with on-demand ride companies – complicated
- Desire for a program catering to Los Altos and Los Altos Hills seniors



# Questions

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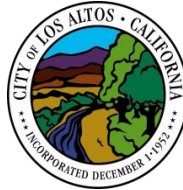




### City of Los Altos 2024 Tentative Council Agenda Calendar

March 12, 2024 Study Session: Comprehensive Fee Study Update – 5:30 p.m.		
AGENDA TITLE:	DEPARTMENT:	PRIORITY:
<b><u>SPECIAL ITEMS:</u></b>		
<b><u>CONSENT:</u></b>		
HCD Annual Progress Report (APR)	Dev. Svcs.	General Government
Property Frontage Improvement Ordinance - Adoption	Dev. Svcs.	Housing
Community Center Café	P&R	General Government
EOC Contract Award	P&R	Neighborhood Safety Infrastructure
Annual Military Equipment Report	PD	General Government
<b><u>PUBLIC HEARING:</u></b>		
<b><u>DISCUSSION ITEMS:</u></b>		
Discussion on Community Outreach and Surveys	Council	

*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 2024 Tentative Council Agenda Calendar

March 26, 2024 Study Session: Downtown Park – Time TBD		
AGENDA TITLE:	DEPARTMENT:	PRIORITY:
<b><u>SPECIAL ITEMS:</u></b>		
Recognize Los Altan of the Year		
<b><u>CONSENT:</u></b>		
<b><u>PUBLIC HEARING:</u></b>		
Waive First Reading and Introduce an Ordinance on a Comprehensive Fee Study Update	Dev. Svcs.	General Govt.
<b><u>DISCUSSION ITEMS:</u></b>		
Discussion on BMR Process/Alta Housing	Council	

*Remaining 2024 City Council agenda calendar items are pending and will be published at a later date.*

*All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.*

PROGRAM	SUB PROJECT	INITIATION DATE	HEU COMPLETION DATE	STATUS
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Budget & Hire Planning Technician		December 31, 2022	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Amend ADU Ordinance based upon HCD's letter		6 months or less	
Program 3.H: Amend design review process and requirements.	Eliminate 3rd Party Architectural Review		February 28, 2023	COMPLETED
Program 3.H: Amend design review process and requirements.	Dismiss Design Review Commission		February 28, 2023	COMPLETED
Program 3.L: Eliminate the requirement of story poles.			March 31, 2023	COMPLETED
Program 2.E: Conduct annual ADU rental income surveys.	Budget & Hire Housing Manager	March 31, 2023		IN-PROGRESS
Program 4.J: Facilitate alternate modes of transportation for	Adopt VMT Policy &		June 30, 2023	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	RFP-Permit Ready ADU Plans		July 31, 2023	PLANS IN DEVELOPMENT
Program 1.H: Facilitate housing on City-owned sites.	Financial Analysis	July 1, 2023	December 31, 2023	DEVELOPING RFP
Program 3.D: Evaluate and adjust impact fees.		August 1, 2023	December 31, 2024	IN-PROGRESS
Program 1.H: Facilitate housing on City-owned sites.	Release RFP	December 31, 2023		
Program 6.C: Target housing development in highest resource areas.	Initial Outreach		September 31, 2023	
Program 6.D: Promote Housing Choice (Section 8) rental assistance program.			September 31, 2023	
Program 2.A: Continue to implement and enhance inclusionary housing requirements.			December 31, 2023	IN-PROGRESS
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Housing in-lieu fee.		December 31, 2023	IN-PROGRESS
Program 2.F: Water and Sewer Service Providers.			December 31, 2023	COMPLETED
Program 3.B: Modify building height in mixed-use zoning districts.	Downtown Districts		December 31, 2023	IN-PROGRESS
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>COMPLETED</b>
Program 3.K: Standardize multimodal transportation requirements.	Remove CSC Review of Housing Developments		December 31, 2023	<b>COMPLETED</b>
Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.			December 31, 2023	<b>COMPLETED</b>
Program 4.D: Allow transitional and supportive housing consistent with State law.			December 31, 2023	<b>COMPLETED</b>
Program 4.E: Allow employee/farmworker housing consistent with State law.			December 31, 2023	<b>COMPLETED</b>
Program 4.F: Reasonably accommodate disabled persons' housing needs.			December 31, 2023	<b>COMPLETED</b>
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Prepare Inventory.		December 31, 2023	
Program 6.E: Prepare and distribute anti-displacement information.			December 31, 2023	
Program 1.A: Rezone for RHNA shortfall.			January 31, 2024	<b>TO BE COMPLETED BY 1/31/2024</b>
Program 1.G: Rezone housing sites from previous Housing Elements.			January 31, 2024	<b>TO BE COMPLETED BY 1/31/2024</b>
Program 3.G: Amend Conditional Use Permits findings applicable to housing developments.			March 31, 2024	<b>IN-PROGRESS</b>
Program 3.I: Allow residential care facilities consistent with State law.			March 31, 2024	<b>TO BE COMPLETED BY 1/31/2024</b>
Program 3.J: Explicitly allow manufactured homes consistent with State law.			March 31, 2024	<b>TO BE COMPLETED BY 1/31/2024</b>
Program 3.F: Reduce Conditional Use Permit requirement for residential mixed-use and multi-family.			September 31, 2024	<b>IN-PROGRESS</b>
Program 1.B: Facilitate higher density housing in the Commercial Thoroughfare (CT) District.			December 31, 2024	<b>TO BE COMPLETED BY 1/31/2024</b>
Program 1.C: Allow housing in the Office Administrative (OA) District.			December 31, 2024	<b>TO BE COMPLETED BY 1/31/2024</b>

Program 1.E: Update the Loyola Corners Specific Plan.			December 31, 2024	<b>TO BE COMPLETED BY 1/31/2024</b>
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>CONTRACT SIGNED</b>
Program 3.B: Modify building height in mixed-use zoning districts.	Neighborhood (CN) District		December 31, 2024	<b>IN-PROGRESS</b>
Program 3.C: Remove floor-to-area ratio (FAR) restriction at Rancho Shopping Center and Woodland Plaza.			December 31, 2024	<b>IN-PROGRESS</b>
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	<b>TO BE COMPLETED BY 1/31/2024</b>
Program 4.H: Provide additional density bonuses and incentives for housing that accommodates special needs groups.			December 31, 2025	
Program 4.I: Allow senior housing with extended care facilities in multi-family and mixed-use zoning districts.			December 31, 2025	
Program 1.I: Incentivize Downtown lot consolidation.			July 31, 2026	
Program 4.G: Assist seniors to maintain and rehabilitate their homes.			July 31, 2026	
Program 6.C: Target housing development in highest resource areas.	Follow-up Outreach		September 31, 2026	
Program 1.H: Facilitate housing on City-owned sites.	Entitlement Review		December 31, 2026	

Program 3.N: Modify standards in the R3 zoning districts.			December 31, 2026	<b>IN-PROGRESS</b>
Program 4.J: Facilitate alternate modes of transportation for residents.	Capital Improvement Project for above head pedestrian crossing signals on San Antonio Road near Downtown Los Altos		December 31, 2027	
Program 5.F: Incentivize the creation of play areas for multi-family housing projects.			December 31, 2027	
Program 1.K: Participate in regional housing needs planning efforts.			Ongoing	
Program 1.L: General Plan amendments.			Ongoing	
Program 1.M: SB 9 implementation.			Ongoing	
Program 1.N: Facilitate and monitor pipeline housing projects.			Ongoing	
Program 2.C: Assist in securing funding for affordable housing projects.			Ongoing	
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).			Ongoing	
Program 2.E: Conduct annual ADU rental income surveys.	Annual Survey		Annually	
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	