



CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, June 27, 2023
via Videoconference and In Person

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

Telephone: 1-669-444-9171 / Webinar ID: 858 2927 8207

<https://losaltosca-gov.zoom.us/j/85829278207?pwd=VkVpQIRJdldIbzlzQ0l3WUZMVTVUZz09>

Passcode: 302501

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

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

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

TO SUBMIT WRITTEN COMMENTS: Prior to the meeting, comments on matters listed on the agenda may be emailed to PublicComment@losaltosca.gov. Emails sent to this email address are sent to/received immediately by the City Council. Please include a subject line in the following format:

PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE

Correspondence submitted in hard copy/paper must be received by 2:00 PM on the day of the meeting to ensure distribution prior to the meeting. Correspondence received prior to the meeting will be included in the public record. .

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

AGENDA

CALL MEETING TO ORDER

ESTABLISH QUORUM

PLEDGE ALLEGIANCE TO THE FLAG

REPORT ON CLOSED SESSION

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Council's attention any item that is not on the agenda. Speakers are generally given two or three minutes, at the discretion of the Mayor. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "The Brown Act") items must first be noted on the agenda before any discussion or action.

- [A.](#) Public Comment Not on Agenda

SPECIAL ITEMS

- [1.](#) Issue proclamation recognizing July as Parks Make Life Better Month

CONSENT CALENDAR

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

- [2.](#) Approve Regular Meeting Minutes of June 13, 2023
- [3.](#) Accept the Treasurer's Report for the Month Ended March 31, 2023
- [4.](#) Adopt an Ordinance and Resolution for Sanitary Sewer Rates, and find that the approval of the ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15061(b)(3) and 15273 and none of the circumstances in Section 15300.2 applies
- [5.](#) Adopt a Resolution accepting completion of the CIPP Corrosion Rehabilitation, Project WW-01005; and authorize the Environmental Services and Utilities Department Director to record a Notice of Completion as required by law
- [6.](#) Authorize City Manager to Execute Professional Services Agreement for a Full Cost Allocation Plan, Development Fee Study, and Development Impact Fee Study to Matrix Consulting Group as the most qualified responsive consultant for project total not-to-exceed \$198,885 and approve the City Manager the authority up to 10% contingency if needed, in the amount not-to-exceed \$19,888.50
- [7.](#) Approve and adopt a Resolution authorizing the City Manager to execute a Professional Services Agreement with R3 Consulting Group, Inc. for On-Call Solid Waste Support Services for FY 2023/2024
- [8.](#) Adoption of a Resolution identifying street maintenance projects to be funded by Senate Bill 1 (SB-1) Road Repair and Accountability Act; consider finding the adoption of the resolution exempt pursuant to California Environmental Quality Act Guidelines Section 15301 (Existing Facilities)

- [9.](#) Accept the recommended Youth Commission Interview Subcommittee appointments to the Los Altos Youth Commission for FY 23/24
- [10.](#) Authorize the City Manager to execute an amendment to the agreement with IMPEC Group for janitorial services in the amount of \$839,232 for two years on behalf of the City
- [11.](#) Adopt a Resolution approving the allocation of the City's Transportation Development Act (TDA) funding to the Hetch Hetchy Path Enhancements and Access Improvements Project
- [12.](#) Authorize the City Manager to execute an amendment to the agreement with Grassroots Ecology in the total amount of \$191,000 for a two-year term (\$95,500 per year) to manage and restore Redwood Grove Nature Preserve
- [13.](#) Authorize the City Manager to execute a three-year agreement, totaling \$225,000, for orchard maintenance with the Orchard Commons Committee
- [14.](#) Adopt a Resolution repealing Resolution No. 2019-30 regarding the Open Government Policy

PUBLIC HEARINGS

- [15.](#) Appeal of the Planning Commission's Decision on the Design Review and Variance Applications SC22-0029 & V23-0002 at 5790 Arboretum Drive
- [16.](#) Adoption by reference the 2021 International Property Maintenance Code with certain local amendments and find that the ordinance is exempt from CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations

DISCUSSION ITEMS

- [17.](#) Request for Council approval to send the Los Altos Library Patio Project to the Development Services Director for review and necessary approvals
- [18.](#) Introduce and Waive Further Reading of an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.15 to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code Creating a Standalone Chapter for Leaf Blower Regulations 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
- [19.](#) Introduce and Waive Further Reading of an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.14 Mechanical Equipment 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
- [20.](#) Discuss and Consider Taking Positions on Various Senate and Assembly Bills

INFORMATIONAL ITEMS ONLY

- [21.](#) Receive report from staff on the response to the March 14, 2023 emergency event

22. Tentative Council Calendar and Housing Element Update Calendar

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

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

SPECIAL NOTICES TO THE PUBLIC

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

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

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

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



PUBLIC CORRESPONDENCE

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

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Kirk Land](#)
To: [Administration](#)
Cc: [Public Comment](#)
Subject: City maintenance and controlling our weeds
Date: Wednesday, June 21, 2023 10:00:28 AM

Hello Gabe ,
I'm requesting that the city do something about the extensive amount of weeds in mid to South Los Altos. They are everywhere along the sides of the roads and in the mediums some are 3 to 4 feet high.
I think it's most important to take care of the entrance to Los Altos coming from 85, on Fremont.
Can you please let us know when they will be taken care of? i'm hoping it will take care of the main streets like foothill Expressway, Fremont Avenue, and then Miramonte, and El Monte.

Thank you.
Kirk Mills



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

WHEREAS, Parks and Recreation creates memorable experiences and promotes physical, emotional and mental health and wellness through organized and self-directed fitness, play and activity for all ages; and

WHEREAS, Parks and Recreation supports the economic vitality of communities by partnering with local businesses and nonprofits, and providing a variety of free community events; and

WHEREAS, Parks and Recreation fosters engagement and social cohesiveness in communities by celebrating diversity, providing spaces to come together peacefully, modeling compassion, promoting social equity, connecting social networks, and ensuring all people have access to its benefits; and

WHEREAS, Parks and Recreation strengthens community identity by providing facilities and services that reflect and celebrate community character, heritage, culture, history, aesthetics and landscape; and

WHEREAS, Parks and Recreation sustains and stewards our natural resources by protecting habitats and open spaces, connecting people to nature, and promoting the ecological function of parkland; and

WHEREAS, the residents of Los Altos benefit from the wide range of parks, trails, open space, sports fields, tennis/pickleball courts, great facilities such as the Los Altos Community Center and Redwood Grove Nature Preserve, and events like Family Fun Days and the Summer Concert Series, provided by the Los Altos Parks & Recreation Department; and

WHEREAS, the City Council urges all its residents to recognize the importance of equitable access to local parks, recreation, trails, open space and facilities for the positive development of our Los Altos community; and

NOW THEREFORE, I, Sally Meadows, Mayor of the City of Los Altos, and on behalf of the entire Los Altos City Council, do hereby proclaim July as:

Parks Make Life Better![®] Month

In Witness whereof, I have hereunto set my hand and affixed the seal of the City of Los Altos this 27th day of June 2023.



Sally Meadows
Sally Meadows, MAYOR



**CITY OF LOS ALTOS
CITY COUNCIL MEETING MINUTES
TUESDAY, JUNE 13, 2023
7:00 p.m.
1 N. San Antonio Rd. ~ Los Altos, CA**

Agenda Item # 2.

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

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

ESTABLISH QUORUM – All Councilmembers were present and in person.

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

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

CHANGES TO THE ORDER OF THE AGENDA

There were no changes to the order of the agenda.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following members of the public spoke during Public Comment:

- Teresa Morris

CONSENT CALENDAR

The following members of the public spoke regarding items on the Consent Calendar:

- Silja Paymer (Item 2)
- Teresa Morris (Item 3)
- Scott Spielman (Item 2)

Lynette Lee Eng, Councilmember, pulled Items 2, 3 and 5 from the Consent Calendar.

Sally Meadows, Mayor, moved Items 2, 3 and 5 to the Discussion section of the agenda.

Motion by Lee Eng and Seconded by Fligor to approve 1, 4, 6 of the Consent Calendar. **Motion carried unanimously by roll call vote.**

1. Approve the Special and Regular Meeting Minutes for the City Council Meeting of May 23, 2023
4. Approve and adopt resolutions authorizing the City Manager to execute amendments to the professional service agreements for the Development Services Department
6. Waive second reading and adopt an Ordinance amending Los Altos Municipal Code Chapter 2.08 Commissions Generally and Chapter 2.12 Historical Commission to modify membership, meeting frequency, and powers and duties of City Commissions

PUBLIC HEARINGS

7. Conduct the public hearing, consider any written protests received, introduce and waive further reading of Ordinance: Sanitary Sewer Rates, and find that the approval of the ordinance is exempt from review under the California Environmental Quality Act

(“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15273 and none of the circumstances in Section 15300.2 applies

Aida Fairman, Environmental Services Utility Department Director, presented the report.

Sally Meadows, Mayor, opened the Public Hearing.

The following members of the public spoke during the Public Hearing:

- Cliff Drowley
- Thomas Chapman
- Alice Shyu
- Scott Spielman

Sally Meadows, Mayor, closed the Public Hearing.

Melissa Thurman, City Clerk, counted the written protests received at the close of the Public Hearing. The total of written protests received was **337** letters. The City Clerk determined the absence of a majority protest.

Motion by Weinberg and Seconded by Dailey to introduce and waive further reading of Ordinance: Sanitary Sewer Rates and find that the approval of the ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15273 and none of the circumstances in Section 15300.2 applies.

Motion carried unanimously by roll call vote.

8. Introduce and set for public hearing the adoption by reference the 2021 International Property Maintenance Code with certain local amendments and find that the ordinance is exempt from CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations

Nick Zornes, Development Services Director, provided the report.

Sally Meadows, Mayor, opened the Public Hearing.

There were no speakers during the Public Hearing.

Sally Meadows, Mayor, closed the Public Hearing.

Motion by Weinberg and Seconded by Lee Eng to introduce and set for public hearing the adoption by reference the 2021 International Property Maintenance Code with certain local

amendments and find that the ordinance is exempt from CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations, as amended.

9. Hold a Public Hearing and adopt three Resolutions approving the use of Park-In-Lieu funds for the parks and recreation facility improvements identified in the accompanying resolution in the total amount of \$4,558,000

Manny Hernandez, Parks and Recreation Director, presented the report.

Lynette Lee Eng, Councilmember, recused herself from discussion and voting regarding the Grant Park resolution due to a potential conflict of interest.

Sally Meadows, Mayor, explained that since the packet was produced, staff realized that the Mackenzie Park resolution did not need to be separated from the general resolution. Because of this, only two resolutions would be considered for adoption, and the Mackenzie Park improvements would be included in the general resolution. The Grant Park resolution did require a separate vote for adoption.

Sally Meadows, Mayor, opened the Public Hearing.

The following members of the public spoke during the Public Hearing:

- Roberta Phillips
- Teresa Morris

Sally Meadows, Mayor, closed the Public Hearing.

Motion by Weinberg and Seconded by to adopt a resolution authorizing the allocation of Park-In-Lieu funds for Parks and Recreation facility improvement projects – Grant Park. **Motion carried 4-0-1 by roll call vote with Councilmember Lee Eng abstained.**

Lynette Lee Eng, Councilmember, re-entered the Chambers to discuss the general resolution.

Motion by Weinberg and Seconded by Fligor to adopt a resolution authorizing the allocation of Park-In-Lieu funds for Parks and Recreation facility improvement projects. **Motion carried 4-0-1 by roll call vote with Councilmember Lee Eng abstained.**

Due to the time of the meeting, the City Council moved Items 3 and 5 of the Consent Calendar to be heard before Item 10 on the agenda.

5. Adopt the revised Council Norms and Procedures

Lynette Lee Eng, Councilmember, requested that agenda packets be released on Wednesdays instead of Thursdays to allow more time for reading.

Motion by Fligor and Seconded by Lee Eng with direction to staff to implement a practice where the draft Council meeting agenda is shared with Council and the public when the draft agenda is

City of Los Altos
City Council Regular Meeting Minutes
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published in the Town Crier. Friendly amendment by Dailey to strike language in the motion regarding the practice of releasing the agenda. Councilmember Fligor rejected the Friendly amendment.

Substitute Motion by Dailey and Seconded by Weinberg to adopt the Council Norms and Procedures, as presented. **Motion carried 4-0-1 by roll call vote with Councilmember Lee Eng opposed.**

- 3. Approve extension of Memorandum of Understanding between the City of Los Altos and the Los Altos Stage Company for an additional year through November 9, 2025

Lynette Lee Eng, Councilmember, posed questions to staff regarding the project.

Motion by Weinberg and Seconded by Fligor to approve the extension of a Memorandum of Understanding between the City of Los Altos and the Los Altos Stage Company for an additional year through November 9, 2025. **Motion carried 4-1 by roll call vote with Councilmember Lee Eng opposed.**

The City Council took a recess at 9:02 p.m.

The City Council reconvened at 9:16 p.m.

- 10. Hold a Public Hearing and adopt Resolutions approving the Financial Policy; the Appropriations Limit; FY23-24 Fee Schedule; FY23-24 Salary Schedule; FY23-24 Utility User Tax; FY23-24 Transient Occupancy Tax; FY23-24 Operating Budget

June Du, Finance Director, presented the report.

Sally Meadows, Mayor, opened the Public Hearing.

The following members of the public spoke during the Public Hearing:

- Roberta Phillips

Sally Meadows, Mayor, closed the Public Hearing.

Motion by Weinberg and Seconded by Fligor to adopt a Resolution adopting the City’s Financial Policy, as amended. **Motion carried unanimously by roll call vote.**

Motion by Weinberg and Seconded by Meadows to adopt a Resolution establishing the FY23-24 Appropriations Limit. **Motion carried unanimously by roll call vote.**

Motion by Weinberg and Seconded by Meadows to adopt a Resolution setting certain fees and charges to be collected in FY23-24. **Motion carried unanimously by roll call vote.**

Motion by Weinberg and Seconded by Meadows to adopt a Resolution 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. **Motion carried unanimously by roll call vote.**

Motion by Weinberg and Seconded by Meadows to adopt a Resolution reaffirming the FY 2023-24 Utility Users Tax Rate. **Motion carried unanimously by roll call vote.**

Motion by Weinberg and Seconded by Fligor to adopt a Resolution reaffirming the FY 2023-2024 Transient Occupancy Tax Rate. **Motion carried unanimously by roll call vote.**

Motion by Weinberg and Seconded by Meadows to adopt a Resolution adopting the FY 2023-2024 Operating Budgets. **Motion carried unanimously by roll call vote.**

Motion by Weinberg and Seconded by Meadows to adopt a Resolution adopting the FY2023-2028 five-year Capital Improvement and Major Maintenance Program (CIMMP). **Motion carried unanimously by roll call vote.**

DISCUSSION ITEMS

2. Adopt a resolution of local support that authorizes staff to file an application for funding assigned to the Metropolitan Transportation Commission, commits necessary matching funds from the City, and states assurance to MTC that the City will complete the N. San Antonio Rd. Complete Streets Project

Lynette Lee Eng, Councilmember, posed questions to staff regarding the project.

Motion by Weinberg and Seconded by to adopt a resolution of local support that authorizes staff to file an application for funding assigned to the Metropolitan Transportation Commission, commits necessary matching funds from the City, and states assurance to MTC that the City will complete the N. San Antonio Rd. Complete Streets Project. **Motion carried unanimously by roll call vote.**

Lynette Lee Eng, Councilmember, made a Friendly Amendment to guarantee community outreach and if necessary, modify the project.

Jonathan Weinberg, Vice Mayor, rejected the Friendly Amendment.

INFORMATIONAL ITEMS ONLY

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

11. Tentative Council Calendar and Housing Element Update Calendar

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

- **Councilmember Fligor** - Request for one future Council agenda item:
 - Café at the Community Center (*Supported by Councilmember Lee Eng and Vice Mayor Weinberg*)

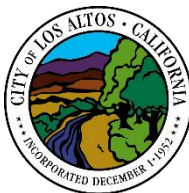
- **Councilmember Lee Eng** – Request for one future Council agenda item:
 - Discussion on the Distel site (*City Attorney Houston to send an update via email to Council*)
 - Discussion on the Contribution Policy (*No second*)

ADJOURNMENT– The meeting adjourned at 11:58 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of June 27, 2023.

Sally Meadows,
Mayor

Melissa Thurman, MMC
City Clerk



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Treasurer’s Report – Month Ended March 31, 2023

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 month of March 31, 2023.

Staff Recommendation:

Receive and accept the Treasurer’s Report through March 31, 2023.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD

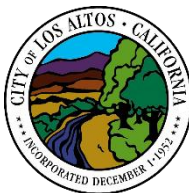
March 2023 Activities

FUND	Estimated Ending Balance 02/28/2023	Revenue	Expenditures	Capital Expenditures	Transfer In/(Out)	Estimated Ending Balance 03/31/2023
RESERVE FUND						
Grant Reimbursement Fund	290,145					290,145
Fiscal Policy Reserve	8,757,349					8,757,349
Vets Memorial	8,615					8,615
General Fund	9,694,849	4,123,859	(3,945,793)			9,872,914
Total General Fund:	18,750,958	4,123,859	(3,945,793)	-	-	18,929,024
ENTERPRISE FUNDS						
Sewer Fund ⁽¹⁾	27,147,070		(855,317)	(29,447)		26,262,307
Solid Waste Fund	4,938,425		(86,619)			4,851,806
Storm Drain Fund	-					-
Total Enterprise Funds:	32,085,496	-	(941,936)	(29,447)	-	31,114,113
CAPITAL IMPROVEMENT FUNDS						
Capital Projects Fund	9,679,603			(126,093)		9,553,510
Equipment Replacement Fund	870,612		(117,002)			753,610
Total Capital Improvement Funds:	10,550,216	-	(117,002)	(126,093)	-	10,307,120
INTERNAL SERVICE FUNDS						
PERS & OPEB Reserve	551,314					551,314
Technology Reserve	1,278,768	11,377				1,290,145
Dental/Vision Fund	(225,758)		(83,680)			(309,438)
Unemployment Fund	96,698					96,698
Workers Compensation Fund	1,931,465		(64,881)			1,866,584
Total Internal Service Funds:	3,632,487	11,377	(148,561)	-	-	3,495,303
SPECIAL REVENUE FUNDS						
Road Maintenance (SB1)	751,613	56,208				807,821
CDBG Fund	-					-
Grants Fund-ARP Act	-					-
Downtown Parking Fund	947,501	3,435	(50)			950,886
Estate Donation Fund	18,191					18,191
Gas Tax Fund	2,391,521	65,029				2,456,550
Prop 1B Road Maintenance	130					130
Measure B	436,933					436,933
In Lieu Park Fund	8,121,824					8,121,824
Supplemental Law Enforcement Fund	214,230	8,333				222,563
TDA Fund	88,358					88,358
Traffic Impact Fee Fund	(197,728)					(197,728)
Vehicle Registration Fund	1,374,181					1,374,181
PEG Fees	227,378					227,378
Public Art Fund	512,627					512,627
Storm Drain Deposits	56,086					56,086
AB-1379 CASP Fee	8,348	637				8,986
Vehicle Impound Fund	2,410					2,410
Total Special Revenue Funds:	14,953,602	133,643	(50)	-	-	15,087,195
DEBT SERVICE FUND						
General Obligation Bond	524,493					524,493
Community Center Lease	517,977					517,977
Total Debt Service Fund:	1,042,470	-	-	-	-	1,042,470
AGENCY FUND						
Blue Oaks Line Sewer	82,736		(13,986)			68,750
Total Debt Service Fund:	82,736	-	(13,986)	-	-	68,750
ALL FUNDS TOTAL	81,097,964	4,268,879	(5,167,329)	(155,540)	-	80,043,975

(1) Sewer Fund Balance includes \$15,335,666 in Nonspendable Capital Assets

March 2023 Activities

FUND	Estimated Ending Cash Balance 02/28/2023	Debit	Credit	Estimated Ending Cash Balance 03/31/2023
RESERVE FUNDS				
General Fund	18,276,967	4,244,632	(3,596,977)	18,924,622
Grant Reimbursement Fund	334,172			334,172
Payroll Liability Fund	-	1,699,787	(1,699,787)	-
Total General Fund:	18,611,139	5,944,419	(5,296,764)	19,258,794
ENTERPRISE FUNDS				
Sewer Fund	13,302,145	75	(263,006)	13,039,214
Solid Waste Fund	5,164,287		(94,529)	5,069,759
Storm Drain Fund	802			802
Total Enterprise Funds:	18,467,234	75	(357,535)	18,109,774
CAPITAL IMPROVEMENT FUNDS				
Capital Projects Fund	10,417,769		(109,062)	10,308,706
Equipment Replacement Fund	870,612		(114,285)	756,328
Total Capital Improvement Funds:	11,288,381	-	(223,347)	11,065,034
INTERNAL SERVICE FUNDS				
PERS & OPEB Reserve	551,314			551,314
Technology Reserve	1,278,768	11,377		1,290,145
Dental/Vision Fund	(225,758)		(83,680)	(309,438)
Unemployment Fund	96,698			96,698
Workers Compensation Fund	6,570,123		(105,047)	6,465,075
Total Internal Service Funds:	8,271,145	11,377	(188,727)	8,093,795
SPECIAL REVENUE FUNDS				
Road Maintenance (SB1)	750,574	56,208		806,782
CDBG Fund	-			-
Downtown Parking Fund	946,152	3,385		949,537
Estate Donation Fund	18,161			18,161
Gas Tax Fund	2,387,382	65,029		2,452,411
Prop 1B Road Maintenance	56			56
Measure B	617,780		(181,792)	435,987
In Lieu Park Fund	8,106,040			8,106,040
Supplemental Law Enforcement Fund	214,230	8,333		222,563
TDA Fund	35,634			35,634
Traffic Impact Fee Fund	(198,144)			(198,144)
Vehicle Registration Fund	1,190,434	181,792		1,372,226
PEG Fees	226,090			226,090
Public Art Fund	512,627			512,627
Storm Drain Deposits	56,086			56,086
AB-1379 CASP Fee	8,348	638		8,986
Vehicle Impound Fund	2,410			2,410
Total Special Revenue Funds:	14,873,859	315,385	(181,792)	15,007,453
DEBT SERVICE FUNDS				
General Obligation Bond	352,284			352,284
Community Center Lease	517,977			517,977
Total Debt Service Fund:	870,260	-	-	870,260
AGENCY FUND				
Blue Oaks Line Sewer	36,877		(13,986)	22,890
Total Debt Service Fund:	36,877	-	(13,986)	22,890
ALL FUNDS TOTAL	72,418,895	6,271,257	(6,262,152)	72,428,000



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Adopt Ordinance No. 2023-XXX: Sanitary Sewer Rates, and find that the approval of the ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15273 and none of the circumstances in Section 15300.2 applies.

Prepared by: Aida Fairman, Environmental Services and Utilities Director

Approved by: Gabriel Engeland, City Manager

Attachments:

- 1. Fiscal Year 2023/24 Annual Report for Sewer Service Charge (June 2023)
- 2. Ordinance No. 2023-XXX
 - A. Resolution No. 2023-XX

Initiated by:

City Council – February 28, 2023 (Discussion Item #6)

Previous Council Consideration:

June 13, 2023; May 9, 2023; February 28, 2023

Fiscal Impact:

The expected revenues resulting from the posted rates are included in the City’s FY 2023/24 budget.

Environmental Review:

The adoption of the proposed ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15273, in that the ordinance will set sanitary sewer fees to maintain existing sewer service within the City of Los Altos. In addition, pursuant to CEQA Guidelines Section 15061(b)(3), it can be seen with certainty that the fee increase will not have a significant effect on the environment in that sanitary sewer fees are collected to ensure that municipal wastewater treatment systems comply with applicable state and federal laws for the protection of the environment, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Adopt Ordinance No. 2023-XXX: Sanitary Sewer Rates, and find that the approval of the ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15273 and none of the circumstances in Section 15300.2 applies.

Policy Questions for Council Consideration:

- Not applicable

Summary:

- Adopt Ordinance No. 2023- XXX approving proposed increases to the rates for the Sewer Service Charges and amending Code Section 10.12.130.
- Adopt Resolution No. 2023-XX approving the Report of Sewer Service Charges for Fiscal Year 2023/24 and directing the Filing of Charges for Collection by the County Tax Collector

Staff Recommendation:

Adopt Ordinance No. 2023-XXX approving the proposed increases to the rates for the Sewer Service Charges and amending Municipal Code Section 10.12.130; and adopt Resolution No. 2023-XX approving the Report of Sewer Service Charges for Fiscal Year 2023/24 and directing the Filing of Charges for Collection by the County Tax Collector

Purpose

Adopt Ordinance No. 2023-XXX approving the proposed increases to the rates for the Sewer Service Charges and amending Municipal Code Section 10.12.130; and adopt Resolution No. 2023-XX approving the Report of Sewer Service Charges for Fiscal Year 2023/24 and directing the Filing of Charges for Collection by the County Tax Collector.

Background

Los Altos Municipal Code Chapter 10.12 authorizes the City to impose sewer service charges to fund costs associated with the City’s sanitary sewer system. The City Council passed Ordinance No. 2018-445 in June 2018, establishing sewer rates that were applied for the five-year period beginning July 1, 2018. The rates increase from year to year during years two through five of the five-year period to reflect historical trends in inflation associated with the sewer system.

The prior five-year period ends in June 2023. Therefore, the City reviewed the sewer rate structure and calculation methodology with the assistance of consulting firm NBS to ensure that the sewer utility continues to recover its costs of providing sewer services. On February 28, 2023, the City Council approved the report for the Sewer Rate Study prepared by NBS. The report recommended continuing to use the existing sewer rate calculation methodology for the five-year period from FY 2023/24 through FY 2027/28.



Subject: Adopt Ordinance No. 2023-XXX: Sanitary Sewer Rates, and find that the approval of the ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15273 and none of the circumstances in Section 15300.2 applies.

The City’s Sewer Service Charges are imposed pursuant to California Health and Safety Code section 5471 et. seq. Section 5471 previously required that charges adopted in accordance therewith be adopted by an ordinance approved by two-thirds of the members of the City Council. Health and Safety Code section 5471 was amended in 2016 and allowed such sewer service charges to be adopted by an ordinance or a resolution approved by two-thirds of the members of the City Council. Ordinance 2018-445 amended the Municipal Code Section 10.12.130 to allow future Sewer Service Charges to be adopted by a resolution in accordance with the provisions of the amended Health and Safety Code section 5471.

Discussion/Analysis

In order to levy sewer service charges on property bills for FY2023/24, the Council must hold a hearing on the report of charges to be submitted to the County for collection for the fiscal year. That report, prepared by NBS, is on file with the City Clerk, and the body of the report (excluding the parcel list) is included here as Attachment 1. Following the hearing, the Council may adopt Resolution No. 2023-XX and direct the Filing of Charges for Collection by the County Tax Collector.

On June 13, 2023, City Council conducted a public hearing on the proposed rates for the sewer service charges. Notices of the hearing to consider the Assnual Sewer Service Charge Report were published in the Los Altos Town Crier on May 10 and May 18. A notice of public hearing of the new sewer rates was mailed to all parcel owners of record on April 7, 2023.

Recommendation

Adopt Ordinance No. 2023-XXX approving the proposed increases to the rates for the Sewer Service Charges and amending Municipal Code Section 10.12.130; and adopt Resolution No. 2023-XX approving the Report of Sewer Service Charges for Fiscal Year 2023/24 and directing the Filing of Charges for Collection by the County Tax Collector

RESOLUTION NO. 2023-___**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING THE REPORT OF SEWER SERVICE CHARGES FOR FISCAL
YEAR 2023/24 AND DIRECTING THE FILING OF CHARGES FOR
COLLECTION BY THE COUNTY TAX COLLECTOR**

WHEREAS, pursuant to Chapter 10.12 of Los Altos Municipal Code, the City of Los Altos imposes Sewer Service Charges upon parcels connected to the sewer system; and

WHEREAS, pursuant to section 5473 of the California Health and Safety Code, the City Council has elected to annually collect the Sewer Service Charges on the property tax roll; and

WHEREAS, the Environmental Services and Utilities Director has caused to be prepared a report (the "Report") containing a description of each parcel of real property subject to the Sewer Service Charges and the amount of the Sewer Service Charges to be imposed on each such parcel for Fiscal Year 2023/24, computed in conformity with the rates prescribed by Ordinance of this City Council, which report is filed with the City Clerk, available for public inspection, and incorporated herein by reference; and

WHEREAS, on June 13, 2023, following publication of notice as required by law, the City Council held a full and fair public hearing with respect to the Report, and at such hearing the City Council heard and considered all protest and objections to the Report; and

WHEREAS, the City Council desires to approve the Report and to submit the Sewer Service Charges described therein to the Santa Clara County Tax Collector for collection on the Fiscal Year 2023/24 tax roll.

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

1. The City Council hereby overrules all protests and objections to the Report on the Sewer Service Charges and confirms and approves the Report and the Sewer Service Charges to be imposed on each parcel within the City subject to such charges as submitted; and
2. The City Clerk is instructed and authorized to transmit the Report to the Santa Clara County Tax Collector and to file the necessary documents with the Tax Collector that the Sewer Service Charges set forth in the Report will be included on the Santa Clara County Tax Roll for Fiscal Year 2023/24.
3. This resolution goes into effect after Ordinance No. 2023-XX is in effect.

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 27th day of June, 2023 by the following vote:

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

Sally Meadows, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

ORDINANCE NO. 2023-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS FOR ESTABLISHING THE RATES OF THE SEWER SERVICE CHARGE FOR FISCAL YEARS 2023/24 THROUGH 2027/28

WHEREAS, pursuant to Article 3 of Chapter 10.12 of the Los Altos Municipal Code, the City of Los Altos imposes a Sewer Service Charge upon parcels connected to the sewer system; and

WHEREAS, the purpose of the Sewer Service Charge is to fund costs associated with providing sewer service; and

WHEREAS, the City engaged NBS (the “rate consultant”) to prepare a rate study recommending a revision to the Sewer Service Charge that would fairly and equitably spread the costs of sewer system operation across parcels using sewer service and would meet the requirements of California law; and

WHEREAS, the Rate Consultant has prepared a rate study entitled “Sewer Rate Study” dated March 6, 2023 (the “Study”), which is on file in the Office of the City Clerk; and

WHEREAS, the Study proposed new rates for the Sewer Service Charges, to become effective over a five-year period (collectively, the “Rate Structure”); and

WHEREAS, on February 28, 2023, the City Council approved the Sewer Rate Study Report prepared by NBS. The report recommended continuing to use the existing sewer rate calculation methodology for the five-year period from fiscal year (FY) 2023/24 through FY 2027/28; and

WHEREAS, the City caused notice of the proposed rates for the Sewer Service Charges and a Public Hearing at which the rates would be considered to be mailed to the record owner of each parcel upon which the Sewer Service Charges were proposed to be imposed; and

WHEREAS, such notice was given pursuant to section 6 of article XIII D of the California Constitution (“Proposition 218”), the Proposition 218 Omnibus Implementation Act (Section 53750 et seq. of the California Government Code) (the “Act”), and applicable law; and

WHEREAS, on June 13, 2023, at 7 PM, in the City Council Chambers located at One North San Antonio Road, Los Altos, CA 94022, the City Council held the Public Hearing at which the City Council heard all oral testimony and received all written comments with respect to the proposed rates for the Sewer Service Charges and considered all written protests against the proposed rates for the Sewer Service Charges; and

WHEREAS, the City Council has determined that written protests against the proposed rates for the Sewer Service Charges have not been presented by a majority of the record owners of the parcels upon which the Sewer Service Charges are proposed to be imposed; and

WHEREAS, the City Council desires to implement the rates for the Sewer Service Charges consistent with the recommendation of the Study and as set forth in Section 3 of this Ordinance; and

WHEREAS, this Ordinance is exempt from environmental review under the California Environmental Quality Act for reasons stated in the staff report.

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

SECTION 1. AFFIRMATION OF RECITALS: Each of the recitals set forth above is true and correct in all respects and are incorporated herein as findings and determinations of the City Council.

SECTION 2. APPROVAL OF RATE STUDY: The Study is hereby approved by the City Council in the form on file in the Office of the City Clerk and available for public inspection.

SECTION 3. RATES: The maximum rates of the Sewer Service Charges imposed pursuant to Section 10.12.120 of the Municipal Code and the effective dates as set forth in the table below are hereby adopted.

Sewer Rate Schedule	Proposed Yearly Sewer Rates				
	Year 1	Year 2	Year 3	Year 4	Year 5
	FY 2023/24	FY 2024/25	FY 2025/26	FY 2026/27	FY 2027/28
Annual Charge per EDU	\$340.49	\$391.56	\$450.29	\$517.83	\$595.50
Volumetric Rate (\$/hcf)	\$3.30	\$3.80	\$4.37	\$5.03	\$5.78

No further action needs to be taken by the City Council to cause the rates established by this Section to become effective. However, the City Council may, pursuant to Section 10.12.130 of the Municipal Code, adopt a resolution that delays the effective date of a scheduled rate adjustment, eliminates such adjustment, or implements increases in the rates of the Sewer Service Charges that are less than the authorized maximum rates set forth above.

SECTION 4. RATE ADJUSTMENTS: The Sewer Service Charge rate adjustment schedule set forth in Section 3 of this Ordinance was approved by the City Council following a public hearing that was noticed and conducted pursuant to Proposition 218 and the Act. Consequently, so long as revised rates established in the future by the City Council do not exceed the maximum rates set forth in Section 3, such revision shall not constitute an “increase” of the applicable Sewer Service Charge rates for purposes of the Proposition 218 or the Act. Such rate revisions shall not, therefore, require additional compliance with the procedural requirements of Proposition 218 or of the Act. The City Council hereby authorizes and directs the City Manager to implement and take all actions necessary to effectuate the rates for the Sewer Service Charges set forth herein.

SECTION 5. PRIOR SEWER SERVICE CHARGES: Notwithstanding the provisions of this Ordinance, Sewer Service Charges levied for fiscal years prior to Fiscal Year 2023/24 shall remain governed by the provisions of Chapter 10.12 of the Municipal Code as they existed prior to the

effective date of this Ordinance and remain in effect until otherwise modified in accordance with this Ordinance.

SECTION 6. FINDINGS: The City Council, based upon the Study and upon such other testimony provided to it at the Hearing finds as follows:

- (a) Revenues derived from the Sewer Service Charges, as imposed pursuant to this Ordinance, will not exceed the funds required to provide sewer service to the parcels subject to the Sewer Service Charges.
- (b) Revenues derived from the Sewer Service Charges cannot, pursuant to Section 10.12.220 of the Municipal Code, be used for any purpose other than that for which the Sewer Service Charges are imposed.
- (c) The amount of the Sewer Service Charges imposed upon each parcel do not exceed the proportional cost of sewer service attributable to that parcel.
- (d) The Sewer Service Charges are only imposed upon parcels that are actually connected to the sewer system, and which, therefore, either use, or have immediate ability to use, the sewer services.
- (e) Sewer services are not a general governmental services as that term is used in California Constitution article XIII D, section 6(b)(5).

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

SECTION 8. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 9. 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 June 13, 2023 and was thereafter, at a regular meeting held on June 27, 2023 passed and adopted by the following vote:

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

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject: Resolution No. 2023-__: CIPP Corrosion Rehabilitation, Project WW-01005

Prepared by: Thanh Nguyen, Senior Civil Engineer

Reviewed by: Aida Fairman, Environmental Services and Utilities Department Director

Approved by: Gabriel Engeland, City Manager

Attachment:

- 1. Resolution No. 2023-__

Initiated by:

City Council, CIP Project WW-01005

Previous Council Consideration:

September 21, 2021

July 12, 2022

Fiscal Impact:

The table below summarizes the final costs of the Cured-In-Place-Pipe Lining (CIPP) Corrosion Rehabilitation, Project WW-01005. Total savings of \$132,438 will be forwarded to the next CIPP Corrosion Rehabilitation project.

Project Item	Project Budget	Final Cost
Design	\$151,100	\$147,256
Construction	\$615,600	\$600,100
Construction Inspection	\$31,150	\$10,143
Printing/Environmental Doc/Misc.	\$2,000	\$2,253
Construction contingency (15%)	\$92,340	\$0
Total	\$892,190	\$759,752

Environmental Review:

The acceptance of the work is categorically exempt from review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b), involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public sewerage involving negligible or no expansion of existing or former use, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Resolution No. 2023-__: CIPP Corrosion Rehabilitation, Project WW-01005 Acceptance

Summary:

- Adopt Resolution No. 2023-__ accepting completion of the CIPP Corrosion Rehabilitation, Project WW-01005.
- Authorize the Environmental Services and Utilities Department Director to record a Notice of Completion as required by law.

Staff Recommendation:

Move to adopt Resolution No. 2023-__ accepting completion of the CIPP Corrosion Rehabilitation, Project WW-01005; and authorize the Environmental Services and Utilities Department Director to record a Notice of Completion as required by law

Purpose

Accept completion of the CIPP Corrosion Rehabilitation, Project WW-01005.

Background

On September 30, 2021, the City Manager executed an agreement with Freyer & Laureta for design and construction support services for the CIPP Corrosion Rehabilitation, Project WW-01005 in the not-to-exceed amount of \$151,100. On July 12, 2022, Nor Cal Pipeline Services, was awarded the Total Bid for Project WW-01005 in the amount not to exceed \$615,600.

Discussion/Analysis

Nor Cal Pipeline Services completed the construction for the CIPP Corrosion Rehabilitation, Project WW-01005, per plans and specifications. The project bid items consisted of lining four 27-inch trunk sewer main segments located on El Camino Real, totaling 1,077 linear feet. These segments were rehabilitated using the trenchless method of Cured-In-Place-Pipe Lining (CIPP).The CIPP process addressed corrosion in the sewer line, which can cause sewer line failures if not addressed.

Traffic control was carefully planned to minimize impacts on the community during the project construction. The lining of the sewer lines was successfully completed at the beginning of May 2023. No change orders were issued during the construction. The total final project construction cost is \$600,100, which is less than the original construction contract amount due to two bid items not being needed. Total project savings of \$132,438 will be forwarded to the next CIPP Corrosion Rehabilitation project.

Recommendation

Adopt Resolution No. 2023-__ accepting completion of the CIPP Corrosion Rehabilitation, Project WW-01005; and authorize the Environmental Services and Utilities Department Director to record a Notice of Completion as required by law

RESOLUTION NO. 2023-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ACCEPTING COMPLETION AND DIRECTING THE ENVIRONMENTAL
SERVICES AND UTILITIES DEPARTMENT DIRECTOR TO FILE A NOTICE
OF COMPLETION OF THE CIPP CORROSION REHABILITATION,
PROJECT WW-01005**

WHEREAS, the Los Altos Environmental Services and Utilities Department Director has filed with the City Clerk of Los Altos an Engineer's Certificate for the completion of all work provided within and pursuant to the contract between said City and Nor Cal Pipeline Services, dated August 17, 2022; and

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

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

1. That acceptance of completion of said work is hereby made and ordered; and
2. That the Environmental Services and Utilities Department Director is directed to execute and file for recording with the County Recorder of the County of Santa Clara, Notice of Acceptance of Completion thereof, as required by law; and
3. That the acceptance of the work is exempt from review under the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15301 for reasons stated in the staff report, and none of the circumstances described in CEQA Guidelines Section 15300.2 applies.

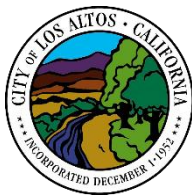
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 27th day of June, 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, MMC
CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject: Authorize City Manager to Execute Professional Services Agreement for a Full Cost Allocation Plan, Development Fee Study, and Development Impact Fee Study.

Prepared by: Nick Zornes, Development Services Director

Reviewed by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Attachment:

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

Initiated by:

6th Cycle Housing Element 2023-2031, Program 3.D.

Fiscal Impact:

The construction contract will be in the amount not-to-exceed \$198,885 and up to 10% contingency, if needed, in the amount not-to-exceed \$19,888.50.

- Breakdown of funds to be used:
 - o \$218,773.50
- Amount included in the FY2023/24 budget: Y

Project Item	Project Budget
Construction (Base Bid)	\$198,885.00
Construction Contingency	\$19,888.50
Total Cost	\$218,773.50

Funding Source: Development Services-Professional Services

Environmental Review:

Not Applicable.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Authorize City Manager to Execute Professional Services Agreement for a Full Cost Allocation Plan, Development Fee Study, and Development Impact Fee Study.

Summary:

- Authorize City Manager to Execute Professional Services Agreement with Matrix Consulting Group to complete a Full Cost Allocation Plan, Development Fee Study, and Development Impact Fee Study as required in the adopted 6th Cycle Housing Element, Program 3.D.

Staff Recommendation:

Authorize City Manager to Execute Professional Services Agreement for a Full Cost Allocation Plan, Development Fee Study, and Development Impact Fee Study to Matrix Consulting Group as the most qualified responsive consultant for project total not-to-exceed \$198,885 and approve the City Manager the authority up to 10% contingency if needed, in the amount not-to-exceed \$19,888.50.

Background

The City of Los Altos has not completed a comprehensive fee study in several years. Typical fees studied in a comprehensive fee study includes building permits, entitlements (CUP, Variance, Design Review, Etc.), Impact Fees (Parkland, Traffic, Etc.) Included within the adopted 6th Cycle Housing Element, Program 3.D the City of Los Altos must initiate a comprehensive fee evaluation by August 2023, and complete the comprehensive fee evaluation and modify fees no later than December 2024.

Discussion/Analysis

The Development Services Department released a Request for Proposals (RFP) on April 10, 2023 and closed on May 11, 2023. Three (3) proposals were received by the required due date.

The response results are included in Attachment 1. The project scope includes completion of a Full Cost Allocation Plan, Development Fee Study, and Development Impact Fee Study. Of the three (3) proposals received Matrix Consulting Group was selected as it was the only response which addressed all requirements of the project objectives contained within the request for proposals. Additionally, Matrix Consulting Group was the most qualified respondent to the request for proposals.

It is recommended to authorize the City Manager to execute a professional services agreement with Matrix Consulting Group in the amount not-to-exceed \$198,885.00 and up to 10% contingency funds in the amount not-to-exceed \$19,888.50.



**CITY OF LOS ALTOS
COMPREHENSIVE FEE UPDATE
RESPONSE SUMMARY**

RFP Open: April 10, 2023

RFP Close: May 11, 2023

CONSULTANT	
Matrix Consulting Group	\$198,885
RCS	\$67,000
Finance DTA	\$96,205

RESOLUTION NO. 2023-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL
SERVICES AGREEMENT WITH MATRIX CONSULTING GROUP IN AN
AMOUNT NOT-TO-EXCEED \$198,885.00 AND UP TO 10% CONTINGENCY
FUNDS NOT-TO-EXCEED \$19,888.50**

WHEREAS, the project, which includes a Full Cost Allocation Plan, Development Fee Study, and Development Impact Fee Study; and

WHEREAS, Matrix Consulting Group was the most qualified responsible, responsive consultant for the Project; and

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

1. Authorizes the City Manager to execute a Professional Services Agreement in an amount not-to-exceed \$198,885.00 and up to 10% contingency funds not-to-exceed \$19,888.50.
2. Authorizes the City Manager to take such further actions as may be necessary to implement the foregoing agreement.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 27th day of June, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK



PUBLIC CORRESPONDENCE

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

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Julia](#)
To: [Public Comment](#)
Subject: Keep orchard, please
Date: Sunday, June 25, 2023 4:09:49 PM

Please do whatever it takes to keep the orchard intact. It is part of our town and needs to remain.

Thank you,

Julia Freda-Eskenazi
8 Alma Court

Timeline of Historic Designations of the Los Altos Civic Center Apricot Orchard

- 1952 Voters approve incorporation of City of Los Altos. Los Altos becomes first new city on the San Francisco Peninsula following World War II.
- 1954 On the advice of architect Frank Lloyd Wright (*Los Altos Town Crier*, November 30, 1977: "Pioneer Home Which Will House Los Altos History Will be Dedicated on City Birthday"), the City of Los Altos buys Gilbert Smith's apricot orchard for new Civic Center. Smith and his wife retain apricot crop rights and a life estate in their home on the property. Sale includes a covenant that there will continue to be an apricot orchard on the property, "in perpetuity."
- 1957 City of Los Altos retains Smith apricot orchard in Civic Center plans. "With the rapid disappearance of the apricot orchards in the area due to home building, it is planned to preserve a representative stand of this orchard in the eventual Civic Center development." (Joseph Salameda, 1957 Annual Report of the Los Altos Historical Association.)
- 1959 Los Altos Civic Center opens. Civic Center Apricot Orchard is retained, surrounding civic center's buildings.
- 1962 Los Altos Civic Center Apricot Orchard listed on the Santa Clara County Inventory of Historical Landmarks.
- 1970 Los Altos City Council votes to negotiate apricot crop rights from Mrs. Smith (after the death of Gilbert Smith in 1966) and to invest in restoring and preserving the Civic Center Apricot Orchard as a living memorial to Gilbert Smith. (*Los Altos Town Crier* 1/28/1970.)
- 1974 Los Altos City Council creates the seven-member Historical Commission to oversee the opening of the Smith History House and to draft the city's Historical Preservation ordinances to protect the Smith History House and the adjacent heritage Civic Center Apricot Orchard along with future landmarks.
- 1975 "Smith House and Apricot Grove" appear on Santa Clara County's Heritage Resource Inventory.
- 1977 Civic Center Apricot Orchard is given City of Los Altos, Historical Commission and the Association of the Los Altos Historical Museum landmark/recognition designation.
- 1978 City of Los Altos wins Santa Clara County Historical Heritage Commission Award for Excellence for preserving the Smith house and the Civic Center Apricot Orchard.

- 1978 Los Altos City Council passes Ordinance 78-16 designating portions of the Civic Center Apricot Orchard a Historical Landmark. This establishes the process to be followed in designating portions of the Orchard as a Historical Landmark. The Los Altos Historical Commission is named the key provider of research and advice on all phases of the project, including any future alterations, if any, to the Orchard.

- 1979 Smith House and Civic Center Apricot Orchard again on the Santa Clara County Heritage Resource Inventory.

- 1981 The Los Altos City Council approves Resolution 81-23. This action follows the process created in 1978 and re-designates the Civic Center Apricot Orchard area surrounding City Hall and the Los Altos Police Station as a Historical Landmark Orchard.

- 1982 Smith House and Civic Center Apricot Orchard again on the Santa Clara County Heritage Resource Inventory.

- 1987 Civic Center Apricot Orchard at the Los Altos Civic Center appears on California State Parks Office of Historic Preservation, Points of Interest.

- 1990 The Los Altos City Council approves Ordinance 90-225, Chapter 8. This lists many details and descriptions regarding the preservation of the Civic Center Apricot Orchard as a designated landmark. The Historical Commission is again named the key provider of information and advice to the Planning Commission and the City Council on these matters. Also included in this ordinance are the criteria of what constitutes a historical landmark and how that designation can be altered or changed by the City Council.

- 1991 The City Council passes Resolution 91-31, operating within the constraints of Ordinance 90-225, which modifies the Civic Center Apricot Orchard (walkways were added and the front section of the orchard on San Antonio Road was added to the designation) to create the Civic Center Apricot Orchard as it appears today.

- 1999 The Civic Center Apricot Orchard is given the City of Los Altos, Historical Commission and the Association of the Los Altos Heritage Museum landmark/recognition.

- 2000 “Purchase agreement with Gilbert Smith was to keep apricot orchard in perpetuity according to Don McDonald,” *Los Altos Town Crier*, October 4, 2000.

- 2011 The Los Altos Civic Center Apricot Orchard is honored by the City of Los Altos and the County of Santa Clara Parks & Recreation Department’s Historical Heritage Grant Program.

(Summation of documents on file in the archives of the City of Los Altos and the Los Altos History Museum, the *Los Altos Town Crier*, and from files compiled by the late chair of the Los Altos Historical Commission, Lee Lynch.
Prepared by Robin Chapman, June 21, 2016)

From: [Catherine Nunes](#)
To: [Public Comment](#)
Subject: Fwd: Jun 27 Item 13 and 17: Planning and Resourcing Landmark Heritage Orchard
Date: Sunday, June 25, 2023 4:22:59 PM

Please include letter in public comment packet for June 27 meeting, dealing with Items 13 and 17. Thank you.

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

From: **Catherine Nunes** <nunescath@gmail.com>
Date: Sat, Jun 24, 2023 at 12:14 PM
Subject: Jun 27 Item 13 and 17: Planning and Resourcing Landmark Heritage Orchard
To: Gabriel Engeland <gengeland@losaltosca.gov>, <council@losaltosca.gov>

For the last 30 years as a Los Altos resident, I have watched a steady stream of development proposals threaten to encroach on our most valuable historic landmark, the Los Altos Heritage Orchard. I was delighted to hear that the city is planning to restore this once-beautiful City Historic Landmark and designated county and state Historical Point of Interest.

I salute the city in these efforts as the Orchard has been sorely neglected and is in need of revitalization, City resources and re-education of staff and groups on just how its historic Landmark status protects the property boundaries, land use terms, appearance, etc requiring active City stewardship and preservation so as not to jeopardize the City's position in the state.

It has come to my attention that another group, the Santa Clara Library branch in Los Altos, is proposing a patio project expansion with preliminary drawings encroaching into the designated lands along with the removal of several of the trees in the Orchard. This seems premature without the benefit of an understanding of the landmark provisions, land use regulations, an orchard plan, and clarity on how the City and staff are at this point with an agenda item #13 asking the Council for approval involving the landmark property.

The Orchard's boundary has been modified only once since it was named a Historic Landmark in 1981. That was in 1991 and that required a public hearing and review and vote by the Historic Commission and a public hearing and review and vote by the Los Altos City Council and, because it is a Historic Landmark created under CEQA and so registered with the state, the state had to be informed as well.

If Santa Clara County and the Santa Clara County Library sitting on loaned City of Los Altos land, wants to take any portion or encroach upon the land deemed part of the landmark orchard or its trees, the state protocols under CEQA and historical landmarks have to be followed to be in compliance as a certified local government.

This isn't a deal where trees and boundaries can come and go willy-nilly, or sketches

can be used as proxies for the council’s approval to greenlight. The steps and protocol for changing key elements and provisions of a landmark require additional land-use authority resources and public input, not mentioned in any staff report or planning docs.

The rules if not followed could jeopardize the city’s status as a Certified Local Government under CEQA, a status which, if lost, would no longer allow the city to review and vote on its own Environmental Impact Reports (EIRs). This provision was included in the law because CEQA acknowledges that history is a key element in our environment that is worth saving for future generations.

I do salute the city’s desire to restore our Landmark Heritage Orchard and step-up maintenance, watering and vermin/pest control, along with public beautification and education, another step to that effort included for approval with Item 17. Let’s work together to improve this great asset.

Sincerely,
Catherine Nunes
64 Hillview Ave, Los Altos
Publisher, *Edible Silicon Valley*
regional food and lifestyle magazine and media

From: [Roberta Phillips](#)
To: [Public Comment](#); [City Council](#)
Subject: Historic Apricot Orchard Timeline for Historic Designation
Date: Sunday, June 25, 2023 2:03:42 PM
Attachments: [Timeline of Historic Designations for Civic Center Apricot Orchard.doc](#)

Drear Council Members
Please see the attached Timeline for Historic Designation for the Heritage Orchard in Los Altos
Sincerely
Riberta Phillips
650-941-6940



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Approve and adopt a Resolution authorizing the City Manager to execute a Professional Services Agreement with R3 Consulting Group, Inc. for On-Call Solid Waste Support Services for FY 2023/2024

Prepared by: Tania Katbi, Sustainability Coordinator

Reviewed by: Aida Fairman, Environmental Services and Utilities Director

Approved by: Gabriel Engeland, City Manager

Attachment:

- A. Resolution 2023-XX

Initiated by:

City Staff

Previous Council Consideration:

None

Fiscal Impact:

The On-Call Solid Waste Support Services Agreement with R3 Consulting will cost \$104,029 and is included as an expense in the approved FY 2023/2024 Solid Waste Budget. There are sufficient funds in the Solid Waste Fund to cover this contract.

- Breakdown of funds to be used:
 - o \$104,029 Solid Waste Fund (9410-5270)
- Amount already included in approved budget: Yes
- Amount above budget requested: \$0

Environmental Review:

Not applicable.

Summary:

- A proposal was submitted by R3 Consulting Group, Inc. for FY 2023/2024 to provide consulting services for planning and implementation assistance for Senate Bill (SB) 1383, review of the Mission Trail Waste System (MTWS)'s annual rate adjustment, contract

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: On-Call Solid Waste Support Services Contract for the City of Los Altos with R3 Consulting

management assistance, on-call support, and electronic annual report compilation and submittal.

- The proposed not-to-exceed contract of \$104,029 exceeds the \$100,000 limit, which requires authorization by Council.

Staff Recommendation:

Approve and adopt a resolution authorizing the City Manager to execute an agreement on behalf of the City with R3 Consulting Group in the not-to-exceed amount of \$104,029 for continued consulting services for FY 2023/2024 On-call Solid Waste Support Services for the City of Los Altos.



Subject: On-Call Solid Waste Support Services Contract for the City of Los Altos with R3 Consulting

Purpose

Authorize the City Manager to execute an agreement on behalf of the City with R3 Consulting Group in the not-to-exceed amount of \$104,029 to continue to provide consulting services for FY 2023/2024 On-call Solid Waste Support Services for the City of Los Altos.

Background

The City has continued to contract with R3 Consulting Group, Inc. for solid waste services for several years. R3 provides solid waste management services to municipalities including regulatory compliance, community outreach and education, diversion mandates and more. R3 will provide planning and implementation assistance for Senate Bill (SB) 1383, review of the Mission Trail Waste System (MTWS)’s annual rate adjustment, contract management assistance, on-call support, and electronic annual report compilation and submittal.

R3 has been supporting the City with various phases of SB 1383 implementation and will continue to do so as the City moves into the next phase. They will also continue to provide support with other solid waste requirements and reporting to ensure the City continues to stay in compliance with Federal and State laws.

Discussion/Analysis

The proposal submitted by R3 Consulting Group to continue providing services to the City through FY 2023/2024 includes the following scope of work:

- Planning and implementation assistance for Senate Bill (SB) 1383.
- Review of Mission Trail Waste System (MTWS)’s annual rate adjustment.
- Ongoing support for the implementation of the solid waste ordinance.
- SB 1383 Waiver Evaluation Site Visits.
- Contract management assistance.
- 2022 Electronic Annual Report compilation and submittal.
- Four quarterly meetings and as-needed on-call support.

The proposed project budget will cause the total contract value to be \$104,029, which exceeds the \$100,000 limit and therefore requires authorization by the City Council.

Recommendation

Approve and adopt a resolution authorizing the City Manager to execute an agreement on behalf of the City with R3 Consulting Group in the not-to-exceed amount of \$104,029 for continued consulting services for FY 2023/2024 On-call Solid Waste Support Services for the City of Los Altos.

RESOLUTION NO. 2023-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON
BEHALF OF THE CITY OF LOS ALTOS WITH R3 CONSULTING GROUP,
INC. FOR THE FY 2023-2024 ON-CALL SOLID WASTE SUPPORT SERVICES
IN AN AMOUNT NOT-TO-EXCEED \$104,029**

WHEREAS, the City has selected R3 Consulting Group, Inc. to provide consulting services for the City’s Solid Waste Program; and

WHEREAS, the City’s Solid Waste program is essential in order to maintain compliance with the State’s Mandatory Recycling laws; and

WHEREAS, the City requires specialized services and/or advice pertaining to solid waste compliance, including SB 1383, AB 1826, and AB 341; and

WHEREAS, R3 Consulting Group, Inc. has negotiated an agreement for these services that requires City Council approval pursuant to the Los Altos Purchasing Policy.

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

- 1. Authorizes the City Manager to execute the Agreement with R3 Consulting, Inc. in an amount not to exceed \$104,029 for FY 2023-2024 On-Call Solid Waste Support Services.
- 2. Authorizes the City Manager to take such further actions as may be necessary to implement the foregoing agreement.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 27th day of June, 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Consider the adoption of Resolution No 2023-XX, identifying street maintenance projects to be funded by Senate Bill 1 (SB-1) Road Repair and Accountability Act; consider finding the adoption of the resolution exempt pursuant to California Environmental Quality Act Guidelines Section 15301 (Existing Facilities)

Prepared by: Nafiseh Shahbazi Majd, Associate Engineer
Reviewed by: James Sandoval, Engineering Services Director
Approved by: Gabriel Engeland, City Manager

Attachment(s):
1. Resolution 2023-XX List of Street Repairs for Fiscal Year 2023-24 for use of SB1 Funds
2. Local Streets and Roads – Projected Revenues for Fiscal Year 2023-24

Initiated by:
Staff

Previous Council Consideration:
None

Fiscal Impact:
The current FY 2023-24 State of California budget estimates \$767,341¹ for street improvements from the State’s Road Maintenance and Rehabilitation Account (RMRA) revenues created by Senate Bill 1 (SB-1). The state provides the SB-1 funds to the City monthly.

Environmental Review:
The adoption of the resolution is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), in that Section 15301(c) provides an exemption for operation, repair, maintenance, or minor alteration of existing rights of way involving negligible or no expansion of existing or

¹ \$767,341 is the State Department of Finance’s May 2023 revenue projection for Los Altos. The state imposes taxes on gas, diesel, and vehicle registrations to generate the RMRA/SB1 and Highway Users Tax Account/”Gas Tax” (HUTA) revenue for cities and counties. They adjust the revenue projections each month until the close of the fiscal year. The \$782,816 in RMRA/SB1 funding that Council approved in the FY-23/24 CIP budget for project TS-01001-Annual Street Resurfacing was based on the state’s April projection.

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



Subject: Resolution No 2023-XX: Senate Bill 1 (SB-1) Road Repair and Accountability Act

former use. The adoption of the proposed resolution will facilitate funding for ordinary street maintenance, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

Policy Question(s) for Council Consideration:

None

Summary:

- Senate Bill 1 generates funding through gas taxes for Cities and Counties to address road improvement needs. The Fiscal Year 2023-24 SB-1 estimated allocation for the City of Los Altos is \$767,341.
- To be eligible to receive SB-1 funds, a list of projects to be funded through the program must be provided annually to the State of California via resolution.
- A total of 16 street segments are included in the list of streets to be eligible for SB1 funding.

Staff Recommendation:

Adopt Resolution No. 2023-XX to incorporate a list of projects planned for funding with the Road Maintenance and Rehabilitation Account revenues created by Senate Bill 1 in Fiscal Year 2023-24.

Purpose

Adopt Resolution No. 2023-XX to incorporate a list of projects planned for funding with the Road Maintenance and Rehabilitation Account revenues created by Senate Bill 1 (SB1) in Fiscal Year 2023-24.

Background

Senate Bill 1 (SB-1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide. SB-1 is intended to enable Cities and Counties to better address significant maintenance, rehabilitation, and safety needs on the local street system. The City of Los Altos will receive approximately \$767,341 in SB-1 funding in the Fiscal Year 2023-24.

Discussion/Analysis

Accountability and transparency measures are built into SB-1, including a requirement that Cities and Counties adopt project lists at the start of every fiscal year via resolution and provide year-end reporting on completed projects by December 1st. The City must include a list of all projects proposed to receive funding through SB-1 in the City’s budget, which will include a description



Subject: Resolution No 2023-XX: Senate Bill 1 (SB-1) Road Repair and Accountability Act

and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement.

As part of the FY 2023-24 CIP budget, the City allocated \$2,607,816 for street maintenance and rehabilitation in projects TS-01001-Annual Street Resurfacing and TS-01004-Annual Street Slurry Seal. Funding sources include HUTA/Gas Tax, County Measure B, Vehicle Registration Fee (VRF), and \$767,341 from the SB1 program. Street maintenance carried out by the Public Works Street Maintenance Division is funded by the General Fund. This meets the City’s obligation of contributing \$1,968,208 from the General Fund in order to meet the state’s Maintenance of Effort requirement.

The list of proposed street sections for use of SB1 funds in the FY 2023-24 is attached in the Council resolution. Note, this list only includes streets to be overlaid with asphalt. Streets to be slurry/micro-seal coated are not listed in the resolution because they have different funding sources—i.e., VRF and HUTA/Gas Tax. The resolution’s list includes more streets to be overlaid than SB1 funding will cover. A larger list was developed to provide more flexibility in prioritizing projects depending on changes in funding. The City may reprioritize its project list at any time. The Project Expenditure Report to be submitted to the California Transportation Commission (CTC) will give the City an opportunity to communicate any changes to the list proposed.

Recommendation

Adopt Resolution No. 2023-XX to incorporate a list of projects planned to be funded with SB1 Road Maintenance and Rehabilitation Account in Fiscal Year 2023/24.

RESOLUTION NO. 2023-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City Council must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated \$767,341 in RMRA funding in Fiscal Year 2023-24 from SB 1; and

WHEREAS, this is the sixth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community’s transportation priority of increasing the Pavement Condition Index of the Los Altos street network from 68 to 75; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate 20 streets throughout the City this year and dozens of similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in an “good” condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a “very good” condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Los Altos, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of newly proposed projects will be funded in-part or solely with Fiscal Year 2023-24 Road Maintenance and Rehabilitation Account revenues:

Project Title: Annual Street Resurfacing Project

Project Description: Complete pavement maintenance work including digout repairs, Microsurfacing, and asphalt-concrete overlay.

Project Location: Various streets within the City of Los Altos. See list below.

Estimated Project Schedule: Start (October/2023)– Completion (May/2024) based on the component being funded with RMRA funds

Estimated Project Useful Life: 12-15 years

Project Street (Section)	Proposed Pavement Treatment and Description	Proposed Schedule	Estimated Useful Life
ACACIA AV (SHERWOOD AV to END)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years
AVALON DR N (ALMOND AV to JARDIN DR)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years
CAMELLIA WY (END to CAMELLIA WY)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years
CARVO CT (END to PORTLAND AV)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years
CASITA CT (CASITA WY to END)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years
DAMIAN WY (COVINGTON RD to END)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years
FORMWAY CT (END to ALMOND AV)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years
GABILAN ST (CUESTA DR to LYELL ST)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years
HAWTHORNE AV (ELEANOR AV to EL MONTE AV S)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years
JAY ST (CLARK AV N to EL MONTE AV N)	2” Mill & Overlay	Oct 2023 - May 2024	12-15 years

Project Street (Section)	Proposed Pavement Treatment and Description	Proposed Schedule	Estimated Useful Life
LARNEL PL (END to GRANGER AV)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years
LAVER CT (ST JOSEPH AV to END)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years
LOMA PRIETA CT (MIRAMONTE AV to END)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years
OAKHURST AV (FREMONT AV to PORTLAND AV)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years
OTIS WY (END to MILLS AV)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years
SANTA RITA CT (LOS ALTOS AV to END)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years
SHELBY LN (END to CUESTA DR)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years
SOLANA DR (END to ALMOND AV)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years
ST CHARLES CT (ST MATTHEW WY to END)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years
TRAVERSO CT (END to TRAVERSO AV)	2'' Mill & Overlay	Oct 2023 - May 2024	12-15 years

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 27th day of June, 2023 by the following vote:

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

Sally Meadows, MAYOR

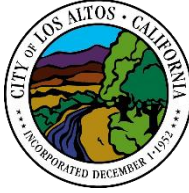
Attest:

Melissa Thurman, CITY CLERK

Local Streets and Roads - Projected Revenues

Based on State Dept of Finance statewide
 Estimated May 2023

	2022-23			2023-24		
	Hwy Users Tax	Road Mntnc	TOTAL	Hwy Users Tax	Road Mntnc	TOTAL
	Account	Rehab Acct		Account	Rehab Acct	
SANTA BARBARA COUNTY						
BUELLTON	129,900	109,772	239,672	141,865	124,793	266,658
CARPINTERIA	322,243	280,398	602,641	352,807	318,766	671,573
GOLETA	792,307	696,891	1,489,198	868,268	792,251	1,660,519
GUADALUPE	211,027	182,115	393,142	230,877	207,035	437,912
LOMPOC	1,071,947	946,255	2,018,202	1,175,089	1,075,736	2,250,826
SANTA BARBARA	2,103,234	1,864,544	3,967,779	2,306,469	2,119,681	4,426,151
SANTA MARIA	2,641,973	2,342,723	4,984,696	2,897,330	2,663,292	5,560,622
SOLVANG	145,915	124,053	269,968	159,437	141,028	300,465
County of Santa Barbara	10,582,845	8,479,358	19,062,203	11,580,361	9,639,639	21,220,000
Total Cities & County: Santa Barbara	18,001,393	15,026,109	33,027,502	19,712,504	17,082,222	36,794,725
SANTA CLARA COUNTY						
CAMPBELL	1,079,749	935,427	2,015,176	1,183,261	1,063,427	2,246,688
CUPERTINO	1,487,311	1,290,768	2,778,079	1,630,145	1,467,391	3,097,536
GILROY	1,473,135	1,278,363	2,751,498	1,614,596	1,453,289	3,067,885
LOS ALTOS	782,126	674,980	1,457,106	856,818	767,341	1,624,159
LOS ALTOS HILLS	213,911	181,241	395,152	233,967	206,041	440,008
LOS GATOS	828,380	715,457	1,543,837	907,551	813,357	1,720,908
MILPITAS	2,009,948	1,748,122	3,758,070	2,203,391	1,987,328	4,190,720
MONTE SERENO	90,783	74,368	165,151	99,012	84,544	183,556
MORGAN HILL	1,142,226	990,100	2,132,325	1,251,788	1,125,581	2,377,369
MOUNTAIN VIEW	2,055,009	1,787,555	3,842,564	2,252,816	2,032,157	4,284,973
PALO ALTO	1,680,782	1,460,072	3,140,854	1,842,350	1,659,863	3,502,213
SAN JOSE	24,767,680	21,652,255	46,419,935	27,163,672	24,615,062	51,778,735
SANTA CLARA	3,184,355	2,773,647	5,958,003	3,491,281	3,153,182	6,644,463
SARATOGA	770,848	665,111	1,435,959	844,448	756,122	1,600,570
SUNNYVALE	3,820,254	3,330,116	7,150,370	4,188,758	3,785,796	7,974,553
County of Santa Clara	34,282,319	26,064,518	60,346,837	37,480,360	29,631,082	67,111,442
Total Cities & County: Santa Clara	79,668,816	65,622,098	145,290,914	87,244,215	74,601,563	161,845,778



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Accept the recommended Youth Commission Interview Subcommittee appointments to the Los Altos Youth Commission for FY 23/24

Prepared by: Angel Rodriguez, Assistant City Clerk
Reviewed by: Melissa Thurman, City Clerk
Approved by: Gabriel Engeland, City Manager

Attachment(s):
1. None

Initiated by:
Youth Commission Interview Subcommittee

Previous Council Consideration:
This item is considered annually by Council.

Fiscal Impact:
None

Environmental Review:
Not applicable.

Policy Question(s) for Council Consideration:

- Does the Council wish to accept the Youth Commission Interview Subcommittee appointment recommendations and make recommended appointments to the Los Altos Youth Commission for FY 23/24?

Summary:
The Youth Commission Interview Committee, composed of Vice Mayor Jonathan Weinberg and Councilmember Neysa Fligor, recommends the following students be appointed to the Youth Commission for FY 23/24:

- Maulik Dhakal
- Eli Sobel
- Vibha Bengani

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



Subject: Youth Commission appointments FY 23/24

- Mariana Leaver
- Sophie Chen

If the recommendations are accepted, the Youth Commission for FY 23/24 will be composed of the following students:

Member	Term	Term Expiration M-\Yr	School/Year in FY 23/24
Sander Vonk	2nd	Jun-24	Mountain View High School / Senior
Aarthi Venkatraman	2nd	Jun-24	Los Altos High School / Senior
Humza Dalal	1st	Jun-24	Homestead High School / Junior
Serina Cao	1st	Jun-24	Los Altos High School / Senior
Caroline (Pixie) Ma	2nd	Jun-24	Mountain View High School / Senior
Talinn Hatti	1st	Jun-24	Nueva School / Junior
Maulik Dhakal	1st	Jun-25	Los Altos High School / Junior
Vibha Bengani	1st	Jun-25	Homestead High School / Sophomore
Sophie Chen	1st	Jun-25	Woodside Priory School / Junior
Mariana Leaver	1st	Jun-25	Living Wisdom / Sophomore
Eli Sobel	1st	Jun-25	Kehillah Jewish High School / Junior

Staff Recommendation:

This is a Council initiated item. Staff requests direction from the City Council.



_____ CALENDAR
Agenda Item # ____

AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject: Authorization for execution of Amendment 1 to the original agreement with IMPEC Group for Janitorial services

Prepared by: Manuel A. Hernandez, Parks & Recreation Director

Approved by: Gabe Engeland, City Manager

Attachment(s):

1. Attachment 1 – IMPEC Group Service Agreement Extension Proposal to City for 2023-2025

Initiated by:

Staff

Previous Council Consideration:

June 28, 2022

Fiscal Impact:

The following action will cost \$839,232.

- Breakdown of funds to be used :
 - o \$839,232 General Fund
- Amount already included in approved budget: Y
- Amount above budget requested: 0

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- None

Summary:

- Janitorial services are an important aspect of a healthy work environment and inviting public spaces.
- The original agreement with IMPEC Group is renewable for four additional years.
- Amendment No. 1 would be the second and third year of the possible five-year total agreement term.
- Payments for janitorial services will not exceed \$419,616 each year of the two year term.
- IMPEC was selected as the janitorial services provider in 2022 through a competitive RFP process.

Reviewed By:

City Manager

BK

City Attorney

JH

Finance Director

JM



Subject: Authorization for execution of Amendment 3 to the original agreement with IMPEC Group for Janitorial services

-
- Staff feels IMPEC Group has provided satisfactory custodial services for the City over the last year and their previous history servicing the City facilities.

Staff Recommendation:

Authorize the City Manager to execute an amendment to the agreement with IMPEC Group for janitorial services in the amount of \$839,232 for two years on behalf of the City.

Purpose

Authorize the City Manager to execute an amendment to the contract with IMPEC Group for janitorial services in the amount of \$839,232 for two years on behalf of the City.

Background

Janitorial services are an important aspect of a healthy work environment and inviting public spaces. The City contracts janitorial services for the cleaning of the buildings, facilities, parks and litter control within parks. Work is performed at the following locations, with scopes of services tailored to each unique location on daily, weekly, monthly and quarterly timeframes.

- Grant Park Community Buildings
- Municipal Services Center
- Los Altos Community Center
- Police Department
- PD Annex
- IT Annex
- City Hall
- Garden House
- Teen Center
- San Antonio Club
- 999 Fremont
- Gymnasiums (Blach, & Egan)
- City Parks

Discussion/Analysis

The City has been in a contract for janitorial cleaning services with IMPEC Group for one year under the current agreement. The four years prior IMPEC provided services under a previous agreement.

Amendment 1 is requesting a two-year contract extension that reflects a base contract amount slightly higher than the most recent contract year amount. IMPEC Group increased costs by 4% to reflect CPI. This was expected and was worked into the 2023/24 proposed budget. There was also



Subject: Authorization for execution of Amendment 3 to the original agreement with IMPEC Group for Janitorial services

an increase of \$559/month to add services for the soon to be operational Police sub-station (999 Fremont) and an additional day of service at the Community Center for anticipated expanded hours.

Staff feels the IMPEC Group has provided satisfactory janitorial services to the City of Los Altos during their time under the current agreement. They have worked well with staff in making schedule adjustments as well as providing special services whenever needed. Complaints about the custodial services the IMPEC Group provides has been minimal during this and past agreement.

Options

Authorize the City Manager to execute an amendment to the agreement with the IMPEC Group to extend the agreement dated July 26 2022 for an additional two-year term covering fiscal year 23/24 & 2024/25 in the amount not to exceed \$839,232.

Advantages: Continue janitorial cleaning services with the IMPEC Group that has provided satisfactory service and worked well with staff.

Disadvantages: None

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY WITH IMPEC GROUP IN THE AMOUNT OF \$839,232 FOR TWO YEARS OF CUSTODIAL CLEANING SERVICES OF CITY BUILDINGS, PARK FACILITIES AND PARK TRASH AND LITTER CONTROL

WHEREAS, the City utilizes contract services for custodial cleaning of its buildings, park facilities, and park trash cans and litter control; and

WHEREAS, custodial services are an important aspect of a healthy work environment and inviting public spaces. Proper upkeep of City facilities through an effective use of contracted services benefits City employees and the public; and

WHEREAS, the city selected IMPEC Group through competitive process in 2022 as the highest rated proposal submitted; and

WHEREAS, IMPEC Group has satisfactorily performed custodial cleaning services for the City over the last year.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby authorizes the City Manager to execute an amendment to the original agreement with IMPEC Group for custodial cleaning services in the amount of \$839,232 for fiscal year 23/24 and 24/25 on behalf of the City.

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 ____, 2023 by the following vote:

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

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject: Transportation Development Act (TDA) Funding Allocation to Hetch Hetchy Pathway Enhancements and Access Improvements Project

Prepared by: Marisa Lee, Transportation Manager

Reviewed by: Jim Sandoval, Public Works Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

Resolution 2023-XXXX: Los Altos Transportation Development Act (TDA) Article 3 Funds

Initiated by: Staff

Previous Council Consideration: None

Environmental Review:

The adoption of the resolution is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), in that Section 15301(c) provides an exemption for operation, repair, maintenance, or minor alteration of existing rights of way involving negligible or no expansion of existing or former use. The adoption of the proposed resolution will facilitate funding for ordinary street maintenance, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

Fiscal Impact:

Allocation of the City’s available banked TDA funds (\$104,302 from FYs 20/21 – 22/23) and our FY 23/24 available funds (\$25,432) are being applied to the construction of the Hetch Hetchy Path Enhancements and Access Improvements. This total amount of \$129,734 would cover the cost of construction. As part of the approved FY 2023-24 CIP budget, the City allocated the \$129,734 in TDA funds to the Intersection Access Barrier Removal Project (TS-01058). The City will be able to send project invoices to the Valley Transportation Agency (VTA)¹ to receive the TDA funds no sooner than December 2023.

Policy Question(s) for Council Consideration:

None

¹ The VTA serves as the countywide agent coordinating fund reimbursement on behalf of the Metropolitan Transportation Commission.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Transportation Development Act (TDA) Funding Allocation to Hetch Hetchy Path Enhancements and Access Improvements

Summary:

Staff recommends allocation of the City’s TDA funding to the Intersection Access Barrier Removal Project (TS-01058) via the attached resolution. The work on TS-01058 in FY 23/24 will include the Hetch Hetchy Path Enhancements and Access Improvements.

Background

Funding Source

Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists. The Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, Revised, entitled “Transportation Development Act, Article 3, Pedestrian/Bicycle Projects,” which delineates procedures and criteria for submission of requests for the allocation of “TDA Article 3” funding.

Project

The Hetch Hetchy Pathway is a paved bicycle and pedestrian multi-use path that traverses a small portion of Los Altos city limits and provides a connection to the Los Altos-Palo Alto Bike Path and Arastradero Road. The trail is San Francisco Public Utilities Commission (PUC) right-of-way and provides PUC and the City access for maintenance vehicles. The current path crossings at Estrellita Way and Los Altos Avenue do not meet current ADA requirements due to their age. The City would like to reconstruct these crossings to meet ADA requirements and to enhance this connector. This project provides the opportunity to add additional features at both crossings for bicycles, pedestrians, and drivers.

The Complete Streets Commission (CSC) discussed this project at their January 2022 meeting and received an array of potential alternatives for crossing enhancement features including signage, striping, bollards, and speed control measures. Proposed alternatives were based on precedent research done by Staff which included best practice pathway design based on NACTO and FHWA guidelines, as well as pathway design in neighboring cities.

The CSC and the public provided comments on their preferences for the various features at each crossing location. Staff incorporated this feedback into the plan and returned the updated plan to the CSC in March of 2022. Staff have since presented the updated plans to San Francisco PUC Project Review Committee and received positive feedback, then submitted updated plans and the permit application to San Francisco PUC. The PUC has delayed the permit until the City and



Subject: Transportation Development Act (TDA) Funding Allocation to Hetch Hetchy Path Enhancements and Access Improvements

PUC are in alignment with the provisions of an updated maintenance agreement between the two agencies. Staff expects the permit from them soon so we can bid out the project.

Discussion/Analysis

The City is eligible for roughly \$30,000 per year in TDA funding, with the option each year to either bank funds or program them to a project. After several years of banking, the City now has \$129,734 available. Staff recommends programming this balance to the Hetch Hetchy Pathway Enhancements and Access Improvements project for planned project delivery in FY23-24.

Recommendation

Approve the resolution to program \$129,734 in TDA funds to the Intersection Access Barrier Removal Project (TS-01058) to fund construction of the Hetch Hetchy Pathway Enhancements and Access Improvements Project.

RESOLUTION NO. 2023-XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS TO APPROVE THE REQUEST BY THE CITY OF LOS ALTOS TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR AN ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN AND BICYCLE PROJECT FUNDING FOR FISCAL YEAR 2024

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, Revised, entitled “Transportation Development Act, Article 3, Pedestrian/Bicycle Projects,” which delineates procedures and criteria for submission of requests for the allocation of “TDA Article 3” funding; and

WHEREAS, MTC Resolution No. 4108, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the **City of Los Altos** desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; now, therefore, be it

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Los Altos, State of California, as follows:

1. the **City of Los Altos** declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore, be it
2. there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the **City of Los Altos** to carry out the project; and furthermore, be it
3. the **City of Los Altos** attests to the accuracy of and approves the statements in Attachment A to this resolution; and furthermore, be it
4. a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of **County of Santa Clara** for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

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 27th day of June, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2024 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

1. That the **City of Los Altos** is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the **City of Los Altos** legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the **City of Los Altos** has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the **City of Los Altos** within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.) or responds to an immediate community need, such as a quick-build project.
9. That any project described in Attachment B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Attachment B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).
11. That the **City of Los Altos** agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B

TDA Article 3 Project Application Form

1. Agency	City of Los Altos		
2. Primary Contact	Marisa Lee		
3. Mailing Address	1 N San Antonio Rd Los Altos CA 94022		
4. Email Address	mlee@losaltosca.gov	5. Phone Number	(650) 947-2626
6. Secondary Contact (in the event primary is not available)	Nafis Shahbazi		
7. Mailing address (if different) N/A <input checked="" type="checkbox"/>			
8. Email Address	nshahbazi@losaltosca.gov	9. Phone Number	
10. Send allocation instructions to (if different from above):			
11. Project Title	Hetch Hetchy Trail Maintenance and Accessibility Project		
12. Amount requested	\$129,725	13. Fiscal Year of Claim	2024

14. Description of Overall Project:

Reconstruction of curb ramps to the Hetch Hetchy Class I Pathway to meet current ADA standards. Installation of bike and pedestrian infrastructure including crosswalks, advance yield lines, crosswalk signage, bicycle striping and signage where the pathway approaches and intersects with Los Altos Avenue and Estrellita Wy. This will provide a continuous, accessible connection to the Palo Alto - Los Altos Bike Path.

15. Project Scope Proposed for Funding: (Project level environmental, preliminary planning, and ROW are ineligible uses of TDA funds.)

Finalization of design, construction of the above improvements.

16. Project Location: A map of the project location is attached or a link to a online map of the project location is provided below:

Project Relation to Regional Policies (for information only)

17. Is the project in an [Equity Priority Community](#)?

[Grab your reader’s attention with a great quote from the document or use this space to emphasize a key point. To place this text box anywhere on the page, just drag it.]

Los Altos, CA

Location:

- Los Altos Ave
- Estrellita Way



HETCH HETCHY TRAIL CROSSINGS

<https://www.google.com/maps/place/Estrellita+Way,+Los+Altos,+CA+94022/@37.4015308,-122.1224076,17.5t/data=!3m1!1e3!1m1!1s0x8098f09226647500:0578700501200619:0123274016697111>

Yes No

18. Is this project in a [Priority Development Area](#) or a [Transit-Oriented Community](#)?

Yes No

19. Project Budget and Schedule

Project Phase	TDA 3	Other Funds	Total Cost	Estimated Completion (month/year)
Bike/Ped Plan				
ENV				
PA&ED				
PS&E				
ROW	\$10,000			September 2023
CON	\$119,725			September 2024
Total Cost	\$129,725			December 2024

Project

Eligibility

A. Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee? Yes No
 If "YES," identify the date and provide a copy or link to the agenda.
 • March 30, 2022
https://www.losaltosca.gov/sites/default/files/fileattachments/complete_streets_commission/meeting/81461/csc_agenda_033022.pdf
 • July 27, 2022
https://www.losaltosca.gov/sites/default/files/fileattachments/complete_streets_commission/meeting/83840/csc_agenda_072722_r1.pdf
 If "NO," provide an explanation).

B. Has the project been approved by the claimant's governing body?
 Yes No
 If "NO," provide expected date: __Project approved by CSC on July 27, 2022__

C. Has this project previously received TDA Article 3 funding?
 Yes No
 (If "YES," provide an explanation on a separate page)

D. For "bikeways," does the project meet Caltrans minimum safety design criteria
 Yes No
 pursuant to [Chapter 1000 of the California Highway Design Manual](#)?

E. 1. Is the project categorically exempt from CEQA, pursuant to CCR Section 15301(c), Yes No
 Existing Facility?

2. If "NO" above, is the project is exempt from CEQA for another reason?
 Yes No
 Cite the basis for the exemption. _____
 N/A

If the project is not exempt, please check "NO," and provide environmental documentation, as appropriate.

F. Estimated Completion Date of project (month and year): _____ June 2025 _____

G. Have provisions been made by the claimant to maintain the project or facility, or has Yes No
 the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility, please identify below and provide the agreement.

H. Is a Complete Streets Checklist required for this project ?
 Yes No

If the amount requested is over \$250,000 or if the total project phase or construction phase is over \$250,000, a Complete Streets checklist is likely required. Please attach the Complete Streets checklist or record of review, as applicable. More information and the form may be found here:
<https://mtc.ca.gov/planning/transportation/complete-streets>



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Authorization for execution of agreement with Grassroots Ecology for Redwood Grove Stewardship services

Prepared by: Manny A. Hernandez, Parks & Recreation Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Resolution
- 2. Grassroots Ecology Letter and Scope of Work Summary

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

The following action will cost \$191,000 for contracted stewardship services in the Redwood Grove Nature preserve.

- Breakdown of funds to be used:
 - o \$191,000 General Fund
- Amount already included in approved budget: Y
- Amount above budget requested: 0

Environmental Review:

The approval of this agreement with Grassroots Ecology is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) in that the only work required under the agreement is limited to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, and none of the circumstances identified in CEQA Guidelines Section 15300.2 applies.

Policy Question(s) for Council Consideration:

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Title

-
- None

Summary:

- This agreement is for a contracted steward to manage/restore Redwood Grove nature preserve.
- The agreement is with Grassroots ecology for two years with an option for three additional years.
- Grassroots Ecology has been providing satisfactory stewardship services for the last five years and as Acterra previous to 2018.

Staff Recommendation:

Authorize the City Manager to execute an amendment to the agreement with Grassroots Ecology in the total amount of \$191,000 for a two-year term (\$95,500 per year) to manage and restore Redwood Grove Nature Preserve.

Purpose

Authorize the City Manager to execute an amendment to an agreement on behalf of the city with Grassroots Ecology in the total amount of \$233,130 for continued stewardship in managing and performing restoration of the open space known as Redwood Grove.

Background

The City of Los Altos owns Redwood Grove Nature Preserve; 5.7-acre nature preserve located off University Avenue. The City has contracted with Grassroots Ecology to assist in preserving and maintaining this valuable community asset. The term of the previous contract with Grassroots expires on July 1, 2023.

The stewardship that Grassroots Ecology provides as part of their scope of work for this agreement includes important aspects of care for Redwood Grove. Here are a few very important items that Grassroots staff and volunteers take care of in Redwood Grove.

In the late spring and early summer, Grassroots Ecology removes invasive weeds through scything or hand-pulling. Left unattended to, these weeds would not only become unsightly, but would increase the fire hazard in the area. Removing these weeds without chemicals is very time consuming and could not be handled by staff at this time.

Grassroots has transplanted native plants to the area and they require attention when initially planted for the root system to gain a foothold. There is not an automatic irrigation system in the area to provide the water and care needed. Grassroots has provided attention and plan to continue to provide that attention. Additional native plantings, that Grassroots Ecology would install, are also planned in the future through matching grants that are secured by them.



Subject: Title

The health of the redwood trees in the nature preserve is also something that Grassroots staff and volunteers assist the City with. The redwood trees undergo intense stress during the hot dry summers, as they were planted over 100 years ago out of their natural range (the coastal fog belt). As a result, this natural asset relies on continued irrigation utilizing specialized watering machinery that is set up by Grassroots Ecology staff. Without regular watering in the summer, the redwoods could suffer significant strain in health, which could contribute to their unhealthy appearance and create limb hazards.

Discussion/Analysis

Parks Maintenance staff works with the stewardship services contractor on the care and maintenance of Redwood Grove and has found success working with Grassroots Ecology in recent years. City crews do not have the expertise and are not staffed at a level that can provide the maintenance a contract steward can for the nature preserve. Grassroots Ecology has also provided expert advice on other items within the nature preserve that city staff maintains.

On May 17, 2023, the City of Los Altos requested proposals for stewardship services for Redwood Grove Nature Preserve. Proposals were due on Thursday, June 15. Only one proposal was received, from Grassroots Ecology. Staff feels the submitted proposal of \$95,500 annually for stewardship services is reasonable and responsive for the scope of work.

This agreement is to authorize a new contract with Grassroots Ecology for two years for contracted stewardship services in Redwood Grove Nature Preserve. The amount for Grassroots Ecology’s work in fiscal year 23/24 is already budgeted in the Parks & Recreation Department operating budget. The total amount that will need to be budgeted over the two-year agreement is \$191,000.

Recommendation

Authorize the City Manager to execute an amendment to the agreement with Grassroots Ecology in the total amount of \$191,000 for a two-year term (\$95,500 per year) to manage and restore Redwood Grove Nature Preserve.

RESOLUTION NO. 2023-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON
BEHALF OF THE CITY WITH GRASSROOTS ECOLOGY IN THE AMOUNT
OF \$191,000 FOR TWO YEARS OF REDWOOD GROVE NATURE PRESERVE
STEWARDSHIP SERVICES**

WHEREAS, the City utilizes contract services for stewardship of Redwood Grove Nature Preserve; and

WHEREAS, stewardship services are important for the health of the nature preserve in Redwood Grove; and

WHEREAS, Grassroots Ecology subsidizes funding for projects in Redwood Grove through grants; and

WHEREAS, Grassroots Ecology conducts educational activities through community partners and educational signage in Redwood Grove; and

WHEREAS, through a public request for proposal process, Grassroots Ecology was the low and responsive proposal.

WHEREAS, the approval of this agreement with Grassroots Ecology is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) in that the only work required under the agreement is limited to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, and none of the circumstances identified in CEQA Guidelines Section 15300.2 applies.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby authorizes the City Manager to execute an agreement with Grassroots Ecology for stewardship services in the amount of \$191,000 for fiscal year 23/24 and 24/25 on behalf of the City.

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 ____, 2023 by the following vote:

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

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK



To: City of Los Altos
From: Alex Von Feldt, Co-Executive Director, Grassroots Ecology
Date: June 9, 2023
Re: Redwood Grove Nature Preserve Stewardship Proposal

Grassroots Ecology is pleased to submit this proposal for Redwood Grove Nature Preserve land stewardship and community engagement. Grassroots Ecology has partnered with the City of Los Altos to manage habitat restoration at Redwood Grove Nature Preserve and coordinate volunteers and education programs there since 2009. Over the last fourteen years, we have developed a strong relationship with the community and deep knowledge of the preserve.

We also apply for grants and raise money externally to support our work at Redwood Grove, amplifying the City's investment. We currently have a Coastal Conservancy grant that will fund fire abatement work, as well as private donations that support the high school Youth Stewards program. We have been awarded grants from Valley Water in the past, and have been recommended for another grant to enhance pollinator habitat at several preserves, including Redwood Grove. We submit this proposal in the hope that we will be able to continue as the Redwood Grove steward and not jeopardize this already-secured funding. If selected, we will continue to seek additional funding from outside sources to increase our stewardship and volunteer engagement work at the preserve.

Grassroots Ecology understands the Scope of Work as presented and all of the terms of the RFP are understood and acknowledged by the undersigned. The proposed scope of work includes all of the items requested in the RFP with a few items reorganized under different headings. Grassroots Ecology accepts the provided example of the City's professional services contract, indemnification requirements and insurance requirements without modification. Grassroots Ecology has also obtained a City of Los Altos Business License.

Please contact me at alex@grassrootsecology.org or our Co-Executive Director Junko Bryant junko@grassrootsecology.org if you have any questions.

Thank you,

Alex Von Feldt
Co-Executive Director

Exhibit A: Redwood Grove Scope of Work

Task 1: Project Coordination and Administration

- Provide quarterly progress evaluation to City staff
- Report totals of volunteer hours and an update of restoration activities on quarterly basis
- Coordinate with the City on creek bank stabilization and fire mitigation projects as needed
- Coordinate with the City on other regular maintenance activities
- Monitor restoration areas using fixed photo-monitoring points on a quarterly basis
- Pursue outside grant funding opportunities
- Include updates about Redwood Grove in quarterly updates to the City, and consult with City staff as needed.
- Make presentations to City Council and Commissions as needed.
- Coordinate with the City of Los Altos and the Town of Los Altos Hills as needed on construction of the new trail connecting Redwood Grove to Fremont Road.
- Work with the City of Los Altos to create a plan for tool storage and volunteer facilities in preparation for the Caretaker House being demolished.

Task 2: Habitat Restoration through Volunteer Events

- Recruit for and conduct approximately 24 volunteer workdays per year.
- Recruit for and conduct the Youth Stewards program for high school students to gain in-depth experience in habitat restoration and environmental education.
- Maintain and restore the following areas at Redwood Grove with approximately 450 native plants installed annually across these sites. Revegetation strategies include container stock grown at our native plant nursery, live cuttings, and seeding:
 - Main Redwood Grove and creekside areas along the boardwalk: Provide infill planting as needed in upland and riparian areas. Continue to phase out invasive ivy and blackberry from streambanks and replant with native riparian species.
 - Eucalyptus Area: Maintain and expand restoration area where three eucalyptus trees were removed in 2021. Remove invasive weeds and revegetate with native shrubs and forbs to provide screening for neighbors and native habitat along the creek. Maintain existing willow stakes through watering and weeding and add more willow cuttings in winter/spring.
 - Driveway and Caretaker House Garden: Maintain established gardens, including irrigation, pruning, weeding, mulching etc. and provide infill planting and seeding as needed.
 - Garden Beds: Maintain native plant garden in raised beds through weeding, pruning, mulching, etc.
 - Manresa Meadow: Remove invasive weeds; prune, mulch, and water around native plants as needed; spread native wildflower and grass seeds.
 - Shoup Park Trail: Maintain plantings along the path between Shoup Park and Redwood Grove, including watering new plants and weeding.
 - Manresa Trail/Upstream Adobe Creek: Maintain plantings along the Manresa Trail; remove resprouts of Algerian ivy and Himalayan blackberry; remove annual invasive weeds each spring; infill with plants and seeding as needed.
 - Creek Bank: Continue efforts to reduce erosion along the bank of Adobe Creek by installing riparian plants and willow cuttings. Pack organic material, like pruned branches, into bank undercuts to slow water flow.
 - Park-wide: Work with City staff to identify any new priority areas for clearing invasive plants, such as Algerian ivy, periwinkle, Himalayan blackberry, French broom, poison hemlock, privet, tree of heaven sprouts, and Italian thistle.

- Additionally, support fire mitigation work through clearing woody debris, pruning trees, removing invasive trees and young bay trees. Work with the City to identify priority areas for fire mitigation work and removal of woody debris.

Task 3: Staff Maintenance

- Perform regular maintenance, including weeding in areas difficult for volunteers and seasonal pruning in restoration areas. Maintain tools and keep tool storage areas organized and tidy. Conduct minor repairs to the rain barrel system and basic irrigation repairs.
- For the first year after planting, native plants will be watered every 1-2 weeks through the dry season. For the second year after planting, native plants will be watered every 3-4 weeks through the dry season. Grassroots Ecology staff will monitor weather conditions and soil moisture to ensure that watering is only done when necessary.
- Grassroots Ecology staff will manually operate the irrigation system for redwood trees through the dry season.
- Activities will follow the work plan, to be reviewed on a quarterly basis at the progress evaluation meeting with City staff.

Task 4: Community Education & Outreach

- Work with community partners such as GreenTown Los Altos and the Los Altos History Museum to conduct educational activities in the community.
- On-site signage and kiosk: Maintain informational signage about restoration activities, plant identification, etc. Update kiosk with seasonal information. Update plant signs around the preserve seasonally.
- Include updates about Redwood Grove to Grassroots Ecology email list, maintain Redwood Grove information page on Grassroots Ecology's website, and include Redwood Grove updates on Grassroots Ecology Instagram and Facebook page.



_____ CALENDAR
Agenda Item # ____

AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject: Apricot Orchard Maintenance Agreement with the Los Altos History Museum

Prepared by: Manuel A. Hernandez, Maintenance Services Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Resolution

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

The following project will cost \$225,000 over the three years of this agreement.

- Breakdown of funds to be used:
 - o \$225,000 General Fund
- Amount already included in approved budget: Yes
- Amount above budget requested: 0

Environmental Review:

The approval of the maintenance agreement with the Los Altos History Museum is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) in that the only work required under the agreement is limited to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, and none of the circumstances identified in CEQA Guidelines Section 15300.2 applies.

Policy Question(s) for Council Consideration:

- Does Council wish to contract the Los Altos History Museum through the Orchard Commons Committee to provide maintenance services and special project coordination for the Historic Apricot Orchard?

Summary:

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Title

-
- A contracted orchardist has maintained the apricot orchard continuously for several years.
 - The Orchard Commons Committee already works closely with the City on orchard improvements and best practices.
 - This agreement will be for the first three years of a possible five years.
 - The Orchard Commons Committee is within the structure of the Los Altos History Museum.

Staff Recommendation:

Authorize the City Manager to execute a three-year agreement, totaling \$225,000, for orchard maintenance with the Los Altos History Museum.

Purpose

Continue the use of contract services to maintain the heritage apricot orchard at the Los Altos Government Center.

Background

Maintenance of the orchard includes tree care such as planting, pruning, fertilizing, rototilling, and irrigation. The orchardist is also responsible for the annual harvest of the apricots. This includes all labor and materials required for harvesting. As part of the agreement, the maintenance contractor retains the harvest. The orchardist also removes and replaces trees as needed. The previous orchardist was contracted directly by the City for several years.

Discussion/Analysis

The City maintains the apricot orchard through the use of a contractor due to the specialized nature of the work. The orchard contractor has the expertise, manpower and equipment to maintain an orchard in accordance with the scope of services created by the City. The Maintenance Department works with the orchardist to ensure the orchard is maintained as expected.

The City is proposing working with the Orchard Commons Committee to ensure the maintenance best practices are being used on this heritage orchard. Currently, the City is working with the Orchard Commons Committee to install a drip irrigation system that would eliminate the need for spray irrigating as has been practiced in the past. A drip system is expected to be installed by the end of the calendar year 2023.

The amount paid to the Los Altos History Museum under this agreement includes the cost of restoration of orchard, community outreach, educational programing, and work on an orchard master plan, in addition to the regular maintenance of the orchard. The Orchard Commons Committee board approved the agreement at their June 20, 2023 board meeting.



Subject: Title

Recommendation

Authorize the City Manager to execute a three-year agreement, totaling \$225,000, for orchard maintenance with the Los Altos History Museum.

RESOLUTION NO. 2023-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON
BEHALF OF THE CITY WITH THE LOS ALTOS HISTORY MUSEUM IN THE
AMOUNT OF \$225,000 FOR THREE YEARS OF MAINTENANCE SERVICES
FOR THE HISTORIC APRICOT ORCHARD**

WHEREAS, the City utilizes contract services for maintenance of the Historic Apricot Orchard located at 1 North San Antonio Road in the Los Altos Government Center; and

WHEREAS, maintenance services are important for the health of the apricot orchard; and

WHEREAS, the Orchard Commons Committee, a committee of the Los Altos History Museum, has committed to restoring the orchard to health in addition to regular maintenance services; and

WHEREAS, the Orchard Commons Committee plans to conduct educational and community building activities as part of their agreement with the City; and

WHEREAS, the apricot orchard is one of only three historic orchards in the surrounding Bay Area and a valued asset to the community.

WHEREAS, The approval of this agreement with the Los Altos History Museum is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) in that the only work required under the agreement is limited to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, and none of the circumstances identified in CEQA Guidelines Section 15300.2 applies.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby authorizes the City Manager to execute an agreement with the Los Altos History Museum for maintenance services in the amount of \$225,000 for fiscal year 23/24, 24/25 & 25/26 on behalf of the City.

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 ___, 2023 by the following vote:

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

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Resolution No. 2023-xx: Repeal Resolution No. 2019-30 regarding the Open Government Policy

Prepared by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Resolution No. 2023-xx

Initiated by:

City Council

Previous Council Consideration:

February 28, 2023

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to repeal Resolution No. 2019-30 regarding the Open Government Policy?

Summary:

- At the February 28, 2023 City Council meeting, Council considered a Resolution to repeal the Open Government Policy as many of the items in the Policy had been eliminated via other Council actions (Ordinances, Resolutions, Policies, etc.)
- Council directed that the Resolution should simply dissolve the Open Government Subcommittee and that remaining items be addressed prior to elimination of the Open Government Policy
- On June 13, 2023, the City Council adopted revisions to the Council Norms which addressed most remaining items in the Open Government Policy

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Resolution No. 2023-xx: Repeal Resolution No. 2019-30 regarding the Open Government Policy

Staff Recommendation:

Adopt Resolution No. 2023-xx repealing Resolution No. 2019-30 regarding the Open Government Policy



Subject: Resolution No. 2023-xx: Repeal Resolution No. 2019-30 regarding the Open Government Policy

Purpose

To adopt a Resolution repealing the Open Government Policy

Background

On January 13, 2015, the City Council adopted Resolution No. 2015-02 establishing the Open Government Policy. The Policy was further amended in 2017, 2018 and 2019.

The Open Government Policy consisted of eight sections each of which established requirements governing how the City would go beyond State law in areas of posting of agendas and materials under the Brown Act and noticing of public meetings. The original stated intent of the Policy was to “go beyond the minimum requirements of the law to instill public confidence and increase transparency. Many of the sections of the Open Government Policy have been modified or eliminated due to State law or Council action. As a result the remaining sections are largely duplicative of other City Policies.

Discussion/Analysis

At the February 21, 2023 Council Retreat, Council discussed repealing the Open Government Policy as most of the requirements previously found in the Policy had been eliminated or are addressed in other City policies.

Section 1

Section 1 refers to the State Brown Act and that the City will have a page on the City website with the Open Government Policy and a brief summary of the Brown Act.

Section 2

Section 2 establishes that the City will pose the agenda and accompanying materials on the City’s website at least eight calendar days before a regular City Council meeting. At the June 13 Council meeting, Council amended the Council Norms to state that agendas for regular meetings are posted by 5:00 p.m. on the Thursday prior to the meeting.

Section 3

Section 3 referred to public noticing for development projects within the City. Requirements for noticing included sending notices to 1,000 feet of a proposed development and erecting story poles in advance of public meetings.

As part of the implementation of the Housing Element Update and in response to State law, City Council adopted Resolution No. 2023-11 on February 14, 2023 to eliminate the requirement to set



Subject: Resolution No. 2023-xx: Repeal Resolution No. 2019-30 regarding the Open Government Policy

up story poles. Also, on March 28, 2023 Council adopted Ordinance No. 2023-490 which changed the noticing distance from 1,000 feet to 300 feet.

Section 4

Section 4 requires that City Council and Commission meetings be recorded and retained permanently. As part of the revision to the Council Norms, Council amended Section 8.2 of the Norms to include the requirement that meetings be recorded and retained permanently.

Sections 5 and 6

Sections 5 and 6 relate to an index of City records and a list of Public Records Requests being available on the City’s website. City staff is currently researching software to assist in the response to requests for public records. This software will integrate with the City’s website and will contain all requests for public records.

Section 7

Section 7 established the Open Government Standing Committee. On February 28, 2023, the Council adopted a Resolution dissolving the Committee.

Section 8

Section 8 establishes that the Open Government Policy be reviewed annually.

As Sections 2, 3, 4 and 7 have either been rescinded or are superseded by other Council policies or State law, it recommended that the Open Government Policy be rescinded in its entirety as to avoid any potential confusion as to the requirements addressed therein.

Recommendation

The staff recommends Council adopt Resolution No. 2023-xx repealing the Open Government Policy

RESOLUTION NO. 2023-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
REPEALING RESOLUTION NO. 2019-30 IN ITS ENTIRETY**

WHEREAS, on January 13, 2015, the City Council adopted Resolution No. 2015-02 establishing the Open Government Policy and subsequently adopted Resolution Nos. 2015-12, 2017-33, 2018- 13 and 2019-30 amending the Open Government Policy; and

WHEREAS, the City Council has eliminated provisions of the Open Government Policy based on State law and has modified or implemented the remaining provisions in other Council policies; and

WHEREAS, to avoid confusion with other City policies and ordinances.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby repeals Resolution No. 2019-30 and rescinds the Open Government Policy.

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 __, 2023 by the following vote:

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

Sally Meadows, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Appeal of the Planning Commission’s Decision on the Design Review and Variance Applications SC22-0029 & V23-0002 at 5790 Arboretum Drive

Prepared by: Jia Liu, Associate Planner
Stephanie Williams, Planning Services Manager

Reviewed by: Nick Zornes, Development Services Director
Jolie Houston, City Attorney

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Draft Resolution
- 2. Project Plans
- 3. Appeal Application Form
- 4. May 18, 2023, Planning Commission Draft Meeting Minutes
- 5. May 18, 2023, Planning Commission Agenda Report
- 6. Appellant Request for Continuance

Initiated by:
Marwan and Lisa Eways, Applicant

Previous Council Consideration:
None

Fiscal Impact:
None

Environmental Review:

If the City Council upholds the Planning Commission’s decision, then no environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 (“Projects Which are Disapproved”) because CEQA does not apply to projects which are disapproved. If the City Council approves the appeal application, then it may find that the project is categorically exempt under Section 15301 (“Existing Facilities”) of the CEQA Guidelines because it involves an alteration and addition to an existing single-family dwelling in a residential zone within

Reviewed By:

City Manager

City Attorney

Finance Director

GE

JH

JD



Subject: Appeal of the Planning Commission’s Decision on the Design Review and Variance Applications (SC22-0029 & V23-0002) at 5790 Arboretum Drive

size limits specified in Section 15301(e), and none of the circumstances stated in CEQA Guidelines Section 15300.2 apply.

Summary:

- The project applicant applied for a Design Review and Variance applications to allow an addition to an existing single-family residence consisting of an approximately 190 square-foot addition and 465 square-foot deck on the first story and an eight square-foot addition and 327 square-foot deck on the second story. The variance is requested for a 16-foot and six-inch, second-story side setback for the second-story deck, where a 25-foot side setback is required.
- The Planning Commission considered the project at a public hearing on May 18, 2023, and unanimously denied the request.
- The applicant appealed the Planning Commission’s “straw vote” decision and results.

Background

Property History and Existing Site Conditions

The 4,697 square foot home was originally approved in 2003 by the County of Santa Clara when the property was within the County’s jurisdiction. In 2006, the neighborhood, commonly known as Woodland Acres Neighborhood, was annexed into the City. As one of the properties in the annexed neighborhood, any new development on the property is subject to current City standards.

As the original development was subject to the County’s zoning regulations, which have less restrictive setbacks than current city regulations, the existing house is a legal non-conforming structure. The non-conformities include the two side setbacks that currently require 20-foot first story setback and 25-foot second story setback compared to the existing house’s 15-foot side setbacks for both the first and second stories (see Attachment 2 – Project Plans).

The property is a sloped lot with the home located on the more level portion of the property towards the street and the rear yard is sloped with an approximately 30-foot elevation difference within a 100-foot depth. The rear yard also appears to remain undisturbed with some existing vegetation including two trees that are close to the proposed deck areas.

Design Review Commission Meeting

On February 15, 2023, the Design Review Commission (DRC) discussed the proposed design review application in a public meeting. The staff report recommended approval to the DRC, subject to a specific condition that requires the revision of the second-story deck to comply with the required second-story setback resulting in a setback of 25 feet instead of the proposed sixteen feet and six inches. However, the applicant opposed this condition and expressed the intent to the DRC to seek a variance to allow the non-compliant side setback for the deck as proposed. The DRC subsequently continued the item to a meeting date uncertain and advised the applicant to apply for a concurrent variance application to proceed per the applicant’s request.



Subject: Appeal of the Planning Commission’s Decision on the Design Review and Variance Applications (SC22-0029 & V23-0002) at 5790 Arboretum Drive

Planning Commission Meeting

Following the zoning code amendments to implement the City's 2023-2031 Housing, the Design Review Commission has since been dissolved and the review authority for design review applications for single-family residential developments has been delegated to the Zoning Administrator and the review for variance applications delegated to the Planning Commission. Because the variance request is subject to Planning Commission review, the design review request was bundled with the variance request and was considered by the Planning Commission at their meeting of May 18, 2023. It should be noted that there was one commissioner absent from the meeting for a total of six commissioners present at the meeting.

Staff recommended denial of the project to the Planning Commission due to the inability to make all three required variance findings codified in Los Altos Zoning Code (LAZC) Section 14.76.070 B. Because of the recommendation of denial for the variance, staff also recommended denial to the design review as the project does not meet the underlying zoning development standards and cannot meet the findings of the design review per LAMC Section 14.76.060.

During deliberation and discussion, three Commissioners verbally expressed support and three Commissioners expressed opposition to the requested variance. After consideration of staff’s recommendation, public testimony, and the applicant’s presentation which expressed their desire for their project to be heard by the City Council, the Planning Commission unanimously voted (6-0 vote with one commissioner absent) to deny the project.

Appeal

On May 31, 2023, the applicant appealed the Planning Commission’s decision to the City Council within the permissible 14-day appeal period. The application appeal form with the applicant’s reason for appeal can be found in Attachment 3.

Discussion/Analysis

Design Review Application

As discussed previously, the existing home is a nonconforming structure. The proposed 190 square-foot addition on the first floor and eight square-foot addition at the second floor are consistent with the current City development standards, including the side setbacks. The proposed first floor deck expansion along the rear elevation has a proposed 15-foot side setback, where the required minimum setback is 20 feet (shown as the area in red in Figure 1 below) which is allowed per Section 14.10.080 E. of the Zoning Code which allows limited nonconforming expansions without a variance as follows:

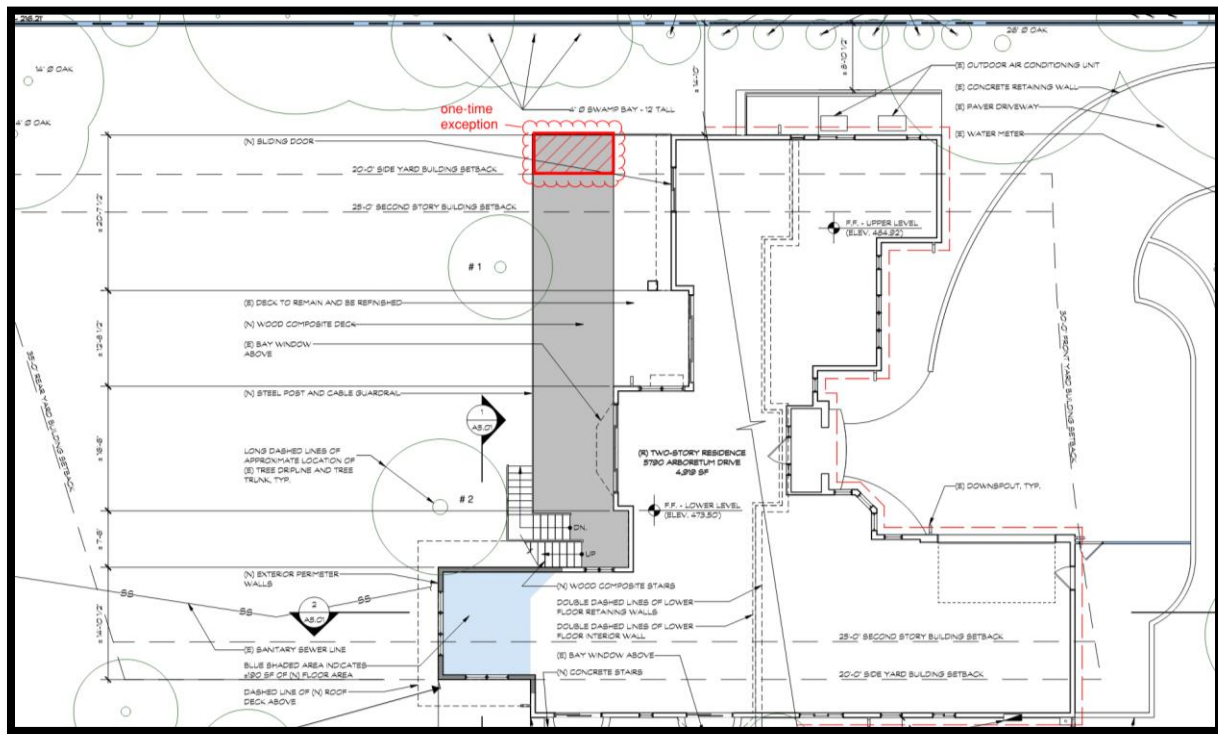
Where a building legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:



Subject: Appeal of the Planning Commission’s Decision on the Design Review and Variance Applications (SC22-0029 & V23-0002) at 5790 Arboretum Drive

1. The extension may only be applied to the first story.
2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered, subject to the filing of a variance application.
3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.

Figure 1

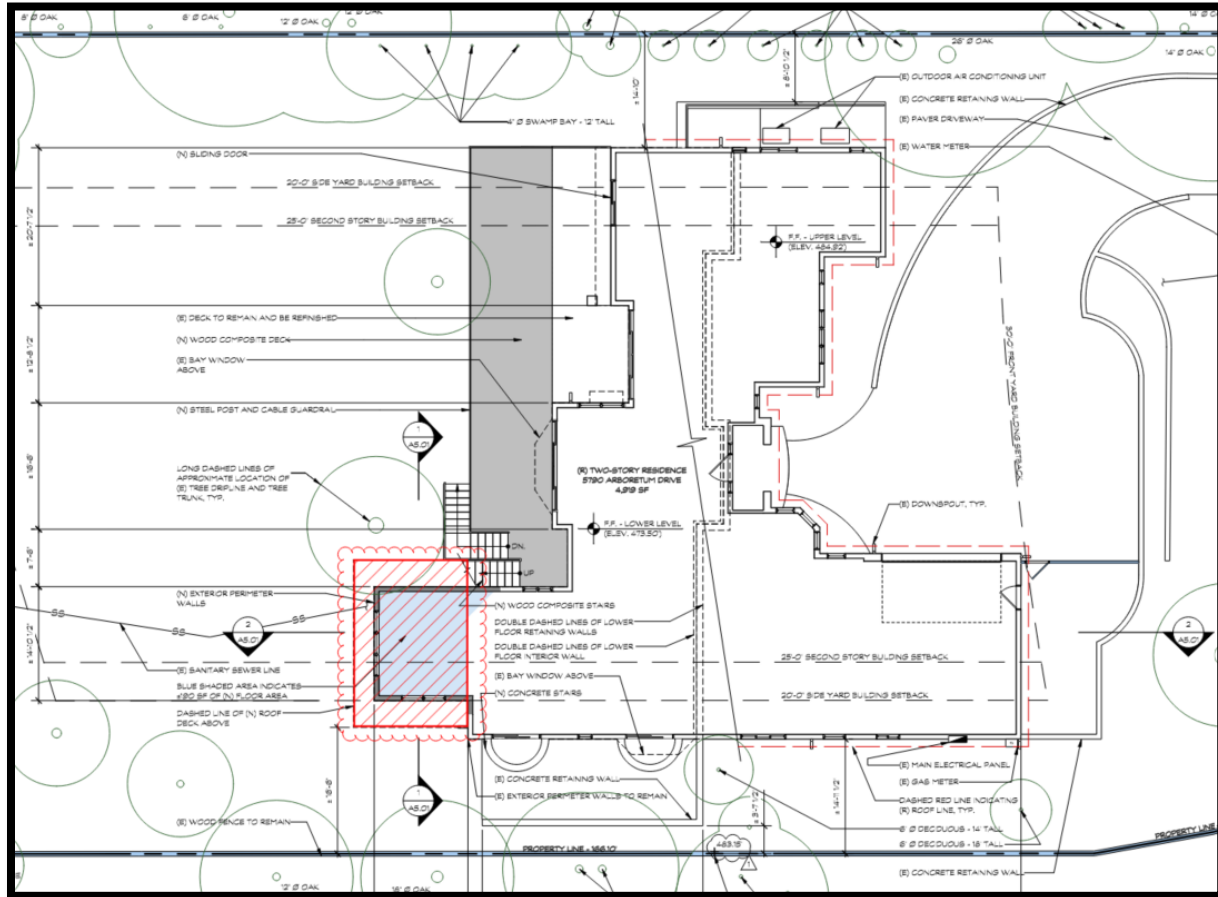


The second story deck (shown as the red area in Figure 2 below) is located on top of the proposed first story addition with a side setback of 16 feet and six inches where 25 feet is required and the allowance for limited nonconforming expansions without a variance only applies to the first story. To achieve the proposed design, the applicant is requesting a variance.



Subject: Appeal of the Planning Commission’s Decision on the Design Review and Variance Applications (SC22-0029 & V23-0002) at 5790 Arboretum Drive

Figure 2



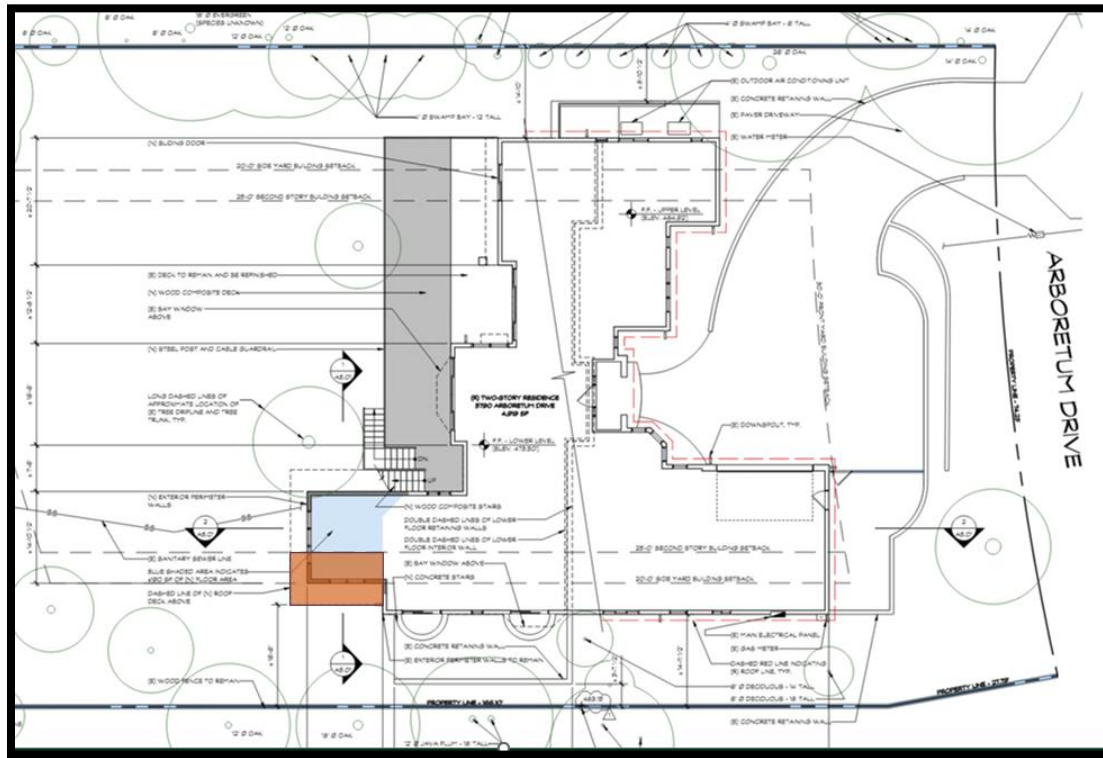
Variance Application

The variance being requested is for a reduction to the second story side setback. The proposed second story deck is proposed atop the first-story addition that will result in an eight-foot and six-inch encroachment into the required 25-foot setback. The encroachment is highlighted in yellow shown in Figure 3 below.



Subject: Appeal of the Planning Commission’s Decision on the Design Review and Variance Applications (SC22-0029 & V23-0002) at 5790 Arboretum Drive

Figure 3



Pursuant to LAMC Section 14.76.070 B., a variance may be granted only when all three findings cited below can be made. The third criterion derives from state law (see Government Code Section 65906) and shall be strictly construed.

1. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
2. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
3. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

As part of the variance application submittal requirements, the applicant provided a variance justification letter that is enclosed as part of the Planning Commission agenda report in Attachment 4. This letter outlines the applicant's explanation why they believe the requested variance should be granted by demonstrating how each finding is met.



Subject: Appeal of the Planning Commission’s Decision on the Design Review and Variance Applications (SC22-0029 & V23-0002) at 5790 Arboretum Drive

Regarding Finding No. 1, the applicant believes the project meets two objectives set forth in LAMC Chapter 14.02 including Subsection F - To protect and enhance real property values within the city; and Subsection G - To conserve the city's natural beauty, to improve its appearance, and to preserve and enhance its distinctive physical character.

Based on the given statement, staff has found that this finding cannot be justified because it does not meet the objective of ensuring a harmonious and convenient relationship among land uses, as specified in Subsection B that will deviate the second story side setback standard from the city’s zoning regulations.

Furthermore, staff finds the granting of the variance is not necessary to allow the property owners the reasonable enjoyment of their property because there are alternative deck design options available that can achieve the same goal. For example, the proposed deck can be expanded towards the north to comply with the second-story side setback while still providing the same size deck in a slightly different configuration. Another option to consider is expanding the existing second-story terrace through the hallway. With the possibility of other design solutions, staff does not believe that this finding can be made.

Regarding Finding No. 2, the applicant felt the finding could be made for several reasons. First, the deck is located at the rear of the house, making it invisible from the street, and its small size and lower elevation than the street further contribute to its inconspicuousness. Second, there are no privacy concerns since the deck is not aligned with neighboring structures but is instead proposed to be built with a proposed privacy screening wall. The deck will also be screened by existing screening vegetation. Additionally, the neighbors have expressed support, and two adjacent properties already have non-compliant second-floor decks.

However, staff found that granting this variance could have negative impacts on the surrounding area because the project does not meet the zoning setback standards established to provide better ventilation, sound isolation, reduced lighting and glare, increased landscaping, and access to emergency services between properties and structures. Additionally, staff found that the two adjacent properties with non-compliant second-floor decks do not establish a pattern because:

- The property at 5810 Arboretum Drive, located to the south side, was developed prior to the annexation of the Woodland Acres Neighborhood. The existing non-compliant deck is a legal non-conforming structure, like the house.
- The property at 5770 Arboretum Drive, located to the north side, was granted a variance and design review application (12-V-11 and 12-SC-56) in 2013 by the Design Review Commission for construction of a new two-story house. The granted variance includes a reduction in the side setbacks at both stories. However, staff does not believe that this example is analagous since the property at 5770 Arboretum Drive has an average lot width that is less than 100 feet. In 2015, a zoning code amendment was adopted through Ordinance No. 2015-114 that allows properties with a lot width less than 100 feet in the R1-20 Zoning District to be subject to the R1-10 Zoning District's



Subject: Appeal of the Planning Commission’s Decision on the Design Review and Variance Applications (SC22-0029 & V23-0002) at 5790 Arboretum Drive

development standards. Therefore, the reduced side setbacks at both floors at 5770 Arboretum Drive are currently compliant.

Regarding Finding No. 3, the applicant believes that the property has several special circumstances that justify this variance application for approval. These circumstances include steeply sloping topography, the inability to comply with design guidelines without exception to the side yard setback, the existing legal non-conforming structure compared to the current City's setback requirements due to development prior to annexation, and the need to preserve a mature oak tree while designing an outdoor space.

Staff acknowledged the existence of the site’s conditions with a steep slope throughout the rear yard. Due to this topography, staff is supportive of the proposed idea of a second story deck with a larger size than other proposed second-story decks on relatively flat lots. However, the slope is not considered special circumstance that would deprive the property owners’ privileges because the owners have other options to achieve similar results for the enjoyment of their property by implementing a modified deck design as staff explained earlier in the report.

In addition, the non-conformity of the existing home due to its development under the County’s regulations does not justify further deviations from the current City setback requirements. The applicant has already utilized an administrative zoning code exception to align the expansion of the first-story deck with the existing non-conforming first-story side setback. Staff believes that the current zoning code recognizes the existence of non-conforming structures and acknowledges the homeowners' desire to align new developments with these structures in a limited manner, ensuring fairness for all residential property owners.

Recommendation

1. Uphold the Planning Commission’s denial of Design Review and Variance Applications SC22-0029 & V23-0002 at 5790 Arboretum Drive and find no environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 (“Projects Which are Disapproved”) because CEQA does not apply to projects which are disapproved.
2. On June 17, 2023 the appellant notified staff that they would be unable to attend the Public Hearing scheduled for June 27, 2023 and requested a continuance of the item (Attachment 6). Staff’s recommendation is to continue the Public Hearing to date certain of September 26, 2023 at 7:00 p.m. based on the appellant’s request.

RESOLUTION NO. 2023-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DENYING APPEAL NO. 23-0001 AND UPHOLDING THE PLANNING
COMMISSION'S DENIAL OF DESIGN REVIEW AND VARIANCE APPLICATIONS
FOR RESIDENTIAL IMPROVEMENTS TO AN EXSTING SINGLE-FAMILY
RESIDENCE AT 5790 ARBORETUM DRIVE**

WHEREAS, the City of Los Altos received applications for Design Review (File Number SC22-0009) and Variance (File Number V23-0002) from Marwan and Lisa Eways, (Applicant), for the construction of a 190 square-foot addition and a 465 square-foot deck expansion at the first story and an eight square-foot addition and a new 327 square-foot outdoor deck at the second story to the existing single-family residence, hereafter referred to as the “Project”;

WHEREAS, said Project is located in the R1-20 District, which allows single-family housing as a permitted use and shall be developed per Los Altos Municipal Code Chapter 14.10; and

WHEREAS, the variance is requested for a reduction in the required second story side setback from 25 feet to 16 feet and six inches for the second story deck; and

WHEREAS, the property owner submits that the property's unique topography, as well as the location of existing trees and structures, make it difficult to comply with the required second story side setback; and

WHEREAS, said Project is exempt from environmental review under Section 15270 of the California Environmental Quality Act (“CEQA”) Guidelines because CEQA does not apply to projects which are disapproved; and

WHEREAS, on February 15, 2023, the Design Review Commission held a public meeting to discuss the design review of said Project and continued to the project to a meeting date uncertain; and

WHEREAS, on February 28, 2023, upon the approval of the zoning code amendments to implement the adopted 2023-2031 Housing Element by the City Council, the Planning Commission is the approval authority for said Project; and

WHEREAS, on May 18, 2023, the Planning Commission conducted a duly noticed public hearing at which members of the public were afforded an opportunity to comment upon the Project, and at the conclusion of the hearing, the Planning Commission denied said project; and

WHEREAS, the decision of the Planning Commission was appealed to the City Council by Marwan and Lisa Eways in a time and manner prescribed by the City of Los Altos Municipal Code Chapter 1.12; and

WHEREAS, on June 27, 2023, the City Council conducted a duly noticed public hearing at which members of the public were afforded an opportunity to comment upon the appeal, and at the conclusion of the hearing, the City Council denied said appeal and upheld the decision of the Planning Commission; and

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

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby denies appeal No. 23-0001 and upholds the Planning Commission’s denial of design review and variance applications for residential improvements to an existing single-family residence at 5790 Arboretum Drive subject to the Findings in Exhibit A attached hereto and incorporated by reference.

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 27th day of June 2023 by the following vote:

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

Sally Meadows, Mayor

Attest:

Melissa Thurman, City Clerk

EXHIBIT A

FINDINGS

SC22-0029 & V23-0002 at 5790 Arboretum Drive

Design Review

With regard to the improvements to the existing two-story residence, the Planning Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

- A. The proposed structure or alteration complies with all provisions of this chapter;

This finding cannot be made because:

The proposed second-story deck does not meet the objective side setback requirements set forth in LAMC Sections 14.10.080 and 14.66.210.

- B. The height, elevations and placement on the site of the proposed main or accessory structure or addition, when considered with reference to the nature and location of residential structures on adjacent lots, and will consider the topographic and geologic constraints imposed by particular building site conditions;

This finding cannot be made because:

The height, elevations, and placement on the site of the proposed addition to the existing house is found not compatible when considered with reference to the nature and location of residential structures on adjacent lots, and will not consider the topographic and geologic constraints imposed by particular building site conditions because the proposed project, specifically for the second-story deck does not comply with the objective setback requirement and is further found not compatible with the location of the residential structures on adjacent lots that are developed after annexation of the neighborhood.

- C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized;

This finding cannot be made because:

The natural landscape will not be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized because the proposed project will disturb existing grading and conduct soil removal or soil filling in order to construct the first story addition situated on the natural slope.

- D. The orientation of the proposed main or accessory structure or addition in relation to the immediate neighborhood will minimize excessive bulk;

This finding cannot be made because:

The orientation of the house in relation to the immediate neighborhood will not minimize excessive bulk because the proposed second story deck with a five-foot and six-inch solid screening wall will encroach into the required side yard resulting a bulky appearance due to the close distance than allowed in the zoning code.

- E. General architectural considerations, including the size and scale, the architectural relationship with the site and other buildings, building materials and similar elements have been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings on the same project site; and

This finding cannot be made because:

General architectural considerations, including the size and scale, the architectural relationship with the site and other buildings, building materials, and similar elements have not been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings on the same project site because the proposed second story deck is eight feet and six inches less than the required second story setback will lead to an incompatible pattern with the character of adjacent buildings that are subject to the current city standards for development.

- F. The proposed structures have been designed to follow the natural contours of the site with minimal grading, minimal impervious cover and maximum erosion protection. A stepped foundation shall be required where the average slope beneath the proposed structure is ten (10) percent or greater.

This finding cannot be made because:

The proposed house improvements have not been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection because of the proposed addition will alter the natural topography by placing the first story addition, the staircase to the second story deck, and the expansion of the first story deck.

Variance

With regard to the improvements to the existing two-story residence, the Planning Commission finds the following in accordance with Section 14.76.070 B. of the Municipal Code:

- A. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02.

This finding cannot be made because:

Granting of the variance will not be consistent with the objectives of the zoning plan because it does not meet the objective of ensuring a harmonious and convenient relationship among land uses, as specified in Section 14.02.020 B. of the Municipal Code that will deviate the second story side setback standard from the city’s zoning regulations. Furthermore, granting the variance is not necessary to meet other objectives. Staff found that there are alternative design options available for the proposed deck that can achieve the same goal.

- B. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity.

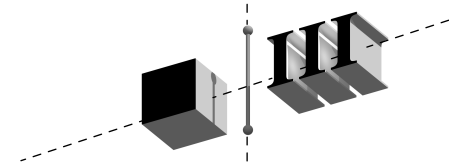
This finding cannot be made because:

Granting the variance could have negative impacts on the surrounding area because the project does not meet the zoning setback standards established to provide better ventilation, sound isolation, reduced lighting and glare, increased landscaping, and access to emergency services between properties and structures.

- C. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

This finding cannot be made because:

The steeply sloping topography is not considered special circumstance that would deprive the property owners’ privileges because the owners have other options to achieve similar results for the enjoyment of their property by implementing a modified deck design as staff explained earlier in the report. The non-conformity of the existing home due to its development under the County’s regulations does not justify further deviations from the current City setback requirements. The exception to allow the first-story deck’s expansion in the zoning code acknowledges a non-conforming structure’s existence and the desire from homeowners to align new development with the structure in a limited way.



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A REMODEL/ADDITION FOR:
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5790 ARBORETUM DRIVE
LOS ALTOS, CA 94024



revision date
I.R. COMMENTS 12/16/22

sheet title
PROJECT DIRECTORY
SHEET INDEX
PROJECT DESCRIPTION
PROJECT DATA
VICINITY MAP
NEIGHBORHOOD CONTEXT

date 12.20.22
job no. 22101
scale 1 INCH AT FULL SCALE, IF NOT 1 INCH THIS DRAWING HAS BEEN REPRODUCED (NOT TO SCALE SHOWN)

P.D. 12.20.22
AO.01
FILE: 22101_DRR1_cover.v2022

ARCHITECT:
SQUARE THREE ARCHITECTURE
800 HIGH STREET, SUITE 3
PALO ALTO, CA 94301
PH: 650.326.3860 X112, X115
EM: TOMC@SQUARETHREE.COM
CAMDEN@SQUARETHREE.COM
CONTACT: TOM CARRUBBA
CAMDEN SANTO

OWNER:
MARWAN EWAYS
5790 ARBORETUM DRIVE
LOS ALTOS, CA 94024
PH: 415.806.7410
EM: MEWAYS@YAHOO.COM

PROJECT DIRECTORY 1

- THIS PROJECTS INVOLVES THE FOLLOWING:
1. NEW ± 188 SF EXTENSION ON THE LOWER FLOOR AND NEW ± 8 SF EXTENSION ON UPPER FLOOR.
 2. A ± 584 SF EXTENSION TO AN EXISTING LOWER FLOOR DECK.
 3. CONSTRUCTION OF A NEW ± 284 SF ROOF DECK ON THE UPPER FLOOR.

PROJECT DESCRIPTION 2

- A0.01 PROJECT INFORMATION, NEIGHBORHOOD CONTEXT, SHEET INDEX ZONING COMPLIANCE
- C-5 EXISTING PRELIMINARY GRADING & DRAINAGE PLAN
- C-6 EXISTING TOPOGRAPHIC SURVEY
- EG1 EXISTING SITE PLAN
- EG2 EXISTING LOWER FLOOR PLAN
- EG3 EXISTING UPPER FLOOR PLAN
- EG4 EXISTING ROOF PLAN
- EG5 - EG6 EXISTING EXTERIOR ELEVATIONS
- A1.01 PROPOSED SITE PLAN
- A1.02 EXISTING PRIVACY SCREENING PHOTOS
- A2.01 PROPOSED LOWER FLOOR PLAN
- A2.02 PROPOSED UPPER FLOOR PLAN
- A2.03 PROPOSED ROOF PLAN
- A2.04 FLOOR AREA AND COVERAGE CALCULATION DIAGRAM
- A3.01 PROPOSED EXTERIOR ELEVATIONS
- A3.02 PROPOSED EXTERIOR ELEVATIONS
- A3.03 EXISTING EXTERIOR VIEWS
- A5.01 PROPOSED BUILDING SECTIONS

SHEET INDEX 3

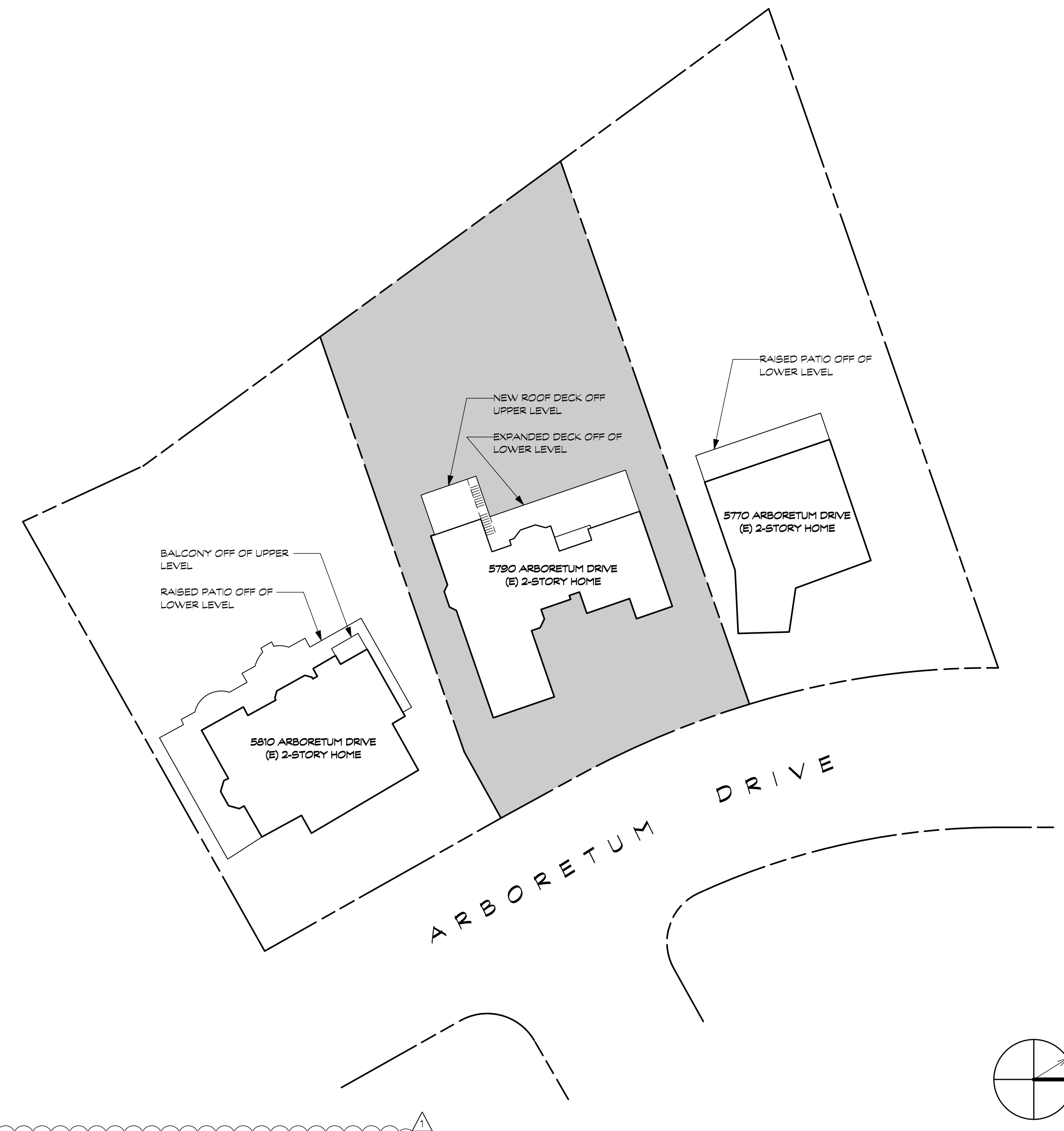
SITE DATA
A.P.N. 342-04-093
OCCUPANCY GROUP R, DIVISION 3
BUILDING TYPE V-B
ZONE R1-20

	EXISTING	PROPOSED	ALLOWED/REQUIRED
LOT COVERAGE: LAND AREA COVERED BY ALL STRUCTURES THAT ARE OVER 6 FEET IN HEIGHT	3,482.1 SQUARE FEET (16.05%)	4,764.2 SQUARE FEET (21.96%)	5,423 SQUARE FEET (25%)
FLOOR AREA: MEASURED TO THE OUTSIDE SURFACES OF EXTERIOR WALLS	1ST FLR: 1,494.5 SF 2ND FLR: 3,202.9 SF TOTAL: 4,697.4 SF (21.66%)	1ST FLR: 1,683.1 SF 2ND FLR: 3,210.6 SF TOTAL: 4,893.7 SF (22.56%)	4,919 SQUARE FEET (22.66%)
SETBACKS:			
FRONT	30 FT	30 FT	30 FT
REAR	35 FT	35 FT	35 FT
RIGHT SIDE (1ST/2ND)	20 FT/ 25 FT	20 FT/ 25 FT	20 FT/ 25 FT
LEFT SIDE (1ST/2ND)	20 FT/ 25 FT	20 FT/ 25 FT	20 FT/ 25 FT
HEIGHT:	± 25' - 7'	± 25' - 7'	± 27' - 0'

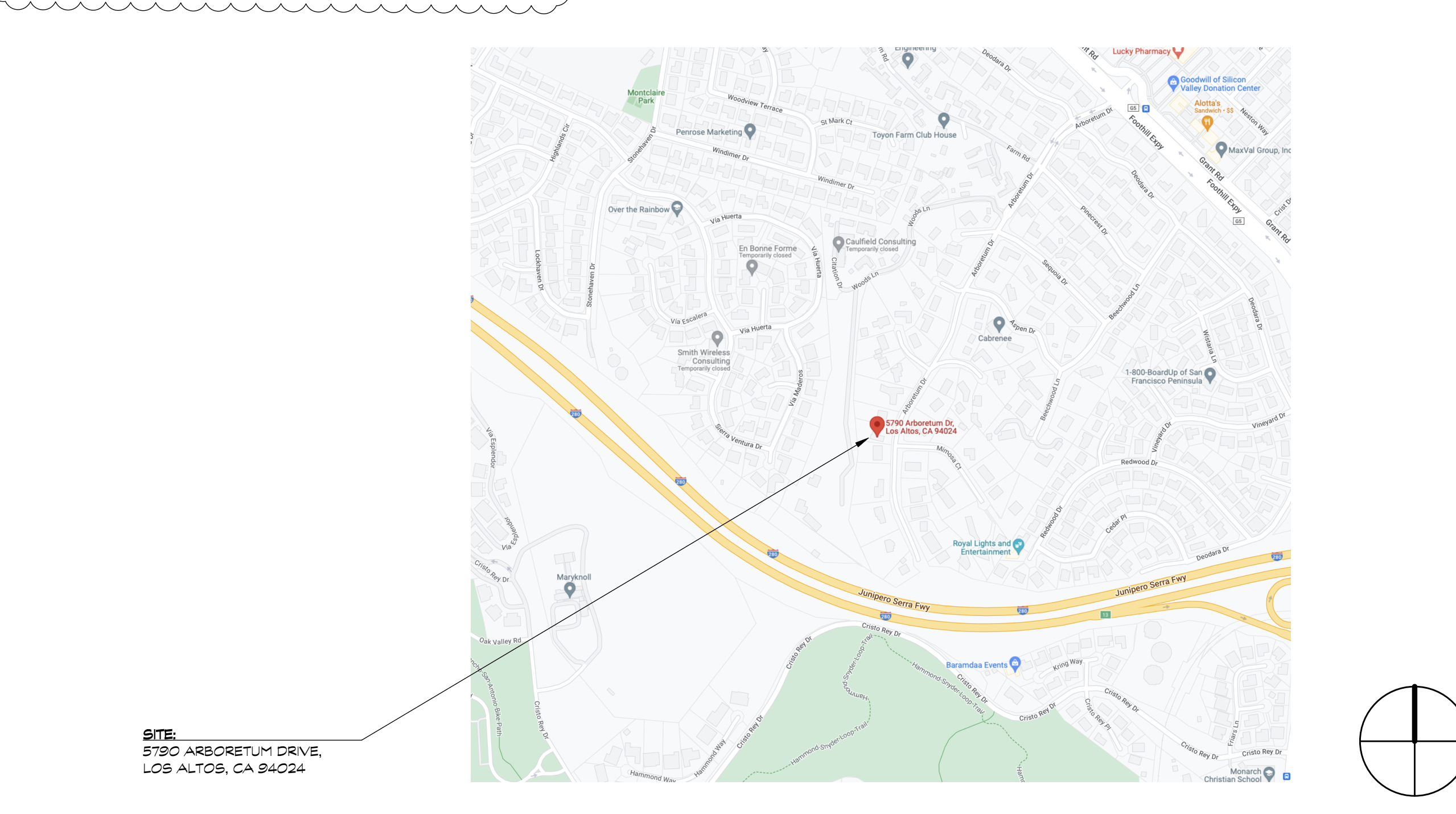
	EXISTING	CHANGE IN	TOTAL PROPOSED
HABITABLE LIVING AREA: INCLUDES HABITABLE BASEMENT AREAS	4,203.1 SQUARE FEET	196.3 SQUARE FEET	4,399.4 SQUARE FEET
NON-HABITABLE AREA: DOES NOT INCLUDE COVERED PORCHES OR OPEN STRUCTURES	494.3 SQUARE FEET	0 SQUARE FEET	494.3 SQUARE FEET

NET LOT AREA:		21,690 SQUARE FEET
FRONT YARD HARDSCAPE AREA: HARDSCAPE AREA IN THE FRONT YARD SETBACK SHALL NOT EXCEED 50%		1,316.9 SQUARE FEET (41.81%)
LANDSCAPING BREAKDOWN:	TOTAL HARDSCAPE AREA (EXISTING AND PROPOSED): 6,163.6 SF	
	EXISTING SOFTSCAPE (UNDISTURBED) AREA: 15,526.4 SF	
	NEW SOFTSCAPE (NEW OR REPLACED LANDSCAPING) AREA: 0 SF	
	SUM OF ALL THREE SHOULD EQUAL THE SITE'S NET LOT AREA	

PROJECT DATA 4



NEIGHBORHOOD CONTEXT MAP 5



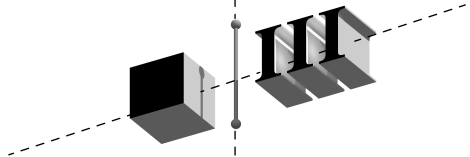
VICINITY MAP 6

NOT USED 7

NOT USED 8

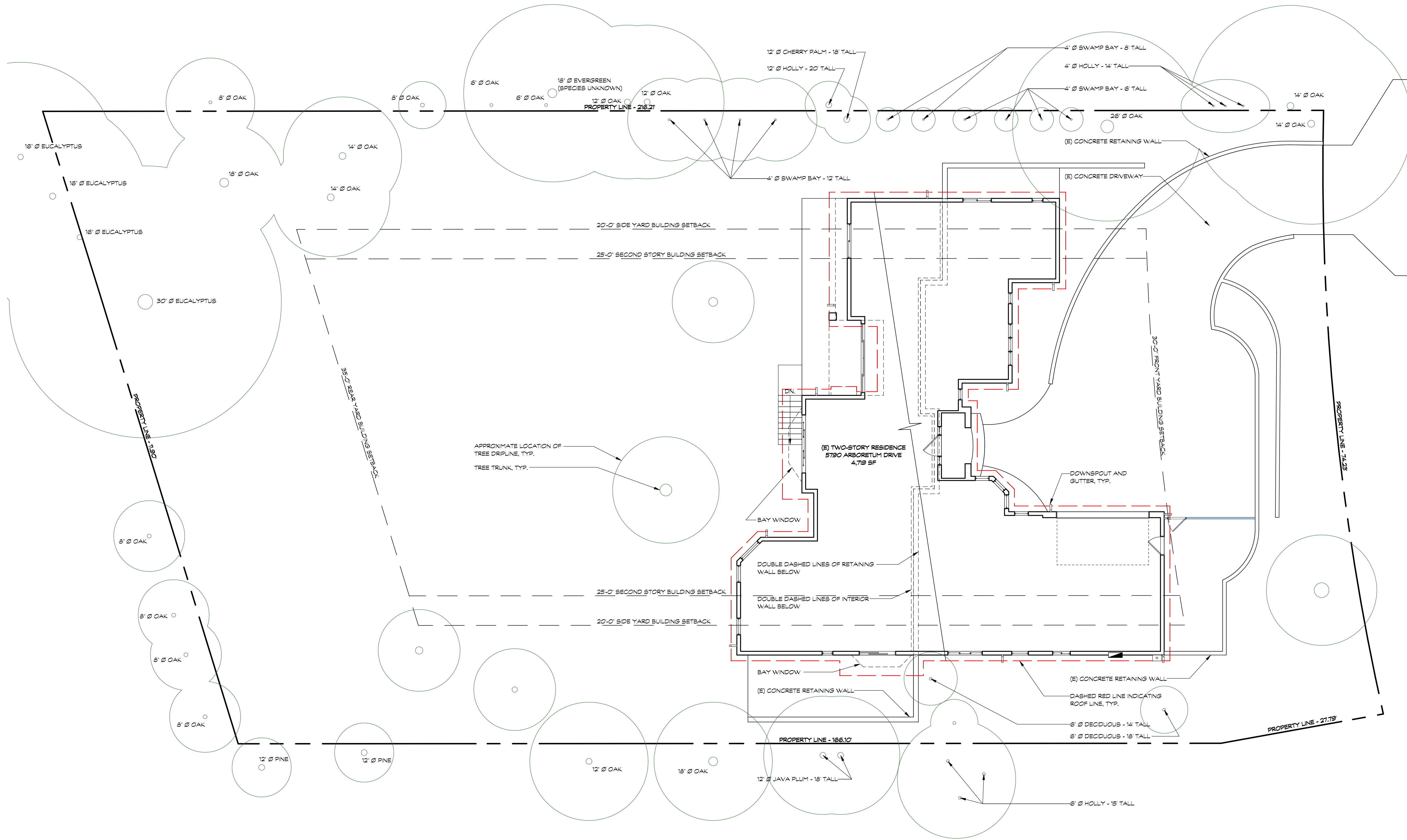
1" = 30'

N.T.S.



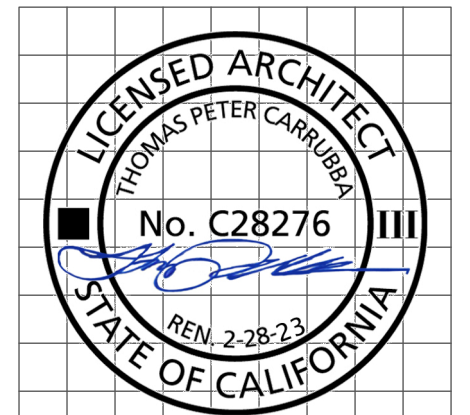
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EXISTING SITE PLAN

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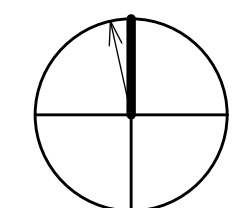
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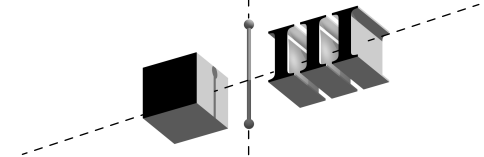
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EC1

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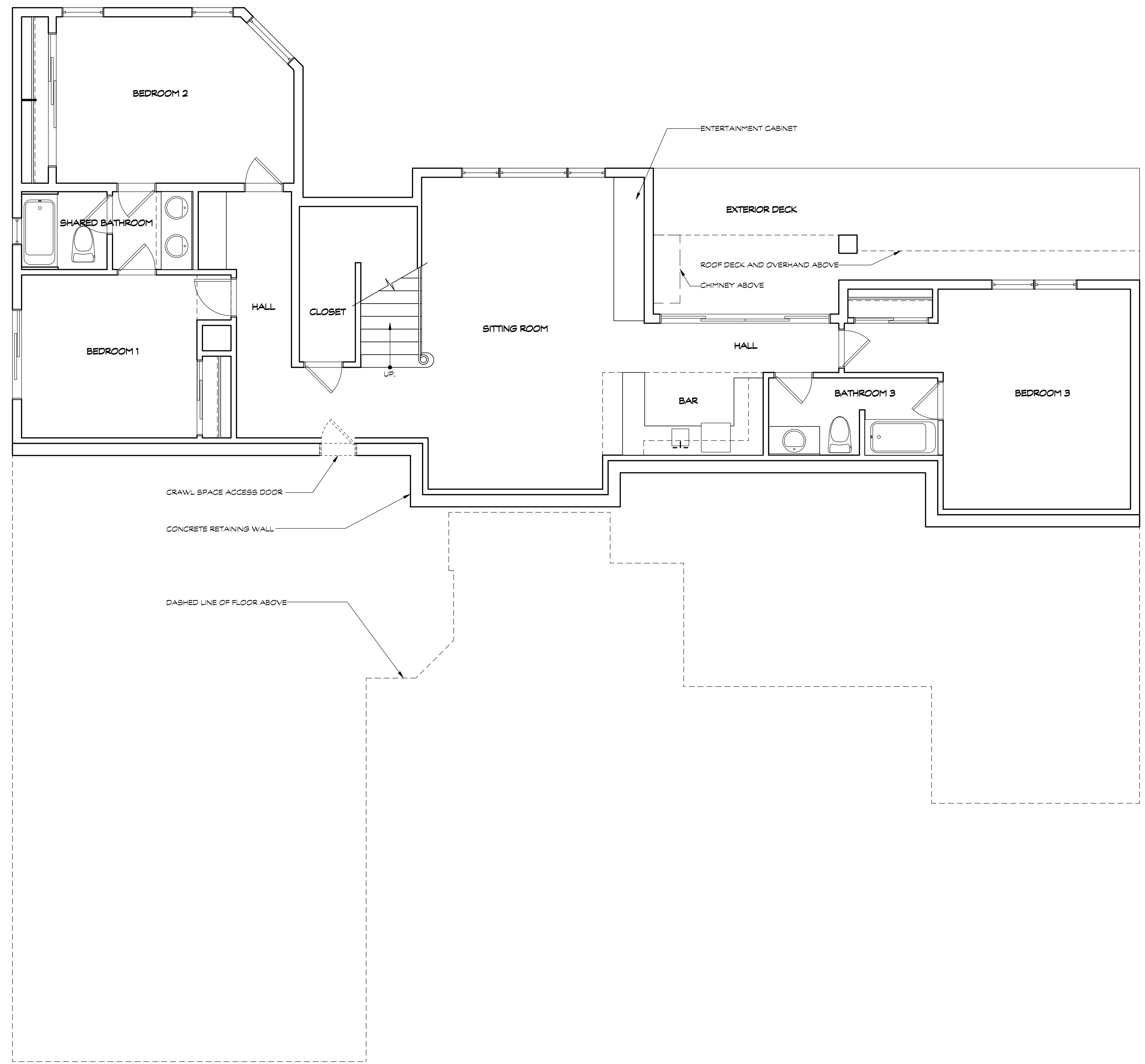
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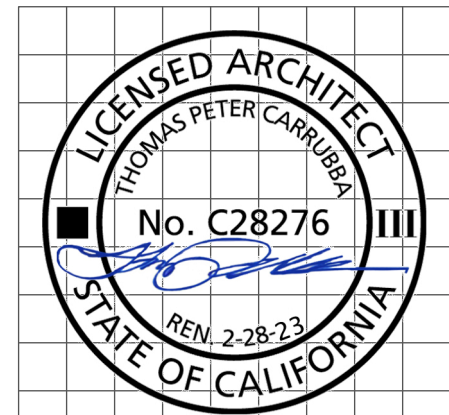
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EXISTING LOWER FLOOR PLAN
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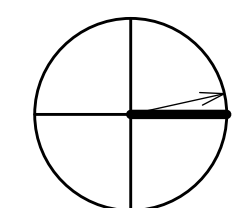
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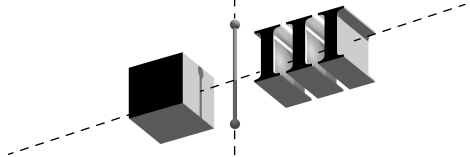
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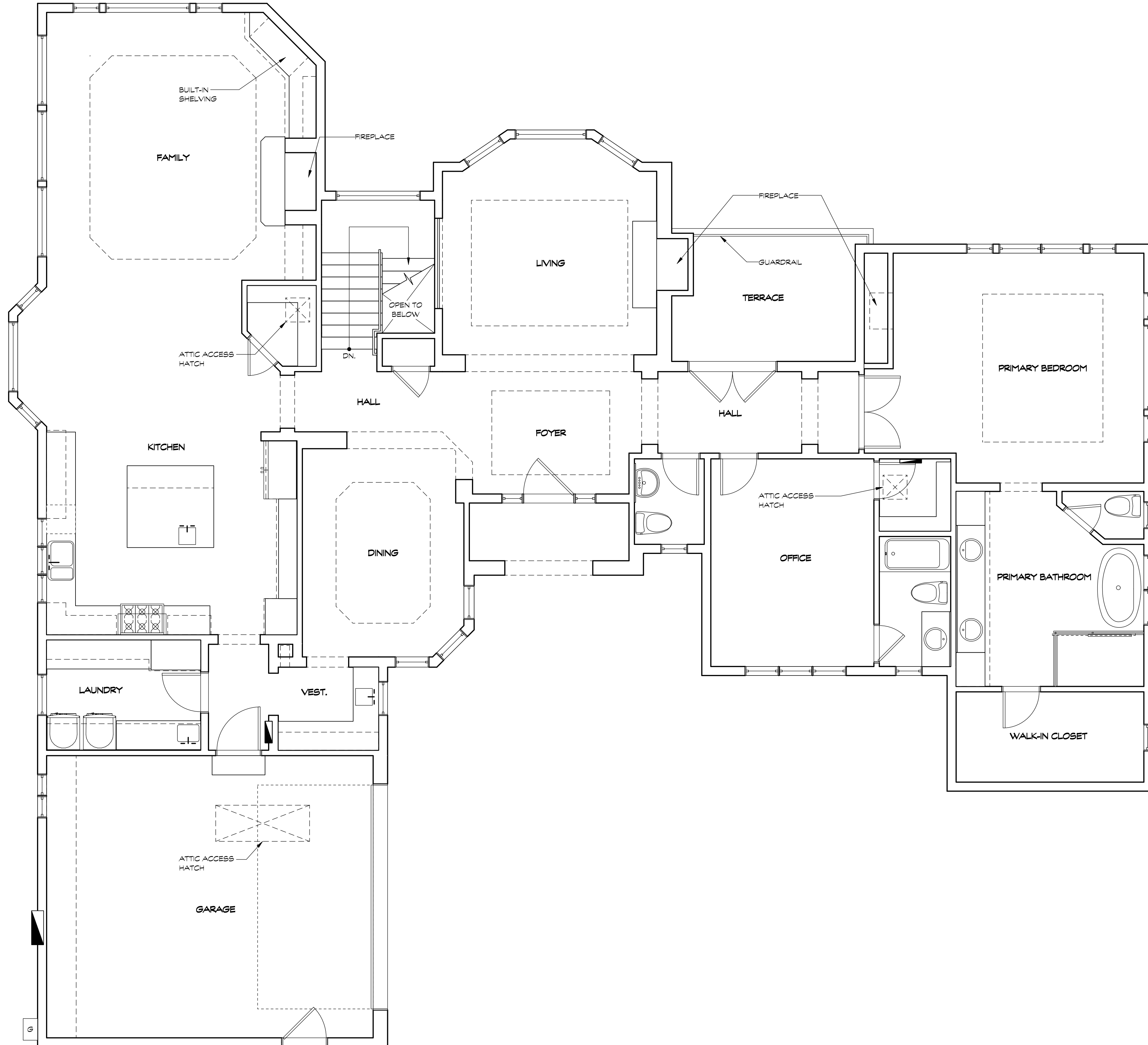
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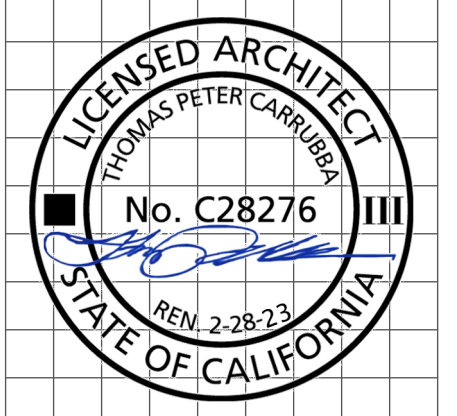
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EXISTING UPPER FLOOR PLAN

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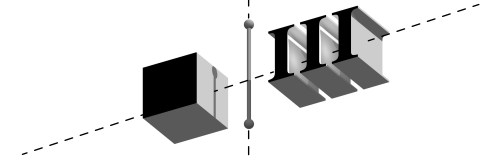
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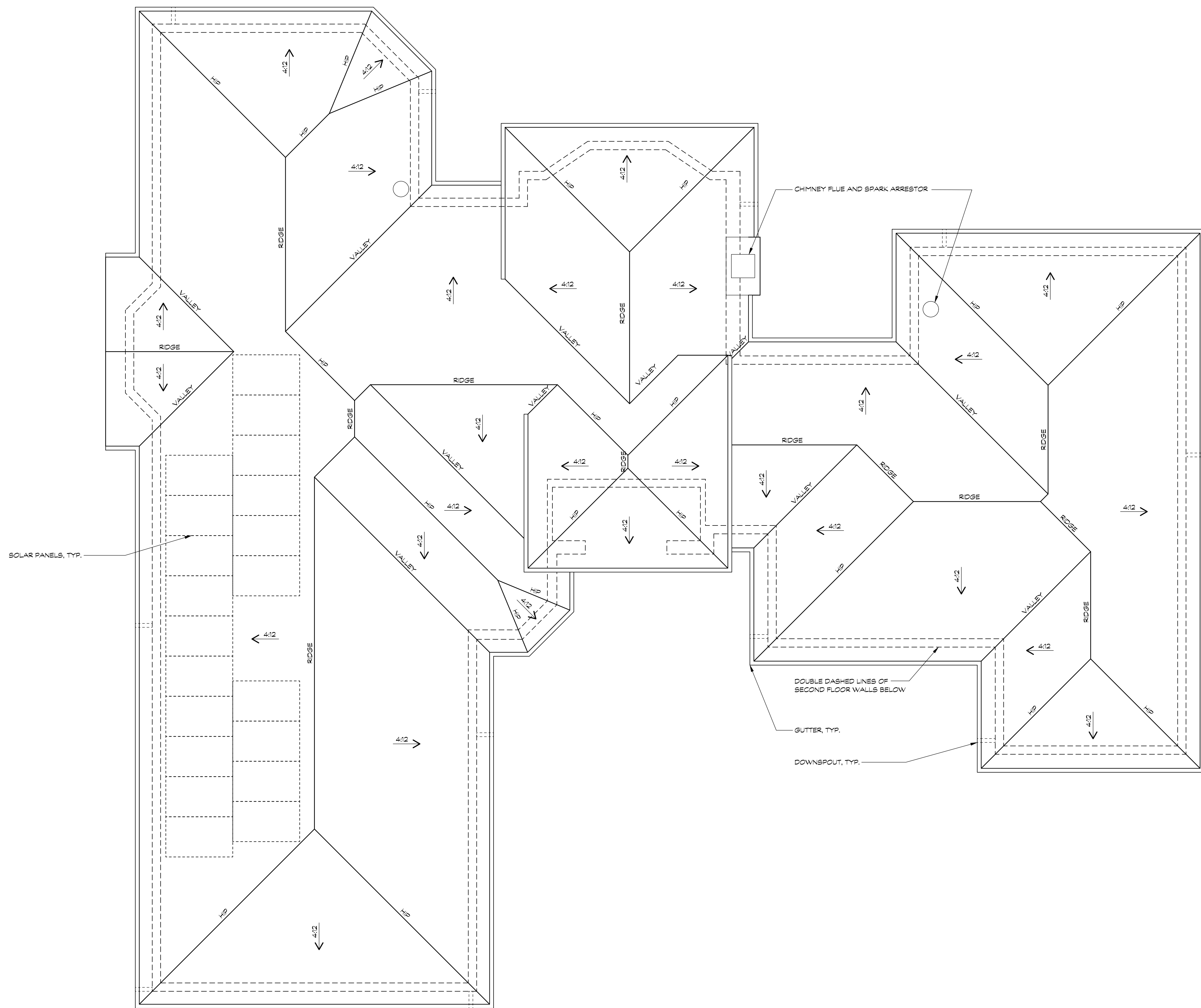
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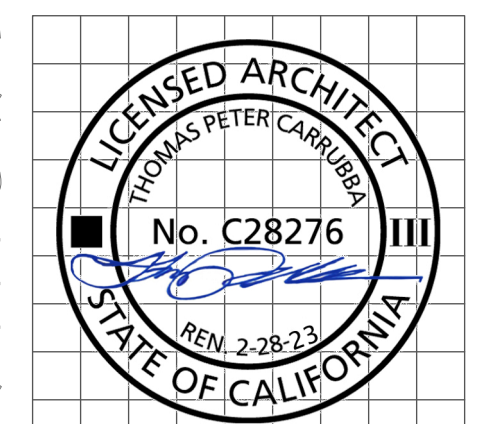
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EXISTING ROOF PLAN

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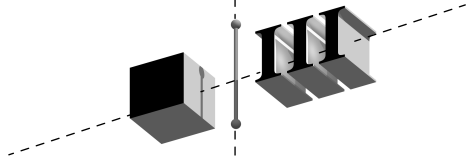
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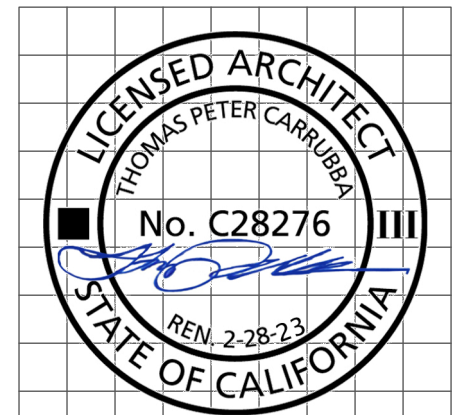


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EXISTING EXTERIOR ELEVATIONS

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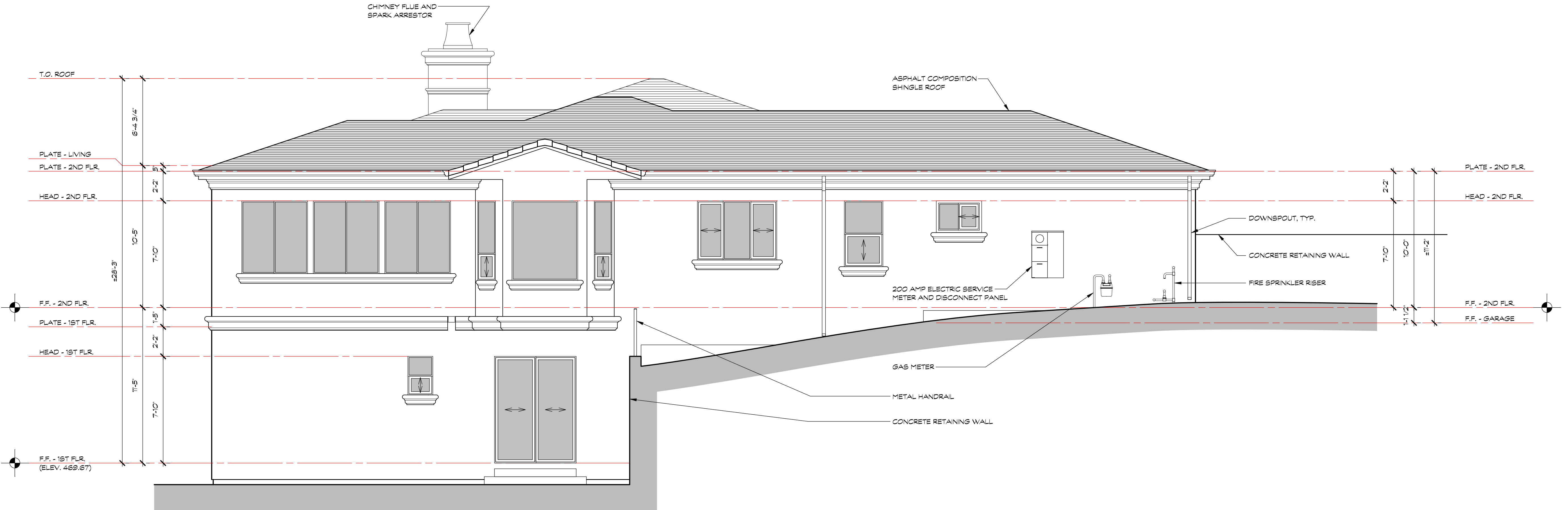
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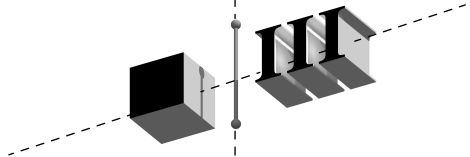
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EXISTING REAR (WEST) EXTERIOR ELEVATION 1/4" 1



EXISTING SIDE (SOUTH) EXTERIOR ELEVATION 1/4" 2

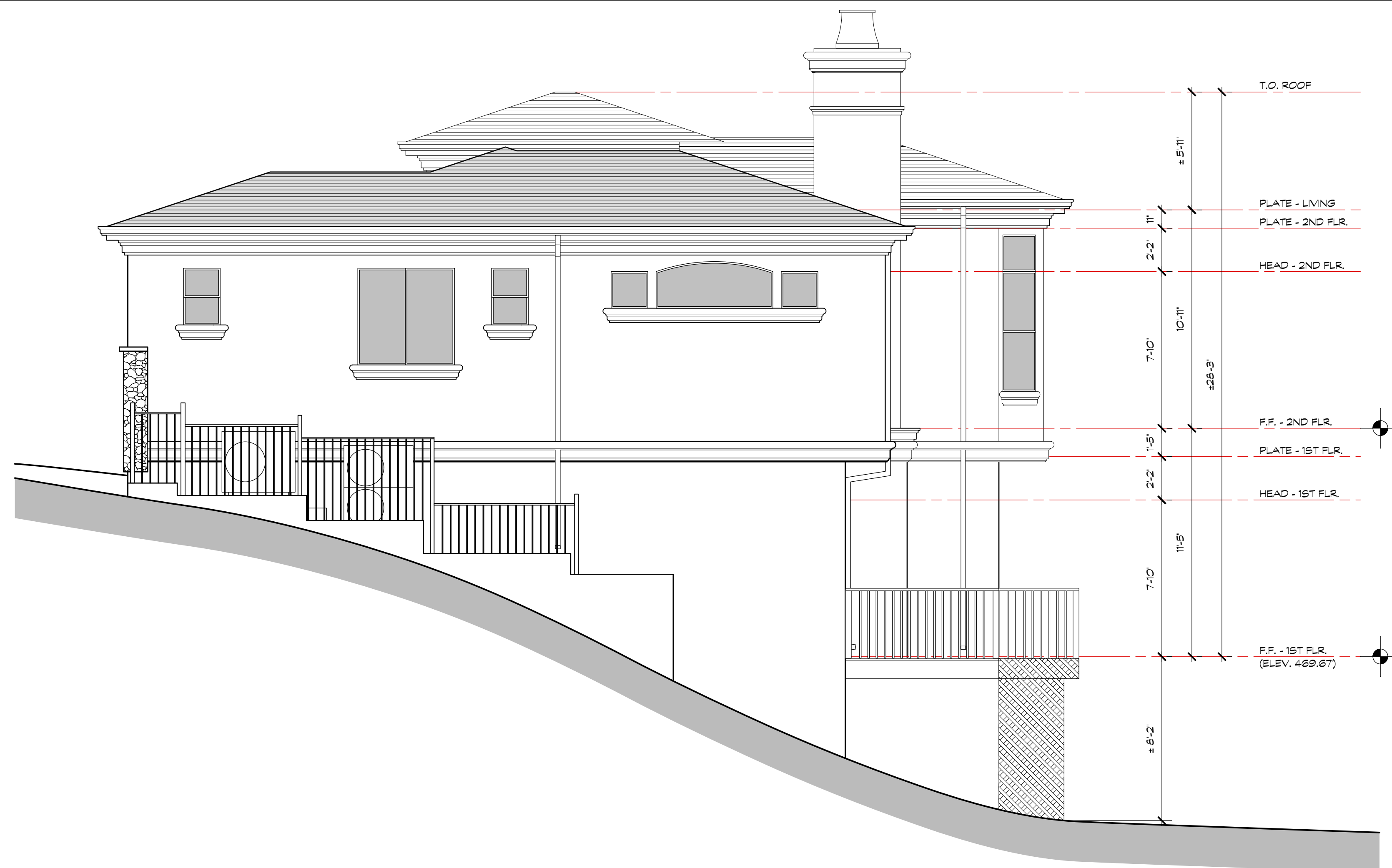


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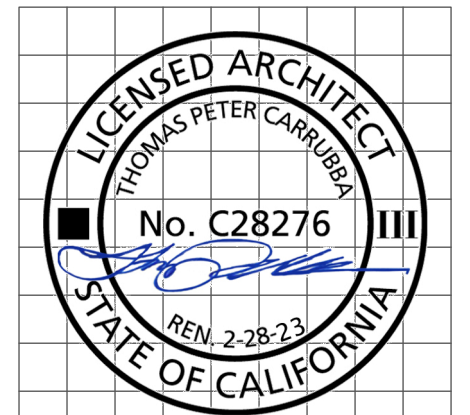
EXISTING FRONT (EAST) EXTERIOR ELEVATION 1/4" 1



EXISTING SIDE (NORTH) EXTERIOR ELEVATION 1/4" 2

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sheet title
EXISTING EXTERIOR ELEVATIONS

date 12.20.22

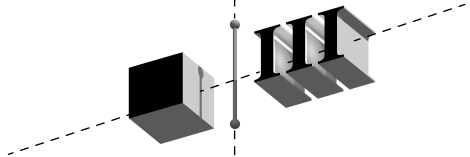
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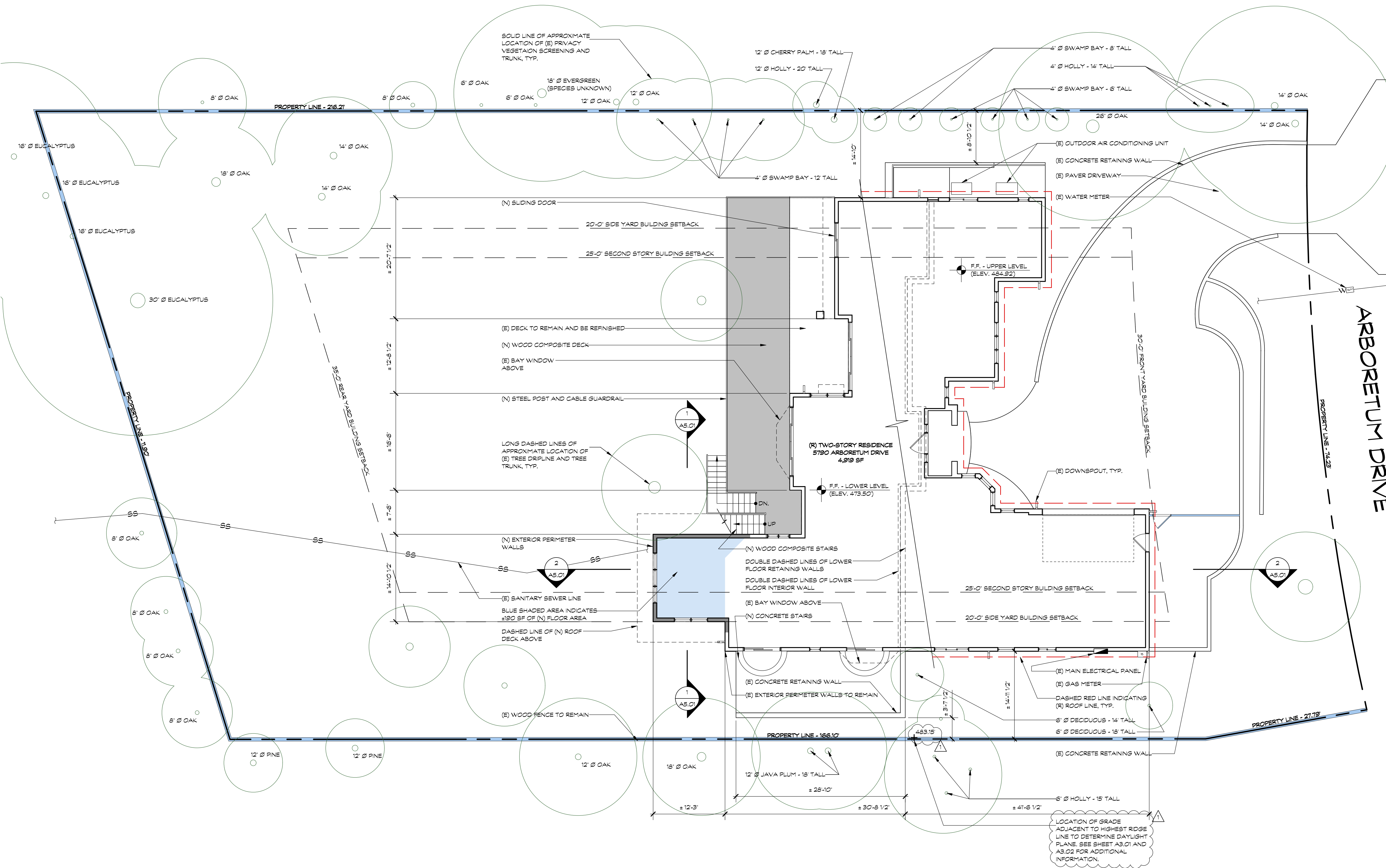
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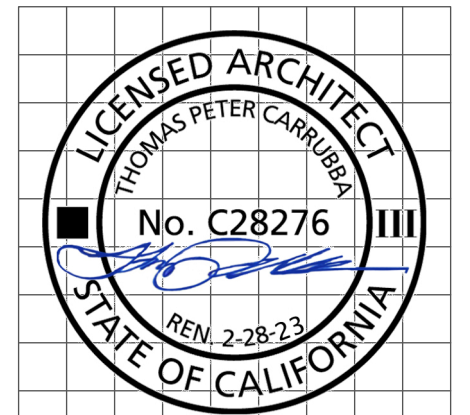
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PROPOSED SITE PLAN

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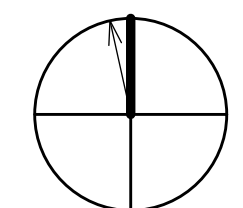
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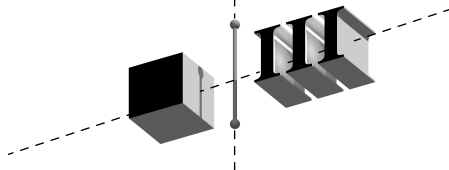
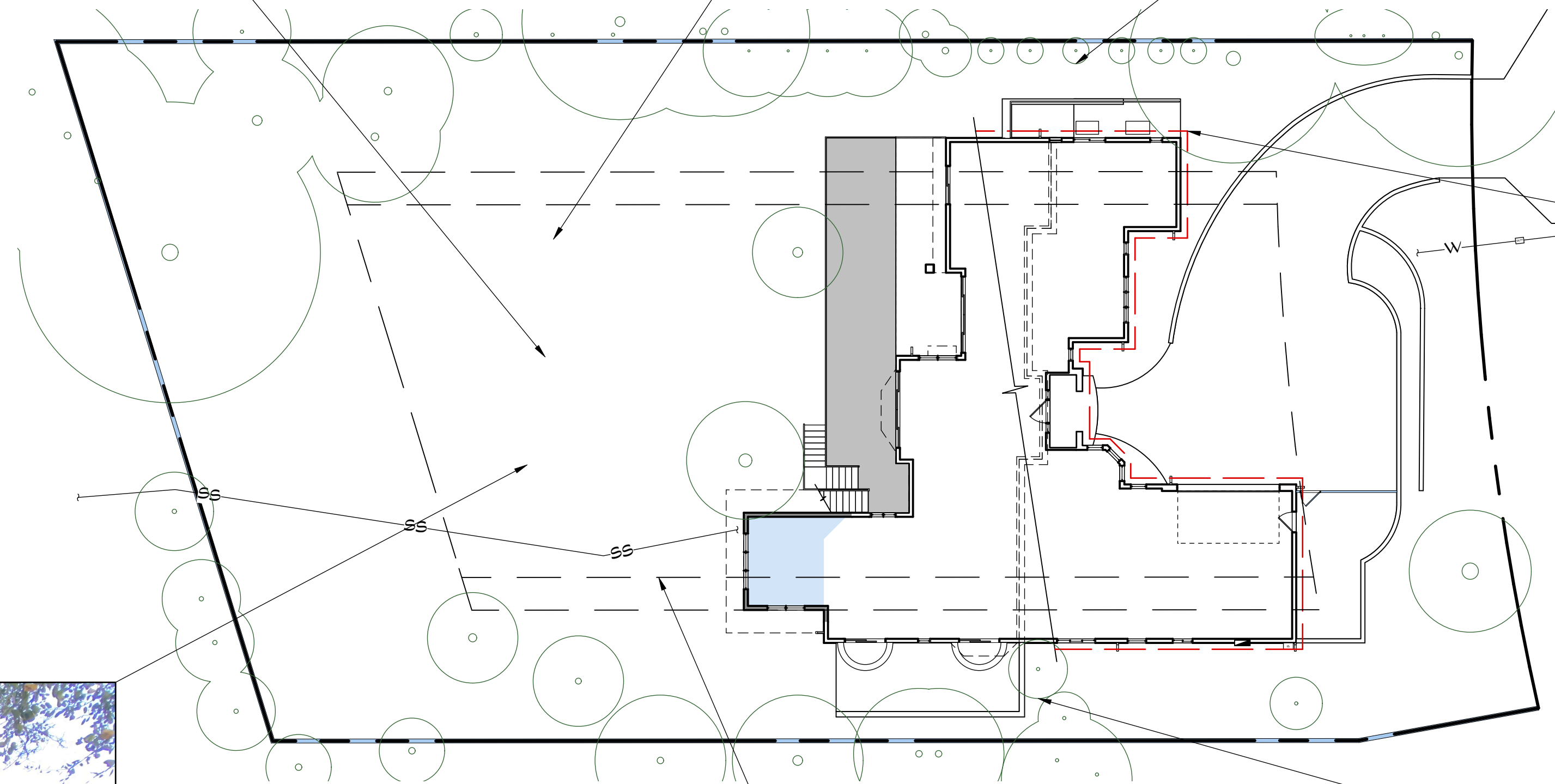
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FILE: 22101_DRR_sht_plans.v2022

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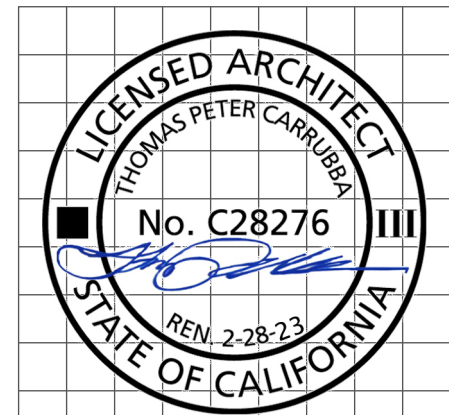




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PRIVACY SCREENING PHOTOS

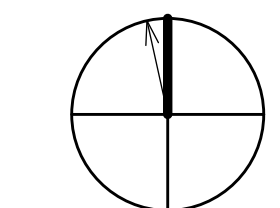
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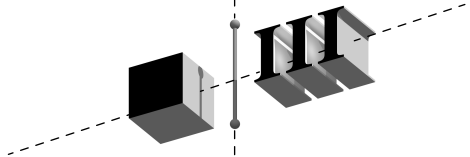
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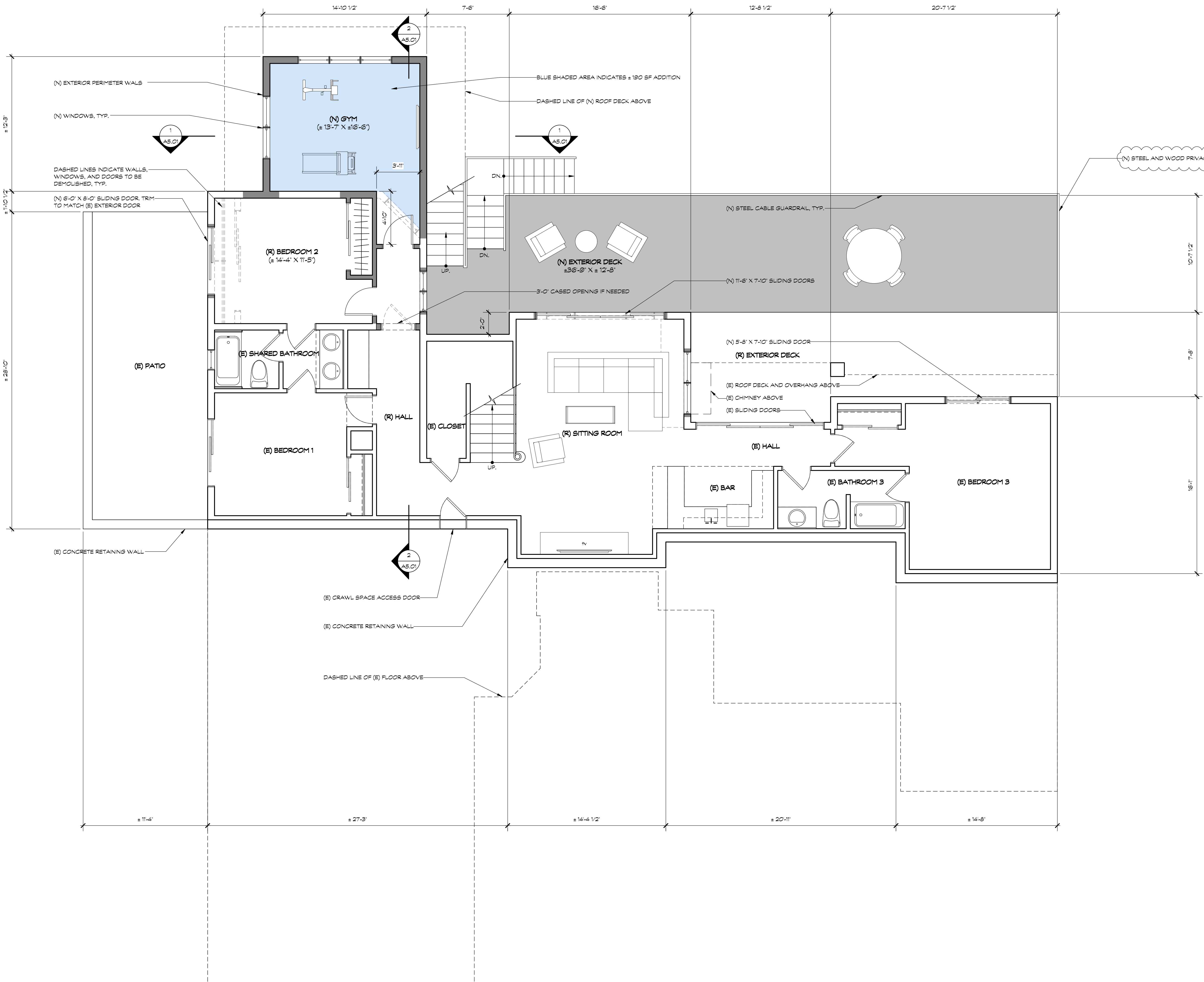
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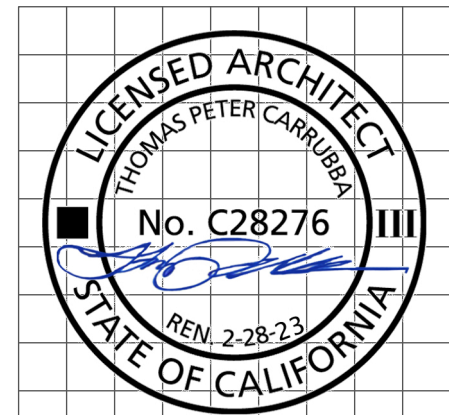
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sheet title
PROPOSED LOWER FLOOR PLAN

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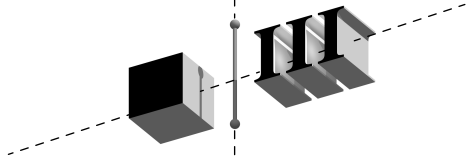
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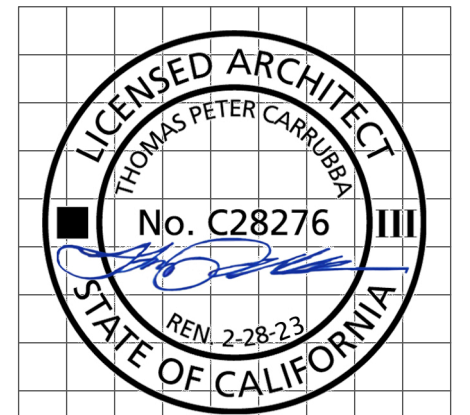
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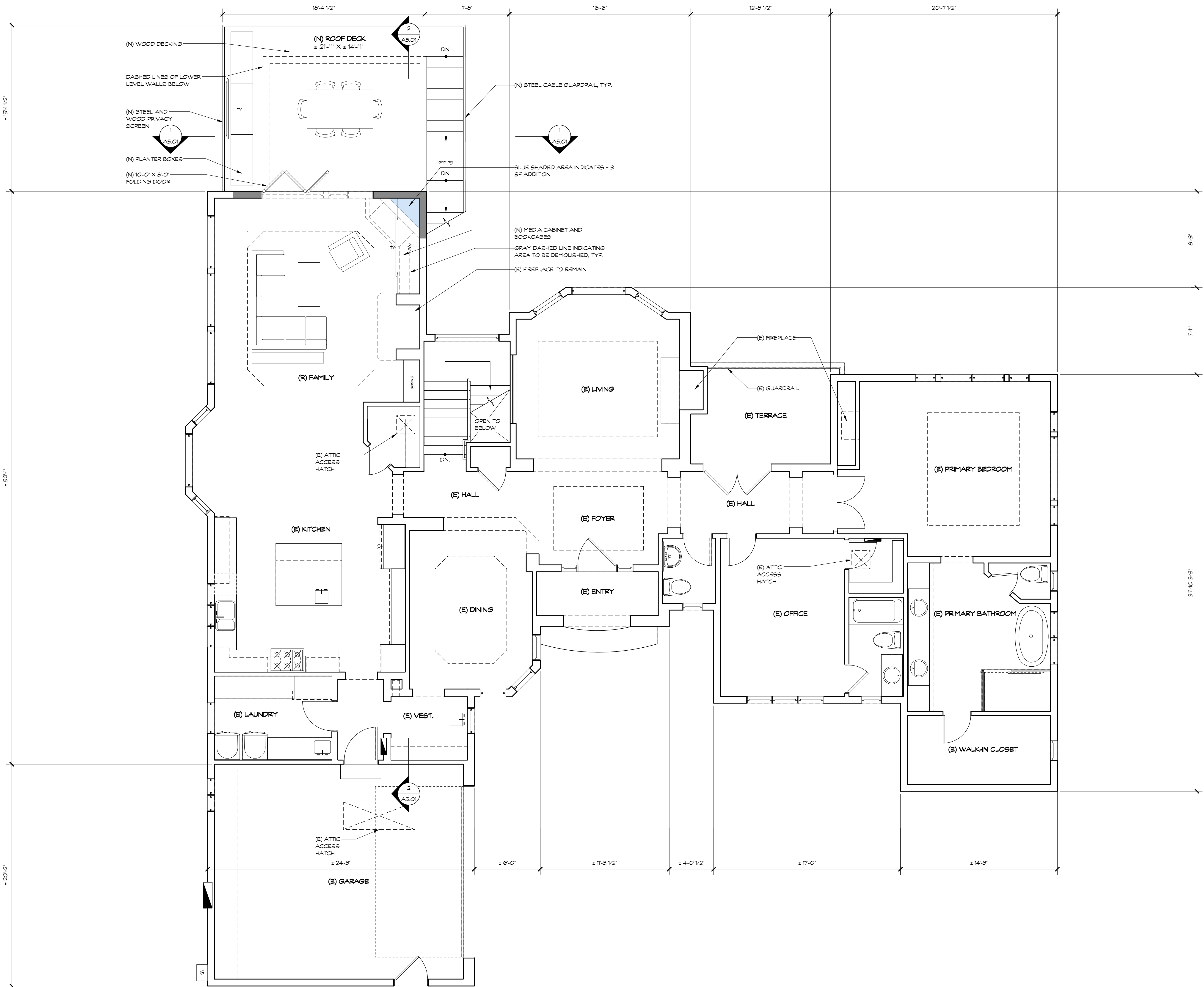


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revision	date
1	12/16/22

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 job no.: 22101
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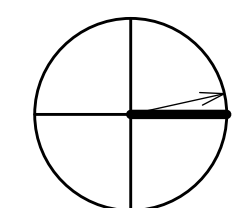
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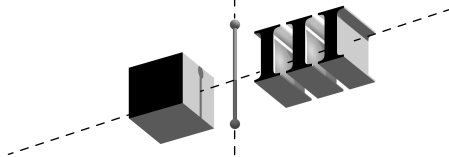


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PROPOSED UPPER FLOOR PLAN

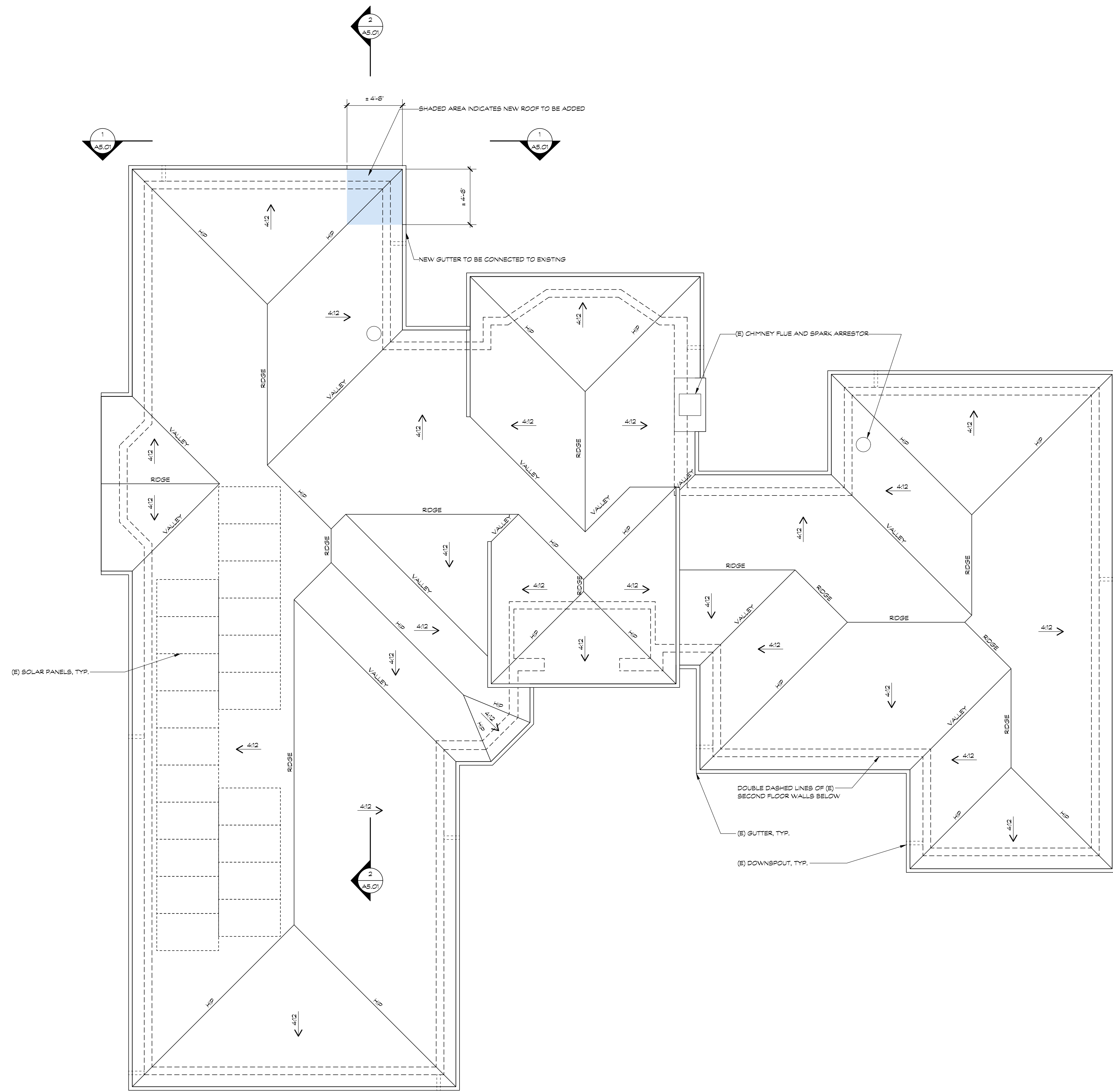
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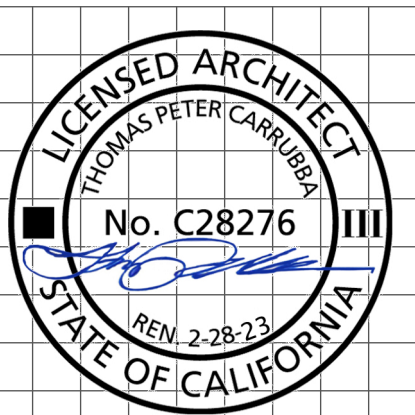
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PROPOSED ROOF PLAN

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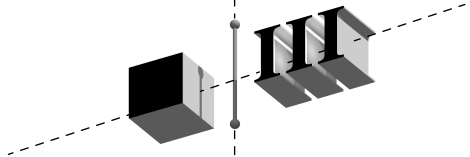
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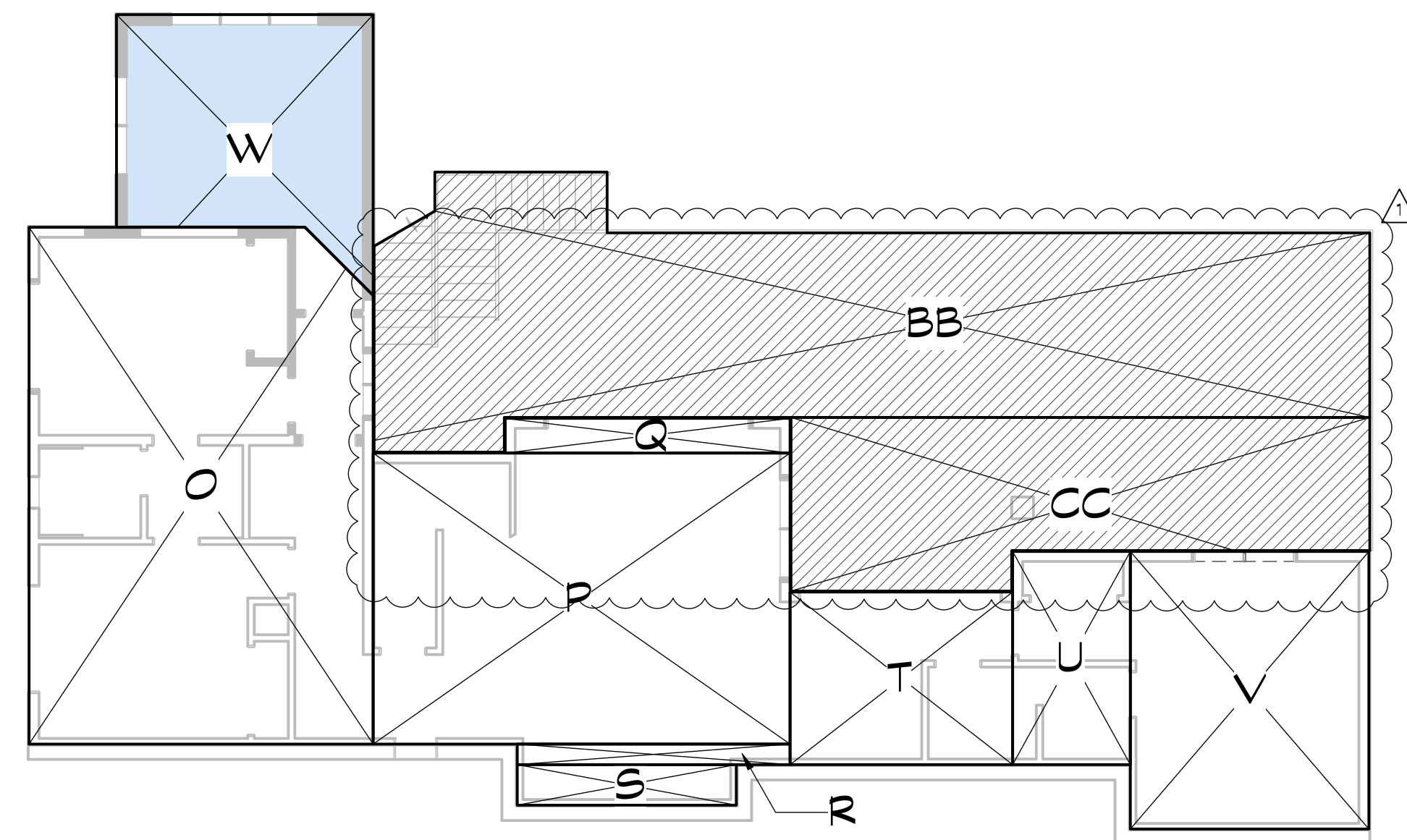
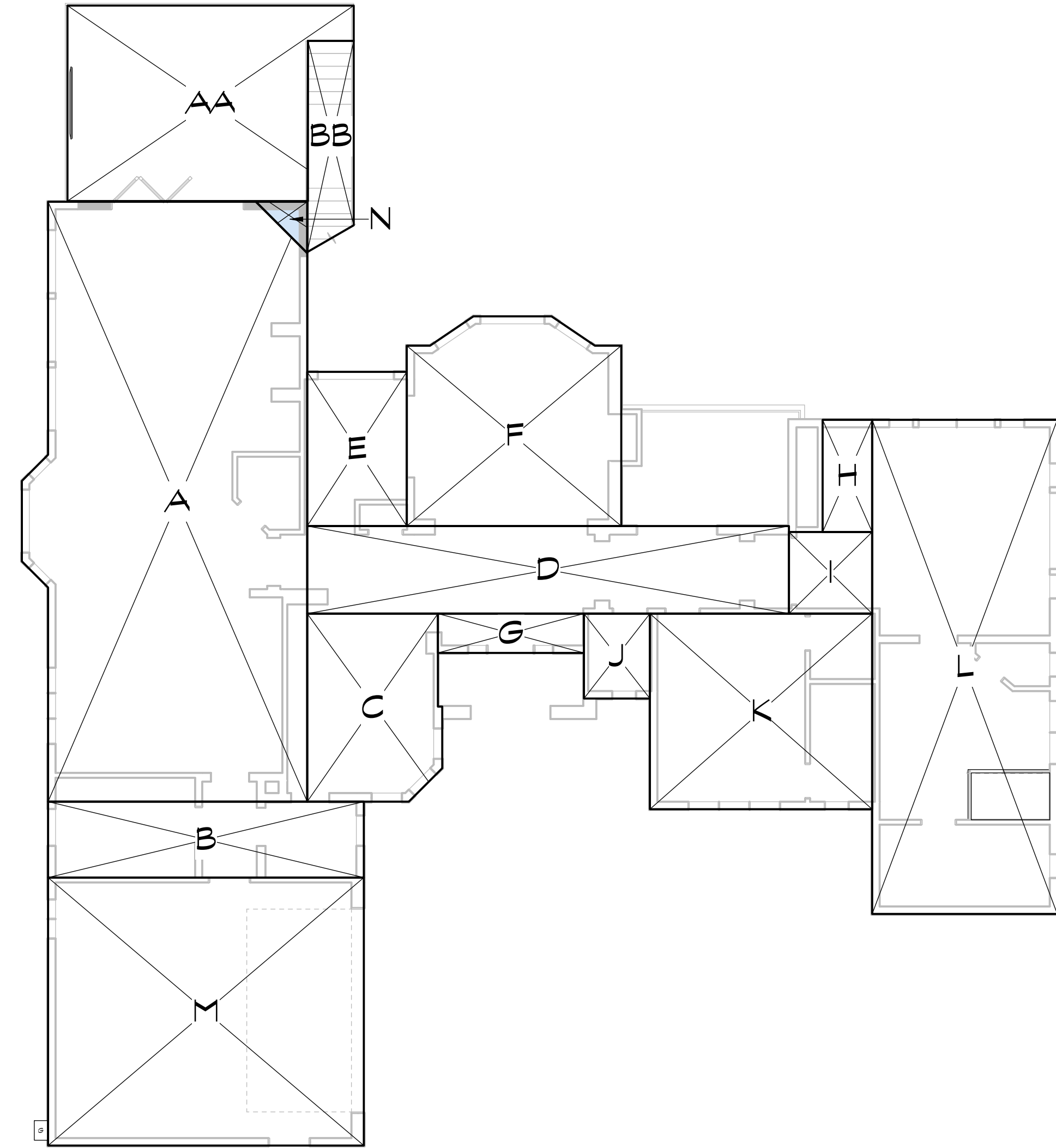
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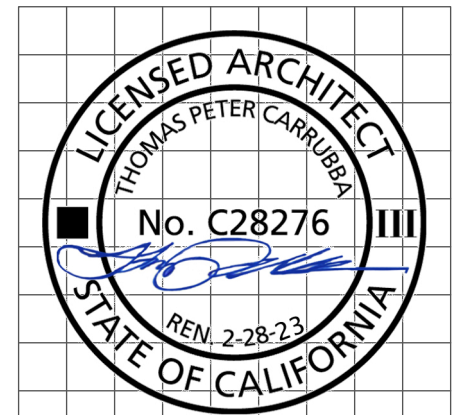
900 high street suite 3
palo alto, ca 94301
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UPPER FLOOR AREA		
SECTION	DIMENSION	AREA
A	± 21'-10" x ± 45'-10"	916.7 SF
B	24'-2" x 5'-10"	140 SF
C	± 10'-4" x ± 14'-5"	142.6 SF
D	36'-10" x 6'-8"	246.4 SF
E	7'-7" x 11'-9"	89.6 SF
F	± 16'-5" x ± 16'-0"	246.8 SF
G	11'-2" x 3'-0"	33.5 SF
H	3'-9" x 8'-7"	32.5 SF
I	6'-4" x 6'-3"	39.7 SF
J	5'-0" x 6'-6"	32.7 SF
K	17'-0" x 14'-11"	253.9 SF
L	14'-2" x 13'-9"	534.2 SF
M	24'-2" x 20'-6"	494.3 SF
TOTAL EXISTING UPPER FLOOR AREA = 2,708.6 SF		
GARAGE FLOOR AREA (M) = 494.3 SF		
LOWER FLOOR AREA		
SECTION	DIMENSION	AREA
O	19'-10" x 29'-9"	581.6 SF
P	24'-0" x 16'-9"	402.1 SF
Q	16'-5" x 2'-0"	32.8 SF
R	15'-8" x 1'-2"	18.6 SF
S	12'-7" x 2'-4"	29.4 SF
T	12'-10" x 9'-11"	127.3 SF
U	6'-9" x 12'-3"	83.2 SF
V	13'-9" x 15'-12"	219.4 SF
TOTAL EXISTING LOWER FLOOR AREA = 1,494.5 SF		
PROPOSED FLOOR AREA		
SECTION	DIMENSION	AREA
N	± 3'-11" x ± 3'-11"	7.7 SF
W	± 14'-9" x ± 16'-2"	188.6 SF
PROPOSED FLOOR AREA (N+W) = 196.3 SF		
TOTAL FLOOR AREA = 4,893.7 SF		
DECK FLOOR AREA*		
AA	± 21'-11" x ± 14'-11"	284 SF
BB	± 57'-4" x ± 12'-8"	713 SF
CC	± 33'-4" x ± 10'-0"	285.1 SF
TOTAL DECK AREA (O+Y+Z) = 1,282.1 SF		
*HATCHED AREA INDICATING AREA COUNTED FOR SITE COVERAGE. SEE PROJECT TABULATION 4/AO.01 FOR ADDITIONAL INFO		

DESIGN REVIEW APPROVAL SET - NOT FOR CONSTRUCTION

A REMODEL/ADDITION FOR:
EWAYS FAMILY
5790 ARBORETUM DRIVE
LOS ALTOS, CA 94024



revision	date
1	12/16/22

sheet title

FLOOR AREA COVERAGE AND CALCULATION DIAGRAM

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date 12.20.22

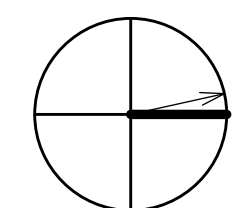
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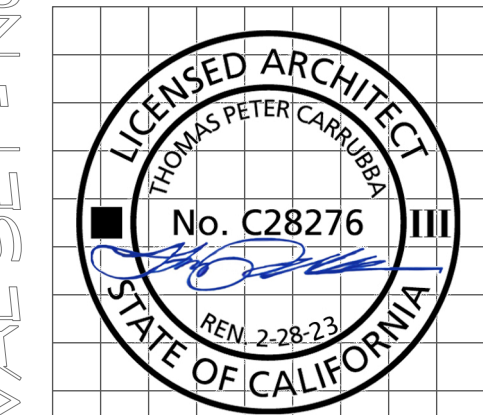
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A REMODEL/ADDITION FOR:
EWAYS FAMILY
5790 ARBORETUM DRIVE
LOS ALTOS, CA 94024



revision	date
1	12/16/22

revision date

1 12/16/22

IR COMMENTS

12/16/22

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PROPOSED EXTERIOR ELEVATIONS

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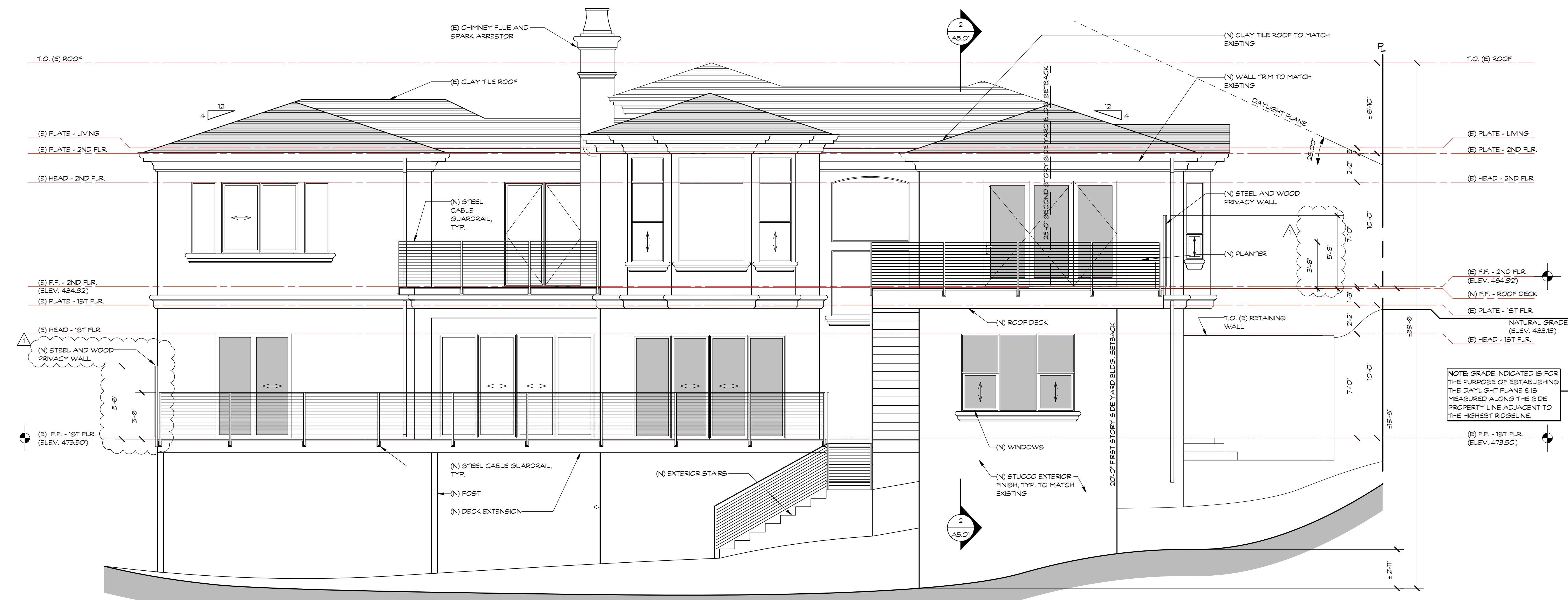
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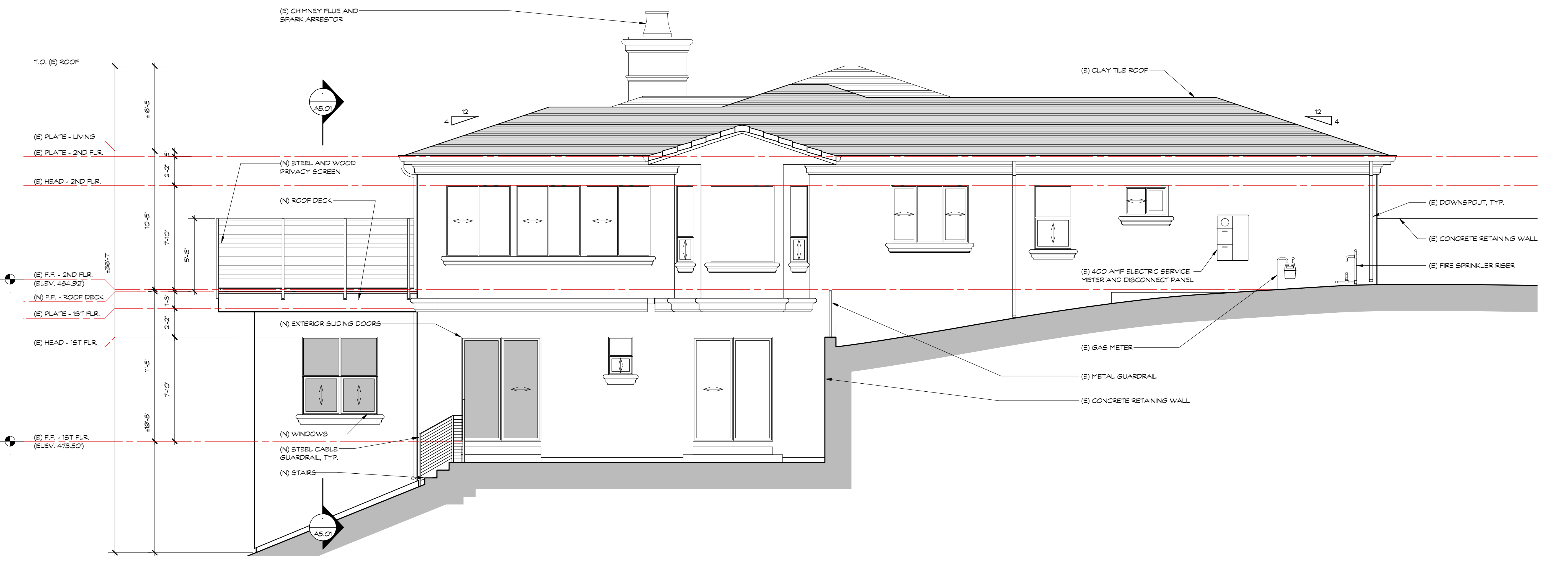
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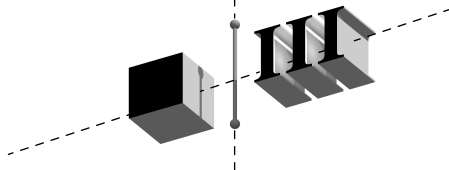


PROPOSED REAR (WEST) EXTERIOR ELEVATION 1/4" 1



PROPOSED SIDE (SOUTH) EXTERIOR ELEVATION 1/4" 2

DESIGN APPROVAL SET - NOT FOR CONSTRUCTION

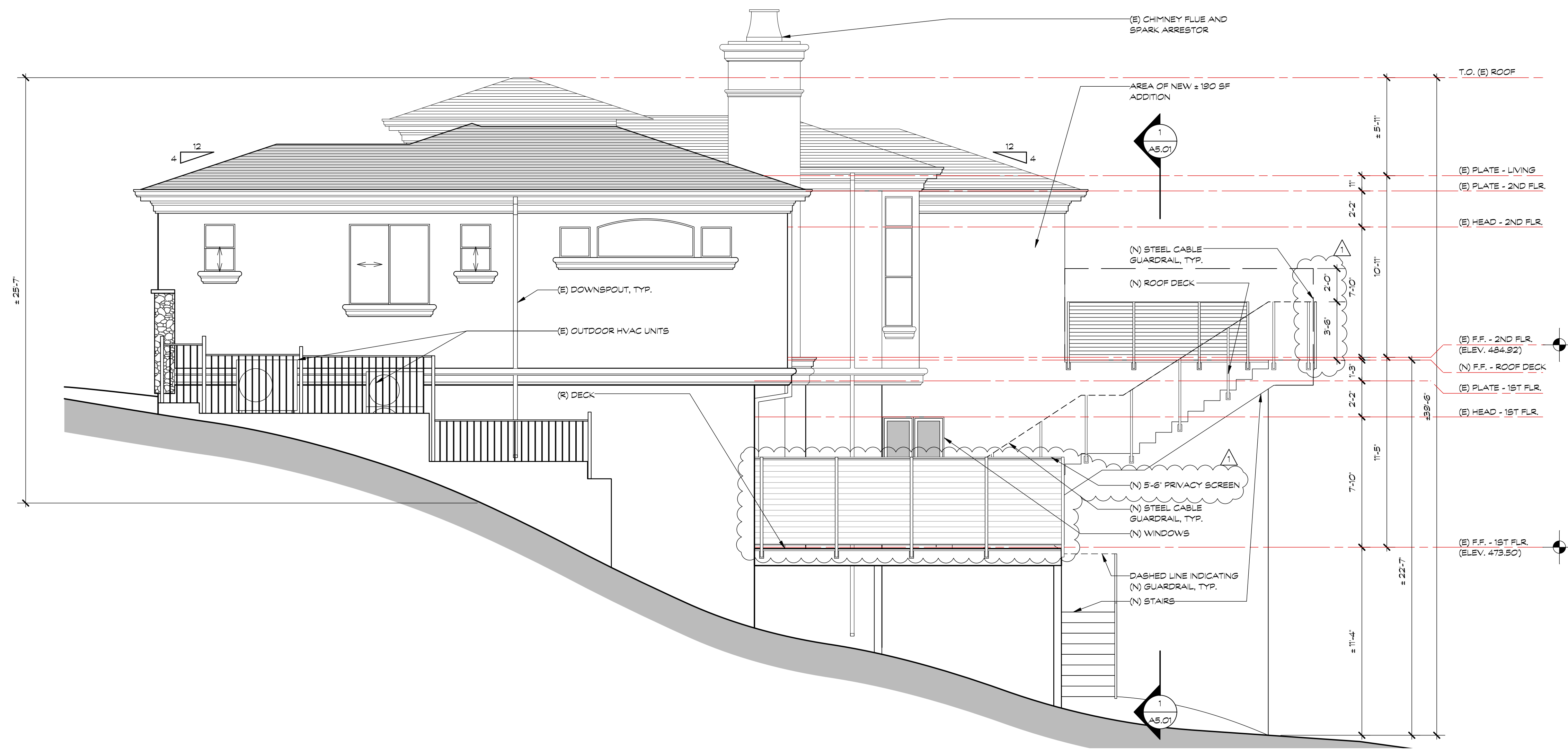


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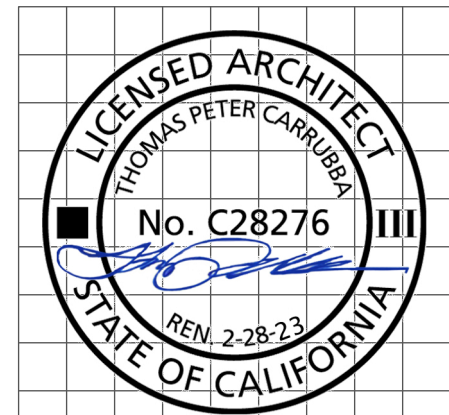
PROPOSED FRONT (EAST) EXTERIOR ELEVATION - NO NEW WORK PROPOSED 1/4" 1



PROPOSED SIDE (NORTH) EXTERIOR ELEVATION 1/4" 2

DESIGN APPROVAL SET - NOT FOR CONSTRUCTION

A REMODEL/ADDITION FOR:
EWAYS FAMILY
5790 ARBORETUM DRIVE
LOS ALTOS, CA 94024



revision date

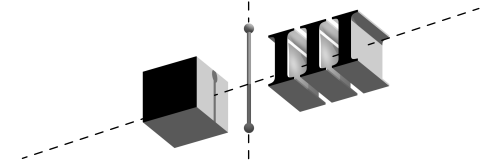
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PROPOSED EXTERIOR ELEVATIONS
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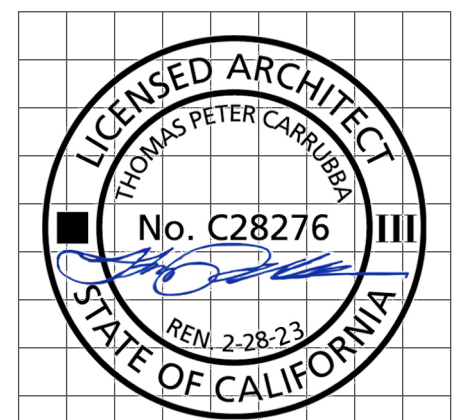
EXISTING VIEW TO WEST FROM EXISTING LOWER FLOOR DECK (SAME VANTAGE POINT AS NEW DECK AREA) 1/4" 1



EXISTING VIEW TO SOUTH WEST FROM UPPER FLOOR WINDOW (SAME VANTAGE POINT AS NEW ROOF DECK) 1/4" 2

DESIGN APPROVAL SET - NOT FOR CONSTRUCTION

A REMODEL/ADDITION FOR:
EWAYS FAMILY
5790 ARBORETUM DRIVE
LOS ALTOS, CA 94024



revision	date

sheet title

EXISTING EXTERIOR VIEWS

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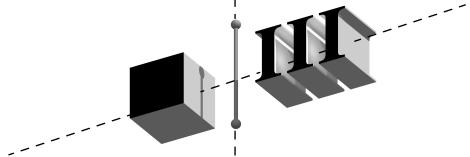
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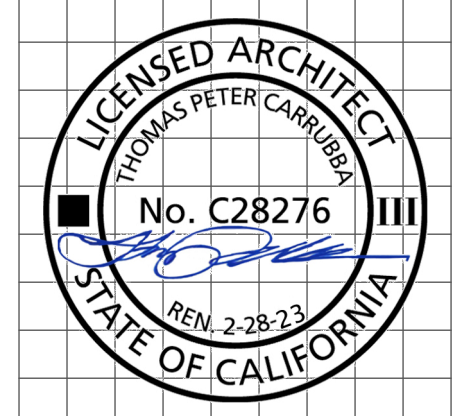
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A REMODEL/ADDITION FOR:
EWAYS FAMILY
5790 ARBORETUM DRIVE
LOS ALTOS, CA 94024

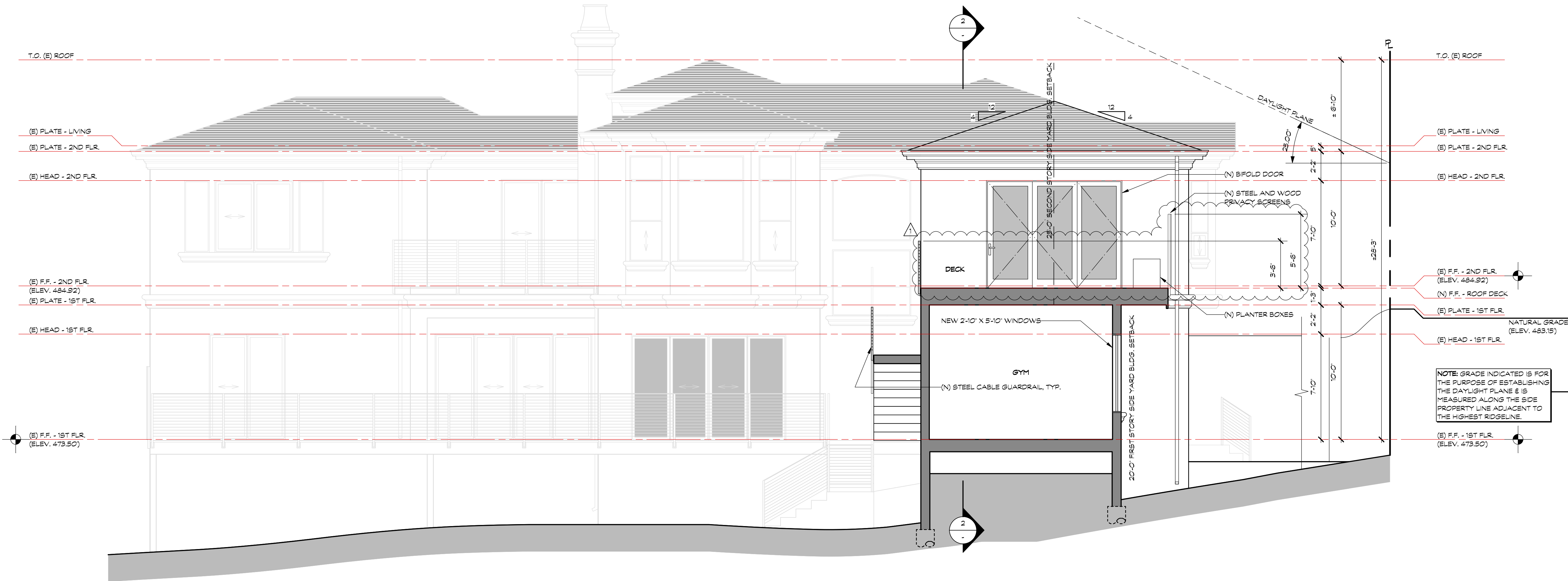


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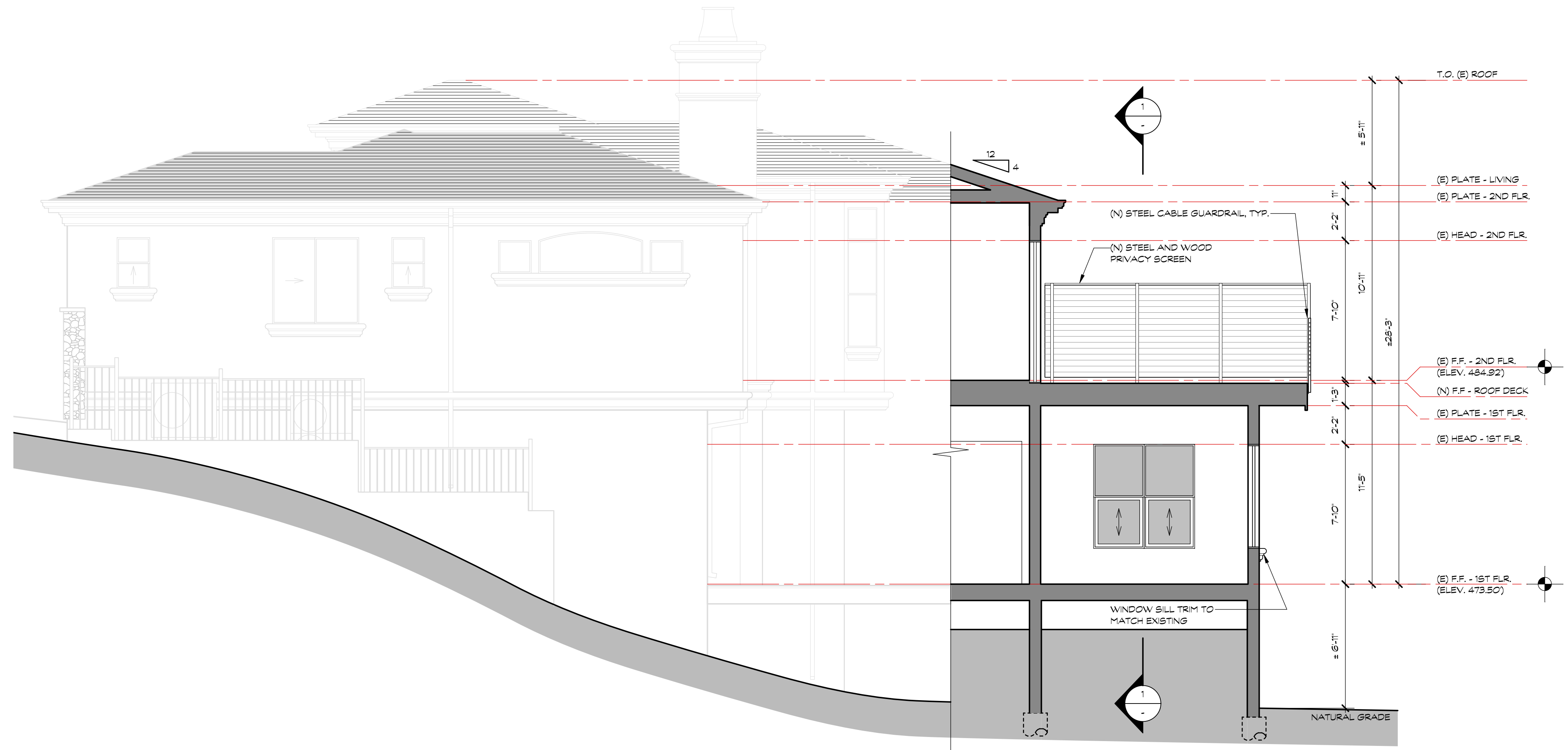
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BUILDING SECTIONS

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PROPOSED REAR (WEST) SECTION 1/4" 1



PROPOSED SIDE (SOUTH) SECTION 1/4" 2

DESIGN APPROVAL SET - NOT FOR CONSTRUCTION



CITY OF LOS ALTOS APPEAL FORM
 1 North San Antonio Road, Los Altos, CA 94022; (650) 947-2700

Agenda Item # 15.

CITY CLERK'S OFFICE

MAY 31 2023

NOTE TO APPLICANT:

Please attach any supplemental documents to this form as part of your appeal. **CITY OF LOS ALTOS**

Type of Appeal:

<input type="checkbox"/> Appeal of Administrative Determination	Fees – Please Refer to Master Fee Schedule: https://www.losaltosca.gov/communitydevelopment/page/forms-and-handouts-0
<input type="checkbox"/> Appeal of Development Review Commission Decision	
<input checked="" type="checkbox"/> Appeal of Planning Commission Decision	

Appellant Contact Information:

Name: Marwan and Lisa Eways Telephone Number: 415-806-7410
 Mailing Address: 5790 Arboretum Dr, Los Altos CA 94024
 Email Address meways@yahoo.com

Signature: _____

Project Information (about the project for which the appeal is being submitted):

Planning Commission/DRC Meeting Date: 5/18/2023
 Administrative Determination Date: 5/18/2023
 Planning Division File #: SC22-0029 and V23-0002
 Property Address: 5790 Arboretum Dr, Los Altos CA 94024
 Assessor's Parcel Number: 342-04-093 (Can be found on staff report)

Reason for Appeal / Explanation of Error or Abuse of Discretion.

Please describe the alleged error or abuse, or how the decision is not supported by substantial evidence in the record. Please identify if this appeal will be under Chapter 1.12 of the Municipal Code (Appeal Ordinance) or an appeal under Section 14.76.100 of the Municipal Code (Design Review Appeal). Attach additional pages if necessary.
At variance hearing on 5/18, we tied 3 - 3 in a straw vote because a commissioner was absent. As a result, the commission recommended we appeal to the City Council.

**The Los Altos Planning Department Counter is open Monday – Friday (closed alternate Fridays)
 From 7:30 p.m. – 5:00 p.m.
 Telephone: (650) 947-2700
 If you need assistance from the City Clerk's office, please call 650-947-2610.**



PLANNING COMMISSION MEETING MINUTES

7:00 PM - Thursday, May 18, 2023

*Telephone/Video Conference and In-Person
Community Meeting Chambers, Los Altos City Hall
1 North San Antonio Road, Los Altos, CA*

CALL MEETING TO ORDER

At 7:00 p.m. Vice-Chair Ahi called the meeting to order.

ESTABLISH QUORUM

PRESENT: Vice-Chair Ahi, Commissioners Beninato, Disney, Doran, Roche and Steinle

ABSENT: Chair Mensinger

STAFF: Development Services Director Zornes, Planning Services Manager Williams, and Associate Planner Liu

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Commissioner Doran made comments about bike electrification.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

1. Planning Commission Minutes

Approve the minutes of the special Joint Planning Commission/Complete Streets Commission meeting of March 23, 2023.

Action: Upon motion by Commissioner Steinle, seconded by Commissioner Roche, the Commission recommended approval of the minutes of the special Joint Planning Commission/Complete Streets Commission meeting of March 23, 2023 as written.

The motion was approved (6-0) by the following vote:

AYES: Doran, Ahi, Beninato, Disney, Roche and Steinle

NOES: None

ABSENT: Mensinger

PUBLIC HEARING

2. SC22-0029 and V23-0002 - Bryan Lee - 5790 Arboretum Drive

Design Review for a 190 square-foot addition at the first story and a 327 square-foot second story deck to an existing single-family home. A variance is requested for a 16-foot and six-inch, second-story side setback for the second-story deck, where a 25-foot side setback is required in the R1-20 Zoning District. The project is exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (“Existing Facilities”). *Project Planner: Liu*

Associate Planner Liu gave the staff report presentation and answered Commissioner questions.

Project architect Bryan Lee provided a project presentation and went over the project details.

Vice-Chair Ahi opened the public comment period.

PUBLIC COMMENT

Resident Jerry Schoening and Evangeline provided public comments.

Vice-Chair Ahi closed the public comment period and Commission discussion proceeded.

Action: Upon a motion by Commissioner Beninato, seconded by Commissioner Steinle, the Commission recommended denial of the requested design review application (SC22-0029) and variance application (V23-0002) per the findings contained in the attached resolution and find the project exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15270 (“Projects Which are Disapproved”).

The motion was approved (6-0) by the following vote:

AYES: Ahi, Beninato, Doran, Disney, Roche and Steinle

NOES: None

ABSENT: Mensinger

COMMISSIONERS' REPORTS AND COMMENTS

Commissioners Beninato made comments.

ADJOURNMENT

Vice-Chair Ahi adjourned the meeting at 8:25 PM.

Stephanie Williams
Planning Services Manager



**PLANNING COMMISSION
AGENDA REPORT**

Meeting Date: May 18, 2023

Subject: SC22-0029 & V23-0002 - 5790 Arboretum Drive

Prepared by: Jia Liu, Associate Planner

Initiated by: Marwan and Lisa Eways, Applicant

Attachments:

- A. Draft Resolution
- B. February 15, 2023 DRC Meeting Minutes
- C. Applicant Variance Justification Letter
- D. Project Plans

Recommendation

Deny the requested design review application (SC22-0029) and variance application (V23-0002) per the findings contained in the attached resolution and find the project exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15270 (“Projects Which are Disapproved”).

Summary

The proposed project is a request for design review and variance to allow an addition to an existing single-family residence consisting of an approximately 190 square-foot addition and 465 square-foot deck on the first story and an eight square-foot addition and 327 square-foot deck on the second story. The variance is requested for a 16-foot and six-inch, second-story side setback for the second-story deck, where a 25-foot side setback is required.

Background

Property History and Existing Site Conditions

The 4,697 square foot home was originally approved in 2003 by the County of Santa Clara when the property was within the County’s jurisdiction. In 2006, the neighborhood, commonly known as Woodland Acres Neighborhood, was annexed into the City. As one of the properties in the annexed neighborhood, any new development on the property is subject to current City standards.

Subject: SC22-0029 & V23-0002 - 5790 Arboretum Drive

As the original development was subject to the County’s zoning regulations, which have less restrictive setbacks than current city regulations, the existing house is a legal non-conforming structure. The non-conformities include the two side setbacks that currently require 20-foot first story setback and 25-foot second story setback compared to the existing house’s 15-foot side setbacks for both the first and second stories.

The property is a sloped lot with the home located on the more level portion of the property towards the street and the rear yard is sloped with an approximately 30-foot elevation difference within a 100-foot depth. The rear yard also appears to remain undisturbed with some existing vegetation including two trees that are close to the proposed deck areas.

Design Review Commission Meeting

On February 15, 2023, the Design Review Commission (DRC) discussed the proposed design review application in a public meeting. The staff report recommended approval to the DRC, subject to a specific condition that requires the revision of the second-story deck to comply with the required second-story setback resulting in a setback of 25 feet instead of the proposed sixteen feet and six inches. However, the applicant opposed this condition and expressed the intent to the DRC to seek a variance to allow the non-compliant side setback for the deck as proposed. The DRC subsequently continued the item to a meeting date uncertain and advised the applicant to apply for a concurrent variance application to proceed per the applicant’s request. The DRC Meeting Minutes for February 15, 2023 are available in Attachment B, and it should be noted that the proposal presented to the Planning Commission remains unchanged from the one discussed at the DRC meeting.

Following the zoning code amendments to implement the City's 2023-2031 Housing Element earlier this year, the Design Review Commission has since been dissolved and the review authority for design review applications for single-family residential developments has been delegated to the Zoning Administrator and the review for variance applications delegated to the Planning Commission. Because the variance request is subject to Planning Commission review, the design review request is being bundled with the variance request for the Commission’s consideration.

Analysis

Design Review Application

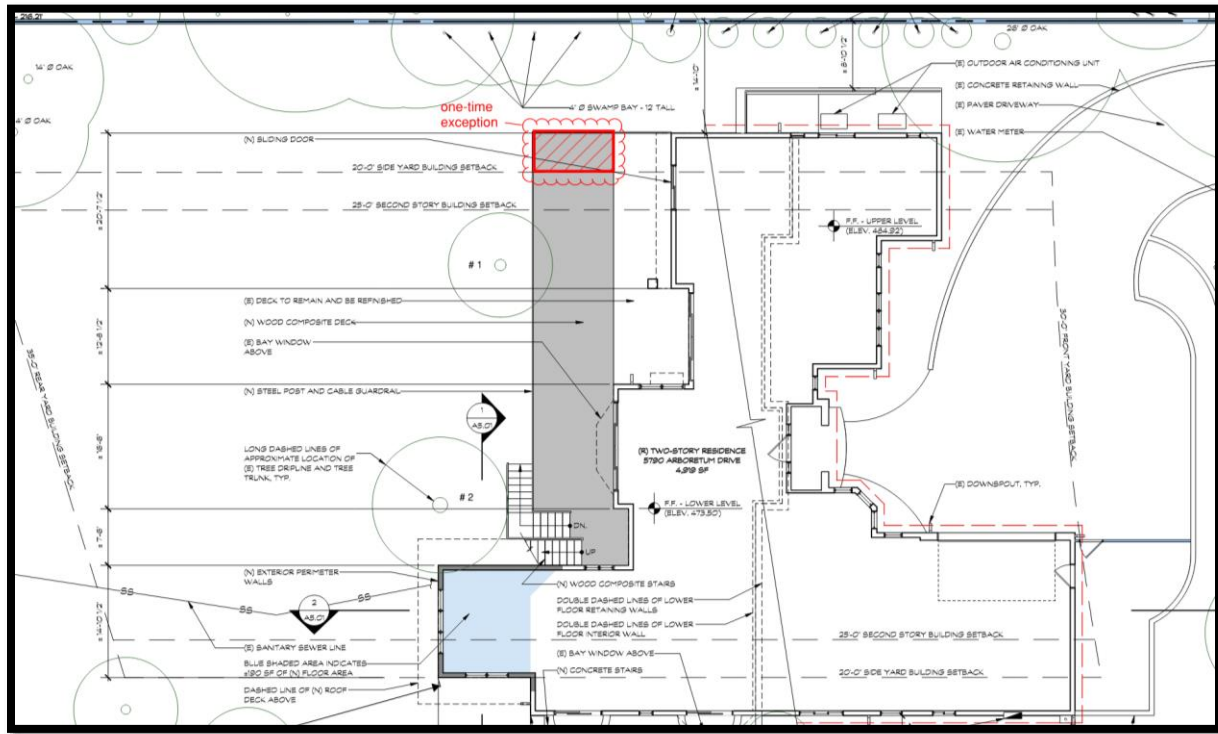
As discussed previously, the existing home is a nonconforming structure. The proposed 190 square-foot addition on the first floor and eight square-foot addition at the second floor are consistent with the current City development standards, including the side setbacks. The proposed first floor deck expansion along the rear elevation has a proposed 15-foot side setback, where the required minimum setback is 20 feet (shown as the area in red in Figure 1 below) which is allowed per Section 14.10.080 E. of the Zoning Code which allows limited nonconforming expansions without a variance as follows:

Where a building legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:

Subject: SC22-0029 & V23-0002 - 5790 Arboretum Drive

1. The extension may only be applied to the first story.
2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered, subject to the filing of a variance application.
3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.

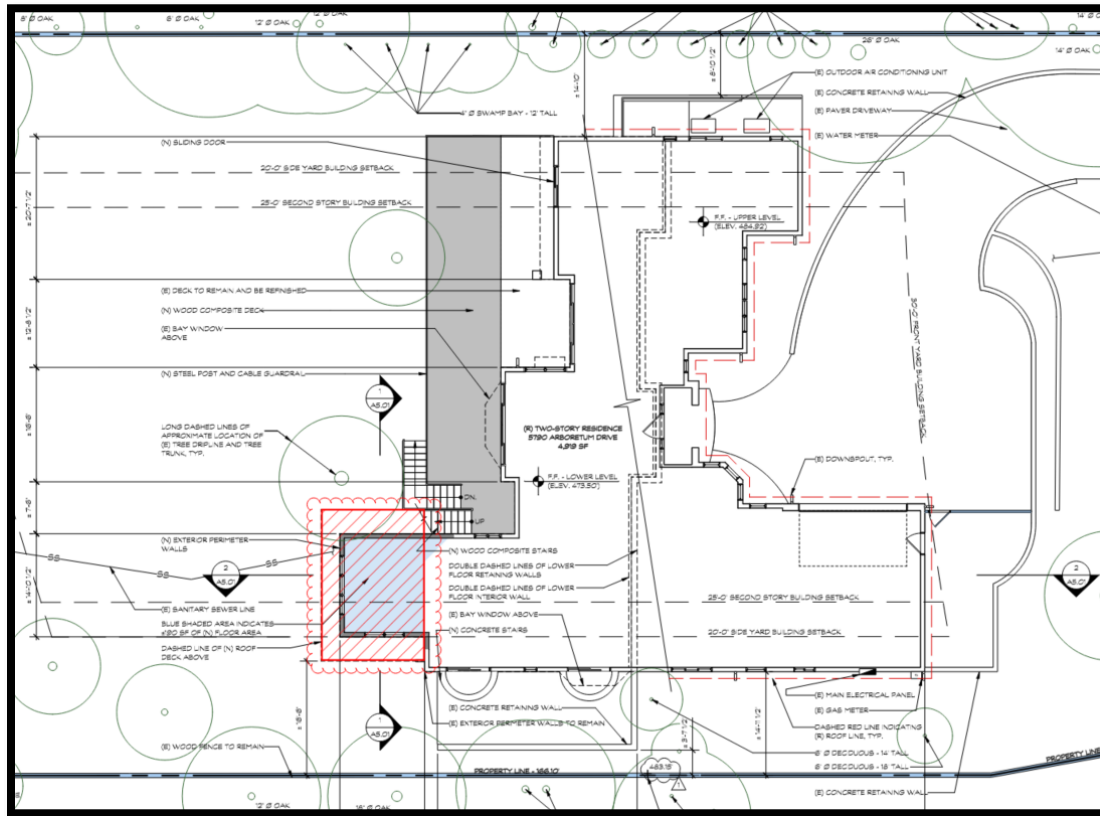
Figure 1



The second story deck (shown as the red area in Figure 2 below) is located on top of the proposed first story addition with a side setback of 16 feet and six inches where 25 feet is required and the allowance for limited nonconforming expansions without a variance only applies to the first story. To achieve the proposed design, the applicant is requesting a variance.

Subject: SC22-0029 & V23-0002 - 5790 Arboretum Drive

Figure 2



After thorough analysis of the requested variance, staff found that the variance findings cannot be made as will be further discussed in the next section. Due to the recommendation of denial to the Planning Commission for the variance, staff also recommends denial to the design review as the project does not meet the underlying zoning development standards and cannot meet the findings of the design review per LAMC Section 14.76.060. Alternatively, the Planning Commission can approve the design review permit conditioned on changes to the project to be consistent with the City's standards.

Variance Application

The variance being requested is for a reduction to the second story side setback. The proposed second story deck is proposed atop the first-story addition that will result in an eight-foot and six-inch encroachment into the required 25-foot setback.

Pursuant to LAMC Section 14.76.070 B., a variance may be granted only when all three findings cited below can be made. The third criterion derives from state law (see Government Code Section 65906) and shall be strictly construed.

1. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;

Subject: SC22-0029 & V23-0002 - 5790 Arboretum Drive

- 2. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
- 3. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

As part of the variance application submittal requirements, the applicant provided a variance justification letter enclosed in Attachment C for the Commission’s reference. This letter outlines the applicant's explanation why they believe the requested variance should be granted by demonstrating how each finding is met. Regarding Finding No. 1, the applicant believes the project meets two objectives set forth in LAMC Chapter 14.02 including Subsection F - To protect and enhance real property values within the city; and Subsection G - To conserve the city's natural beauty, to improve its appearance, and to preserve and enhance its distinctive physical character.

Based on the given statement, staff has found that this finding cannot be justified because it does not meet the objective of ensuring a harmonious and convenient relationship among land uses, as specified in Subsection B that will deviate the second story side setback standard from the city’s zoning regulations.

Furthermore, staff would like to raise the question of whether granting the variance is necessary to meet the two objectives that the applicant believes the project meets. Upon review, staff found that there are alternative design options available for the proposed deck that can achieve the same goal. For example, the proposed deck can be expanded towards the north to comply with the second-story side setback while still providing the same size deck in a slightly different configuration. Another option to consider is expanding the existing second-story terrace through the hallway. With the possibility of other design solutions, staff does not believe that this finding can be made.

Regarding Finding No. 2, the applicant felt the finding could be made for several reasons. First, the deck is located at the rear of the house, making it invisible from the street, and its small size and lower elevation than the street further contribute to its inconspicuousness. Second, there are no privacy concerns since the deck is not aligned with neighboring structures but is instead proposed to be built with a proposed privacy screening wall. The deck will also be screened by existing screening vegetation. Additionally, the neighbors have expressed support, and two adjacent properties already have non-compliant second-floor decks.

However, staff found that granting this variance could have negative impacts on the surrounding area by establishing a precedent, which could undermine the integrity of zoning regulations in the area. Also, staff found that the two adjacent properties with non-compliant second-floor decks are not existing precedents because:

- The property at 5810 Arboretum Drive, located to the south side, was developed prior to the annexation of the Woodland Acres Neighborhood. The existing non-compliant deck is a legal non-conforming structure, like the house.
- The property at 5770 Arboretum Drive, located to the north side, was granted a variance and design review application (12-V-11 and 12-SC-56) in 2013 by the Design Review Commission for construction of a new two-story house. The granted variance includes a reduction in the side

Subject: SC22-0029 & V23-0002 - 5790 Arboretum Drive

setbacks at both stories. However, staff does not believe that this example would be a precedent to the subject variance application since the property at 5770 Arboretum Drive has an average lot width that is less than 100 feet. In 2015, a zoning code amendment was adopted through Ordinance No. 2015-114 that allows properties with a lot width less than 100 feet in the R1-20 Zoning District to be subject to the R1-10 Zoning District's development standards. Therefore, the reduced side setbacks at both floors at 5770 Arboretum Drive are currently compliant.

Regarding Finding No. 3, the applicant believes that the property has several special circumstances that justify this variance application for approval. These circumstances include steeply sloping topography, the inability to comply with design guidelines without exception to the side yard setback, the existing legal non-conforming structure compared to the current City's setback requirements due to development prior to annexation, and the need to preserve a mature oak tree while designing an outdoor space.

Staff acknowledged the existence of the site's conditions with a steep slope throughout the rear yard. Due to this topography, staff is supportive of the proposed idea of a second story deck with a larger size than other proposed second-story decks on relatively flat lots. However, the slope is not considered special circumstance that would deprive the property owners' privileges because the owners have other options to achieve similar results for the enjoyment of their property by implementing a modified deck design as staff explained earlier in the report.

Additionally, the non-conformity of the existing home due to its development under the County's regulations does not justify further deviations from the current City setback requirements. The exception to allow the first-story deck's expansion in the zoning code acknowledges a non-conforming structure's existence and the desire from homeowners to align new development with the structure in a limited way.

Alternatives

The following alternatives to staff's recommendation may be considered by the Planning Commission:

1. Approve the project as proposed.
2. Deny the variance application and conditionally approve the design review application subject to a condition of approval requiring modifications to the project to be consistent with the City's standards.

Environmental Review

If the Planning Commission adopts the staff recommendation, then no environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") because CEQA does not apply to projects which are disapproved. If the Planning Commission approves the project, then it may find that the project is categorically exempt from environmental review under Section 15301 ("Existing Facilities") of the CEQA Guidelines because it involves an alteration and addition to an existing single-family dwelling in a residential zone within size limits specified in Section 15301(e), and none of the circumstances stated in CEQA Guidelines Section 15300.2 apply.

Subject: SC22-0029 & V23-0002 - 5790 Arboretum Drive

Public Notification and Community Outreach

A public meeting notice was posted on the property, mailed to property owners within a 300' radius, and published in the Town Crier. The applicant also posted the public notice sign (24" x 36") in conformance with the Planning Division posting requirements.

The applicant contacted the adjacent neighbors to the southside and northside in the immediate area for the community outreach. No comments from neighbors have been received by staff as of the writing of this report.

Melissa Thurman

From: Marwan Eways <meways@yahoo.com>
Sent: Wednesday, June 21, 2023 1:24 PM
To: Melissa Thurman
Subject: [External Sender]Re: Appeal Public Hearing - 5790 Arboretum Dr

Hi Melissa,

After checking with the team, we kindly request to be on the agenda for September 26th, 2023. Please let me know if you have any questions.

Thanks very much,

Marwan Eways | meways@yahoo.com | Cell: 415-806-7410

On Wednesday, June 21, 2023 at 10:08:54 AM PDT, Melissa Thurman <mthurman@losaltosca.gov> wrote:

Hello Mr. Eways,

The City Council does not meet on September 5th. They meet the second and fourth Tuesday of each month, except for the months of July (no second meeting), August (no first meeting), November (no second meeting) and December (no second meeting). The first meeting in September would be September 12th.

If September 12th works for you, please confirm as soon as possible. Please note the Council can continue your public hearing to one date certain; if after they continue the item you are unable to attend the next scheduled meeting, you will have to fund the next advertisement for another public hearing date.

Thank you and please confirm if September 12, 2023 at 7:00 p.m. works for your schedule.

Melissa Thurman, MMC

City Clerk

City of Los Altos

www.losaltosca.gov

1 N. San Antonio Road | Los Altos, CA 94022



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From: Marwan Eways <meways@yahoo.com>
Sent: Tuesday, June 20, 2023 7:03 PM
To: Melissa Thurman <mthurman@losaltosca.gov>
Subject: Re: Appeal Public Hearing - 5790 Arboretum Dr

Good evening Melissa,

I had a very full day today and apologize for the brief message. Thank you very much for your help!

After looking at the schedules, can we request to be on the Sept 5th agenda?

Regards,

Marwan Eways | meways@yahoo.com | Cell: 415-806-7410

On Tuesday, June 20, 2023 at 09:57:43 AM PDT, Marwan Eways <meways@yahoo.com> wrote:

Thank you

Sent from my iPhone

Marwan Eways - 415-806-7410

On Jun 20, 2023, at 9:48 AM, Melissa Thurman <mthurman@losaltosca.gov> wrote:

Hello Mr. Eways,

Thank you for your email. As the Public Hearing has already been noticed the item will be listed on the June 27th City Council agenda; however, staff will recommend to Council that they continue the item to a date certain of **Tuesday August 22, 2023 at 7:00 p.m. or shortly thereafter**. The City Council is taking a summer break and does not have any meetings scheduled between July 11 and August 22.

Please confirm receipt of this email. Thank you.

Melissa Thurman, MMC



City Clerk

City of Los Altos

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From: Marwan Eways <meways@yahoo.com>
Sent: Saturday, June 17, 2023 11:24 AM
To: Melissa Thurman <mthurman@losaltosca.gov>
Subject: Re: Appeal Public Hearing - 5790 Arboretum Dr

Good Morning Melisa,

Thanks for your note. My wife and I have a conflict on that day, my daughter is having surgery. Can we target the meeting on **July 25th**?

When speaking to Angel Rodriguez, I mentioned our conflicts: June 27, surgery for Ayden Eways, and July 11, Architect out, and asked if we could tentatively plan for late July or August.

Thanks,

Marwan Eways | meways@yahoo.com | Cell: 415-806-7410

On Saturday, June 17, 2023 at 07:25:42 AM PDT, Melissa Thurman <mthurman@losaltosca.gov> wrote:

Hello Mr. and Mrs. Eways,

The appeal of Planning Commission Decision for Planning Division File No. SC22-0029 and V23-0002 has been scheduled as a Public Hearing before the City Council on Tuesday June 27, 2023 at 7:00 p.m. or shortly thereafter.

The appeal you submitted to the City of Los Altos on May 31, 2023 is attached to this email, for reference, as is the Public Hearing notice which was advertised in the Daily Post on June 16, 2023. As we get closer to the meeting date, I will send another email to you with specifics for the appeal, including the length of time you will have to present your appeal to the City Council.

Should you have any questions please feel free to contact me. Please note the City of Los Altos will be closed on Monday June 19, 2023, in observance of Juneteenth.

Thank you.

Melissa Thurman, MMC

City Clerk

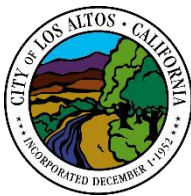
<image001.png> **City of Los Altos**

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Agenda Item # 15.



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject: Adoption by Reference 2021 International Property Maintenance Code

Prepared by: Nick Zornes, Development Services Director

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

Approved by: Gabriel Engeland, City Manager

Attachment(s):
1. Draft Ordinance
2. AB 838

Initiated by:
Staff

Fiscal Impact:
None

Environmental Review:

The Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

Summary:

- The draft ordinance adopts by reference the 2021 International Property Maintenance Code (IPMC).
- Local amendments included are only for purposes of enabling the enforcement capabilities as outlined in the IPMC and the Los Altos Municipal Code (LMAC).

City Manager
GE

Reviewed By:
City Attorney
JH



Subject: Adoption by Reference 2021 International Property Maintenance Code

Staff Recommendation:

Adoption by reference the 2021 International Property Maintenance Code with certain local amendments and find that the ordinance is exempt from CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

Background

California tenant protections have increasingly grown in the last several decades. Most recently, only July 1, 2022, AB 838 became effective which included an amendment to the Health and Safety Code, section 17970.5, which requires municipalities to send out an inspector once a complaint has been made. The city would then have to notify the landlord of any violations and lay out the steps necessary to bring the property up to compliance. In order to best serve the community and have outlined requirements the city proposes adopting the 2021 International Property Maintenance Code to further assist in potential violations.

Discussion/Analysis

AB 838 addresses occupancy of standard and substandard buildings, including requiring a city or county that receives a complaint of a substandard building or a lead hazard violation to inspect the building, document the lead hazard violations and identify any building, portion of a building or premises that are substandard, as applicable. The bill would require the city or county to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations as well as provide free, certified copies of the inspection report and any citations issued.

Although the City of Los Altos does have its own Building & Safety Division and Code Enforcement Division both housed in the Development Services Department, the city does not have standard provisions and regulations adopted locally that further enable enforcement capabilities. The adoption of the International Property Maintenance Code (IPMC) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions.

Local amendments included within the draft ordinance is required for the integration of the model IPMC, with the LAMC for consistency of local enforcement actions should a violation arise. No amendments proposed within the enforcement actions deviate from the existing adopted enforcement criteria.

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING TITLE 12 OF THE MUNICIPAL CODE BY ADDING CHAPTER 12.72 TO ADOPT BY REFERENCE THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

WHEREAS, the International Code Council (ICC), an internationally recognized association of professionals, maintains, amends, and updates elective model codes and standards used by local jurisdictions related to building design, construction, and compliance processes; and

WHEREAS, the ICC model codes and standards include an International Property Maintenance Code; and

WHEREAS, the City utilizes the International Property Maintenance Code as a basis for its local property maintenance code; and

WHEREAS, the City reviews the ICC model codes every three years for amendments; and

WHEREAS, the City's wishes to adopt the 2021 International Property Maintenance Code in its entirety with certain local amendments; and

WHEREAS, the City held a public hearing on June 13, 2023 and June 27, 2023 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on June 13, 2023 and June 27, 2023; and

WHEREAS, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

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

SECTION 1. AMENDMENT OF CODE:

TITLE 12. BUILDINGS AND CONSTRUCTION

SECTION 2. AMENDMENT OF CODE: Title 12, Chapter 12.72 of the Municipal Code is hereby added to read as follows:

Chapter 12.72 PROPERTY MAINTENANCE CODE

Section 12.72.010 Title.

This chapter shall be known and may be cited as the “Los Altos Property Maintenance Code” or “LAPMC” and will be referred to in this chapter as “this code.”

Section 12.72.020 Adoption of the 2021 International Property Maintenance with Amendments.

The 2021 Edition of the International Property Maintenance Code as published by the International Code Council is adopted as the property maintenance code of the city of Los Altos, California, as if fully set out in this chapter, and is amended as provided in this chapter. A copy of the 2021 LAPMC shall be maintained on file in the office of the Building Official.

Section 12.72.030 Amendment of 2021 IPMC Section 102 (Applicability).

Section 102 of the 2021 IPMC is amended as follows:

102.1-102.7 {IPMC text not modified}

102.8.1 Conflicts. Where conflicts occur between the provision of this code and the referenced standards, the provisions of this code shall apply. Where conflicts occur between the provisions of this code and California Statutes, the provisions of the latter shall apply.

102.8.2-102.11 {IPMC text not modified}

Section 12.72.040 Amendment of 2021 IPMC Section 103 (Code Compliance Agency).

Section 103 Code Compliance Agency of the 2021 IPMC is amended as follows:

103.1 Creation of agency. The Code Enforcement Division of the Development Services Department shall be responsible for the implementation, administration, and enforcement of the provisions of this code. The building official in charge of the Los Altos Building & Safety Division of the Development Services Department shall be known as the code official in this chapter.

103.2 {IPMC text not modified}

103.3 Deputies. The code official shall have the authority to appoint 1 or more deputies. Such employees shall have the powers as delegated by the code official.

Section 12.72.050 Amendment of 2021 IPMC Section 105 (Duties and Powers of the Code Official).

Section 105 of the 2021 IPMC is amended as follows:

105.1-105.2 {IPMC text not modified}

105.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is
Ordinance No. 2023-XX 2

authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by the code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner’s authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

105.4 – 105.7.1 {IPMC text not modified}

Section 12.72.060 Amendment of 2021 IPMC Section 107 (Means of Appeal).

Section 107 of the 2021 IPMC is amended as follows:

107.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code may appeal that decision, notice or order by filing an appeal with the city clerk within fourteen (14) calendar days of the date of service of that decision, notice, or order. The appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The appeal shall identify the real property, state the grounds for the appeal, and state all material facts in support of the appeal.

107.2 Notice of hearing. Notice of hearing and the hearing shall be conducted as provided for in Chapter 1.12 of the Los Altos Municipal Code.

107.3 Court review. Judicial review of the hearing officer’s decision shall be commenced in accordance with Cal. Code of Civil Procedure § 1094.6 no later than ninety (90) calendar days after the decision is signed. Cal. Code of Civil Procedure § 1094.6 is hereby adopted for purposes of this Title. Review shall be in accordance with Cal. Code of Civil Procedure § 1094.5.

Section 12.72.070 Amendment of 2021 IPMC Section 109 (Violations).

Section 109 of the 2021 IPMC is amended as follows:

109.1 Unlawful acts. It is hereby declared to be unlawful and a public nuisance for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any premises, building, structure or building service equipment, or cause or permit the same to be done in violation of this code or this division.

109.2 Notice of violation. The code official shall serve a notice of violation in accordance with Section 111.4.

109.3 Prosecution of violation. Any person failing to comply with a notice of violation served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor but may be charged with an infraction at the discretion of the city attorney, or civil infraction enforceable under Chapter 1.20 of the Los Altos Municipal Code as determined by the city and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code Ordinance No. 2023-XX

official shall institute the appropriate administrative, civil, or criminal proceeding to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of this code or of the order or direction made pursuant thereto.

109.4 Violation Penalties. Each day during any portion of which any violation of this ordinance is committed or continued by such person shall constitute a separate offense and shall be punishable as provided in this code and Title 1 of the Los Altos Municipal Code.

109.5 Abatement of violation. The city may abate a violation of this code pursuant to the abatement process set forth in the Los Altos Municipal Code.

Section 12.72.080 Amendment of 2021 IPMC Section 110 (Stop Work Order).

Section 110 of the 2021 IPMC is amended as follows:

110.1 – 110.3 {IPMC text not modified}

110.4 Failure to comply. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for civil penalties pursuant to the Los Altos Municipal Code Chapter 1.20.

SECTION 3. CEQA. The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Green Buildings Standards Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

SECTION 4. The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

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

SECTION 6. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

Ordinance No. 2023-XX

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on June 13, 2023, and was thereafter, at a regular meeting held on June 27, 2023, passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK

Assembly Bill No. 838

CHAPTER 351

An act to add Section 17970.5 to the Health and Safety Code, relating to building standards.

[Approved by Governor September 28, 2021. Filed with Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 838, Friedman. State Housing Law: enforcement response to complaints.

Existing law, the State Housing Law, a violation of which is a crime, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law authorizes a city or county to designate and charge a specified department or officer with the enforcement of the State Housing Law, the building standards published in the California Building Standards Code, or any other rules and regulations adopted pursuant to the State Housing Law for the protection of the public health, safety, and general welfare.

Existing law deems a building, portion of a building, or premises on which a building is located to be a substandard building if any one of specified conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants. Existing law deems a building, portion of a building, or premises on which a building is located to be in violation of the State Housing Law if it contains lead hazards, as specified, that are likely to endanger the health of the public or the occupants.

This bill would, beginning July 1, 2022, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as described above, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property, and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. The bill would require the city or county, as applicable, to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations. The bill would require a city or county to provide free, certified copies of an inspection report and citations issued, if any, to the complaining tenant, resident, occupant, or agent, and to all potentially affected tenants, residents, occupants, or the

agents of those individuals, as specified. The bill would prohibit the inspection or the report from being subject to any unreasonable conditions, as specified, and prohibit a city, county, or city and county from collecting a fee, cost, or charge from a property owner or property owner's agent for any inspection of, or any inspection report about, that owner's or agent's property that is conducted or issued pursuant to the bill's provisions, unless the inspection reveals one or more material lead hazard violations or deems and declares the property substandard, as described above. The bill would prohibit a city or county from unreasonably refusing to communicate with a tenant, resident, occupant, or agent regarding a matter covered by this bill.

By imposing new duties on local government officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The people of the State of California do enact as follows:

SECTION 1. Section 17970.5 is added to the Health and Safety Code, to read:

17970.5. (a) Notwithstanding any other provision of this part, a city or county that receives a complaint from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, regarding a potential violation of Section 17920.10 or regarding a building being substandard pursuant to Section 17920.3 shall do all of the following:

(1) Inspect the building or portion thereof intended for human occupancy, including any dwelling unit, guestroom, or suite of rooms, or the premises on which it is located, that may be in violation of Section 17920.10 or that may be substandard pursuant to Section 17920.3.

(2) Document any violations of Section 17920.10 that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building or portion thereof intended for human occupancy, including any dwelling unit, guestroom, or suite of rooms, or the premises on which it is located, that is determined to be substandard pursuant to Section 17920.3, as applicable. The documentation shall be included in the inspection report described in subdivision (d).

(3) As applicable, advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and schedule a reinspection to verify correction of the violations.

(b) A city or county shall perform an inspection conducted pursuant to subdivision (a) at least as promptly as that city or county conducts an inspection in response to a request for final inspection pursuant to Section 110 of the California Building Code.

(c) Notwithstanding subdivisions (a) and (b), a city or county is not required to conduct an inspection in response to either of the following types of complaints:

(1) A complaint that does not allege one or more substandard conditions.

(2) A complaint submitted by a tenant, resident, or occupant who, within the past 180 days, submitted a complaint about the same property that the chief building inspector or their designee reasonably determined, after inspection, was frivolous or unfounded.

(d) A city or county shall provide free, certified copies of an inspection report and citations issued pursuant to this section, if any, to the complaining tenant, resident, occupant, or their agent. If inspection reveals a condition potentially affecting multiple tenants, residents, or occupants, including, but not limited to, conditions relating to the premises, common areas, or structural features, then the city or county shall provide free copies of the inspection report and citations issued to all potentially affected tenants, residents, occupants, or their agents.

(e) A city, county, or city and county shall not collect a fee, cost, or charge from a property owner or property owner’s agent for any inspection of, or any inspection report about, that owner’s or agent’s property that is conducted or issued pursuant to this section, unless the inspection reveals one or more material violations of Section 17920.10 or deems and declares the property substandard pursuant to Section 17920.3.

(f) Nothing in this section limits or alters the existing authority of a city, county, or city and county to impose fees on rental property owners to support a rental property inspection program, or to otherwise impose generally applicable charges, fees, or assessments to cover the costs of inspections or inspection reports required by this section.

(g) An inspection or report required by this section shall not be subject to any unreasonable conditions, including any requirements that:

(1) The tenant, resident, occupant, or agent first make a demand for correction upon the owner of the property.

(2) The tenant be current on rent.

(3) The tenant otherwise be in compliance with their rental agreement.

(4) The tenant, resident, or occupant not be involved in a legal dispute with the owner of the property.

(h) A city or county shall not unreasonably refuse to communicate with a tenant, resident, occupant, or the agent of a tenant, resident, or occupant regarding any matter covered by this section.

(i) The requirements of this section shall not be construed to impose a mandatory duty pursuant to Section 815.6 of the Government Code, and shall not be construed to affect the availability of any immunity otherwise applicable to the city or county or its employees, including, but not limited to, Sections 818.2, 818.4, 818.6, 820.2, 821, 821.2, and 821.4 of the Government Code.

(j) (1) An action to enforce the requirements of this section shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(2) For purposes of Section 1085 of the Code of Civil Procedure, the requirements of this section shall be construed as acts which the law specially enjoins, as a duty resulting from an office, trust, or station.

(k) This section shall become operative July 1, 2022.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code, and because the only other costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

O



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Los Altos Library Patio Project

Prepared by: Jennifer Weeks, County Librarian-Santa Clara County Library District (SCCLD) and Rose Baiza, Community Librarian- SCCLD

Attachment(s):

1. Letter of Funding Commitment (LALE)
2. Funding Commitment (Donor)
3. Letter of Support (History Museum)
4. Letter of Support (Library Commission)
5. Letter of Support (Friends)
6. Google Earth Map of Proposed Site
7. Concept Diagrams of Patio Space
8. Land Survey

Previous Council Consideration:

None.

Fiscal Impact:

The Library Patio Project is fully funded by private donations through the Los Altos Library Endowment. The cost of the project is estimated to be \$2 million with no funding required from the City of Los Altos. Cost for review and approval of the Design Review application could be waived if authorized by the City Council.

Environmental Review:

The City Council action authorizing the review of the proposed project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Subsequent action taken during the review of the proposed project will be analyzed separately under CEQA.

Policy Question(s) for Council Consideration:

- Does the City Council wish to send this proposed project to the Development Services Director for review and necessary approvals for the use and expansion of approximately 7,700 square feet for construction of an enclosed patio with transitional green space at the Main Library.

Reviewed By:

City Manager

GE



Subject: Los Altos Library Patio Project

Summary:

- The Patio Project is fully funded by the Los Altos Library Endowment and supported by the Santa Clara County Library District who will take the lead on the public project management.
- The proposed library patio will provide the community with 7,700 square feet of safely enclosed outdoor space that can be used by residents of all ages to read, study, learn, and explore. Working in partnership with the History Museum, this project creates educational experiences both within the Historic Orchard and attached to the main library.
- Based on the needs assessment for the library, additional public space is a priority to allow the library to offer free educational events and flexible spaces for patrons to read and study. The current library community room space is limited in both size and accessibility, and this new extension creates an interactive outdoor space that will encourage discovery for all ages, as well as expand seating and event spaces.
- The History Museum and library are natural partners that can work collaboratively to highlight the Historic Orchard through innovative programming with a new outdoor patio space. The library and Orchard Commons joint programming ideas include diverse creativity, healing in nature, adopt-a-tree, oral history with apricots and orchards, and nature journaling and sketching.
- The patio project provides many opportunities for public programming with local organizations including schools, Master Gardeners, and GreenTown. Other potential community partners include LASD Living Classrooms, LASD Art Docents, The Garden Club of Los Altos, ArtVentures, Santa Clara Watercolor Society, and Ikebana.
- The project is supported by the Los Altos Library Endowment, the Chou Family, the History Museum, the Library Commission, and the Friends of the Los Altos Libraries.

Recommendation:

Staff recommends, if the City Council approves the proposal, sending the item to the Development Services Director for review and necessary approvals of this project.

Purpose

To create an outdoor space that provides residents with a place to read, relax, study, work, and learn. The patio will be used to provide free library programs for all ages, as well as open seating to use during leisurely time. Backed with research from professional library journals, outdoor



Subject: Los Altos Library Patio Project

spaces in libraries enhance the lives of residents. Due to limited space inside the library, library staff feel strongly that the outdoor space will expand options to best meet the needs of residents with 7,000 square feet of enclosed space.

Due to the Covid-19 pandemic, outdoor spaces are now more in-demand to provide patrons with opportunities to protect their health in a public environment. And the moderate climate allows for year-round use. According to the National Oceanic and Atmospheric Administration, the average temperature over the course of a year (San Jose and surrounding cities) is 71.5 degrees--making this outdoor space accessible year-round for residents of Los Altos and Los Altos Hills.

Background

The vision of an outdoor patio space at the library to meet a community need was inspired by a private donation. Taking into consideration the need for more public space, the success of outdoor programming and the design trends of innovative library spaces, the library began working closely with the Orchard Commons Committee and the city to explore a way to highlight the Historic Orchard and create a unique outdoor space at the library.

With City Council approval to repurpose 7,700 sf of city space, the library will work with a professional architecture firm on the design that meets the needs of the community.

Recommendation

Staff recommends, if the City Council approves the proposal, sending the item to the Development Services Director for review and necessary approvals of this project.



June 21, 2023

via email and hand delivered

Los Altos City Council
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

Re: **Los Altos Main Library Patio Project**
Proposed Safely Enclosed Exterior Space
Applicant: Los Altos Library Endowment,
in partnership with Santa Clara County Library District
City Council Hearing Date: June 27, 2023

Dear Honorable Mayor Meadows and City Council Members:

The Los Altos Library Endowment is excited to share its support with you for the Santa Clara County Library District's (SCCLD) vision for an exterior expansion project to benefit the patrons of our local library. We enthusiastically support funding an outdoor patio that will complement the existing building design while increasing green space and improving natural light. The proposed outdoor patio will also prove to be a very user-friendly space to meet the needs of our community members now, and for the next generation. We seek your support, so that SCCLD may move forward with the proposed project.

The Los Altos Library Endowment (LALE) was established with the desire to support our community to maintain a library that meets the needs of everyone. Since inception in 2001, LALE has funded unique and innovative projects and programs such as the GoGo Biblio mini bookmobile, 3D printers, and the pilot Open Plus access at the Woodland Branch library.

It is well known that the library serves as a constant in the lives of our citizens, with patronage crossing every demographic and age group in the community. We are gratified that SCCLD has received a five-star rating from the Library Journal, and designation as a Star Library for the 15th straight year. SCCLD has recently been recognized as ranking second in the U.S. among comparably sized library districts.

Despite advances in technology, rather than merely stream or download from the comfort of their home, the numbers of individuals and families using the library space has continued to grow to such an extent that our library's walls are bursting....which led SCCLD and LALE to investigate how best to further invest to benefit our populace. Through its recently-completed Strategic Plan 2023-2028, SCCLD has received overwhelming support for the need to maximize accessibility for all community members, be environmentally responsible, reflect the cultures of the population, and provide new spaces for families and teens to learn and create, and for individuals to gather, meet, and work or study independently. The patio project is in complete alignment with the Strategic Plan.

We recognize the importance of respecting the historical landmarks within the boundary of the Civic Center Heritage Orchard. Based upon community input, and working in collaboration with the Los Altos History Museum and its Orchard Commons Committee, SCCLD and LALE have developed a plan that we believe is both feasible and cost-effective while respecting those landmarks as well as creating a new safe, inviting and desirable destination.

1. **The Specifics of the Proposed Plan**

A review of the architectural renderings demonstrate why we are proud of this proposed enhancement to our library. Having the ability to create a safely enclosed outdoor space with amenities will prove to be a positive physical addition to the library campus. The plan is to create a beautiful area, with two access points: a sliding glass door from the Orchard Room utilizing a new folding NanaWall system and glass doors that open from the Children's Room.

The area once constructed will include shade structures, and provide needed space for programs and seating. Apricot trees will be incorporated into the design elements, and there will be views to the surrounding orchard. The public will have access to the patio at all hours in which the Library is open to the public, which currently is 10:00 a.m. to 9:00 p.m. weekdays, and 10:00 a.m. to 7:00 p.m. on Fridays and weekends.

2. **Community Outreach**

Thanks to the funding that LALE provided, a feasibility study was conducted by SSA Architects. We are grateful that SCCLD will be partnering with the Los Altos History Museum in a collaborative effort to pool resources and talents. As you are aware, the History Museum has extensive experience with their own beautiful, and widely used, outdoor patio in the Civic Center area. At all times SCCLD has stressed LALE's

objective: a quality project that the community will be proud of. The positive feedback has been gratifying.

3. The Financing and the Timing

LALE's Board of Directors has approved a financial commitment to cover the entire estimated construction cost of the Patio Project of Two Million Dollars (\$2,000,000.00). That commitment includes a generous Five Hundred Thousand Dollar (\$500,000.00) donation from the Chou family, through a directed grant specified to be provided through LALE. At a time when there is widespread reporting of the difficulty of financing new construction projects given the turmoil in the financial markets, our commitment to provide this financing demonstrates our interest in moving forward as soon as possible, before construction costs increase and additional funding would be required. In short, we believe that the time to act is now.

On a personal note, the Chou family would like the patio project completed during the lifetime of the patriarch and matriarch of the family. Having the ability to see the results of their generous donation will provide great pride to the entire Chou family.

4. The Approval and Implementation

Upon approval by the City Council, SCCLD will be responsible for the final design and building plans. As the public will be the beneficiary of the completed construction, we strongly encourage a rapid approval so as to enable the final building plans to be submitted for approval. The positives of expanded use of the library facilities by patrons far outweigh the negatives of delay (increased costs of construction).

5. The Future Use

The journey to get to this point has already proven to be a positive experience. After all, we have been working together to accomplish something that we could not do alone. The end result will prove to be beneficial for the whole of our community.

Naturally, so that the community learns about the expansion to the facility, we intend to promote the patio project. Information and depictions will be included in all of our marketing materials and the various forms in which we engage the public.

6. Conclusion

The Library Commission as well as Friends of the Los Altos Library have each passed unanimous motions in support of the patio project, establishing that the project is a strong priority that should move forward. In anticipation of approval, SCCLD has secured a memorandum of understanding with the History Museum.

Both the SCCLD and the Los Altos Library Endowment wish to acknowledge your dedication of time and attention to the library's future. We look forward to working toward collectively implementing approval of the patio project in order to improve and enhance the library as part of a continued commitment to meet our community's long-term needs. We believe that the time is now!

Very truly yours,



Cindy Hill, on behalf of the LALE Board of Directors
President, Los Altos Library Endowment

Donation for Los Altos Library outdoor seating area

Agenda Item # 17.

arlen chou <[REDACTED]>

Wed 6/14/2023 3:15 PM

To: Rose Baiza <RBaiza@sccl.org>; Jennifer Weeks <JWeeks@sccl.org>; lenelle.smith <[REDACTED]>
<[REDACTED]>; cindy.hill@lalendow.org>

To the Santa Clara County Library District and the Los Altos Library Endowment,

The City of Los Altos has been our family home for nearly 50 years. We are grateful for the support and opportunities this community has shown our family. Because of this town, we have been able to thrive in the Bay Area and would like to make an effort to give back to this wonderful community. We hope that the Santa Clara Library District and the Los Altos Library Endowment will accept our donation of \$500,000 to build an outdoor seating area at the Los Altos Library. It is our wish, that our contribution will give support and open opportunities to future families and the children of Los Altos.

Thank you,

Hsun and Aiko Chou



Virus-free www.avast.com



51 S. San Antonio | Los Altos CA 94022

MEMORANDUM

May 15, 2023

FROM: Dr. Elisabeth Ward
Director, Los Altos History Museum

RE: Library Patio Project

This memorandum documents the intent of Los Altos History Museum, through its Orchard Commons Committee, to collaborate with the Los Altos Library on the design of an outdoor reading room. We understand and appreciate the desire to provide access into the Children’s Reading Room through a corridor that would be constructed within the boundary of the Historical Landmark of the Civic Center Heritage Orchard, as designated in Resolution 91-31 (see attachment).

The City of Los Altos is responsible for maintaining the quality of City Historical Landmarks, as an irreplaceable historical asset of benefit to all members of the community. This responsibility includes timely exchange of information about all activities that might affect expansion of the footprint of existing buildings or landscaping features that might extend into the landmark boundaries.

Maintaining the quality of this City Historical Landmark entails collaboration to ensure that any alterations are constructed with a soft footprint that will enhance outreach programs without reducing the capacity of the orchard to sustain the original number of trees. If construction operations alter the quality or quantity of tree sites in the orchard, it is our understanding that the damage will be offset by appropriate mitigation actions agreed upon through open communication.

The goal of the [Orchard Commons Committee](#) of the Los Altos History Museum is to maintain, restore and renovate the Civic Center Heritage Orchard in a manner that provides an appealing working landscape and to facilitate outreach programs that enhance a sense of place and civic pride. This goal is in alignment with the vision of the Museum to provide inclusive multi-generational and multi-cultural programming and with the City’s [Climate Action and Adaptation Plan](#).

Cc: Rose Baiza, Community Librarian, Los Altos Library
Jennifer Weeks, County Librarian
Gabriel Engeland, City Manager, City of Los Altos
Teresa Morris, Chair, Parks & Recreation Commission
Larry Lang, Chair, Historical Commission
Bruno Delagneau, Chair, Environmental Commission

Attachment: Resolution 91-31

RESOLUTION NO. 91- 31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
MODIFYING AN APRICOT ORCHARD AS A HISTORICAL LANDMARK

WHEREAS, by virtue of its adoption of Ordinance No. 78-16 and 90-225, the City Council of the City of Los Altos did establish a procedure for the designation and preservation of historical landmarks within the City of Los Altos; and

WHEREAS, by virtue of its adoption of Resolution 81-23, the City Council of the City of Los Altos did designate a portion of APN 170-42-029 known as the Civic Center Apricot Orchard a historical landmark; and

WHEREAS, by designation of this property as a historical landmark it is subject to the terms and conditions outlined in Ordinance 90-225; and

WHEREAS, in accordance with that Ordinance Section 2-8.404, the Historical Commission has reviewed and recommends modifying the limits of the Civic Center Apricot Orchard as shown on Exhibit A, as located on APN Nos. 170-42-029 and 170-43-001; and

WHEREAS, the City Council concurs with the recommendation of the Historical Commission in this regard;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Los Altos does hereby determine that the subject property is designated as a historical landmark and is subject to the terms and conditions outlined in Ordinance 90-225;

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution duly passed and adopted by the City Council of the City of Los Altos on the 8th day of October, 1991, by the following roll call vote:

* * * * *

AYES: Mayor Spangler, Councilmembers Bruno, Laliotis, Lave, & Reeder
NOES: None
ABSENT: None

SR Spangler

Mayor

Carol Schary

City Clerk

*called
Leave to get
a copy of
this sect.*

Los Altos History Museum
51 S. San Antonio Rd.
Los Altos, CA 94022-2319



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

6/20/23

Los Altos City Council
1 North San Antonio Road
Los Altos CA 94022

Mayor Meadows and Councilmembers,

At the regular meeting of June 2, 2023, the Los Altos Library Commission unanimously approved a motion to support the Los Altos Library patio project. The motion read, “The Library Commission supports the concept of the Main Library Patio Project as represented in the 6/1/2023 Library Commission Meeting materials.”

Sincerely,

Mary Jo Price
Recreation Supervisor
Library Commission Liaison



Friends of the Library of Los Altos & Community, Inc.
Box 212
Los Altos, CA 94023-0212

June 14, 2023

Dear members of Los Altos City Council,

The Friends of the Library of Los Altos is a support group for the library and we try to not make library policy. However, we have been asked to comment on the proposal from the library commission for a patio outside of the community room. We enthusiastically support the project.

We spend a lot of time in the library and we see many of the building's shortcomings. This project not only provides an outdoor patio but is a clever way to allow for more children's programs, an expanded group meeting space, and an additional gathering space especially during highly trafficked times such as after school and weekends. While this project does not solve all the shortcomings of the building, it is a great improvement that can be done with little disruption to the current space. We are fully behind the project.

Board of Directors of the Friends of the Library of Los Altos

Elayne Dauber, President

Proposed Library Patio

CONCEPT ONLY

Exact size and design TBD with professionals.



Proposed Library Patio

CONCEPT ONLY

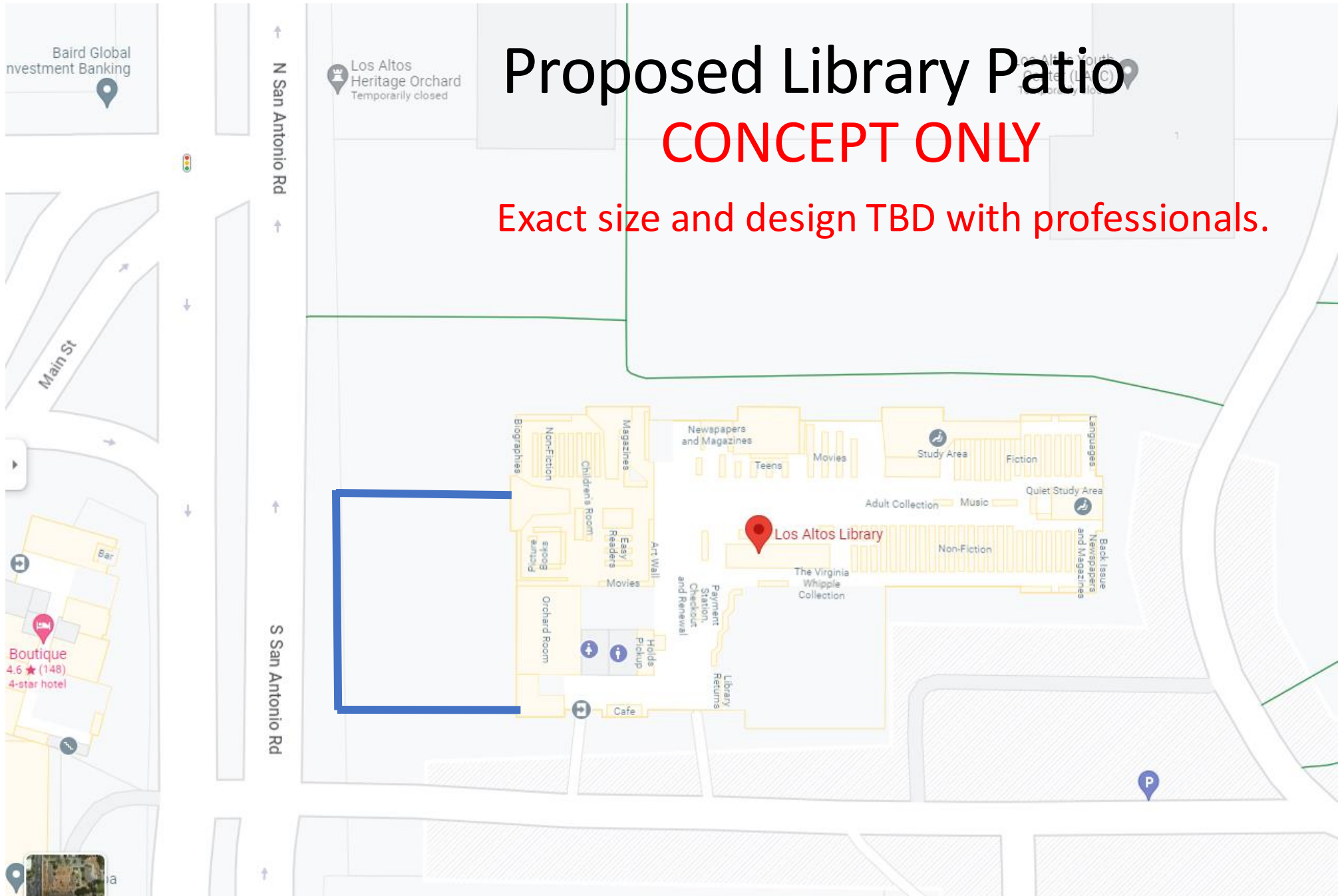
Exact size and design TBD with professionals.

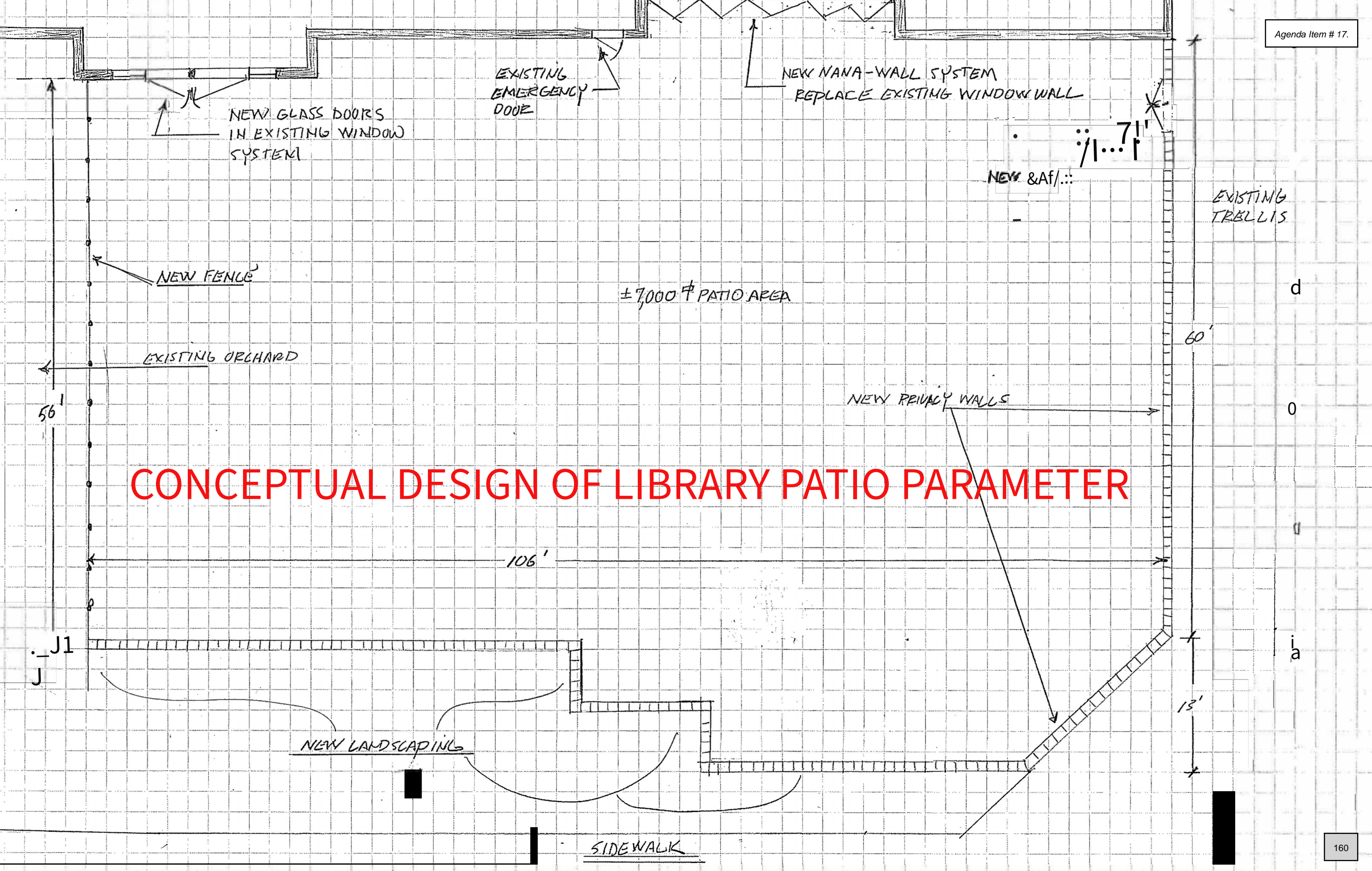


Proposed Library Patio

CONCEPT ONLY

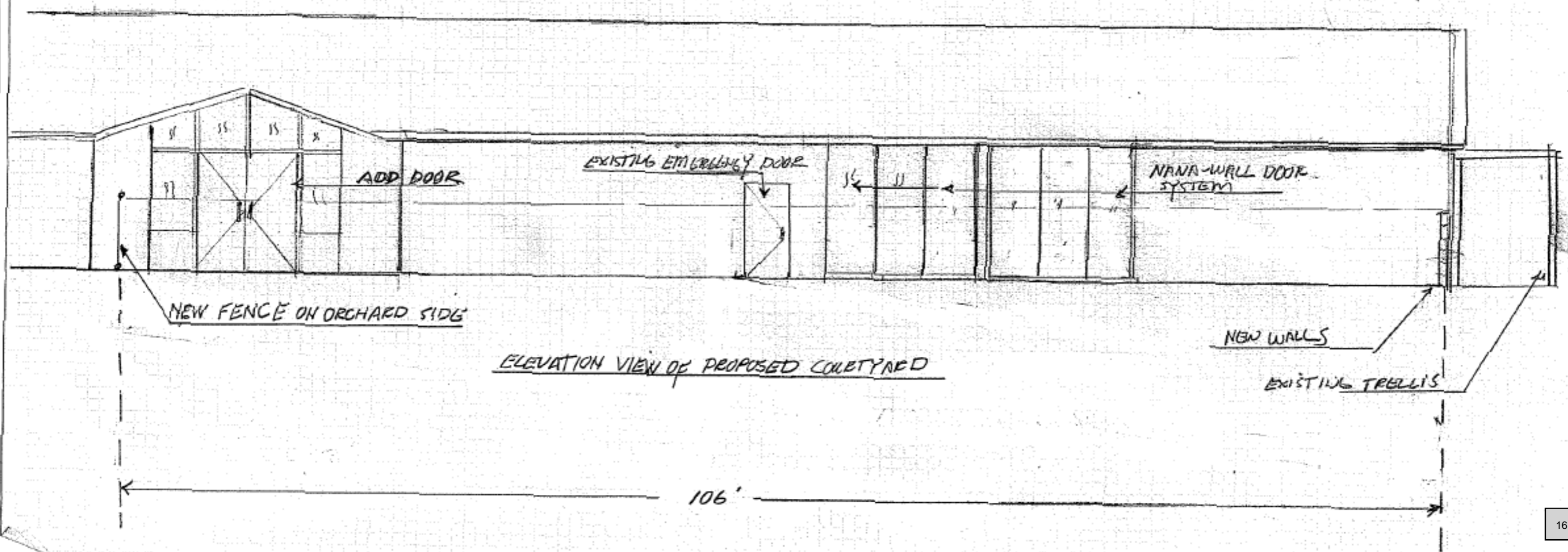
Exact size and design TBD with professionals.



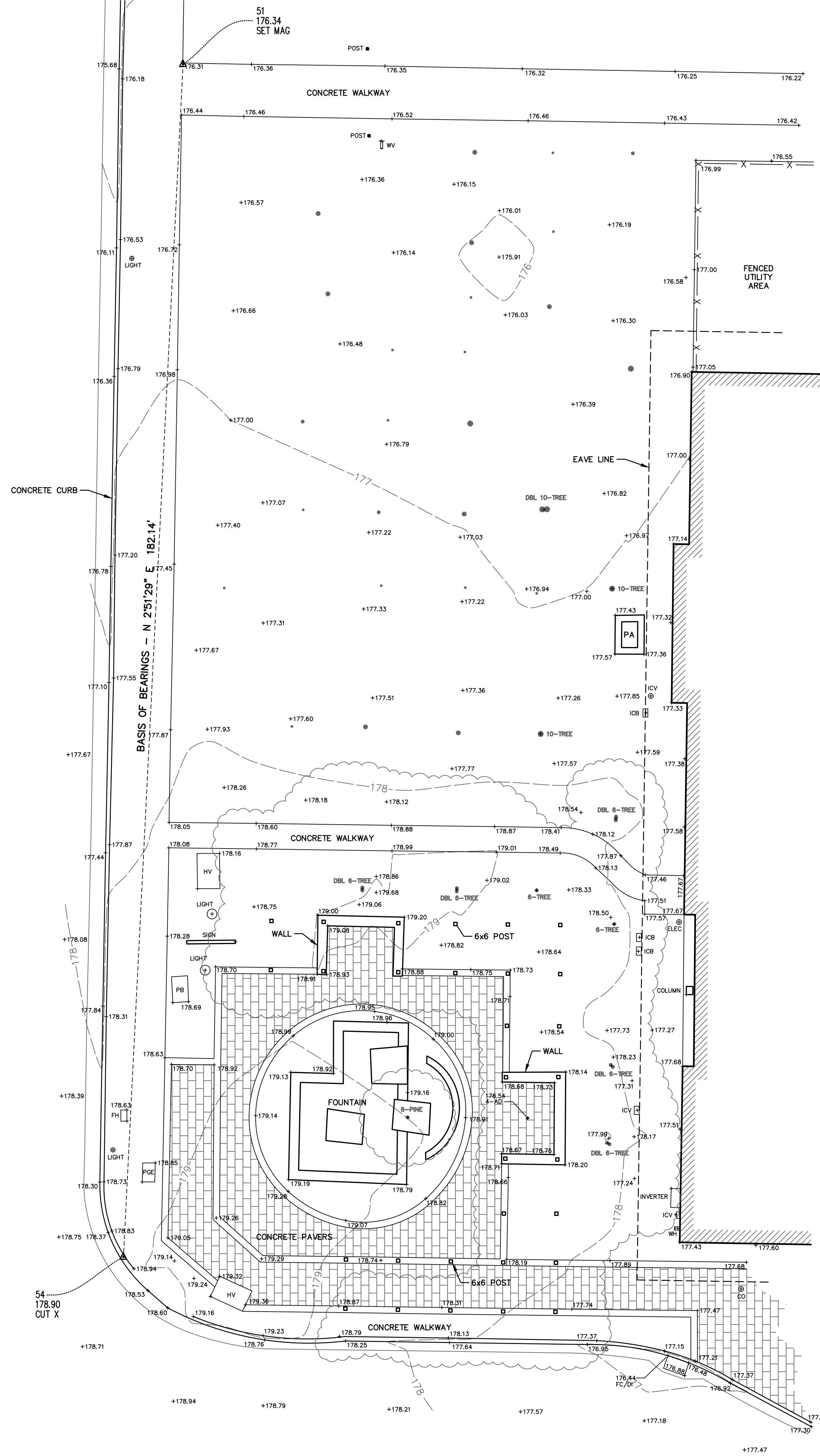


CONCEPTUAL DESIGN OF LIBRARY PATIO PARAMETER

CONCEPTUAL DESIGN OF LIBRARY PATIO PARAMETER



S. SAN ANTONIO ROAD



BASIS OF BEARINGS

BEARINGS FOR THIS SURVEY ARE BASED ON A REALTIME KINEMATIC (RTK) GPS TIE TO CONTROL POINTS SET AS A PART OF THIS SURVEY AS SHOWN HEREON

NORTH 2°51'29" EAST

BASIS OF ELEVATIONS

ELEVATIONS FOR THIS SURVEY ARE BASED ON THE CITY OF LOS ALTOS BENCHMARK #15, LOCATED ON THE TOP OF CURB ON THE EASTERN SIDE OF SAN ANTONIO AVENUE AT ITS INTERSECTION WITH EDITH AVENUE.

BENCHMARK ELEVATION = 175.17' (NAVD88)

UTILITY NOTE

UTILITY LOCATIONS ARE APPROXIMATE. UTILITIES SHOWN ON THIS MAP WERE DETERMINED FROM SURFACE EVIDENCE OF UNDERGROUND LOCATIONS, DURING A SURVEY BY ALPHA LAND SURVEYS IN MAY 2023.

LEGEND

- CONTOUR INTERVAL, MAJOR
- - - CONTOUR INTERVAL, MINOR
- ~ ~ ~ DRIP LINE
- X - X - X - FENCE LINE
- - - TIE LINE
- △ RANDOM CONTROL POINT
- TREE, AS NOTED
- +99.99 SPOT ELEVATION

CONTOUR INTERVAL = 1 FOOT
DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF

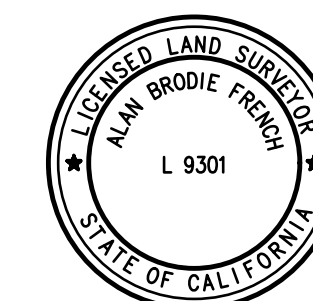
ABBREVIATIONS

- | | |
|-----|--------------------------|
| AD | AREA DRAIN |
| CO | CLEANOUT |
| DBL | DOUBLE |
| DOC | DOCUMENT |
| EM | ELECTRIC METER |
| FH | FIRE HYDRANT |
| GM | GAS METER |
| HB | HOSE BIB |
| HV | HIGH VOLTAGE |
| ICV | IRRIGATION CONTROL VALVE |
| JP | UTILITY POLE |
| PA | PLANTER |
| PB | PACIFIC BELL |
| PGE | PACIFIC GAS AND ELECTRIC |
| SD | STORM DRAIN |
| SS | SANITARY SEWER |
| WM | WATER METER |
| WH | WHARF HYDRANT |
| WV | WATER VALVE |

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.



ALPHA LAND SURVEYS, INC.

4444 SCOTTS VALLEY DR. #7 SCOTTS VALLEY, CA 95066 (831) 438-4453	P.O. BOX 1146 MORGAN HILL, CA 95038 (831) 438-4453	TOPOGRAPHIC MAP LOS ALTOS LIBRARY 13 S. SAN ANTONIO ROAD LOS ALTOS, CALIFORNIA	SHEET 1 OF ONE
1" = 10'		DATE: 5/25/2023	JOB#: 2023-105



PUBLIC CORRESPONDENCE

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

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Manisha Arora](#)
To: [Public Comment](#)
Subject: Support for library patio expansion
Date: Wednesday, June 21, 2023 4:45:09 PM

Hi, I understand that this item is on the agenda for city council meeting on June 29. I support this project. I live at 1089 Eastwood Ct, Los Altos, CA 94024.

Regards,
Manisha



PUBLIC CORRESPONDENCE

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

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Katherine Olsson Carter](#)
To: [Public Comment](#)
Subject: Comment on library expansion project
Date: Saturday, June 24, 2023 10:28:30 AM

I am writing regarding an item on the agenda for this coming Tuesday, June 27 2023, council meeting: the project to expand the Los Altos library's outdoor space.

My children and I have been library patrons for years. While we have loved the library's programs and resources, we have often felt that the library would greatly benefit from having additional space. Not only would it be wonderful to have more places to sit and read or work, but it would also be great to have a place that could accommodate more people for library events. The proposed project would accomplish these aims and more. Given that the funds required for the work have already been raised, approving the project in my mind is a no-brainer.

I hope you make the right decision for the library, its patrons and community and vote in support of moving forward with this project at your meeting on June 27th.

Thanks so much,
Katherine Carter, PhD

Local resident and mother to three children in the Los Altos School District

From: [Leo Torreano](#)
To: [Public Comment](#)
Subject: Library Patio
Date: Sunday, June 25, 2023 12:55:16 PM

I am against the addition of a Public Patio being installed in the orchard that was donated to the City to help remember the area's agricultural roots. The donor donated an orchard, not a patio. Leave it alone. Have your parties somewhere else.

Leo Torreano
1011 Covington Road

From: [Catherine Nunes](#)
To: [Public Comment](#)
Subject: Fwd: Jun 27 Item 13 and 17: Planning and Resourcing Landmark Heritage Orchard
Date: Sunday, June 25, 2023 4:22:59 PM

Please include letter in public comment packet for June 27 meeting, dealing with Items 13 and 17. Thank you.

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

From: **Catherine Nunes** <nunescath@gmail.com>
Date: Sat, Jun 24, 2023 at 12:14 PM
Subject: Jun 27 Item 13 and 17: Planning and Resourcing Landmark Heritage Orchard
To: Gabriel Engeland <gengeland@losaltosca.gov>, <council@losaltosca.gov>

For the last 30 years as a Los Altos resident, I have watched a steady stream of development proposals threaten to encroach on our most valuable historic landmark, the Los Altos Heritage Orchard. I was delighted to hear that the city is planning to restore this once-beautiful City Historic Landmark and designated county and state Historical Point of Interest.

I salute the city in these efforts as the Orchard has been sorely neglected and is in need of revitalization, City resources and re-education of staff and groups on just how its historic Landmark status protects the property boundaries, land use terms, appearance, etc requiring active City stewardship and preservation so as not to jeopardize the City's position in the state.

It has come to my attention that another group, the Santa Clara Library branch in Los Altos, is proposing a patio project expansion with preliminary drawings encroaching into the designated lands along with the removal of several of the trees in the Orchard. This seems premature without the benefit of an understanding of the landmark provisions, land use regulations, an orchard plan, and clarity on how the City and staff are at this point with an agenda item #13 asking the Council for approval involving the landmark property.

The Orchard's boundary has been modified only once since it was named a Historic Landmark in 1981. That was in 1991 and that required a public hearing and review and vote by the Historic Commission and a public hearing and review and vote by the Los Altos City Council and, because it is a Historic Landmark created under CEQA and so registered with the state, the state had to be informed as well.

If Santa Clara County and the Santa Clara County Library sitting on loaned City of Los Altos land, wants to take any portion or encroach upon the land deemed part of the landmark orchard or its trees, the state protocols under CEQA and historical landmarks have to be followed to be in compliance as a certified local government.

This isn't a deal where trees and boundaries can come and go willy-nilly, or sketches

can be used as proxies for the council's approval to greenlight. The steps and protocol for changing key elements and provisions of a landmark require additional land-use authority resources and public input, not mentioned in any staff report or planning docs.

The rules if not followed could jeopardize the city's status as a Certified Local Government under CEQA, a status which, if lost, would no longer allow the city to review and vote on its own Environmental Impact Reports (EIRs). This provision was included in the law because CEQA acknowledges that history is a key element in our environment that is worth saving for future generations.

I do salute the city's desire to restore our Landmark Heritage Orchard and step-up maintenance, watering and vermin/pest control, along with public beautification and education, another step to that effort included for approval with Item 17. Let's work together to improve this great asset.

Sincerely,
Catherine Nunes
64 Hillview Ave, Los Altos
Publisher, *Edible Silicon Valley*
regional food and lifestyle magazine and media

From: [Norm and Cathy Kordsmeier](#)
To: [Public Comment](#)
Subject: Library expansion
Date: Sunday, June 25, 2023 6:08:10 PM

Please don't encroach on our civic heritage orchard with a library expansion

Cathy Kordsmeier

From: [Bill Hough](#)
To: [City Council](#)
Cc: [Public Comment](#)
Subject: public comment regarding item #17 on 6/27/2023 agenda
Date: Monday, June 26, 2023 9:03:55 AM

It is refreshing to write in support of an agenda item.

I support the library patio project. I am pleased to read that this improvement will be financed through the Los Altos Library Endowment and significant private donations. This will be a positive addition to the community.

In this time of economic scarcity proponents of other projects, such as the proposed downtown theater, should follow this example and arrange for private philanthropic funding for their projects. The city should focus its efforts on public safety.

Bill Hough
Los Altos Resident

From: [Pat Marriot](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT ITEM #17 JUNE 27, 2023
Date: Monday, June 26, 2023 12:11:56 PM

Council Members:

A library patio MIGHT be a fine idea, but at this point I don't understand why it's on the council agenda.

The packet is confusing and misleading:

- Letters of support touting all sorts of wonderful programs that could be accommodated.
- Supposed concern for the orchard: "If construction operations alter the quality or quantity of tree sites in the orchard, it is our understanding that the damage will be offset by appropriate mitigation actions agreed upon through open communication." Hardly reassuring.
- No information about the legal process that would be required IF the patio took any space from the historic orchard.
- An architectural drawing of a proposed patio makes it look like it's a final plan, which has many residents up in arms because it's a public land use issue and there's been no public input or review.

Agenda says: "17.Request for Council approval to send the Los Altos Library Patio Project to the Development Services Director for review and necessary approvals."

Is Nick Zornes supposed to review and approve the submitted architectural drawing? Today's Daily Post says: "With council approval tomorrow, the project would go to the city's Development Services Department for review."

Yet when I talk to library people involved, they assure me that Zornes is only being asked to approve the library district and orchard committee and library commission and donor to work together and develop a plan.

Which is it?

Now that this idea is before Council, everyone is weighing in with concerns and ideas:

- 7,700 sf is too big
- This is the wrong location for a patio
- We have to preserve the 50-year-old fountain
- We have to remove the 50-year-old fountain

- Too many trees will be cut down
- No trees will be cut down
- The patio entrance from the children's room should be at a different place
- Not everyone on the orchard committee approved the packet before it went to Council

This is not the way to get public input! I urge you to take this item off the agenda until there's a cohesive proposal and a clear ask from Council.

Thank you,

Pat Marriott



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject: Introduce and waive further reading of Leaf Blower Regulations Ordinance

Prepared by: Nick Zornes, Development Services Director

Reviewed by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Initiated by:
City Council.

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 with Appendices
- 2. City Council Meeting Minutes – May 9, 2023
- 3. Previous Agenda Report – May 9, 2023

Summary:

Creation of a standalone chapter within the Los Altos Municipal Code for Leaf Blower Regulations. The proposed ordinance takes existing regulatory framework contained within the Municipal Code and modifies it based on City Council direction as discussed on May 9, 2023, and best practices for subsequent enforcement action.

Staff Recommendation:

Introduce and Waive Further Reading of an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.15 to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code Creating a Standalone Chapter for Leaf Blower Regulations 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.

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: Leaf Blower Regulations Ordinance

Background

On May 9, 2023, the City Council directed staff to take existing leaf blower regulations contained within the municipal code and create a standalone chapter for better visibility by the public. Staff were also directed to include assignment of liability to the property owner for issued violations. Additional direction was provided by the City Council for implementation of the Leaf Blower Regulations but do not necessitate amendments to the municipal code.

Discussion

Based on the City Council direction staff has drafted the proposed ordinance. Additionally, staff has incorporated definitions, time of use for electric leaf blowers, authority, and enforcement standards. The proposed ordinance is consistent with existing regulations but creates a standalone chapter which will assist in the ease and application of the code. Lastly, the proposed ordinance will help to facilitate better visibility of the adopted regulations within the City of Los Altos which will lead to easier education with the public.

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 11.15 TO TITLE 11 MISCELLANEOUS PROPERTY REGULATIONS OF THE LOS ALTOS MUNICIPAL CODE CREATING A STANDALONE CHAPTER FOR LEAF BLOWER REGULATIONS

WHEREAS, the City of Los Altos banned the use of gas-powered leaf blowers in 1991 by amendments contained within the City’s Noise Ordinance, Chapter 6.16 of the Los Altos Municipal Code; and

WHEREAS, the City of Los Altos has a strong interest in reducing greenhouse gas emissions (GHG), promoting citywide sustainability efforts, and enhancing the quality of life in Los Altos; and

WHEREAS, on May 9, 2023, the City Council received a presentation which covered the background of the gas-powered leaf blower prohibition within the city and a comprehensive analysis of the existing regulations and difficulties with enforcement capabilities; and

WHEREAS, on May 9, 2023, the City Council gave the Development Services Director guidance on drafting an updated Leaf Blower Ordinance; and

WHEREAS, the City of Los Altos reaffirms its prohibition of gas-powered leaf blowers to reduce greenhouse gas emissions, decrease noise levels, and to further reduce the adverse impacts of the use of the leaf blowers on adjacent properties, streets, gutters, sidewalks, and storm drains; and

WHEREAS, the amendments are in the best interest for the protection or promotion of the comfort and convenience of the residents of the City of Los Altos because they clarify and improve the prohibition and enforcement of gas-power leaf blowers within the City; 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 June 27, 2023, and July 11, 2023; 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 6.16 OF THE MUNICIPAL CODE. Chapter 6.16 are hereby amended of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.

SECTION 2. AMENDMENT OF TITLE 11 OF THE MUNICIPAL CODE. Chapter 11.15 are hereby added of the Los Altos Municipal Code as set forth in Appendix B to this Ordinance.

SECTION 3. CONSTITUTIONALITY; AMBIGUITIES. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

SECTION 4. PUBLICATION. This Ordinance shall be published as provided in Government Code Section 36933.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on June 27, 2023, and was thereafter, at a regular meeting held on July 11, 2023, passed and adopted by the following vote:

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

Sally Meadows, MAYOR

Attest:

Melissa Thurman MMC, City Clerk

**APPENDIX A
AMENDMENTS TO CHAPTER 6.16**

**APPENDIX B
AMENDMENTS TO CHAPTER 11.15**

APPENDIX A
AMENDMENTS TO CHAPTER 6.16

Chapter 6.16 NOISE CONTROL

Sections:

6.16.010 Declaration of policy.

- A. In order to control unnecessary, excessive, and annoying noise and vibration in the city, it is hereby declared to be the policy of the city to prohibit such noise and vibration generated from all sources, including, but not limited to, those specified in this chapter. It shall be the policy of the city to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the city where noise levels are above acceptable values.
- B. It is determined that certain noise levels and vibrations are detrimental to the public health, welfare, and safety and are contrary to the public interest. Therefore, the council does ordain and declare that creating, maintaining, or causing, or allowing to be created, caused, or maintained, any noise or vibration in a manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance.

(Prior code § 10-5.01)

6.16.020 Definitions.

All terminology used in this chapter not defined in this section shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- A. A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- B. Ambient noise level. The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- C. Commercial and office areas (all C and OA Zoning Districts). Areas intended to provide at readily accessible locations a wide variety of retail, service, and administrative establishments.
- D. Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.
- E. Cumulative period. An additional period of time composed of individual time segments which may be continuous or interrupted.

- F. Decibel. A unit for measuring the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure of twenty (20) micropascals.
- G. Demolition. Any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- H. Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- I. Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- J. Fixed noise source. A. stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air-conditioners, and refrigeration equipment.
- K. Holiday. For purposes of this chapter, holiday shall mean January 1st, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

The following Monday of any of the above days falling on a Sunday shall be a holiday.

- L. Impulsive sound. A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharges of firearms.
- M. Intrusive noise. That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content, as well as the prevailing ambient noise level.
- N. Mobile noise source. Any noise source other than a fixed noise source.
- O. Motor vehicle. Any and all self-propelled vehicles as defined in the Vehicle Code of the state, including all on-highway type motor vehicles subject to registration under said Code and all off-highway type motor vehicles subject to identification under said Code.
- P. Muffler or sound dissipative device. A device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas, compressed air, or other gas flow and effective in reducing noise.
- Q. Noise. Any sound which annoys or disturbs human beings or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- R. Noise disturbance. Any sound which:
 - 1. Endangers or injures the safety or health of human beings or animals; or
 - 2. Annoys or disturbs a reasonable person of normal sensitivities; or

- 3. Endangers or injures personal or real property.
- S. Noise sensitive zone, Any area so designated for the purpose of ensuring exceptional quiet, e.g., a hospital zone or nursing home.
- T. Noise zone. Any defined area or region of a generally consistent land use wherein the ambient noise levels are within a range of five dBA.
- U. Person. An individual, association, partnership, or corporation, including any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.
- V. Powered model vehicle. Any self-propelled, airborne, water-borne, or landborne plane, vessel, or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket.
- W. PCF. Any real property or structure thereon which is owned or controlled by a governmental entity.
- X. Pure tone. Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this chapter, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above, and by eight dB for center frequencies between 160 and 400 Hz, and by fifteen (15) dB for center frequencies less than or equal to 125 Hz.
- Y. Residential area (all R1 and R3 Zoning Districts). An area which provides for one-family, two-family, or other multi-family units.
- Z. Sound amplifying equipment. Any device for the amplification of the human voice, music, or any other sound. This excludes standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and warning devices on authorized emergency vehicles, or horns or other warning devices on any vehicle used only for traffic safety purposes.
- AA. Sound level meter. An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which at least satisfies the requirements pertinent for type S2A meters in American National Standards Institute Specifications for sound level meters, S1.4-1971, or the most recent revision thereof.
- AB. Sound truck. Any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.
- AC. Vibration perception threshold. The minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person of normal sensitivity to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 inches per second over the range of one to 100 Hz.

AD. Weekday. Any day, Monday through Friday, which is not a national legal holiday.
(Ord. 00-391 § 1; prior code § 10-5.02)

6.16.030 Powers and duties of the noise control office (NCO).

- A. Lead agency. The noise control program established by this chapter shall be administered by the planning and police departments, which shall be known as the noise control office (NCO) for the purposes of this chapter. Individuals trained in acoustical technology shall be employed to assist in the administration of this chapter.
- B. Powers and duties. In order to implement and enforce this chapter and for the general purpose of noise abatement and control, the NCO shall have, in addition to any other authority vested in it, the power to:
 - 1. Conduct, or cause to be conducted, studies, research, and monitoring relating to noise, including joint cooperative investigations with public or private agencies, and the application for, and acceptance of, grants;
 - 2. Conduct programs of public education regarding:
 - a. The cause and effects of noise and the general methods of the abatement and control of noise; and
 - b. The actions prohibited by this chapter and the procedures for reporting violations;
 - 3. Encourage the participation of public interest groups in related public information efforts;
 - 4. Provide for the training of city employees concerned with noise abatement. Training will be in conformance with standards for technical qualifications as established by the Office of Noise Control of the state;
 - 5. Coordinate, when requested, the noise control activities of city departments;
 - 6. Cooperate where practicable with all appropriate state and federal agencies;
 - 7. Cooperate where practicable with appropriate county and municipal agencies;
 - 8. Advise on the availability of low noise emission products for replacement or retrofit of existing or planned city-owned or operated equipment;
 - 9. Prepare recommendations, to be approved by the council, for the designation of noise sensitive zones which contain noise sensitive activities; and
 - 10. At least every third year following the effective date of this chapter, evaluate the effectiveness of the noise control program in the city and make recommendations to the chief administrative officer for its improvement.
- C. Other duties.
 - 1. If at any time the noise control office has reason to believe that a standard, regulation, or action, or proposed standard, regulation, or action, of any department respecting noise does not conform to the intent of Section 6.16.010 of this chapter, it may request

such department to review and report to the NCO on the advisability of revising such standard or regulation or action to conform.

2. Any product which has been certified by federal or state agencies as a low noise emission product, and which is determined to be suitable for use as a substitute in any city project, shall be used in preference to any other product where economically feasible.

(Prior code § 10-5.03)

6.16.040 Noise investigations.

Upon the receipt of a complaint from a citizen, the noise control office or its agent, equipped with a sound level meter, shall investigate the complaint. The investigation shall consist of a measurement and the gathering of data to adequately define the noise problem and shall include the following:

- A. Non-acoustic data.
 1. The type of noise source;
 2. The location of the noise source relative to the complainant's property; and
 3. The time period during which the noise source is considered by the complainant to be intrusive; and
- B. Noise or acoustic data.
 1. The total duration of the noise produced by the noise source;
 2. The date and time of the noise measurement survey; and
 3. The noise measurements.

(Prior code § 10-5.04)

6.16.050 Exterior noise limits.

- A. Maximum permissible sound levels by receiving land use.
 1. The noise standards for the various categories of land use identified by the noise control office as presented in Table 1 of this section, unless otherwise specifically indicated, shall apply to all such property within a designated zone.
 2. No person shall operate, or cause to be operated, any source of sound at any location within the city, or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:
 - a. The noise standard for that land use as specified in Table 1 for a cumulative period of more than thirty (30) minutes in any hour; or

- b. The noise standard plus five dB for a cumulative period of more than fifteen (15) minutes in any hour; or
 - c. The noise standard plus ten (10) dB for a cumulative period of more than five minutes in any hour; or
 - d. The noise standard plus fifteen (15) dB for a cumulative period of more than one minute in any hour; or
 - e. The noise standard plus twenty (20) dB or the maximum measured ambient for any period of time.
3. If the measured ambient level exceeds that permissible within any of the first four noise limit categories above, the allowable noise exposure standard shall be increased in five dB increments in each category as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
 4. If the noise measurement occurs on a property adjacent to a zone boundary, the noise level limit applicable to the lower noise zone, plus five dB, shall apply.
 5. If possible, the ambient noise shall be measured at a consistent location on the property with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten (10) dB below the ambient in order that only the ambient level be measured. If the difference between the ambient and the noise source is five to ten (10) dB, then the level of the ambient itself can be reasonably determined by subtracting a one decibel correction to account for the contribution of the source.
- B. Corrections for character of sound. In the event the alleged offensive noise contains a steady, audible tone, such as a whine, screech, or hum, or contains music or speech conveying informational content, the standard limits set forth in Table 1 shall be reduced by five dB.

**TABLE 1.
EXTERIOR NOISE LIMITS**

(Levels not to be exceeded more than 30 minutes in any hour)

Receiving Land Use Category	Time Period	Noise Level (dBA)
All R1 Zoning Districts	10:00 p.m. — 7:00 a.m.	45
	7:00 a.m. — 10:00 p.m.	55
All R3 and PCF Zoning Districts	10:00 p.m. — 7:00 a.m.	50
	7:00 a.m. — 10:00 p.m.	55

All OA Zoning Districts	10:00 p.m. — 7:00 a.m.	55
	7:00 a.m. — 10:00 p.m.	60
All C Zoning Districts	10:000 p.m. — 7:00 a.m.	60
	7:00 a.m.—10:00 p.m.	65

(Prior code § 10-5.05)

6.16.060 Interior noise standards.

- A. Maximum permissible dwelling interior sound levels.
 - 1. The interior noise standards for multi-family residential dwellings as presented in Table 2 of this section shall apply, unless otherwise specifically indicated, within all such dwellings with windows in their normal seasonal configuration.
 - 2. No person shall operate, or cause to be operated, within a dwelling unit any source of sound or allow the creation of any noise which causes the noise level when measured inside a neighboring receiving dwelling unit to exceed:
 - a. The noise standard as specified in Table 2 for a cumulative period of more than five minutes in any hour; or
 - b. The noise standard plus five dB for a cumulative period of more than one minute in any hour; or
 - c. The noise standard plus ten (10) dB or the maximum measured ambient for any period of time.
 - 3. If the measured ambient level exceeds that permissible within any of the noise limit categories above, the allowable noise exposure standard shall be increased in five dB increments in each category as appropriate to reflect such ambient noise level.
- B. Corrections for character of sound. In the event the alleged offensive noise contains a steady, audible tone, such as a whine, screech, or hum, or contains music or speech conveying informational content, the standard limits set forth in Table 2 shall be reduced by five dB.

**TABLE 2.
INTERIOR NOISE STANDARDS**

Noise Zone	Type of Land Use	Time Interval	Allowable Interior Noise Level (dBA)
All R3 Zoning Districts	Multi-Family Residential	10:00 p.m. — 7:00 a.m.	35
		7:00 a.m. — 10:00 p.m.	45

(Prior code § 10-5.06)

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, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day 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, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day 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
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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

- 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)

6.16.080 Motor vehicle noise limits.

- A. Motor vehicles. It shall be the policy of the city to enforce those sections of the Vehicle Code of the state regarding motor vehicle noise limits and equipment violations which create noise problems, motor vehicle horns, sound levels emitted from off-highway vehicles operating off the public right-of-way, and the successors thereof.
- B. Refuse collection vehicles.
 - 1. No person shall collect refuse with a refuse collection vehicle between the hours of 6:00 p.m. and 6:00 a.m. of the following day in a residential area.
 - 2. No person authorized to engage in waste disposal service or garbage collection shall operate any truck-mounted waste or garbage loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding federal standards.
- C. Vehicle, motorboat, and aircraft repairs and testing. No person shall repair, rebuild, modify, or test any motor vehicle, motorboat, or aircraft in such a manner as to create 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.
- D. Standing motor vehicle. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such vehicle, for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within one hundred fifty (150) feet (forty-six (46) meters) of a residential area or designated noise sensitive zone, between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- E. Motorized recreational vehicles operating off public rights-of-way. No person shall operate or cause to be operated any motorized recreational vehicle off a public right-of-way in such a manner that the sound levels emitted therefrom violate the provisions of Section 6.16.050 of this chapter. This subsection shall apply to all motorized recreational vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go carts, amphibious craft, campers, and dune buggies, but not including motorboats.

(Prior code § 10-5.08)

6.16.090 Special exemptions.

- A. Emergency exceptions. The provisions of this chapter shall not apply to:
 - 1. The emission of sound for the purpose of alerting persons to the existence of any emergency; or
 - 2. The emission of sound in the performance of emergency work.
- B. Warning devices. Warning devices necessary for the protection of the public safety, as, for example, police, fire, and ambulance sirens and train horns, shall be exempted from the provisions of this chapter.
- C. Outdoor activities. The provisions of this chapter shall not apply to occasional public outdoor gatherings, public dances, shows, and sporting and entertainment events provided such events are conducted pursuant to a permit or license issued by the city relative to the staging of such events.
- D. Exemptions from exterior noise standards. The provisions of Section 6.16.050 of this chapter shall not apply to activities covered by the following provisions of this chapter:
 - 1. Subsection (3) of subsection (B) of Section 6.16.070 relating to street sales;
 - 2. Subsection (4) of subsection (B) of Section 6.16.070 relating to animals and birds;
 - 3. Subsection (6) of subsection (B) of Section 6.16.070 relating to construction and demolition;
 - 4. Subsection (9) of subsection (B) of Section 6.16.070 relating to emergency signaling devices;
 - 5. Subsection (a) of subsection (11) of subsection (B) of Section 6.16.070 relating to domestic power tools;
 - 6. Subsection (12) of subsection (B) of Section 6.16.070 relating to air-conditioning or air-handling equipment;
 - 7. Subsection (A) of Section 6.16.080 relating to motor vehicles; and
 - 8. Subsection (B) of Section 6.16.080 relating to refuse collection vehicles.
- E. Federal or state preempted activities. The provisions of this chapter shall not apply to any activity to the extent regulation thereof has been preempted by state or federal laws.
- F. Special condition permits. Notwithstanding any provision of this chapter, the NCO may grant special condition permits for a period not exceeding three days when the general purpose and intent of this chapter can be carried out by the granting of the special condition permit. Such special condition permits may be renewed for periods not exceeding three days at the discretion of the NCO.

(Prior code § 10-5.09)

6.16.100 Variance permit procedure.

- A. Purpose. The NCO is authorized to grant a variance from any provision of this chapter by a variance permit issued for a maximum of one year, except that any applicant may apply for renewal.
- B. Applications and fees. Any person seeking a variance pursuant to this section shall file an application with the NCO. The NCO shall prescribe the form of the application and data to be filed with the application. The application shall be accompanied by a fee in the amount of seventy-five dollars (\$75.00). A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership, or several fixed sources on a single property, may be combined into one application.
- C. Time and place of hearings. Upon the filing of a sufficient and proper application and the payment of the filing fee, the NCO shall fix a time and place for a public hearing.
- D. Notices of hearings. The NCO shall cause notice to be published in a newspaper of general circulation not less than ten (10) days nor more than thirty (30) days prior to the date of such hearing. Within the same time period, notices (to be supplied by the applicant) shall be mailed to the recorded legal owners of all properties within three hundred (300) feet of the boundaries of the site at the address shown on the last equalized assessment roll.
- E. Conditions. In approving a variance permit, the NCO may include such conditions as it deems reasonable and necessary under the circumstances to protect the public health, safety, and welfare from adverse effects caused by the noise emanating therefrom.
- F. Findings and decisions. In considering the variance as applied for, the NCO shall make the following findings:
 - 1. That the use involved with the noise source is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare;
 - 2. That the granting of the variance will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons living or working in the vicinity;
 - 3. That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the use of the property which do not generally apply to other properties or uses in the same district; and
 - 4. That because of such exceptional or extraordinary circumstances or conditions, the strict or literal enforcement of the specified provisions of this chapter would result in practical or economical difficulties.

Based on these findings, the NCO may approve, disapprove, or conditionally approve the variance application. No decision of the NCO shall become final upon an application for a variance permit until the time in which an appeal may be filed with the council has lapsed without an appeal having been filed.

- G. Appeals to the council.

1. Any person dissatisfied with the decision of the NCO may file an appeal with the clerk of the council within fifteen (15) calendar days after the decision. The NCO shall transmit to the council all maps, records, papers, and files which constitute the records in the action from which the appeal was taken. At the time of the filing of the appeal, the appellant shall pay a filing fee of eighteen dollars and seventy-five cents (\$18.75) to the clerk of the council.
2. The clerk of the council, within thirty (30) days after the filing of the appeal, shall set the time and place for the appeal to be heard by the council and shall cause notice of such hearing in the same manner as set forth in subsection D of this section. The council shall hear the matter de novo and may approve, disapprove, or conditionally approve the application. The decision of the council shall be final.

H. Revocation of variances.

1. The NCO or council on its own motion may hold a hearing for modifying or revoking any permit or variance which has been granted by it pursuant to the provisions of this chapter. Public hearings shall be held and notice given in accordance with subsection D of this section. Written notice of the hearing shall also be served upon any person making use of or relying upon any permit or variance to be modified or revoked not less than ten (10) days prior to the date of such hearing.
2. After a public hearing, the NCO or council may revoke or modify a permit or variance on one or more of the following grounds:
 - a. That such approval was obtained by fraud; or
 - b. That any person making use of or relying upon the permit or variance is violating or has violated any condition of such permit or variance or that the use for which the permit or variance was granted is being, or has been, exercised contrary to the terms or conditions of such approval; or
 - c. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety or so as to be a nuisance.

(Prior code § 10-5.10)

6.16.110 Time to comply.

- A. Commercial/office operations. Those commercial and office operations in existence prior to September 25, 1979, shall be granted a one-year period from September 25, 1979, within which to comply with the provisions of this chapter.
 1. During such one-year period, all such facilities shall make reasonable efforts to be in compliance and to reduce noise which exceeds the standards specified in this chapter. Commencing at the end of one year after September 25, 1979, any such facility shall be subject to all the applicable requirements of this chapter.
 2. If any facility which is not in compliance by the end of such one-year period applies for a variance pursuant to Section 6.16.100 of this chapter, in deciding whether to grant

a variance, the NCO shall take into account the extent to which the applicant has endeavored to reduce noise during such one-year period to meet the standards specified in this chapter.

3. This section shall apply only to commercial and office facilities already in existence or for which the work of improvement had commenced prior to September 25, 1979.
 4. As used in this section "office facility" shall mean any building, structure, or premises, or portion thereof, used for administrative, professional, or service purposes, and "commercial facility" shall mean any building, structure, or premises, or portion thereof, used for wholesale or retail commercial purposes.
- B. Other operations. Except as provided in subsection A of this section, all operations in existence prior to September 25, 1979, shall have one hundred twenty (120) days to comply with the provisions of this chapter or apply for a variance.

(Prior code § 10-5.11)

6.16.120 Enforcement.

- A. Prima facie violations. Any noise exceeding the noise level limits for a designated noise zone as specified in Sections 6.16.050 and 6.16.060 of this chapter or the prohibited actions as specified in Section 6.16.070 of this chapter shall be deemed to be prima facie evidence of a violation of this chapter.
- B. Notices of violations. Upon the receipt of a complaint from any person, the NCO or duly authorized representative may investigate and assess whether the alleged noise levels violate this chapter. If the investigator has reason to believe that any provision of this chapter has been violated, he may cause written notice to be served upon the alleged violator. Such notice shall specify the provision of this chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection, and may include an order that corrective action be taken within a specified time.

(Prior code § 10-5.12)

**APPENDIX B
AMENDMENTS TO CHAPTER 11.15**

Section 11.15.010 – Purpose

The purpose of this Chapter is to establish standards to protect the natural environment, increase sustainability efforts, reduce greenhouse gas emissions, further enforce the city’s noise ordinance, and improve the overall quality of life within the City of Los Altos.

Section 11.15.020 – Definitions

“Leaf Blower” or “Leaf Blowers” means any portable, hand-held or backpack, air blowing machine that uses a concentrated stream of air to push, propel, or blow dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste, or debris.

“Gas Powered” means any portable power equipment that is powered by a self-contained fuel engine.

Section 11.15.030 – Prohibition of Gas-Powered Leaf Blowers

The use or operation of any Leaf Blower powered by a combustion or gas engine shall be prohibited.

Section 11.15.040 – Use of Electric-Powered Leaf Blowers

- A. Leaf Blowers powered by line current (plug-in) or by battery may be used in the City of Los Altos subject to the provisions of this Chapter.
- B. Permitted hours of operation by any person(s) shall be as follows:
 - i. 7:00 a.m. to 7:00 p.m., Monday through Saturday.
 - ii. 10:00 a.m. to 7:00 p.m., on Sundays.
- C. No person(s) shall operate a leaf blower on federally recognized holidays.
- D. Operation of a leaf blower shall not deposit dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste or debris into a street, sidewalk, gutter, or storm drain.

Section 11.15.050 – Authority and Enforcement

- A. Authority and enforcement of this chapter shall be enforcement as prescribed in Title 1 of the Los Altos Municipal Code.
- B. Each violation of this chapter shall be considered a separate offense.
 - i. First Violation shall result in a written warning.
 - ii. Second Violation shall result in an infraction of one hundred dollars (\$100.00).
 - iii. Third Violation shall result in an infraction of two hundred dollars (\$200.00).
 - iv. Fourth Violation and subsequent shall result in an infraction of five hundred dollars (\$500.00).

Section 11.15.060 – Assignment of Responsible Party and Liability

- A. The responsible party assigned liability for the operation and use of a gas-powered leaf blower shall be the recorded property owner of the site where the violation has occurred.
- i. When a violation has occurred that results in the issuance of an administrative citation, the citation will be mailed to the property address where the violation occurred and if different the property owners address as provided on the Santa Clara County tax roll.

Section 11.15.070 – No Conflict with Federal or State law

Nothing in this chapter is intended to or shall be interpreted as conflicting with any federal or state law or regulation.

Section 11.15.080 – Severability

If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause, phrase, and portion of this Ordinance irrespective of the fact that one or more, sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional to this end, the provisions of this Ordinance are declared severable.



**CITY OF LOS ALTOS
CITY COUNCIL MEETING MINUTES
TUESDAY, MAY 9, 2023
7:00 p.m.
1 N. San Antonio Rd. ~ Los Altos, CA**

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

Agenda Item # 18.

CALL MEETING TO ORDER: Mayor Meadows called the meeting to order at 7:19 p.m.

ESTABLISH QUORUM:

All Councilmembers were present and in person during the meeting.

PLEDGE ALLEGIANCE TO THE FLAG:

Mayor Meadows led the Pledge of Allegiance.

REPORT ON CLOSED SESSION:

There were no Closed Session meetings held and no reportable actions.

CHANGES TO THE ORDER OF THE AGENDA:

There were no changes to the order of the agenda.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA:

There were no speakers during public comment.

SPECIAL ITEMS:

- a. Recognize May as Asian American and Pacific Islander (AAPI) Heritage Month

Mayor Meadows presented a proclamation recognizing May as Asian American and Pacific Islander (AAPI) Heritage Month.

- b. Recognize May as Affordable Housing Month

Mayor Meadows presented a proclamation recognizing May as Affordable Housing Month to Cory Wolbach, Community Engagement Senior Associate with Silicon Valley at Home.

CONSENT CALENDAR

Councilmember Lee Eng pulled Item 6 “Appropriate funding from the General Fund for environmental review for Halsey House; authorize the City Manager to execute agreement with consultant; find that the Council’s action in making the appropriation is exempt from review under CEQA per CEQA Guidelines Section 15262” for further discussion. Mayor Meadows moved Item 6 of the Consent Calendar to the Discussion Item (Item 8) section of the agenda.

Motion by Weinberg and Seconded by Dailey to approve Items 1 – 5 of the Consent Calendar.
Motion carried unanimously by roll call vote.

1. Approve Draft Meeting Minutes for the Special and Regular City Council Meetings of April 25, 2023

2. Authorize the City Manager to Execute the Subdivision Improvement Agreement and Move to Approve the Final Map for Tract Map #10576, 140 Lyell St (V. Chen)
3. Adopting a Resolution authorizing the increase of Solid Waste Collection Rates by 5.96% effective July 1, 2023; consider California Environmental Quality Act (“CEQA”) exemption finding pursuant to CEQA Guidelines Section 15273(a) (A. Fairman)
4. Award the construction contract for the Base Bid for the City Hall Permit Counter to SAE Consulting Engineering as the lowest responsive bidder submitting a bid in an amount not-to-exceed \$178,000 and approve the City Manager the authority up to 10% construction contingency, if needed, in the amount not-to-exceed \$17,800 (N. Zornes)
5. Adopt Zoning Ordinance and Text Amendments adding bicycle parking regulations to the Los Altos Municipal Code. The proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) (Commonsense Exemption) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment. (N. Zornes)

DISCUSSION ITEMS

6. Provide Staff with direction on desired amendments to the Los Altos Municipal Code with regards to Gas Powered Leaf Blower Enforcement (N. Zornes)

Nick Zornes, Development Services Director, presented the report.

The following members of the public spoke regarding the item:

- Rita Cartalano
- Elaine Haight
- Thomas Chapman
- Stephen Cramer
- Linda Ziff
- Tami Mulcahy
- Garry Hedden
- Jim Davidson
- Maureen Griffin
- Roberta Phillips
- Don Gardner
- Myra Orta
- Joe Beninato
- Liz

The City Council provided the following direction:

- Assign liability to the property owner.
- Do not modify the Municipal Code to authorize immediate issuance of citation, and stick to the existing citation schedule.
- Create a standalone chapter in the Municipal Code, including AB1346 language.
- Educate the property owner, as well as the gardeners of the ordinance, if possible.

Discussion item only. No motion taken.

The City Council took a recess at 9:16 p.m.

The City Council reconvened at 9:29 p.m.

7. Approve a one-year pilot program for the purchase and installation of 15 Automated License Plate Reader (ALPR) cameras (A. Averiett)

Vice Mayor Weinberg recused himself from discussing or voting on this item due to a potential conflict of interest.

Gabriel Engeland, City Manager and Angela Averiett, Police Chief, presented the report.

Jeff Rosen, Santa Clara District Attorney, provided comments regarding the item.

The following members of the public spoke regarding the item:

- Nadim Maluf
- Renee Rashid
- Jeanine Valadez
- Kenan Moos
- Curtis Cole
- Tami Mulcahy
- Stacy
- Toni Moos
- Brian Jones
- Roberta Phillips
- Maureen Griffin

Motion by Meadows and Seconded by Lee Eng to approve a one-year pilot program for the purchase and installation of 15 Automated License Plate Reader (ALPR) cameras, contingent upon updating the policy, and a proposal to have Councilmember Fligor to work with the Police Chief on creating edits to the policy. **Motion carried 4-0-1 by roll call vote with Vice Mayor Weinberg recused.**

8. Appropriate funding from the General Fund for environmental review for Halsey House; authorize the City Manager to execute agreement with consultant; find that the Council's action in making the appropriation is exempt from review under CEQA per CEQA Guidelines Section 15262 (A. Fairman)

Councilmember Lee Eng explained why she pulled the item for discussion.

There were no public speakers for this item.

Motion by Weinberg and Seconded by Fligor to appropriate funding from the General Fund for environmental review for Halsey House; authorize the City Manager to execute agreement with consultant; find that the Council's action in making the appropriation is exempt from review under CEQA per CEQA Guidelines Section 15262. **Motion carried 4-1 by roll call vote with Councilmember Lee Eng opposed.**

9. Discuss and Consider Taking Positions on Various Senate and Assembly Bills and a Potential Local Ballot Measure

Councilmember Fligor presented the item and explained that due to the late hour when the item was heard, a position on AB838 was needed and the other bills listed in the report could be heard at a future meeting.

Motion by Weinberg and Seconded by Meadows to authorize Mayor Sally Meadows to supply and sign a letter, as amended, in support of AB838. **Motion carried unanimously by roll call vote.**

Motion by Weinberg and Seconded by Lee Eng to continue the remaining Senate and Assembly Bills to a future Council meeting date, date uncertain. **Motion carried unanimously by roll call vote.**

INFORMATIONAL ITEMS ONLY

10. Tentative Council Calendar and Housing Element Update Calendar


COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

- **Vice Mayor Weinberg** – Request for two future Council agenda items:
 - **Flag Raising:** LGBTQ flag during the first week in June and a Juneteenth flag during the third week in June *(Councilmember Dailey second)*
 - **VTA Audit:** Discussion for potential city comments on an upcoming audit of VTA. *(Councilmember Dailey second)*

- **Councilmember Lee Eng** – Request for two future Council agenda items:
 - **Council Priorities Discussion** *(No second)*
 - **Neighborhood Watch Discussion** *(No second)*

ADJOURNMENT – The meeting adjourned at 12:18 a.m.

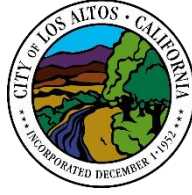
The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of May 23, 2023.



Sally Meadows,
Mayor



Melissa Thurman, MMC
City Clerk



AGENDA REPORT SUMMARY

Meeting Date: May 9, 2023

Subject: Gas Powered Leaf Blower Enforcement

Prepared by: Nick Zornes, Development Services Director

Reviewed by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Initiated by:
City Council.

Fiscal Impact:
None.

Policy Question(s) for Council Consideration:

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

Staff Recommendation:

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

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JD



Subject: Gas Powered Leaf Blower Enforcement

Background

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

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

Analysis

History

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

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

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



Subject: Gas Powered Leaf Blower Enforcement

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

Existing Ordinance

Los Altos Municipal Code Section 6.16.070

15. Portable gasoline powered blowers.

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

Enforcement

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

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

Discussion

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

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



Subject: Gas Powered Leaf Blower Enforcement

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

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

Considerations

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

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

Recommendation

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



PUBLIC CORRESPONDENCE

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

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Jim Fenton](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA ITEM 17 - June 27, 2023
Date: Thursday, June 22, 2023 4:50:48 PM

The proposed ordinance appears to create a conflict between the allowed operation hours for electric leaf blowers in two sections of the Municipal Code.

The existing section 6.16.070 “Prohibited Acts” item 11 includes:

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.

While the new section 11.15.040 “Use of Electric-Powered Leaf Blowers” item B says:

- B. Permitted hours of operation by any person(s) shall be as follows:
 - i. 7:00 a.m. to 7:00 p.m., Monday through Saturday.
 - ii. 10:00 a.m. to 7:00 p.m., on Sundays.
- C. No person(s) shall operate a leaf blower on federally recognized holidays.

Of course the former section is only effective in the event a noise disturbance is created, but the inconsistency in hours is likely to cause confusion.

It might also be helpful to take this opportunity to update the holidays listed in other parts of 6.16.020 and 6.16.070 to current federally recognized holidays, or to use the term “federally recognized holidays” as the new section does.

-Jim Fenton

From: [Anne Dumontier](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA ITEM #18 - MEETING DATE Tues., June 27
Date: Sunday, June 25, 2023 4:44:52 PM

Hello

in Agenda Item # 18 (gas operated leaf blowers that pollute our environment).

AMENDMENTS TO CHAPTER 11.15 page 175-76

I strongly advocate for:

The responsible party assigned liability for the operation and use of a gas-powered leaf blower shall be the **recorded property owner of the site where the violation has occurred.**

I suggest that after the first warning, the first violation be \$150, second \$500, third \$1500, fourth \$3000.

It is necessary to put in action the new ordinance right away.

Thank you

Anne Dumontier



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject: Introduce and waive further reading of Mechanical Equipment Ordinance

Prepared by: Nick Zornes, Development Services Director

Reviewed by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Initiated by:
City Council.

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 with Appendices
- 2. Example Ordinance Language

Summary:

The draft ordinance proposed accomplishes the goal of eliminating or reducing future noise violations created by mechanical equipment in the side yard setbacks of properties within the City of Los Altos. The proposed ordinance was drafted based upon research conducted by evaluating how other Santa Clara County jurisdictions enforce setback requirements for noise generating mechanical equipment.

Staff Recommendation:

Introduce and Waive Further Reading of an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.14 Mechanical Equipment 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.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



Subject: Mechanical Equipment Ordinance

Background

In May 2022, the City Council requested that staff bring back an ordinance to address noise concerns from mechanical equipment in the side yard setbacks of properties throughout the city. City staff researched what other cities throughout Santa Clara County have in place for mechanical equipment regulations.

Presently, there are no codified setback requirements for mechanical equipment such as air conditioning units within the Los Altos Municipal Code. For several years the City’s Planning Division has “estimated” setback requirements based on internet-based data in an effort to demonstrate compliance of air conditioning units pursuant to the noise limits set in Chapter 6.16 of the Los Altos Municipal Code. The City’s reliance on non-codified setbacks has proven to be ineffective as noise violations still are present regardless of meeting the “estimated” setback requirements to meet compliance with the Noise Ordinance.

Analysis

Mechanical equipment regulations differ greatly from jurisdiction to jurisdiction. However, it is most common that there is a prescribed minimum standard codified into each municipal code.

A sample of mechanical equipment regulations from other Santa Clara County jurisdictions (Attachment 2) shows the wide variety of regulations. Mechanical equipment regulations has a wide range of applications from no setback requirements, to completely prohibited within the required setbacks.

Discussion

The draft ordinance provides standards for mechanical equipment for the Los Altos Municipal Code. Standards include a general definition which encompasses all noise generating mechanical equipment which the planning division has encountered requiring some sort of noise enforcement. The setback requirement for any newly installed mechanical requirement as defined shall adhere to the underlying zoning district. When roof mounted equipment is proposed requirements have been integrated to ensure they are architecturally compatible with the structure in which it is affixed. The proposed ordinance will provide that mechanical equipment installations conform with the noise requirements of the Los Altos Municipal Code.

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 11.14 TO TITLE 11 MISCELLANEOUS PROPERTY REGULATIONS OF THE LOS ALTOS MUNICIPAL CODE ENACTING REGULATIONS FOR MECHANICAL EQUIPMENT

WHEREAS, the City Council requested that staff bring back an ordinance amending the City’s Noise Ordinance to further refine regulations regarding mechanical equipment on private property; and

WHEREAS, the amendments are in the best interest for the protection or promotion of the comfort and convenience of the residents of the City of Los Altos because they clarify and improve the standard requirements for mechanical equipment applicable to all properties or parcels throughout the City; 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 June 27, 2023, and July 11, 2023; 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 11.14 are hereby added of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the 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 June 27, 2023, and was thereafter, at a regular meeting held on July 11, 2023, passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman MMC, City Clerk

**APPENDIX A
AMENDMENTS TO CHAPTER 11.14**

**APPENDIX A
AMENDMENTS TO CHAPTER 11.14**

Chapter 11.14 – MECHANICAL EQUIPMENT

Section 11.14.010 – Purpose

- A. The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for mechanical equipment on any property or parcel in the City of Los Altos. These regulations are intended to prescribe clear criteria for permitting, siting, and installation of all mechanical equipment and appurtenances.

Section 11.14.020 – Definition

“Mechanical Equipment” includes but is not limited to heating or air conditioning units, sump pumps, generators, and ventilation equipment and appurtenances.

Section 11.14.030 – Applicability

- A. This chapter shall apply to all new mechanical equipment and appurtenances requiring a building permit.
- B. Existing mechanical equipment and appurtenances that were lawfully permitted before the effective date of this chapter shall be deemed legal nonconforming.
 - i. When existing mechanical equipment and appurtenances are voluntarily being eliminated or replaced, the new mechanical equipment shall comply with all provisions of this chapter.

Section 11.14.030 – General Standards

- A. Any mechanical equipment and appurtenances which are higher than eighteen inches as measured from the surface immediately adjacent shall comply with the side and rear yard setbacks of the zoning district of the property where such equipment is located.
 - i. No mechanical equipment and appurtenances shall be located closer than ten (10) feet from any property line when the required side and rear yard setbacks of the zoning district are zero feet or no setback requirements.
- B. All mechanical equipment and appurtenances shall be screened from public view.
- C. All mechanical equipment and appurtenances shall comply with the noise requirements set forth in Chapter 6.16.

Section 11.14.040 – Roof Mounted Equipment and Appurtenances

- A. All roof mounted equipment and appurtenances shall be shielded and architecturally screened from public view as visible from any property line of the subject site.
 - i. All screening material shall be compatible with and integrated into the architectural design of the existing or proposed structure the equipment and appurtenances are immediately affixed to and shall be equal to or taller than the height of the equipment.
 - ii. Any noise generating roof mounted equipment and appurtenances shall be required to conduct a noise reading by a certified acoustical consultant and furnish a signed

letter indicating compliance with the City of Los Altos Noise Ordinance, Chapter 6.16.

EXAMPLE MECHANICAL EQUIPMENT REGULATIONS

Mountain View:

Mechanical equipment. Mechanical equipment, including, but not limited to, air conditioner units, can encroach into the required side or rear yard setback, but must be at least three (3) feet from the property line. No mechanical equipment can be located within the front yard setback or be visible from the public street. Mechanical equipment may be located in a street side yard setback, but must be within a fenced yard consistent with fence setback requirements and traffic safety visibility area(s).

Menlo Park:

Mechanical equipment, ground mounted: Mechanical equipment may be constructed with or subsequent to the construction of a single-family dwelling subject to the following requirements when ground mounted:

- (i) The mechanical equipment shall be located in the rear half of the lot, except that equipment that is screened from view may be located in the front half of the lot subject to written approval of the owner(s) of contiguous property abutting the location of the equipment or a use permit in accordance with Chapter 16.82;
- (ii) The mechanical equipment shall be located a minimum of five feet (5') from any property line;
- (iii) The mechanical equipment shall not exceed fifty (50) dBA as measured at the nearest property line;

Sunnyvale:

Mechanical equipment, such as but not limited to heating or air conditioning units, shall not be located between the face of building and the street, and shall be screened from view. Any mechanical equipment which is higher than eighteen inches must meet the side and rear yard setbacks of the zoning district of the property where such equipment is located. All mechanical equipment shall comply with the noise requirements set forth in Section 19.42.030. (Ord. 2623-99 § 1; prior zoning code § 19.40.090).

Cupertino:

d. Air conditioning units and similar mechanical equipment such as generators, sump pumps, heating, and ventilation equipment shall be ground-mounted and screened from public view or underground, and shall meet accessory structure setbacks and adhere to the requirements of Chapter 10.48 of the Municipal Code

Campbell:

The standards contained in this section are designed to minimize the adverse visual impacts and operational effects of air conditioning units (including similar equipment such as generators, heating, and ventilation equipment) using appropriate design, siting, and screening techniques while providing for the personal needs of residents and local businesses.

A. Disturbance prohibited. Air conditioners and similar equipment shall not be located and operated in a manner that would negatively impact surrounding activities or uses.

B. Screened from public view. Roof- or ground-mounted air conditioning units and similar equipment shall be screened from public view. Acceptable screening methods include, but are not limited to, architectural elements, fences, and landscaping. Replacement of existing equipment shall trigger this requirement.

C. Setbacks. Air conditioning units and similar equipment shall be setback a minimum of three feet from any property line.

MINIMUM SETBACK REQUIREMENTS				
ZONE	FRONT	INTERIOR SIDE (FIRST STORY)	EXTERIOR SIDE	REAR
R1-10	25	10	20	25
R1-H	30	20	25	50
R1-20	30	20	25	35
R1-40	50	30	30	50
R3-4.5	20	5	20	20
R3-5	40	15	25	30
R3-3	40	15	25	30
R3.1.8	20	7.5	15	25
R3-1	20	7.5	15	25
OA	18	10% OF WIDTH	10% OF WIDTH	10
OA 1	20	10% OF WIDTH	10% OF WIDTH	10
OA-4.5	10	10% OF WIDTH	10% OF WIDTH	10
CD/R3	2	0	0	2
CN	0	0	0	20
CD	2	0	0	0
CRS	0	0	0	0
CT	25	7.5 AVERAGE	15 AVERAGE	0
CRS/OAD	0	0	0	0
PCF	40	25	35	50
PCF/R1-10	25	10	20	25



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Discuss and Consider Taking Positions on Various Senate and Assembly Bills

Prepared by: Melissa Thurman, City Clerk

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Sample Support Letter for SB4 (Weiner)

Initiated by:

City Council (N. Fligor)

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Consider Taking Positions on the Following Items:
 - AB1630 (Garcia) – Planning and zoning: housing development approvals: student housing projects
 - AB1532 (Haney) – Office conversion projects
 - SB4 (Weiner) – Planning and zoning: housing development: higher education institutions and religious institutions
 - SB423 (Weiner) – Land use: streamlined housing approvals: multifamily housing developments
 - AB519 (Schiavo) – Affordable Housing Finance Workgroup: affordable housing: consolidated application process
 - AB1490 (Lee) – Affordable housing development projects: adaptive reuse

Staff Recommendation:

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

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE

Letter Instructions:

Email your letter to: Tate Hanna, Legislative Aide, Sen. Wiener (Tate.Hanna@sen.ca.gov) and Cc: Abram Diaz, NPH Policy Director (Abram@nonprofithousing.org)

And submit to: <https://calegislation.lc.ca.gov/Advocates/> (note that your organization will need to create a free account)

PLACE ON LETTERHEAD

[Insert Date]

The Honorable Scott Wiener
California State Senate
1021 O Street, Suite 6630
Sacramento, CA 95814

Re: Senate Bill 4 - Affordable Housing on Faith Lands Act - Support

Dear Senator Wiener,

On behalf of **[Organization Name]**, we write in support of Senate Bill (SB) 4, the Affordable Housing on Faith Lands Act. This measure would make building affordable housing easier, faster, and cheaper on land owned by faith-based institutions and nonprofit colleges.

[Include 1-2 sentences to briefly describe your organization: You may include how many people you serve and where, how many people you employ and where, etc.]

Across California, faith-based organizations and non-profit colleges are seeking to partner with affordable housing developers to build critically needed affordable homes on their own land. These faith-based organizations are long-standing community anchors and are driven by their values to support those most in need and help address our homelessness crisis.

Per a study by the UC Berkeley Turner Center, there are approximately 38,800 acres of land—roughly the size of the city of Stockton—used for religious purposes and are potentially developable. A significant share of that acreage (45 percent) is located in the state’s “high” or “highest” resource opportunity areas, signaling an opportunity for building housing in neighborhoods with lower poverty rates and greater economic, educational, and environmental amenities.

Unfortunately, the land that these organizations hold can often be locked into complicated and cost-prohibitive local zoning rules and regulations. These can range from standards which allow only a few units to be built on large parcels to others which limit any housing construction at all. The variety of red tape and obstacles in the way make development financially infeasible and discourage institutions from moving forward with projects that would benefit their low-income and unhoused neighbors.

A 2022 report from the California Department of Housing and Community Development found that we need to build 1.2 million affordable homes over the next decade to meet our housing goals. Over the last few years, California has added an average of 19,000 affordable units a year. At this

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And submit to: <https://calegislation.lc.ca.gov/Advocates/> (note that your organization will need to create a free account)

pace we will not reach our state goals without increased streamlining for affordable housing production.

SB 4 will streamline the building process and offer new tools for neighborhood leaders to build safe, stable, affordable homes for local residents and families. This bill will allow places of worship to build 100% affordable housing projects, creating a valuable option in the midst of the state's housing and homelessness crises. It also provides significant untapped benefits for faith-based organizations, from supporting an organization's charitable mission to providing revenue that can stabilize the organization's finances.

This is a common-sense opportunity for us to partner with trusted community leaders. The catastrophic tragedies we see on the street every day call for urgent and bold action and this bill will help us move forward. Thank you for your leadership on these critical housing and homelessness issues and for all these reasons, we support this bill.

Sincerely,

[Insert Your Full Name]

[Insert Your Title]

[Insert Your Organization's Name]



June 14, 2022

The Honorable Scott Wiener
California State Senate
1021 O Street, Suite 8620
Sacramento, CA 95814

RE: **SB 4 (Wiener) Affordable Housing on Faith and Higher Education Lands Act of 2023**
(As amended 5/18/2023) **Notice of Support if Amended**

Dear Senator Wiener:

The League of California Cities (Cal Cities) writes to express a support if amended position on your measure SB 4, which would require local jurisdictions to approve 100% affordable housing development projects on land owned by mission driven religious institutions and independent institutions of higher education if the development satisfies specified criteria.

Housing affordability and homelessness are among the most critical issues facing California cities. Affordably priced homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in the state. SB 4 could help spur much needed affordable housing construction by allowing religious institutions and nonprofit private colleges to build 100% affordable housing on infill sites they own prior to Jan. 1, 2024. These institutions must follow nearly all locally adopted objective development standards, including objective design review standards.

Cal Cities would be able to take a full support position on SB 4 if it is amended to allow local jurisdictions to continue to determine maximum building heights and parking requirements.

We all know that streamlining the housing approval process alone will not solve the housing crisis. That is why Cal Cities continues to call on the Governor and lawmakers to include a \$3 billion annual investment in the state budget to help cities prevent and reduce homelessness and spur affordable housing development. Targeted, ongoing funding is the only way cities can find community-based solutions that get our residents off the streets and keep them in their homes.

Cal Cities looks forward to working with you and other stakeholders on legislative and budget proposals that will produce much needed housing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Rhine".

Jason Rhine
Assistant Director, Legislative Affairs

Cc: Members, Assembly Committee on Housing



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

M E M O R A N D U M

DATE: June 13, 2023

TO: City Council

FROM: City of Los Altos Executive Team

SUBJECT: CITY OF LOS ALTOS MARCH 14, 2023 STORM RESPONSE REPORT

Response Details

The City of Los Altos experienced an extreme weather event on Tuesday, March 14, 2023. The impact of the heavy wind event caused a major power disruption city wide due to downed trees and power lines.

On March 14, 2023, the City of Los Altos was subjected to an unusual and unprecedented severe wind weather event. In anticipation of the event, City staff took an “all hands-on deck” approach in order to properly address the impacts of the storm.

On the day of the weather event, during the operational period of 10 am (the approximate start of the storm) through 11:59 pm, the City of Los Altos had the following personnel on duty to assist in the storm response:

Department	Staff Members	Normal Hours	Overtime Hours	Total Hours
City Manager’s Office	7	42	9	51
Police Department (Sworn, Dispatch, Records, Traffic)	19	156	32	188

Parks & Recreation	11	66	35	101
Public Works	4	11	0	11
Sewer Services	4	20	10	30
Total	45	295	86	381

During the period of 8 am to 5 pm, the Police Records division received 187 storm related calls, almost four times the daily average of 40 calls. During the operational period of Tuesday, March 14th from 12:01 am through 11:59 pm, Police Dispatch received 362 phone calls (transferred and 911 calls), of which 204 were storm related calls for service (the daily average of phone calls into dispatch is 69).

The nature of the calls included traffic collisions, downed trees blocking roadways, trees on power lines, live wires down and trees on vehicles. The extent of the downed trees blocking roadways was extensive and affected many city streets and thoroughfares.

Early on during the wind event, power was disrupted citywide affecting land line and cell phone service as well. PG&E provided online updates regarding the outages and possible restoration timelines; however, it became increasingly difficult for Police personnel to contact PG&E representatives for real time updates as the storm progressed.

Maintenance Services personnel were only able to communicate via radio with each other and with police dispatch to coordinate responses.

Some residents were able to connect with Wi-Fi at Woodland Library and later outside the Police building, however, cell phone service was down for an extended period.

Traffic signals did not have back up power and were out citywide. Police and Fire personnel did not have adequate staffing to man the array of intersections where traffic signals were inoperable, while also responding to incoming emergency calls for service. As a result, cones, flares and eventually pop up stop signs were deployed by Police, Fire, Public Works, and Parks staff.

The Police building lost power and the backup generator failed to switch on initially. Maintenance Services personnel responded to the Police building to assist with the generator. The 911 system has a limited back up power source and it was within minutes of failing. In the event of catastrophic power failure, the 911 system would have been diverted to a neighboring police agency. This was avoided due to Maintenance Services personnel temporarily fixing the generator issue.

While responding to a downed tree on a vehicle call, a police vehicle occupied by a police officer and three police trainees was hit by a falling tree. The officer was able to safely maneuver away from the tree and avoided serious injury. The police vehicle suffered minor damage.

Police personnel responded to two calls of trees on top of vehicles along Foothill Expressway, requiring one individual to be transported to the hospital via ambulance.

In addition, Police personnel responded to one call of a tree falling at Oak elementary school. A child suffered a minor facial laceration in that incident. The parents took custody of the child, who did not require medical attention.

Maintenance Services used all available heavy equipment to clear roadways affected by downed trees and other debris. One piece of equipment was briefly disabled when a tree branch punctured an oil hose. The hose was repaired the following day. In total, Maintenance Services personnel responded to 93 calls for service.

Power was out at the Blue Oak Lane pump station. The pump station had to be monitored around the clock. The following day, March 15, 2023, Peninsula Pump Repair responded to fix a defective relay switch. Power still had not been restored in the area, causing the pumps to work solely on generator power.

Development Services initially red tagged ten homes but after further inspection they were downgraded to yellow (restricted access) due to tree intrusions.

The City Manager's Office fielded calls from concerned residents. The City Communications team sent alerts and information to residents days before the actual storm event to include messaging on the City Manager's weekly update newsletter. Messaging by the communications team via social media and Nixle alerts continued through Friday, March 17, 2023.

The City of Los Altos' response to the storm extended past Tuesday, March 14th, 2023. During the period of March 15th through March 17th, 2023, the day power was restored, city staff continued to respond to storm related incidents to include but not limited to the following:

- Police personnel continued to receive storm related calls for service regarding fallen trees, downed live power lines and inoperable traffic signals.
- Calls were received regarding residents ignoring signs and barricades and accessing dangerous areas.
- Maintenance Services continued to respond to storm related issues and clean up around the city.
- Sewer services discovered sewer and storm drain manhole covers along Berry Ave had been mistakenly paved over by a contractor, rendering them inaccessible.

- The Blue Oak pump station lost generator power necessitating the system to be vacuumed out with a Vac-Con truck. It was later discovered that the generator had run out of fuel, causing it to shut down.

Power was not restored city wide until Friday, March 17th, 2023.

Additionally, city staff reached out to PG&E on the storm-related outages and received the following information:

“In the South Bay & Central Coast region, PG&E had more than 1,500 coworkers and contractors managing restoration efforts for the 15 storms that occurred between New Years 2023 and March 2023.

Following outages in your community, our team conducted detailed, multi-outage reviews to assess common outage causes and find ways to reduce the impact on customer’s homes and their businesses.

Through this review process, we identified ways to improve reliability. In 2022, our team took the following actions to improve reliability in Los Altos:

- *Tightening wire spans*
- *Adjusting equipment to resist high winds*
- *Strategized to reduce inspection and reactivation times*
- *Adding sensors on lines”*

Total City Property Damage

Below is the listing of all itemized property damage caused by this storm incident. The City has applied for FEMA reimbursement for these damages through Santa Clara County and are awaiting their response. FEMA conducted a site assessment inspection in April 2023 to confirm the damage.

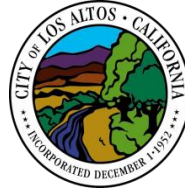
Damage	Address	Estimated Dollar Loss
Police Cruiser Dodge Charger Vehicle Repair	1 N San Antonio Road	\$270.79
Council Chambers Audio/Visual Equipment Replacement	1 N San Antonio Road	\$2,000-\$3,000
Maintenance Service Center Rear Gate Repair	707 Fremont Avenue	\$15,000-\$18,000
Blach Gym Roof Repair	1120 Covington Road	\$6,000-\$8,000
Youth Center Roof Repair	1 N San Antonio Road	\$400
McKenzie Park Tennis Court Fence Replacement	707 Fremont Avenue	\$20,000-\$27,000
Total		\$53,727.29

Lessons Learned

- The City Emergency Operations Plan should be updated, including:
 - Communications protocol, including a kickoff meeting at the beginning of the emergency event that includes all emergency response leads
 - Cellular, landline/Ring Central, and home phone numbers for all EOC staff
 - Debris Management Plan
 - Residents did not know who was responsible for post-event debris on their properties. Some residents left debris on the curb for over a month
- Los Altos' poor cellular phone reception made it difficult to communicate with staff
- Some key maintenance equipment is outdated and not reliable, including:
 - Generators (e.g., during the January storm event, the MSC/EOC generator failed)
 - Backhoe
 - Loader
- All City traffic signals went dark during the multi-day outage and makeshift STOP signs had to be assembled and mobilized at every intersection in Los Altos
- Each building has a different generator system so ensuring that staff understands how they all function

Action Steps

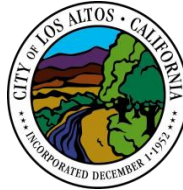
- Set up group messaging platform for executive team for more immediate communication (Completed)
- Update the City Emergency Operations Plan and distribute to all staff (In Progress)
- Train or re-train all staff on their roles and responsibilities in EOC response
- Re-establish the use of the Motorola Radio System until cellular communications is more reliable in Los Altos
- Upgrade and replace equipment that is needed during typical emergency events as feasible
- Install battery backup systems on City traffic signals as feasible



City of Los Altos 2023 Tentative Council Agenda Calendar

July 11, 2023 Closed Session – 6:00 p.m. Regular Meeting – 7:00 p.m.		
AGENDA TITLE:	DEPARTMENT:	PUBLIC HEARING?:
CONSENT:		
Adopt Leaf Blower Ordinance	Dev. Svcs.	No
Adopt Noise Ordinance	Dev. Svcs.	No
Commissioner Handbook	CM	No
Adopt a Resolution Approving Sanitary Sewer Video Inspection, Project WW-0101121	ESUD	No
Adopt a resolution to authorize the City Manager to execute Amendment No. 3 to the EOC Design Agreement between the City of Los Altos and Noll & Tam Architects and Planners in an amount not to exceed \$54,473 to evaluate an upsized generator sized for the whole Los Altos Community Center and some capacity for Los Altos Youth Center Office Conversion Project	PW	No
Adopt a resolution to authorize the City Manager to execute the First Amendment to the Agreement between the City of Los Altos and BKF Engineers to develop a streetscape concept plan for the southern segment of First Street, between Main Street and San Antonio Road	PW	No
Adopt a resolution to authorize the City Manager to execute an Agreement between the City of Los Altos and TRB + Associates to provide as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos	PW	No
Adopt a resolution to authorize the City Manager to execute an Agreement between the City of Los Altos and Silicon Valley Clean Energy to accept a Community Resilience Program Grant	PW	No
DISCUSSION:		
Café at the Community Center	P&R	No
School District Discussion – Allen Bill	Council	No
ALPR Policy	PD	No

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.



City of Los Altos 2023 Tentative Council Agenda Calendar

AUGUST 22, 2023 Closed Session – TBD Study Session –TBD Regular Meeting – 7:00 p.m.		
AGENDA TITLE:	DEPARTMENT:	PUBLIC HEARING?
<u>SPECIAL ITEMS:</u>		
MidPen Board Member Presentation		
<u>CONSENT:</u>		
Treasury Report	Finance	No
<u>DISCUSSION:</u>		
History Museum Funding	CM	No
<u>PUBLIC HEARINGS:</u>		

Remaining 2023 City Council agenda calendar items are pending and will be published at a later date.

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.

PROGRAM	SUB PROJECT	INITIATION DATE	HEU COMPLETION DATE	STATUS
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Budget & Hire Planning Technician		December 31, 2022	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Amend ADU Ordinance based upon HCD's letter		6 months or less	
Program 3.H: Amend design review process and requirements.	Eliminate 3rd Party Architectural Review		February 28, 2023	COMPLETED
Program 3.H: Amend design review process and requirements.	Dismiss Design Review Commission		February 28, 2023	COMPLETED
Program 3.L: Eliminate the requirement of story poles.			March 31, 2023	COMPLETED
Program 2.E: Conduct annual ADU rental income surveys.	Budget & Hire Housing Manager	March 31, 2023		BUDGET DEPENDENT
Program 4.J: Facilitate alternate modes of transportation for	Adopt VMT Policy &		June 30, 2023	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	RFP-Permit Ready ADU Plans		July 31, 2023	RFP RELEASED
Program 1.H: Facilitate housing on City-owned sites.	Financial Analysis	July 1, 2023	December 31, 2023	DEVELOPING RFP
Program 3.D: Evaluate and adjust impact fees.		August 1, 2023	December 31, 2024	RFP CLOSED - UNDER REVIEW
Program 1.H: Facilitate housing on City-owned sites.	Release RFP	December 31, 2023		
Program 6.C: Target housing development in highest resource areas.	Initial Outreach		September 31, 2023	
Program 6.D: Promote Housing Choice (Section 8) rental assistance program.			September 31, 2023	
Program 2.A: Continue to implement and enhance inclusionary housing requirements.			December 31, 2023	IN-PROGRESS
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Housing in-lieu fee.		December 31, 2023	IN-PROGRESS
Program 2.F: Water and Sewer Service Providers.			December 31, 2023	
Program 3.B: Modify building height in mixed-use zoning districts.	Downtown Districts		December 31, 2023	
Program 3.E: Ensure that the density bonus ordinance remains consistent with State law.			December 31, 2023	ONGOING

Program 3.H: Amend design review process and requirements.	Code Amendments		December 31, 2023	COMPLETED
Program 3.K: Standardize multimodal transportation requirements.	Bicycle Storage and Charging Regulations		December 31, 2023	COMPLETED
Program 3.K: Standardize multimodal transportation requirements.	Remove CSC Review of Housing Developments		December 31, 2023	COMPLETED
Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.			December 31, 2023	
Program 4.D: Allow transitional and supportive housing consistent with State law.			December 31, 2023	
Program 4.E: Allow employee/farmworker housing consistent with State law.			December 31, 2023	
Program 4.F: Reasonably accommodate disabled persons' housing needs.			December 31, 2023	
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Prepare Inventory.		December 31, 2023	
Program 6.E: Prepare and distribute anti-displacement information.			December 31, 2023	
Program 1.A: Rezone for RHNA shortfall.			January 31, 2024	
Program 1.G: Rezone housing sites from previous Housing Elements.			January 31, 2024	
Program 3.G: Amend Conditional Use Permits findings applicable to housing developments.			March 31, 2024	
Program 3.I: Allow residential care facilities consistent with State law.			March 31, 2024	
Program 3.J: Explicitly allow manufactured homes consistent with State law.			March 31, 2024	
Program 3.F: Reduce Conditional Use Permit requirement for residential mixed-use and multi-family.			September 31, 2024	
Program 1.B: Facilitate higher density housing in the Commercial Thoroughfare (CT) District.			December 31, 2024	
Program 1.C: Allow housing in the Office Administrative (OA) District.			December 31, 2024	

Program 1.E: Update the Loyola Corners Specific Plan.			December 31, 2024	
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Adopt-Permit Ready ADU Plans		December 31, 2024	
Program 3.A: Prepare a Downtown parking plan and update citywide parking requirements.			December 31, 2024	RFP RELEASED
Program 3.B: Modify building height in mixed-use zoning districts.	Neighborhood (CN) District		December 31, 2024	
Program 3.C: Remove floor-to-area ratio (FAR) restriction at Rancho Shopping Center and Woodland Plaza.			December 31, 2024	
Program 3.M: Modify parking requirements for emergency shelters consistent with State law.			December 31, 2024	
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Commercial linkage fee.	December 31, 2025		
Program 1.D: Allow housing on certain Public and Community Facilities District sites and facilitate housing on religious institution properties.			December 31, 2025	
Program 1.F: Rezone Village Court parcel.			December 31, 2025	
Program 4.H: Provide additional density bonuses and incentives for housing that accommodates special needs groups.			December 31, 2025	
Program 4.I: Allow senior housing with extended care facilities in multi-family and mixed-use zoning districts.			December 31, 2025	
Program 1.I: Incentivize Downtown lot consolidation.			July 31, 2026	
Program 4.G: Assist seniors to maintain and rehabilitate their homes.			July 31, 2026	
Program 6.C: Target housing development in highest resource areas.	Follow-up Outreach		September 31, 2026	
Program 1.H: Facilitate housing on City-owned sites.	Entitlement Review		December 31, 2026	
Program 3.N: Modify standards in the R3 zoning districts.			December 31, 2026	

Program 4.J: Facilitate alternate modes of transportation for residents.	Capital Improvement Project for above head pedestrian crossing signals on San Antonio Road near Downtown Los Altos		December 31, 2027	
Program 5.F: Incentivize the creation of play areas for multi-family housing projects.			December 31, 2027	
Program 1.K: Participate in regional housing needs planning efforts.			Ongoing	
Program 1.L: General Plan amendments.			Ongoing	
Program 1.M: SB 9 implementation.			Ongoing	
Program 1.N: Facilitate and monitor pipeline housing projects.			Ongoing	
Program 2.C: Assist in securing funding for affordable housing projects.			Ongoing	
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).			Ongoing	
Program 2.E: Conduct annual ADU rental income surveys.	Annual Survey		Annually	
Program 4.A: Support efforts to fund homeless services.			Ongoing	
Program 4.B: Continue to participate in local and regional forums for homelessness, supportive, and transitional housing.			Ongoing	
Program 5.A: Monitor condominium conversions.			Ongoing	
Program 5.B: Continue to administer the City's affordable housing programs.			Ongoing	
Program 5.C: Restrict commercial uses from displacing residential neighborhoods.			Ongoing	
Program 5.D: Implement voluntary code inspection program.			Ongoing	
Program 5.E: Help secure funding for housing rehabilitation and assistance programs.			Ongoing	

Program 6.A: Assist residents with housing discrimination and landlord-tenant complaints.			Ongoing	
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Inform, Evaluate Apply/Submit		Ongoing	
Program 6.F: Affirmatively market physically accessible units.			Ongoing	
Program 7.A: Promote energy and water conservation and greenhouse gas reduction through education and awareness campaigns.			Ongoing	
Program 7.B: Monitor and implement thresholds and statutory requirements of climate change legislation.			Ongoing	