

Jon Maginot

From: Wendy Reynolds
Sent: Monday, April 15, 2019 2:53 PM
To: Jon Maginot
Subject: Sorensen building

Please say NO. Reasons are obvious.
Sent from my iPad

Jon Maginot

From: Daniel.Golub@hklaw.com
Sent: Tuesday, April 23, 2019 11:57 AM
To: City Council
Cc: Jon Biggs; Jon Maginot; Christopher.Diaz@bbklaw.com; scott.ditfurth@bbklaw.com; Melinda.Coy@hcd.ca.gov; Genna.Yarkin@hklaw.com
Subject: 40 Main Street appeal (item #8 on April 23 Council agenda)
Attachments: 2019-04-09 HAA DBL Presentation transcript.pdf; Item_6_Presentation_presented_at_meeting.pdf; Item_6_Public_correspondence.pdf; Item_6_Additional_information.pdf

Dear Mayor Lee Eng, Vice Mayor Pepper, and Councilmembers Bruins, Enander, and Fligor:

On behalf of 40 Main Street Offices LLC, I wanted to thank you for your time and attention at the April 9 appeal of the 40 Main Street SB 35 application denial. I appreciated the Council's thoughtful questions and very much appreciated the important discussion.

With this said, we were disappointed by the motion the Council adopted, which reflected an interest by the Council in seeking to avoid the requirements of State housing law. Unfortunately, this same interest in avoiding the requirements of State law is also reflected in several comments by Councilmembers at the April 9 session on the Housing Accountability Act and State Density Bonus Law. A transcript of the study session, and related materials, are attached hereto for your reference.

As you know, it remains the case that State law does not allow the City identify objective standards with which the project conflicts more than 60 days after the application is submitted, but for the purposes of completeness, I also wanted to take the opportunity to respond to the April 23 staff report's new calculation of whether the project meets SB 35's "two-thirds residential" requirement. The new staff report implicitly acknowledges that the prior staff report, upon which the Council based its decision in the last meeting, was erroneous, because the prior calculation, in contradiction to the SB 35 Guidelines, excluded the residential parking garage from the portion of the project considered to be designated for residential uses. The new staff report then attempts to recalculate based on the procedures established in the SB 35 Guidelines. The SB 35 Guidelines state that when performing the two-thirds calculation, "[a]dditional density, floor area, or units granted pursuant to Density Bonus Law are excluded from this calculation." Guidelines, 400(b)(1). The new staff report then proceeds to exclude Density Bonus floor area from the portion of the project designated to be residential – but then the staff report *includes that floor area in the overall gross square footage of the project as whole*. Nothing in the Guidelines supports this selective exclusion of Density Bonus floor area only from the numerator, but not the denominator, of the two-thirds ratio, and any such approach would be a completely "apples to oranges" calculation. The "base project" is more than two-thirds residential, and so is the proposed project with the Density Bonus Law applied. There is no question about whether the project meets SB 35's two-thirds residential requirement.

Finally, I wanted to also assure you that contrary to the new staff report's suggestions, the project will have no difficulty meeting the requirements of the Americans with Disabilities Act and the applicable City interior height requirements. We have confirmed with the project architect that the project complies with the ADA's accessibility requirements, that the vehicular elevator meets minimum ADA requirements, and the ground floor does have 12'-0" clear in compliance with code.

We hope this information is helpful.

Sincerely,

Daniel Golub | Holland & Knight

Associate

Holland & Knight LLP

50 California Street, Suite 2800 | San Francisco, CA 94111

Phone 415.743.6976 | Fax 415.743.6910

daniel.golub@hklaw.com | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIPT OF MEETING
LOS ALTOS CITY COUNCIL
APRIL 9, 2019
7:00 P.M.

1 (START OF REQUESTED PORTION - 3:17)

2 MS. LEE: Hello again. So I'm going to
3 give an overview of the Density Bonus Law. Am I
4 not speaking into the mic? Closer? Am I
5 speaking -- there it is. Okay. No one ever
6 tells me to speak up. It's very rare. So I
7 appreciate that.

8 So I'm going to give an overview of the
9 Density Bonus Law and the Housing Accountability
10 Act. And then as Chris said, we're going to have
11 a segue into Jon's presentation.

12 I think you already have some general
13 familiarity with this, even tonight. So this
14 will be -- hopefully maybe we'll fill in some
15 gaps and certainly give you an opportunity to ask
16 questions or stop me at any point if you want to
17 have me clarify anything.

18 So the state Density Bonus Law is
19 codified in the Government Code. Both the state
20 Density Bonus Law and the Housing Accountability
21 Act are part of a whole larger set of state
22 measures that are designed to encourage and
23 incentivize housing development.

24 As I'm sure you know, in just last year,
25 a host of new legislation came into effect, which

1 you're probably familiar with to some extent at
2 least, all trying to address a critical housing
3 shortage that's been identified by the state.
4 And there's certainly a trend in legislation.
5 These laws are part of that larger body of law
6 where the state is really trying to not only
7 incentivize but really ratchet back a lot of the
8 discretion that local agencies have in housing in
9 order to make sure the housing actually does get
10 developed and to curb the authority of local
11 jurisdictions to deny housing projects or to
12 reduce the density of housing projects. So these
13 laws are part of that larger scheme and should be
14 understood in that context.

15 So the background of the state Density
16 Bonus Law is codified in the Government Code, as
17 I said. It was enacted in 1979 to incentivize
18 production of affordable housing. It's been
19 amended a lot since that time. It continues to
20 be amended. There are new amendments that are
21 part of -- there are over 200 housing bills in
22 the legislature in some form or another right
23 now. So it may change any way. Well, it
24 certainly will change at some point. So stay
25 tuned, but this is where we are today.

1 How the Density Bonus Law works.
2 Developers agree to produce qualifying projects,
3 which include affordable housing typically, in
4 exchange for up to four things - a bonus in the
5 density that the project is allowed to have,
6 regulatory concessions or incentives, waivers of
7 development standards, reductions in parking
8 requirements. And those four things I'll talk
9 about more. In exchange for those things, the
10 city gets affordable housing within its
11 boundaries, or it might get another qualifying
12 project. Sometimes there's land exchanges and
13 things like that, but the idea is to incentivize
14 housing in the city. And these are restricted
15 projects so that there's guarantee that the
16 affordability will remain for a certain period of
17 time.

18 The City of Los Altos has an ordinance
19 that implements the state law, as I'm sure you
20 know. The Los Altos density bonus ordinance was
21 adopted in 2017. It's codified in the Municipal
22 Code at Section 14.28.040. It assists the city
23 to carry out its housing element programs, and
24 it's also something that the state housing
25 community development department will look at as

1 a way of assessing the intent of Los Altos for
2 compliance with meeting its regional housing
3 needs allocation as well. So it's an important
4 component of our overall strategy to meet housing
5 goals.

6 How it works. A qualifying development
7 is entitle of right to a density bonus. I'll go
8 over what projects are qualifying in a minute.
9 The city ordinance specifies how we implement
10 compliance with the state statute. The state
11 statute always controls, but we have adopted
12 locally a method for refining that.

13 The state law authorities the cities to
14 grant bonuses that are greater than the state
15 mandates, and the Los Altos ordinance has a
16 provision to that effect. So we have the
17 minimums that state laws requires us to authorize
18 for certain qualified projects, and then there is
19 also provision in the Los Altos Ordinance that
20 gives the Council discretion to approve greater
21 density bonuses if they feel it's appropriate,
22 given the circumstances of the project.

23 So how to qualify. There are a host of
24 projects that qualify. In a nutshell, projects
25 for very low units, that's up to 50 percent of

1 adjusted gross median income. You have a minimum
2 of five percent of the units. There's a whole
3 table that we always consult -- I just don't have
4 it committed to memory -- about what number
5 percentage of units get -- and it correlates to
6 the percentage that the project contains, the
7 percentage of affordable units that the project
8 contains. It starts for very low qualifying
9 projects. It starts at 20 percent, and there's a
10 2-1/2 percent increase per 1 percent of
11 affordable units, and that applies to both rental
12 and for sale properties -- projects.

13 For low income projects, projects
14 containing -- that's at 80 percent adjusted gross
15 median income. If there is 10 percent of the
16 units that are for that income category, there's
17 a density bonus that starts at 20 percent, and it
18 goes up at 1-1/2 percent per 1 percent increase
19 in the affordable units. That also applies to
20 rental and for sale units.

21 For projects providing moderate
22 affordable -- housing affordable to moderate
23 income households, which is 80 to 120 percent of
24 adjusted gross -- AMI, a minimum of 10 percent of
25 the units need to be provided to qualify for the

1 bonus. That starts at a 5 percent bonus with a 1
2 percent increase in density per 1 percent
3 increase in the affordable units. And that only
4 applies to for sale projects. So that's really
5 for projects that are not providing rental units
6 but are providing for sale properties.

7 There also are provisions for senior
8 projects. These are for -- for senior projects
9 it's not affordability restricted. It's for
10 projects that are restricted by senior age
11 categories. There's a flat 20 percent density
12 bonus for those projects that qualify. There are
13 also provisions for housing for foster, youth,
14 disabled veterans, and homeless. So those are
15 specified in other state statutes and for land
16 donations in certain circumstances.

17 So for land donations, there are -- a
18 project needs to provide at least one acre of
19 land for development. It has to be large enough
20 to accommodate 40 units. The land has to be
21 large enough to accommodate at least 10 percent
22 of the market rate units at density suitable for
23 very low income housing. And it has to be
24 located approximate to the development. It has
25 to be -- or within the development, either within

1 the development itself or within a quarter mile.
2 It has to be appropriately designated in the
3 general plan for housing.

4 For child care facilities, this applies
5 to projects that include qualifying projects that
6 include a child care facility. To qualify -- so
7 they'll get an additional bonus for the facility
8 itself. The child care facilities need to remain
9 in operation for the duration of the affordable
10 housing restrictions that are applied to the
11 units. They have to ensure that children
12 attending come from very low, low, or moderate
13 income households in the same or greater
14 proportion as the housing development itself.
15 And the density bonus for those are -- as I said,
16 it's for child care facilities, it's a straight
17 bonus, and it depends on the amount of square
18 footage that's applied to the project.

19 Some notes on density bonus. The
20 developer has to choose from one of those
21 eligibility categories that I had on that slide
22 before. So you can't aggregate. You have to
23 pick which one you like. Typically developers
24 choose the one that will give them the best
25 benefits, understandably.

1 Density bonus calculations all have to
2 be rounded up, so that includes your base density
3 has to be rounded up, the number of units. So if
4 you would be entitled to the unit you noted
5 probably that they're half percentages and things
6 like that. You have to round up whenever you
7 have any kind of odd percentage calculation and
8 same with affordable units.

9 Inclusionary units like we have in Los
10 Altos, an affordable inclusionary housing
11 ordinance. Those units qualify for density bonus
12 benefits, so they qualify both for the density
13 bonuses and for incentives, concessions, and
14 waivers. So even if -- even if they would
15 ordinary develop in accordance, as long as they
16 develop the inclusionary units in accordance with
17 the ordinance, they would qualify. So that's
18 pretty much all projects that are complying with
19 that ordinance.

20 There are also restrictions on the --
21 typically deed restrictions is the mechanism for
22 restricting the time frame that projects will
23 remain affordable. For rental projects, which as
24 I noted on the earlier slide, those apply to
25 projects that qualify through having a very low

1 or low income percentage. It's a 55-year dead
2 restriction by state statute that is required to
3 apply. It could be longer depending on other
4 restrictions, but it's a minimum of 55 years
5 under state law.

6 For "for sale" projects, it's a little
7 trickier. These apply -- as I mentioned, they
8 apply for very low, low, or moderate income.
9 Moderate income only qualifies for density bonus
10 if it's a for sale project. The initial occupant
11 has to qualify on the basis of income.
12 Thereafter, any restrictions are imposed by
13 agreement. So there's a provision in state law
14 for equity sharing agreements, where future sales
15 are restricted, and this is incorporated into the
16 Los Altos ordinance. Future sales are restricted
17 -- are regulated so that a proportion of the
18 investment goes back to the owner or the seller,
19 and also proportion if there's a city
20 contribution or a subsidy that would go back to
21 the city as well.

22 And the practice in Los Altos, as I
23 understand it -- Jon might be able to speak to it
24 if you have questions about it -- is that we
25 impose, as a condition of approval, also an

1 affordable housing requirement. It's a very
2 common requirement that jurisdictions impose on
3 these projects so that there will be a deed
4 restriction in place as well.

5 So in addition to the density bonuses
6 themselves, which his just an increase in the
7 number of units, there also are provisions in
8 state law and in corollaries in our local
9 ordinance for concessions or incentives,
10 regulatory benefits, that apply to projects that
11 qualify for density bonus -- under the density
12 bonus scheme.

13 So a concession or incentive. They're
14 used interchangeably. The terms are thrown
15 around interchangeably, so forgive me if I use
16 them, but that's what they're meant to be. It's
17 a reduction in site development standards or a
18 modification of zoning code requirements or
19 architectural design requirements that exceed
20 minimum building standards that would otherwise
21 be required that result in identifiable and
22 actual cost reductions to provide for affordable
23 housing costs or for rents for the targets units
24 to be affordable.

25 So we've had some conversation about

1 this tonight, but this is basically a benefit
2 that they can receive to get some relaxation of
3 standards that would otherwise apply to a project
4 to incentivize the development of housing.

5 MAYOR LEE ENG: I have a question.

6 MS. LEE: Uh-huh (affirmative).

7 MAYOR LEE ENG: Do you want us to ask
8 questions as they come up, or do you want to wait
9 to --

10 MS. LEE: Sure, if you want to. That's
11 fine. Whatever you want to do.

12 MAYOR LEE ENG: You know, on the last
13 side slide prior --

14 MS. LEE: Oh, yeah.

15 MAYOR LEE ENG: -- when you were saying
16 about the rental projects --

17 MS. LEE: Yeah.

18 MAYOR LEE ENG: -- 55 years or longer if
19 required. So what if we would like it to remain
20 in perpetuity, do we create an ordinance, or do
21 we --

22 MS. LEE: I think perpetuity might be a
23 hard thing to do legally, but I think we -- there
24 isn't an expressed restriction on having a longer
25 duration.

1 MAYOR LEE ENG: Okay.

2 MS. LEE: So we could explore that.

3 MAYOR LEE ENG: Okay.

4 MS. LEE: I think perpetuity is not a
5 probable -- you know, probably not acceptable,
6 but there might be other options that we could
7 explore.

8 MAYOR LEE ENG: Okay. Thank you.

9 MS. LEE: Uh-huh (affirmative).

10 So returning to concessions and
11 incentives. Let's see. Where was I here? So I
12 said -- I defined here for you. It's a reduction
13 in the site development standards.

14 COUNCILMEMBER ENANDER: Jan and I think
15 we have the same question.

16 MS. LEE: I'm sorry. What?

17 COUNCILMEMBER ENANDER: In bullet number
18 one, are we on bullet number one, Jan?

19 MS. LEE: Oh, bullet number one. Yeah.

20 VICE MAYOR PEPPER: Yep.

21 COUNCILMEMBER ENANDER: Okay. When we
22 approved our implementing ordinance, which
23 admittedly was only about a little over a year
24 ago.

25 MS. LEE: 2017.

1 COUNCILMEMBER ENANDER: We'll, we're
2 getting close to two years ago.

3 MS. LEE: Yeah.

4 COUNCILMEMBER ENANDER: There was not
5 yet much in the way of case law that really got
6 into the question what does it mean that it
7 results in identifiable and actual cost
8 reductions. Do we have any better clue now than
9 we did two years ago as to what that means and
10 how it gets established for purposes of decision-
11 making by the City?

12 MS. LEE: We don't really have, you
13 know, particularly good judicial guidance. We
14 don't. No. So I think that we still, I think,
15 have to count on the fact that we have to develop
16 a good record to try to identify. And we have to
17 ask for developers to provide the information
18 necessary to be able to substantiate their basis
19 for asking for incentives if we want to -- if we
20 think there's a question about whether there's
21 costs.

22 COUNCILMEMBER ENANDER: So it's
23 legitimate for us to ask the question for
24 ourselves, is this incentive? So an incentive is
25 not something that's completely by right?

1 MS. LEE: No.

2 COUNCILMEMBER ENANDER: We can ask, you
3 know, is that really necessary --

4 MS. LEE: Yes.

5 COUNCILMEMBER ENANDER: -- in order to
6 effect some cost reductions, etcetera, etcetera,
7 etcetera?

8 MS. LEE: Yes. It's legitimate to ask,
9 and we have to be reasonable in our ask. And we
10 can't require them to do extensive studies or
11 anything like that. In fact, the law does -- it
12 was amended to that effect.

13 But we can ask for information, and a
14 reasonable request is an acceptable thing to do.

15 MR. DIAZ: And if it helps the Council,
16 I think the way the density bonus statute is
17 actually written, it indicates that, yes, an
18 applicant can basically ask for a concession or
19 incentive. But it indicates that they should be
20 meeting with staff in some way, shape, or form so
21 that there can be that back and forth discussion
22 to understand exactly what that is.

23 COUNCILMEMBER ENANDER: But we still
24 can't require performa, right?

25 VICE MAYOR PEPPER: But as Council,

1 making the decision as to whether or not we're
2 going to grant that concession or incentive, I
3 think our question is can we see that, you know.
4 What can we see? Because up to this point we
5 have basically not seen anything.

6 COUNCILMEMBER ENANDER: So we don't
7 routinely ask for -- as far as I understand, we
8 don't routinely ask for anything to defend that
9 might justify the granting of a waiver
10 concession?

11 MS. LEE: Right. And it's appropriate
12 for you to do that, or as Jon is pointing out in
13 my ear, that it's something that the City could
14 do itself.

15 MR. BIGGS: And we do ask for that
16 information, but the information is very general
17 on the part of the applicants. What we can do is
18 do an independent economic evaluation of a
19 project to help us determine whether or not the
20 requested incentive or concession is necessary to
21 achieve the affordable units. Now, then it would
22 become incumbent upon the applicant, depending on
23 the outcomes of that study, to argue or help
24 support the findings of that analysis.

25 COUNCILMEMBER ENANDER: Yeah. Because

1 so far on all the density bonus applications that
2 I've looked at, what you see is an assertion.
3 This incentive is needed to -- and that's all we
4 get from the applicant, and an assertion, to me,
5 doesn't give us much to hang our hats on in terms
6 of evaluation.

7 MR. BIGGS: Ms. Lee talked earlier about
8 all the changes, the density bonus regulations at
9 the state level. When I started doing planning,
10 it was incumbent on an applicant to demonstrate
11 that, but because of the changes that have
12 occurred, those density bonus regulations, the
13 onus now falls upon us at the city level to
14 demonstrate that they're not necessary to achieve
15 the affordable --

16 COUNCILMEMBER ENANDER: Right. And I
17 think the question is: given the current state of
18 law in its broadest sense -- and not to be
19 answered right now but for us to think about --
20 is what, on a routine basis, can we ask for that
21 can become some sort of baseline that we can
22 use.

23 MS. LEE: Yeah. And it would be very
24 appropriate for us to develop a standard ask, you
25 know. I think that would be a reasonable thing

1 for us do as a strategy going forward certainly.

2 VICE MAYOR PEPPER: Yeah. I think so.
3 And also you just said that we could ask a third
4 party to do that or something. So would the
5 applicant pay for that, or does the City have to
6 pay for that?

7 COUNCILMEMBER ENANDER: City.

8 MS. LEE: I think we would have to pay
9 for it in that circumstance if we were asking a
10 third party to do it. In fact, there's a
11 provision that says -- it's recent legislation
12 last year that went into effect that says you're
13 not allowed to require an extra study that
14 wouldn't otherwise be required. I think that's
15 what that would implicate.

16 VICE MAYOR PEPPER: But we could ask --
17 we can ask the applicant for information --

18 MS. LEE: Yes.

19 VICE MAYOR PEPPER: -- and then
20 basically --

21 MS. LEE: For reasonable information.

22 VICE MAYOR PEPPER: Yeah.

23 MS. LEE: Which would inform, certainly,
24 any study the City did as well.

25 VICE MAYOR PEPPER: Yeah. Okay.

1 Thanks.

2 MS. LEE: Yeah.

3 COUNCILMEMBER BRUINS: Do we know of any
4 cities that have good examples of what they're
5 asking for that they're having success with in
6 getting that? I mean, it's hard -- I mean, the
7 thing is, it seems like we're still limited in
8 terms of what we can ask. So I don't have a
9 problem borrowing from somebody else if somebody
10 else has been successful in coming up with
11 something.

12 MR. BIGGS: That's something we would
13 have to explore a little bit more. I don't know
14 off the top of my head right now of a good
15 example of a city that has that question or that
16 requirement of applicants to provide those
17 studies.

18 MR. DIAZ: I was just going to add, we
19 can also check in with our jurisdictions that we
20 also represent just to see if they have a nice
21 application, I'd say, form that basically turns
22 that basically turns that statement in bullet
23 point number one into a question for an
24 applicant.

25 MS. LEE: So returning -- so we were,

1 obviously, talking about the cost reductions.
2 The second bullet here is really talking about
3 the idea that we can look at commercial
4 components of mixed use projects as supporting
5 the developments. So that's a concession that
6 could be available to an applicant, if it would
7 support the financial viability of the affordable
8 housing.

9 Other regulatory incentives or
10 concessions proposed by the developer that
11 results in identifiable cost reductions for the
12 targets units to be affordable. So this is a
13 similar idea. Again, we're talking about the
14 cost here.

15 And I'm not seeing here where we have
16 the health and safety. Oh, yes. I do. Okay. I
17 wanted to be sure I had that. So I will get to
18 that in a second.

19 So here we have how the law specifies
20 that incentives are calculated. The law
21 basically says that if you provide a certain
22 percentage of affordable housing, you're entitled
23 to one, two, or three concessions of regulatory
24 incentives or concessions unless the findings for
25 denial, that we were just talking about, can be

1 made.

2 This table shows the breakdown here for
3 the senior housing land donation and the housing
4 for foster transitional -- foster disabled or no
5 concessions available for projects comprising 5
6 percent of very low, 10 percent of low, or 10
7 percent of moderate. Also condo conversions and
8 ones involving the child care facilities. There
9 is one concession.

10 For the -- for the condo conversion and
11 the child care facilities, you either get a
12 concession or the density bonus. You don't get
13 both. Whereas, when you're talking about the
14 density bonus projects that are based on
15 percentages of affordability, you can have both,
16 the density bonuses and the incentives, unless
17 the findings can be made.

18 An applicant is entitled to 2, unless
19 the findings for denial can be made, for projects
20 with 10 percent of very low, 20 percent of low,
21 or 20 percent of moderate. And they are entitled
22 to 3 unless the findings can be made for denial,
23 for 15 percent very low, 30 percent low, or 30
24 percent of moderate.

25 So the findings for denial -- we started

1 to touch on there -- are that the requested
2 concession would not result in identifiable and
3 actual cost reductions to provide for affordable
4 housing costs or for rents for the targeted units
5 to be set aside as required. That it would have
6 -- or that it would have a specific adverse
7 impact on public health and safety, or the
8 physical environment, or on any real property
9 that's listed on a historic register, and that
10 there's no feasible method to mitigate that
11 impact. So both that it would have that impact
12 and you can't mitigate it with reasonable
13 measures, feasible measures, or that would be
14 contrary to -- that the concession itself would
15 be contrary to state or federal law.

16 So to what I just described as what the
17 state law provides, Los Altos Density Bonus
18 Ordinance has refined that way of looking at the
19 incentives and how you evaluate them to establish
20 a menu of concessions that are -- they call them
21 on-menu in the ordinance. And they have been
22 pre-evaluated by the Council through the
23 legislative process and through adoption of the
24 ordinance to not have a specific adverse impact.

25 So the findings for denial there

1 typically would be limited to just the health and
2 safety impacts or failure to comply with state or
3 federal law, not to the health and safety
4 finding. Some examples of that include up to 20
5 percent of lot coverage increases, up to 20
6 percent decrease in lot width, 11 feet allowable
7 height increase, 20 percent setback decrease, and
8 20 percent open space requirement. Decrease is
9 assuming you meet other open space requirements.

10 So as we've already kind of touched on,
11 the City really carries the burden to establish a
12 basis for denial. We can ask for information,
13 but we have to make affirmative findings to deny.
14 And we have to have evidence to support those
15 findings. So it's incumbent upon us to come up
16 with those. If we deny the request without --
17 without a reasonable basis, at least according to
18 a court, or according to a challenger, the
19 applicant could challenge it. And if the City is
20 ruled against by a court, they may have the
21 requested incentive imposed by a court. And also
22 be awarded -- reasonable attorneys' fees could be
23 awarded against the City.

24 So in addition to the incentives and the
25 density bonuses, there is a third category of

1 benefits that applicants doing projects
2 qualifying for the general density bonus scheme
3 can gain, which is referred to as waivers or
4 reductions of development standards. These are -
5 - it can be confusing because some things can be
6 incentives and could be waivers in different
7 circumstances. There are different standards for
8 denying them, and that's the difference.
9 Therefore, there's a different method by which we
10 evaluate them.

11 The standard for -- as I said, for the
12 incentives really has to do with making it more
13 affordable to do the housing. Predominantly
14 that's the primary mechanism for granting
15 incentives or considering the incentives.
16 Waivers or reductions of development standards
17 are provided when a given standard would have the
18 effect of physically precluding the development.
19 So it's a physical constraint. It also could be
20 something that's viewed as an incentive in some
21 circumstances, but it's, as I said, a different
22 evaluation that occurs.

23 So this applies to projects that qualify
24 for density bonuses under other things, and it's
25 in addition to concessions and incentives and in

1 addition to density bonuses.

2 There are no limits, unlike the
3 incentives, which qualify based on your
4 percentage of affordability. There are no limits
5 to the number of waivers that may be requested.
6 The showing is the physical preclusion of the
7 development there.

8 They have to be given by the City if
9 there's a request. It must be given unless it
10 would be -- unless it would not be necessary to
11 avoid physically precluding the construction, or
12 if it would have a specific adverse impact for
13 which no feasible means to satisfactorily
14 mitigate or avoid the adverse impact on historic
15 properties would occur, or if it would be
16 contrary to state or federal law.

17 COUNCILMEMBER ENANDER: Do we have any
18 good examples of this yet? This has been a wacko
19 part of this law.

20 MS. LEE: Do we have any good examples?

21 COUNCILMEMBER ENANDER: Good examples
22 where someone has -- a City has successfully
23 denied a waiver based on --

24 MS. LEE: Successfully has not been so -

25 -

1 COUNCILMEMBER ENANDER: That's my
2 question.

3 MS. LEE: Yeah. No.

4 COUNCILMEMBER ENANDER: Okay.

5 MS. LEE: Not successfully, not denial.
6 Actually there's law that is to the contrary,
7 unfortunately. More favorable for the applicants
8 is the case law that's been. So even -- there
9 was a Berkeley case that talked about the -- even
10 amenities for a project could qualify for waivers
11 and would be considered physical preclusion if
12 you would deny -- if you would deny a waiver that
13 would allow project amenities. So, no, it's kind
14 of the contrary.

15 So again, with the waivers, if the City
16 denies, it could be challenged by the applicant
17 if they don't like what we've done. And if a
18 court finds against the City, a court could rule
19 that the requested waivers should be granted and
20 could award attorneys' fees for the litigant and
21 costs.

22 So yet another category of benefit for
23 density bonus qualifying projects is reduced
24 parking standards. State law mandates reduced
25 parking requirements for density bonus projects,

1 even in any circumstances, even if they don't
2 request a density bonus or a waiver incentive.

3 And actually, if I didn't mention this,
4 and it's getting late. Frankly, I may have
5 mentioned it, but if I didn't mention it, the
6 incentives and waivers can be requested whether
7 or not an applicant requests a density bonus.
8 Those all can be asked for if they fit into one
9 of the qualifying categories. So all of these
10 things can operate just based on a requested
11 basis, if they qualify for any of these things.

12 So the reduced parking is an additional
13 benefit. It doesn't count as an incentive or
14 concession. So you can get -- an applicant could
15 get incentives and concessions as well as the
16 parking benefits. But they also could -- an
17 applicant could request an even lower parking
18 ration as part of an incentive request.

19 Yes?

20 COUNCILMEMBER FLIGOR: So where it
21 states that state law mandates reduced --

22 MS. LEE: Yes.

23 COUNCILMEMBER FLIGOR: Where it states
24 that state law requires or mandates reduced
25 parking requirements for density bonus projects,

1 are those reduced parking requirements referring
2 to Los Altos parking requirements? And so it can
3 be lower than our city parking requirements?

4 MS. LEE: So they're actually are --
5 actually, as I get to the next slide, I think,
6 soon. My printed version shows something on
7 here.

8 COUNCILMEMBER FLIGOR: So can you
9 elaborate on what that means?

10 MS. LEE: Yes, I will. I have it here.
11 I don't know why it's not showing up on the
12 PowerPoint. That's odd. But, yes.

13 So the general rule in state law is that
14 you can require -- yeah. It's not showing up.
15 That's weird. It must be something with when I
16 sent it over here that it didn't show up on the
17 City's.

18 In any event, I will read it to you. So
19 the state rule is -- and it's embodied in the
20 local ordinance as well. It's one on-site space
21 for zero to one bedroom units, two spaces for two
22 to three bedroom units, and two and a half spaces
23 for projects that have four or more bedrooms. So
24 it's based on bedrooms. So, yes, it's lower than
25 other standards that might apply in the city, but

1 it's a statewide standard of how many spaces can
2 be -- the ceiling on the number of spaces you can
3 require.

4 COUNCILMEMBER FLIGOR: But it's the
5 state law? And the reason I'm asking --

6 MS. LEE: It's a state law.

7 COUNCILMEMBER FLIGOR: Because some
8 local jurisdictions may go above and beyond.
9 Because if you go lower --

10 MS. LEE: They may reduce them even
11 more.

12 COUNCILMEMBER FLIGOR: Exactly.

13 MS. LEE: Yes. That's correct.

14 COUNCILMEMBER FLIGOR: Right.

15 MS. LEE: Yes. Yeah. The Los Altos
16 Ordinance has --

17 COUNCILMEMBER FLIGOR: Directly adopts
18 it.

19 MS. LEE: -- has adopted the state.

20 COUNCILMEMBER FLIGOR: So for us it
21 doesn't matter. It's the same law.

22 MS. LEE: Actually, I think it is
23 different because I think there is one
24 difference, which I think we may have changed
25 whether it's on-site with these four-bedroom

1 units. I'm not sure. It's very, very close.

2 COUNCILMEMBER ENANDER: Four bedrooms
3 with two.

4 MS. LEE: Two and a half spaces for --
5 yeah, yeah, yeah.

6 COUNCILMEMBER FLIGOR: Okay.

7 MS. LEE: So in any event, it's very
8 close. It's not exceeding the state law.

9 VICE MAYOR PEPPER: And how many spaces
10 did you say for two or three bedrooms?

11 MS. LEE: Two to three bedrooms is two.

12 VICE MAYOR PEPPER: Two spaces?

13 MS. LEE: Yeah, yeah.

14 So I apologize. I have hard copies of
15 this. So you can have that little chart.

16 So that is all I have to discuss with
17 you on density bonus, and I will turn to the
18 Housing Accountability Act. You can ask
19 questions at any time if you want to ask
20 questions. If you want to ask questions on
21 density bonus, or we can just go forward.

22 But I will turn to the Housing
23 Accountability Act, which is yet another
24 mechanism by which the state has encouraged
25 development of housing and restricted the City's

1 ability to -- and discretion over housing
2 projects.

3 The Housing Accountability Act was
4 initially adopted in conjunction with the Permit
5 Streamlining Act, so it was many, many years ago.
6 And it's just been strengthened many times over
7 the years. Last year they added a new -- the
8 legislature added a new statement, which I think
9 reveals the very strong intent, which is that the
10 desire here is to effectively curb the capability
11 of the local governments to deny, reduce the
12 density of, or render infeasible housing
13 development. So I mean, it's a pretty plain
14 statement of intent that there really is a desire
15 to get cities to produce housing.

16 So as mentioned, restrict cities'
17 ability to deny reduce density of or make
18 infeasible housing development, and it requires
19 the cities to make findings to justify any of
20 those actions.

21 It applies to all housing developments,
22 not just affordable housing. So unlike density
23 bonus, which is really geared towards affordable,
24 unlike SB 35, which we talked about earlier,
25 which has very specific criteria, including

1 affordability requirements, this applies to all
2 housing development. And it applies to -- as
3 housing projects are defined under this law, it
4 applies to mixed use projects with at least two-
5 thirds of their square footage designated for
6 residential uses.

7 In a nutshell, the Housing
8 Accountability Act requires that if a housing
9 development complies with all objective general
10 plan, zoning, and subdivision standards, the City
11 can only reduce the density or deny the project
12 if it can identify a specific adverse impact to
13 public health and safety that cannot be
14 mitigated.

15 For purposes of this law to lower
16 density, to "lower the density" by conditioning
17 the project, it includes imposing conditions that
18 have the same effect or impact on the ability of
19 the project to provide housing. So it's
20 effectively, through conditioning the project,
21 reducing the density.

22 So the bottom line here, cutting to the
23 chase, is if the City wants to deny or reduce the
24 density -- deny a project, a housing project or
25 reduce its density, it has to identify objective

1 standards, objective standards with which the
2 project does not comply, and if the project
3 complies with all of those objective standards,
4 it can only reduce the density or deny the
5 project if it can identify a specific adverse
6 impact on public health and safety.

7 So what are objective standards? It's a
8 subject of great debate. And the Housing
9 Accountability Act does not define it. The
10 Government Code elsewhere -- and elsewhere is
11 actually in SB 35, just for point of interest --
12 is one that involves no personal or subjective
13 judgement by a public official and is uniformly
14 verifiable by reference to an external benchmark.
15 So really no subjective is the bottom line there.
16 There really is not to be any wiggle room if
17 we're going to cite this as a basis for denying
18 the project or reducing its density.

19 Objective standards would include, as
20 examples, permitted use, density height setbacks,
21 FAR, design requirements regarding specific
22 materials but not necessarily all of the kinds of
23 things that we -- in fact, many of the things
24 that we would typically take into account in
25 design review would not be considered objective

1 standards, as I'm sure you could imagine.

2 And the receipt of a density bonus is
3 not a basis for finding that a project is
4 inconsistent with development standards. So you
5 have to count the added density into your
6 evaluation of whether it's consistent with
7 objective standards.

8 So what is a specific adverse effect
9 that allows a city to determine that a project
10 can be denied or the density should be reduced?
11 If a project, as I said, complies with all
12 objective standards, we can only reduce the
13 density or deny the project if you can find such
14 an effect. It has to be a significant
15 quantifiable, direct, and unavoidable effect
16 based on written health and safety standards on
17 the date the project was -- the project
18 application was deemed complete in contrast to a
19 submittal or any other particular day. So
20 completeness in the land use parlance has a
21 specific legal and practical meaning, and that's
22 what this keys off of under this act. And there
23 also can be no feasible way to mitigate it. So
24 if there's a way -- even if we identify such an
25 impact, if you can mitigate it -- and I'm sure

1 you're familiar with this concept from CEQA as
2 well. If there's a way to mitigate it, then
3 that's not a basis for denying or reducing the
4 density.

5 The Housing Accountability Act, as I
6 mentioned, applies to all housing, but there are
7 additional protections for affordable housing
8 projects, also for -- and for emergency shelters.
9 For purposes of the Housing Accountability Act,
10 it gives extra benefits for 20 percent low income
11 projects or 100 percent moderate. Those are the
12 income categories that fall into those things.

13 For those projects, you have to -- the
14 City would have to make specific findings of
15 specific unmitigable adverse health or safety
16 impacts to deny or add conditions that make a
17 project financially infeasible for affordable
18 housing or the shelter, even if the project
19 complies with -- even if the project -- I'm sorry
20 -- does not comply with all objective standards.
21 So it's a more rigorous case. If it's going to
22 make affordable housing infeasible, even if it's
23 inconsistent with objective standards, you may
24 have a problem in terms of denying or reducing
25 the density.

1 So there have been recent changes. This
2 was in the housing package that went into effect
3 last year, housing legislation that are very
4 onerous for cities to comply with in terms of
5 timing and processing applications under the
6 Housing Accountability Act.

7 Now, under the newer law, if a project
8 does not comply with all objective standards, if
9 the City makes that determination, it has to
10 provide an affirmative written list of the
11 inconsistencies within 30 days of the application
12 being complete or deemed complete for projects of
13 150 or fewer units. We have 60 days for projects
14 that are 150 or more units, but it's still a
15 short time frame to do that evaluation. It also,
16 as I said, it has to be explained in writing why
17 the project is inconsistent, and if we fail to
18 meet that time frame, the applicant would have an
19 argument that it's deemed consistent.

20 The application would also be deemed
21 consistent if substantial evidence would allow a
22 reasonable person to conclude that the project is
23 consistent with standards. So that actually is a
24 departure from the standards that typically apply
25 to actions that are taken by a public agency.

1 Courts are usually required to afford deference
2 to local agency determinations. This actually
3 shifts the burden to cities to demonstrate that
4 there is a basis on which a reasonable person
5 would agree that there's an inconsistency. And
6 as we kind of touched on earlier, developers are
7 free to submit their own evidence. We're free to
8 ask for evidence from them, but they're also able
9 to submit their own evidence in this context as
10 well as in the density bonus context.

11 This is also new legislation that went
12 into effect last year. It upped the standards in
13 the case of challenging the Housing
14 Accountability Act. The standard of review, this
15 is of interest to lawyers, and it's really of
16 interest to cities, although it's not necessarily
17 that much fun to learn about.

18 The standard of review has been elevated
19 for cities in terms of demonstrating that they
20 have made proper determinations under the Housing
21 Accountability Act, and now cities have to
22 demonstrate that their findings are supported by
23 preponderance of the evidence. Typically a
24 substantial evidence standard applies, which is a
25 lower threshold in terms of demonstrating that

1 we've complied with the law.

2 If a court finds that it's not supported
3 by a preponderance of the evidence, the court
4 needs to order an issue compelling compliance
5 within 60 days. This is 60 days of the court
6 proceeding. And if the court finds that the city
7 has acted in bad faith, they also may order the
8 project to be approved, and there are mandatory
9 fines that may be imposed -- there are mandatory
10 fines that have to be imposed if they fail to
11 comply. And enhanced fines can apply if there's
12 a bad faith determination that the city acted in
13 bad faith in denying a project or otherwise
14 violating the law. There are also attorneys'
15 fees available to a successful litigant for both
16 affordable and market rate projects.

17 So as you can imagine, this puts a lot
18 of burden on the City and all cities to make
19 appropriate findings and comply. There are some
20 compliance strategies to consider, and I would
21 encourage us to explore those.

22 As you have gathered, I think, probably,
23 objective criteria is an important consideration
24 for ensuring that we have some control over
25 making these decisions. So identifying our

1 objective criteria is an important thing to
2 consider and so that we can appropriately
3 evaluate projects.

4 It would be helpful to identify criteria
5 that's currently applied in the city that is
6 subjective that could be turned into objective
7 standards. So we would have a broader ability to
8 apply those more successfully.

9 And as we touched on in density bonus
10 context, similarly, it would be a good idea to
11 develop a good checklist of criteria and
12 submittal requirements that would aid quick and
13 effective review of applications, so we get the
14 information as needed within the time frames that
15 apply.

16 And that is all I have. So if you have
17 any questions.

18 MAYOR LEE ENG: Go ahead, Councilmember
19 Enander.

20 COUNCILMEMBER ENANDER: I have two
21 comments.

22 Thank you. That was outstanding review,
23 not just for us I'm sure, but for people sitting
24 here and also people who are watching or will
25 watch.

1 There are at least two pieces of
2 legislation that proposed right now that would
3 further extend the application of HAA --

4 MS. LEE: Uh-huh (affirmative).

5 COUNCILMEMBER ENANDER: -- to other
6 circumstances. So the trend is very obvious.

7 And the other thing I'll say is that
8 someone once told me there is no such thing as a
9 bad idea, only an idea whose time has not yet
10 come. And Jan usually says this, but I'm going
11 to save her saying it this time. And that is
12 that the Downtown Buildings Committee recommended
13 objective criteria and checklist, and it's time
14 to do it.

15 MAYOR LEE ENG: Okay.

16 VICE MAYOR PEPPER: And I don't know if
17 we're supposed to talk about this now, but it's
18 11 o'clock so I'm going to talk about it now
19 because I'm ready to go to sleep.

20 MAYOR LEE ENG: Try to talk fast.

21 VICE MAYOR PEPPER: I appreciate the
22 review. It's always helpful to hear it over and
23 over again because then it -- it's so
24 complicated, and so it's definitely sinking in
25 these days.

1 So we have this ordinance or on-menu
2 items, and what does it take for us to change
3 that ordinance to remove the -- or to put in a
4 statement that says there's no double-dipping on
5 these on-menu incentives or even for an off-menu
6 incentive, if someone asks for that? How do we
7 get that done? How do we get that done quickly?

8 COUNCILMEMBER FLIGOR: Can we get more
9 information about because -- we've heard from
10 members of the public their concerns with the
11 double-dipping, and Councilmember Pepper just
12 brought that up again. But can you speak to that
13 when we're referring to double-dipping to make
14 sure we're all on the same page about what that
15 refers to, so that we can actually make decisions
16 related to whether or not we want to do anything
17 in our ordinance code to prohibit it.

18 MS. LEE: So I guess I would want to
19 hear what you think double-dipping is.

20 COUNCILMEMBER ENANDER: It's not -- it's
21 not a technical legal term. It's an informal
22 term, I think, that we've talked about --

23 VICE MAYOR PEPPER: It's --

24 COUNCILMEMBER ENANDER: I'm sorry.

25 VICE MAYOR PEPPER: It's applying the

1 same incentive twice. So it's like --

2 MS. LEE: On the same incentive.

3 VICE MAYOR PEPPER: On-menu. So say the
4 on-menu incentive says you can add 11 feet of
5 height. Someone does that twice. I want that
6 incentive twice. I want to add 11 feet of
7 height. I want to add 11 feet of height. So I
8 want to add 22 feet of height.

9 MS. LEE: Twenty-two feet. That's an
10 off-menu incentive --

11 VICE MAYOR PEPPER: Well --

12 MS. LEE: -- if that's what you mean,
13 right.

14 VICE MAYOR PEPPER: No.

15 COUNCILMEMBER ENANDER: This would be
16 someone who has two incentives. He's entitled to
17 two incentives, and so they exercise their two
18 incentives by claiming 11 feet once, 11 feet
19 again. That's what we call double-dipping.

20 VICE MAYOR PEPPER: And because it's an
21 on-menu incentive, it's automatically allowed.
22 So it's not an off-menu incentive 22. It's an
23 on-menu incentive of 11 times two.

24 MR. DIAZ: So, Heather, let me try --
25 see if I can --

1 VICE MAYOR PEPPER: So we'd like -- some
2 of us would like that changed, and we'd like to
3 get that changed now.

4 MR. DIAZ: So one of the things that I
5 think Katie (indiscernible) gave my office, who
6 prepared this ordinance, the density bonus
7 ordinance talked to you about, I think, when this
8 was presented is, yes, I think the on-menu
9 options, basically take away one of our quivers,
10 which is one of the findings that we could make,
11 which I believe is the public health safety
12 welfare one. But we still have two findings
13 under state law that we could attempt to
14 basically meet in order to deny that concession
15 or incentive.

16 It doesn't stop an applicant though if
17 we take it off the on-menu option or we limit the
18 on-menu options to one height -- for example, one
19 height allowance. It doesn't stop them from then
20 saying I want it as an off-menu option. So they
21 could technically ask for two height increases
22 without any limitation other than the findings
23 that we have.

24 But there's nothing stopping us as a
25 city from basically saying on-menu you pick one,

1 and that's all you get. Otherwise, it's an off-
2 menu, and we get all of the available findings
3 that we could make. And so that's something that
4 could be directed tonight if so desired by the
5 Council, and I think you've already kind of given
6 that direction in the past.

7 VICE MAYOR PEPPER: I thought we've
8 given it in the past, and it hasn't happened.
9 And we'd like to get it to happen and have that
10 at the next Council meeting, so that we don't get
11 caught by this.

12 MR. JORDAN: That would need to go
13 through the planning commission before it gets to
14 the Council.

15 VICE MAYOR PEPPER: But I think we have
16 the majority.

17 MAYOR LEE ENG: Yeah. I mean, amending
18 the ordinance to clarify what you want to do.
19 Certainly it's always an option as well.

20 COUNCILMEMBER ENANDER: Well, we can see
21 if we have a majority, and then we can provide
22 direction whether we want it to go to planning
23 commission or not.

24 COUNCILMEMBER ENANDER: Yeah. The
25 argument, Heather, just for further background --

1 and if Chris has already explained this, I'll
2 shut up -- was that when we approved on-menu, we
3 approved it on the premise that an advantage to a
4 developer is that we had made that determination
5 already that it did not present a health or
6 safety issue. Therefore, you know, it would be a
7 slicker, easier thing.

8 So if the best we can do is to say you
9 can use it once. You can use any of the on-menus
10 once. If you want to use an on-menu item a
11 second time, it becomes an off-menu option. Then
12 if that's the best we can do, that's better than
13 what we've got right now in my opinion, and I
14 would support doing it as soon as possible.

15 COUNCILMEMBER FLIGOR: And so can I
16 clarify for the on-menu options because height is
17 not the only on-menu option.

18 VICE MAYOR PEPPER: Right. I was just
19 using that as an example.

20 COUNCILMEMBER FLIGOR: Right, right. So
21 that's why I want to clarify --

22 VICE MAYOR PEPPER: Right.

23 COUNCILMEMBER FLIGOR: -- Councilmember
24 Pepper. Is the proposal to limit it only to
25 height? So they can't double-dip for height --

1 or

2 COUNCILMEMBER ENANDER: No.

3 COUNCILMEMBER FLIGOR: -- or any on-menu
4 item, the suggestion is they can't double-dip for
5 any on-menu item?

6 VICE MAYOR PEPPER: That's correct. I
7 was just using that as an example because we've
8 had projects that did the setbacks that they did
9 the rear setback once, and the rear setback
10 twice. So -- and that was -- that went through,
11 and that -- we want to not have that happen.

12 COUNCILMEMBER BRUINS: So for purposes
13 of clarification, let me try and restate this.
14 Are we saying that a single use of any one of the
15 on-menu, okay, a single use is kind of -- you
16 take for granted it's going to happen, right.
17 It's already been preapproved. But when you go
18 for a second use of a single incentive, you're
19 now off-menu, and now it is discretionary; is
20 that what we're saying? Are we saying --

21 COUNCILMEMBER ENANDER: It's not that
22 it's discretionary. It's that it falls under the
23 general rules for off menu, and there's special
24 rules for denying off-menu. You could still only
25 deny it for certain reasons, but whereas you have

1 a "by right" for on-menu. And that's what we've
2 said. You've got a "by right" for on-menu.
3 We've already said there's no reasons we're going
4 to deny it, but if you want to use that same item
5 a second time, then it becomes off-menu with all
6 of the constraints and rights that go with off-
7 menu.

8 COUNCILMEMBER BRUINS: Off-menu. Yeah.
9 I just wanted -- my clarification was exactly
10 that because we say no double-dipping. Shorthand
11 no double-dipping says you would never, ever,
12 ever be able to do it again. Well, say with the
13 height example, go for 22 ever, ever, ever. And
14 that's what I'm trying to make sure that we up
15 here are also having that same understanding.
16 Before we go and ask for something that we make
17 sure that we have the understanding.

18 VICE MAYOR PEPPER: The other option is
19 just to get rid of all the on-menu options.

20 COUNCILMEMBER ENANDER: Why don't we do
21 that?

22 VICE MAYOR PEPPER: Well, then you don't
23 --

24 COUNCILMEMBER FLIGOR: Heather, do you
25 have a list of all the on-menu options?

1 (Cross talk)

2 MR. JORDAN: Do you want me to read them
3 to you just real quick?

4 COUNCILMEMBER FLIGOR: Because -- right.
5 Because I get the setback. I get the heights.
6 But I want to make sure if we're moving in the
7 direction of saying you can't double-dip for the
8 on-menu items, which I understand. I understand
9 because maybe there are one or two items on the
10 on-menu list --

11 MR. JORDAN: I'll read them to you --

12 COUNCILMEMBER FLIGOR: -- that I'm okay
13 with.

14 COUNCILMEMBER ENANDER: It's right there
15 at the bottom, the last bullet.

16 MR. JORDAN: You got lot coverage, lot
17 width, floor area ratio, height, yard setback,
18 and open space. There's six of them.

19 COUNCILMEMBER FLIGOR: Floor area ratio
20 is not on this list here.

21 MR. JORDAN: Floor area ratio says in
22 zone districts with a floor area maximum, an
23 increase in the maximum floor area equal to the
24 floor area of the affordable housing units for
25 the housing development project up to a 35

1 percent increase in the floor area maximum.

2 Mayor, may I -- before the Council
3 starts giving direction, I might encourage that
4 you take public comment first, and that might
5 help you with your direction.

6 COUNCILMEMBER BRUINS: Well, and before
7 we move to public comment, I guess, can we get
8 clarification? I think there's -- staff has more
9 presentation to do, right?

10 MAYOR LEE ENG: Are we going to do CT?

11 COUNCILMEMBER BRUINS: So can we
12 complete --

13 MAYOR LEE ENG: We should do CT.

14 COUNCILMEMBER BRUINS: If we can
15 complete staff's presentation, then move quickly
16 to public comment, it would be great.

17 MR. BIGGS: Here we go. Okay.
18 Following up on density bonus training and
19 Housing Accountability Act. We're going to talk
20 a little bit about the CT zone district.
21 Generically, I'm going to refer to it as the El
22 Camino Real corridor.

23 As you're well aware, we have a number
24 of policies and rules that regulate development
25 along that corridor. For the general plan, we

1 have our land use element and our housing
2 element, both which provide a number of policies,
3 programs, and goals, and guide us when we review
4 applications for -- that get submitted for
5 development and help us advise the decision
6 makers, the planning commission when they're
7 making a recommendation onto you, the Council,
8 who ultimately reaches a decision on these
9 applications.

10 We have the zoning regulations. And as
11 Heather pointed out, we have the density bonus
12 regulations coupled with the inclusionary housing
13 regulations.

14 Just to give you a concept of the length
15 of the El Camino Real. It runs from Palo Alto at
16 sort of the northwest end of the El Camino Real
17 and runs southwest -- or southeast, excuse me,
18 towards the city of Mountain View. One thing to
19 note about the El Camino Real is that the
20 entirety of the El Camino Real is actually in the
21 city of Los Altos. So when you're standing in
22 Los Altos and looking across El Camino Real, the
23 city of Los Altos' property or city limits line
24 runs all the way to the curb face across the
25 entire width, or length, or width of the El

1 Camino Real.

2 MAYOR LEE ENG: Not to the center.

3 MR. BIGGS: Not to the center. No.
4 It's all within the city.

5 CT zoning regulations are the
6 predominant zoning regulations here in the El
7 Camino Real area. There is a PUD district there
8 at the corner of the El Camino Real and San
9 Antonio Avenue. Right across San Antonio from
10 that area is the Sherwood Gateways specific plan
11 area. It's a specific plan that's been around
12 since, I think, the 1970s, 1980s. There may have
13 been one update done to that some time ago, but
14 it is still in place. Not a lot has been
15 accomplished with that. I think it's fair to say
16 that one of the principal reasons of that was
17 there used to be a large site there that has been
18 subsequently developed once the specific plan was
19 adopted.

20 And you can see that moving along that
21 El Camino Real corridor, you have a variety of
22 different types of properties that back up to the
23 properties that front on El Camino Real. You
24 have some R1 or single-family residential
25 neighborhoods. You have R3 neighborhoods, some

1 commercial spaces, and some multifamily areas.

2 This slide here just gives you a kind of
3 sense of the potential development for the El
4 Camino Real. We've taken a look at development
5 that's either been approved in the last two
6 years, is currently in the works and going
7 through some type of project review in sites that
8 have existing development. You can see by the
9 color-coding there that the sites that have the,
10 I think, kind of the rusty tan-colored area,
11 those are the ones that have the highest
12 potential for -- or excuse me. The green areas
13 are the sites that have the highest potential for
14 development, just given the nature of the
15 development that's occurring there and the
16 intensity of that development. So it just kind
17 of gives you a sense of where along the El Camino
18 Real we have some opportunity for really helping
19 inform and kind of direct decisions that could
20 occur in the future.

21 The Council did adopt a set of updates
22 to the CT regulations back in 2017. Included in
23 some of the changes where that the specific
24 purposes of the El Camino Real. We added a short
25 phrase in there that said that affordable housing

1 is part of the list of specific purposes in the
2 CT zone district. There were no requirements for
3 refuse collection. Those were introduced. Side
4 yards setbacks, where none were required before,
5 we were introduced with the adoption of the new
6 CT regulations.

7 Open space standards, rooftops use
8 standards, and landing space standards, prior to
9 2017, there were no rules or regulations. After
10 your adoption of the new rules, we have those
11 standards in place, which projects are in
12 conformance with.

13 I think the real opportunity for this
14 hearing tonight was to give the City Council an
15 opportunity to discuss amongst yourself what you
16 want to see in terms of staff coming back to you
17 in the future with a list of either ordinance
18 changes or maybe even going out and receiving
19 RFQs for development, or proposals for a specific
20 plan, or looking at potential changes to the
21 general plan or housing element.

22 One cautionary note to the Council,
23 however, is that we have reached out to state
24 housing -- Office of Housing and Community
25 Development, and they did indicate, through a

1 resending to us of a letter that they sent to us
2 in 2017 and a couple example letters that they've
3 sent to other agencies, be very careful in
4 whatever steps you take to potentially modify or
5 introduce new regulations for the regulation of
6 development on El Camino Real in that it doesn't
7 take on a frame or form that really limits the
8 ability to provide housing.

9 If we look at our list of potential
10 housing development sites in Los Altos that's
11 part of our housing element itself, you can see
12 that a lot of the properties that have been
13 identified as providing the area that we need to
14 achieve our ream numbers are properties along the
15 El Camino Real. So the state is kind of looking
16 towards Los Altos and making sure that we're
17 maintaining those policies, those rules that
18 allow for the development of housing. So I bring
19 that up as a cautionary note.

20 With that, I'll hand it over to --

21 MAYOR LEE ENG: I have a question
22 regarding that.

23 MR. BIGGS: Sure.

24 MAYOR LEE ENG: So Mountain View has
25 that same area zoned in their area, and they've

1 got a specific plan. So how are they not in
2 violation of what you're saying?

3 MR. BIGGS: If you look at their
4 specific plan, they allow for higher limited --
5 or higher building limits, some increases in
6 height limits if the projects include affordable
7 housing or other ways to incentivize the
8 development of housing. So they, through their
9 specific plan, did identify opportunities for
10 providing housing.

11 COUNCILMEMBER ENANDER: We did it a
12 different way. In 2010, when we rezoned and
13 changed a few things, one of the things we did
14 was say that housing would be allowed in the
15 commercial zone as a conditional use, which it
16 didn't use to be. So at the time that Mountain
17 View did their specific plan, we chose to do a
18 one-size-fits-all solution and simply say this is
19 a conditional use. We have the possibility of
20 building housing here, and we added it in our
21 housing element to the list of properties that
22 could potentially handle our affordable housing.
23 So that's just history.

24 MAYOR LEE ENG: So if we wanted to
25 implement a specific plan similar to that of

1 Mountain View, are we -- would it be possible?

2 MR. BIGGS: It would be possible. We
3 would just need to make sure that we don't run
4 afoul of our housing element policies.

5 MAYOR LEE ENG: Okay. Thank you.

6 MR. BIGGS: You're welcome.

7 MR. JORDAN: Just, Mayor Lee Eng and
8 Honorable Council, just piggybacking on Jon
9 Biggs' presentation and expanding a little bit on
10 it in terms of legal options, I will say that
11 this presentation is short, but it's meant to
12 give you a wide overview of legal options. I
13 will identify those that I think are high risk,
14 which I would not recommend that the Council
15 undertake. But there are options here that are
16 essentially greenlighted, if you're so inclined
17 to give that direction tonight.

18 So I wanted to put this slide up because
19 I think, you know, the residents have been here
20 at numerous Council members, and I don't want
21 them to think that their efforts have gone
22 unheard. I know the Council has definitely heard
23 those concerns, and I put these concerns up in
24 terms of what we've heard from the residents so
25 that they understand that they are being heard;

1 and I think the purpose of tonight, per Council
2 direction, is to really address the issues that
3 we have been hearing from the residents.

4 So some of the things we have heard is
5 that the CT zone area is in crisis mode. The
6 buildings coming in are too tall. That there is
7 a lack of privacy associated with those
8 buildings. That the community is losing
9 commercial uses to residential uses, and that
10 there is a lack of park or green space with the
11 CT zone.

12 So the options I'll cover tonight, one
13 is a moratorium. Another option is obviously
14 tapping into what the Mayor questioned, which is
15 the specific plan, and I think we've heard that
16 from the residents. But within that, I think if
17 you look for a specific plan, it may also
18 necessitate some change in your planning
19 documents, both your CT zone allowed uses as well
20 as potentially looking at other sites in the city
21 if the CT zone is not the sites that we want to
22 rely on for housing element compliance.

23 And then also, finally, conditions of
24 approval, which are a little bit more immediate
25 and can be looked at with specific projects that

1 do come before you as a Council.

2 So obviously, moratorium is built into
3 the Government Code and state planning and zoning
4 law. It's Government Code Section 65858. What
5 it basically does is stops or prohibits any uses
6 in conflict with something that is being studied
7 from a planning or land use perspective. It does
8 have limited duration. It's usually a year
9 duration, or it can be extended out for up to two
10 years. It does require four-fifths of you to
11 approve that. So it would require four out of
12 the five of you to exercise that option.

13 Now, I put a big but there because there
14 is some concern, I think, with this option. It
15 is -- if I could make this slide red, I probably
16 would because my concern and my task as city
17 attorney is to make sure that taxpayer funding is
18 protected, to make sure that the City is
19 protected. And I think if you exercise this
20 option, we'd be looking at litigation.

21 A moratorium would essentially be
22 inconsistent with our housing element. We have
23 laid out, within the CT zone, specific sites that
24 we've identified for affordable housing and high
25 density development. So if we say we're going to

1 stop all that development for a time period,
2 there is a fair argument that, that adoption of a
3 moratorium would be fully inconsistent with your
4 housing element such that HCD or anybody who
5 wanted to challenge that could do so.

6 We do have a letter that Jon Biggs did
7 mention from HCD in 2017 where they do mention
8 that to exercise any kind of option of limiting
9 development in the CT zone could be looked at
10 unfavorably by HCD. The package of housing bills
11 that came into effect on January 1, 2018, does
12 give HCD some enforcement authority. They can
13 refer violations of housing laws to the state's
14 attorney general's office for potential action.

15 And then I do want to note, our city
16 manager did provide to myself as well as our
17 planning director, there is a pending bill in
18 Sacramento right now, SB 330, which would
19 essentially prohibit moratoriums for housing
20 element kind of sites within a city.

21 Now, I think we've heard from the
22 residents a desire for a specific plan. It is a
23 planning tool that could be used by the City to
24 look at the CT zone a little bit more closely.
25 One of the things with a specific plan is it does

1 need to be consistent with the general plan,
2 which would include our housing element. So even
3 if we went down the path of a specific plan,
4 unless you're attacking the underlying housing
5 element of findings and factors as well as the
6 general plan, the specific plan is not going to
7 have much utility at the end of the day.

8 So in order to address that, you would
9 be looking, if you wanted to go down this path, I
10 think a change to how we have fundamentally set
11 up both the housing element or CT zone, and it
12 would be looking at additional sites somewhere
13 else in the city that could accommodate this high
14 density affordable housing that we've identified
15 for the CT zone.

16 Finally, I just wanted to touch on
17 conditions of approval because this is something
18 a little bit more immediate that I think that
19 Council could exercise options on. I think the
20 immediate stuff that we've heard that could be
21 addressed through conditions of approval is the
22 concerns about privacy, concerns about green
23 space.

24 For any condition of approval, whether
25 it be an affordable housing specific project or

1 general market rate project, you need to have
2 nexus and rough proportionality. And what that
3 means is that the condition needs to be related
4 to the development and the condition. What it
5 imposes needs to be roughly proportional to the
6 impact the development is having on the community
7 that necessitates that condition.

8 And there's an established line of case
9 law in this area that clearly lays all of these
10 requirements out, but I think whatever we wanted
11 to do as a city, in terms of imposing a
12 condition, we'd want to keep those factors, nexus
13 and rough proportionality, in mind.

14 Under the Housing Accountability Act
15 rather than Heather Lee touched on, if we are to
16 impose a condition on a project that meets the
17 Housing Accountability Act, we can't impose a
18 condition that would essentially make the project
19 infeasible if it contains that kind of housing
20 need. So we would need to look at any condition
21 closely that the Council wanted to introduce to
22 make sure that it's not triggering that mandate
23 within state law.

24 And then examples of what we could do, I
25 think, with conditions of approval is looking at

1 potentially taller trees for privacy on the rear
2 aspect of where the CT zone abuts a single-family
3 residential zone.

4 And then also for the green space, it's
5 obviously imposing our standard, kind of Quimby
6 Park requirements, whether that be a park
7 dedication, whether that be a park in lieu
8 requirement, but making sure that we are imposing
9 that requirement on all development that comes in
10 so that we are getting either dollars or park
11 space for those residents.

12 But those are kind of the factors that
13 we've thought about, at least initially, in terms
14 of what the concerns have been raised by the
15 residents, and I wanted to at least provide that
16 overview for the Council as well as the public so
17 that they have an understanding of what those
18 options are.

19 MAYOR LEE ENG: Okay. At this time I'd
20 like to refrain from asking questions and
21 comments. I'd like to take public comments. I'd
22 like to limit the public comments to two minutes.

23 We'll start with Mr. John Vitovich
24 (phonetic) followed by Marcea, followed by Alex
25 Comsa.

1 Is there a Mr. John Vitovich?

2 (No audible response)

3 Okay. Let's move on.

4 Marcea Vos --

5 MR. CORICIAN: Hi. My name is Marcea
6 Vos Corician (phonetic).

7 MAYOR LEE ENG: Thank you.

8 MR. CORICIAN: I just -- I'm here
9 tonight, and I'm very pleased to hear that we
10 have this conversation about a CT. I also would
11 like to ask also the city attorney to confirm
12 tonight, based on the HCD letter on page 3, it
13 says, "The City off-menu process appears
14 inconsistent with SDBL." So the off-menu, on-
15 menu, it's inconsistent, and shouldn't be put in
16 place to begin with. I think that when this was
17 adopted, the City was notified that it's
18 inconsistent and illegal and should not be
19 considered and proceeded, but they did.

20 So we had this discussion about off-
21 menu/on-menu and the double-dipping and all this
22 discussion. So I don't know if you read the HCD
23 letter. I'm not sure who is right or wrong. I
24 believe that HCD is right, but the City has to
25 confirm. I think it's a big deal. And I think

1 that they actually provided an example of how
2 this could be adjusted in the City ordinance
3 precisely so you don't have to have the on-
4 menu/off-menu, but I have not seen that updated.
5 That's number one.

6 Number two, I wanted to applaud the City
7 staff for doing this map of the opportunities on
8 the CT zoning. I think it's something that is
9 long overdue, and I think they did a very good
10 job.

11 I think one thing that I have not seen
12 it's that what is opportunity for all those sites
13 to be residential and retail or office, and what
14 the City will like to see in the future on the El
15 Camino Real on certain areas, certain lots. If
16 they're more pertainable to retail, pertainable
17 to residential or office, and so on. Thank you.

18 MAYOR LEE ENG: Thank you. Mr. Alex
19 Comsa, followed by Sue Russell, followed by Matt
20 Hershanson.

21 MR. COMSA: Yes. This is Alex Comsa.
22 I'm a resident of Palo Alto, and I'm a real
23 estate licensed professional. I want to start by
24 saying that the ECR strip of Los Altos is
25 actually a mix of Palo Alto, Mountain View, and

1 Los Altos, and the plans for these three cities
2 would have to be in sync.

3 I had a presentation, but it's not live.
4 I had a picture of Mountain View and Los Altos
5 right by Jordan, nice building on the left side
6 on Mountain View side and the two-story rundown
7 businesses on the Los Altos side. The City
8 should expose residents to the SB 35 guidelines
9 as well as the implications too. And should look
10 into alternatives to SB 35, like cities
11 neighboring us, Palo Alto and Mountain View.

12 Mountain View got the nice precise plan
13 that was developed over one or two years, where
14 they allow residential-only projects. They have
15 height up to six stories and so forth. Same
16 thing with Palo Alto, where they have -- where
17 they eliminated the maximum residential density,
18 and they allow residential-only projects.

19 I also want to touch base on the Walk
20 Score and the real estate market. I think you
21 have a hard copy of properties that I presented
22 in Los Altos, Palo Alto, Mountain View with Walk
23 Score from 25 to 85. Please note that the graphs
24 are identical, which means property values are
25 not directly in sync with Walk Score. They are

1 in sync with interest rates, political
2 environment, supply, and demand. I've been in
3 real estate for 15 years, and nobody ask me to
4 find properties on Walk Score. And I had about a
5 dozen properties anywhere from Mountain View and
6 Palo Alto close to El Camino, in the middle of
7 Palo Alto, in the middle of Mountain View, and so
8 forth, and the graph and the values of the
9 properties were very much in sync.

10 MAYOR LEE ENG: Thank you, Mr. Comsa.

11 MR. COMSA: Yeah. Thank you.

12 MAYOR LEE ENG: Ms. Russell.

13 MS. RUSSELL: Sue Russell speaking for
14 the League of Women Voters. I just want to
15 commend the staff. I would agree with all the
16 cautionary comments that were made by the
17 attorneys and Jon Biggs in terms of what could
18 happen if the City decides to make some of the
19 changes that have been discussed on El Camino.

20 I also wanted to mention that in
21 Mountain View -- I think you can tell by going in
22 Mountain View that they are allowing very high
23 buildings on El Camino Real, and in exchange
24 they're getting community benefits. They're
25 getting affordable housing. They do allow all

1 residential -- and they do have a precise plan,
2 but it's very different from the precise plan
3 that seem to be envisioning.

4 I would like to hope that you would
5 ensure that residential uses are permitted uses
6 as envisioned in the housing element. This is
7 important because, as has been said by staff,
8 many of the potential sites for multifamily
9 development in Los Altos, as listed in the
10 housing element inventory of sites, are in the El
11 Camino corridor. If Los Altos is to encourage
12 development of affordable housing, it is
13 important that this zoning is continued. As with
14 the inclusionary zoning we have there, we should
15 see a number of below market rates units being
16 built, and that seems to be all we're doing with
17 affordable housing.

18 MAYOR LEE ENG: Thank you. Mr. Matt
19 Hershant (phonetic).

20 MR. HERSHANSON: I'm going to keep on
21 showing up --

22 MAYOR LEE ENG: Hershanson (phonetic).

23 MR. HERSHANSON: -- until you learn to
24 pronounce it. I'm just kidding about that.

25 MAYOR LEE ENG: Haha.

1 MR. HERSHANSON: So I think that it was
2 encouraging to see that in downtown, you think a
3 60-foot-tall building is maybe out of character
4 that doesn't even look in anybody's backyard.
5 And what we're talking about is structures that
6 are nearly as imposing, but that will look over
7 many, many people's backyard. And you can see
8 from the map, residential R1 zoning backs right
9 up to that El Camino corridor.

10 So I don't think that this is a question
11 of being antidevelopment per se. It's just that,
12 you know, in Los Altos, I don't think anybody
13 thought that they would move in next to a
14 skyscraper. And for these buildings to be as
15 tall as they are and as close as they are, if
16 it's out of character on First Street -- Main
17 Street, well, 40 Main Street, where it isn't
18 overlooking somebody's yard, it seems like it's
19 inconceivable that it can be in character with
20 the neighborhood when it backs into many people's
21 yards.

22 So I don't know the exact mechanism for
23 doing it, and I don't think that anybody is
24 trying to prevent the appropriate development of
25 some residential property, and you know, below

1 market rate, and those sorts of things. It's not
2 opposed to that in general. It's just a balance
3 with the privacy and the character of the
4 neighborhood. And I think that it's essential
5 that something be done, in accordance with the
6 law and in accordance with judicious development,
7 but in a way that doesn't make it so that if you
8 happen to live in the areas bordering that, that
9 it feels like, you know, you're sort of being
10 overrun by these imposing structures.

11 So thanks for taking up the cause and,
12 you know, preserving the character of the
13 neighborhood by trying to find a way to prevent
14 these developments from being so huge, so close,
15 and just sort of towering over the homes right
16 there. All right. Thanks.

17 MAYOR LEE ENG: Okay. Thank you so
18 much.

19 Lily Nadini (phonetic) followed Fan
20 Trong (phonetic), followed by Mr. Eric Steinle.

21 MS. NADINI: Hi. Lily Nadini, resident
22 of North Los Altos. Thank you, Council, for
23 taking the cause. Thank you, the staff, for
24 doing the work. We are very grateful for after
25 two years we have been listened to, and we hope

1 that it will take some action. However, a lot of
2 people who live behind the El Camino city zone --
3 a couple of people have first mentioned Palo Alto
4 and Mountain View.

5 If you go and look at their specific
6 plan, they are very respectful of the residents
7 who live behind the city zone on El Camino. And
8 they have a specific plan which has a low
9 density, Mountain View, that the lowest density
10 regarding when it's behind the resident --
11 single-family home residential.

12 So what they are asking for is a
13 specific plan that distinguishes what's the
14 behind the city zone, El Camino plan -- whether
15 it's commercial, you can build up high as you
16 can, and if it's residential, to value and
17 respect those people who live there, the same as
18 you value the other residents of Los Altos, the
19 same as other cities, like Mountain View, Palo
20 Alto, and Sunnyvale have respected the residents
21 who live behind the city zone and have a specific
22 plan for them.

23 So these people are the same no matter
24 if they live in the city or if they live in
25 neighborhood cities. They want to raise their

1 children in a safe environment in the privacy of
2 their home. So we thank you so much for taking
3 this case and listening to the residents.

4 And we also like to have the mixed used
5 for commercial and residential, because it's all
6 becoming residential. And when people want to
7 live in a place, they want to live and be
8 entertained and go to the restaurants in the same
9 neighborhood, and we are losing that because it's
10 all becoming residential. Thank you so much.

11 MAYOR LEE ENG: Thank you.

12 Fan Trong.

13 MS. TRONG: Thank you very much for the
14 staff and the council that try to get the City --
15 El Camino study section. I been here all late
16 night, meeting, and I know you're all tired.
17 We're all tired. So it get in the agenda to
18 study, but I would like go one more step forward,
19 become agenda to get the work done.

20 I don't against to build a lower
21 housing, okay. I get respect for the transition
22 between R1 and the City condo. You concerned
23 about downtown, 60-feet-high tall building, but
24 you don't concern El Camino Real in R1, and just
25 not too far from 65 feet look there on my bedroom

1 and our yard.

2 So that what I worry about it. And I
3 did say, okay, you can develop the housing there,
4 but if R1, what rule you give to develop, how
5 high you can do, or step up the height, so we
6 don't have the -- so massive invasion right on
7 our backyard.

8 That all we ask. So either specific
9 plan would be great because everybody --
10 Sunnyvale, Mountain View -- Palo Alto, I cannot
11 find it, but I send you the email. All the link
12 there. You can look it in, and you can see it.
13 They have different area. We don't have Area 5,
14 but they have different area. If you have R1 in
15 the back, they have medium build. So those
16 building in the El Camino Real would be
17 medium-build, not high-rise.

18 So we can do that too. We don't have to
19 be sky-high everywhere on El Camino Real to
20 finish housing. And I don't think you can put
21 all the housing in El Camino Real to fulfill our
22 -- whatever the State requests, we have to bother
23 now on our City.

24 MAYOR LEE ENG: Thank you, Ms. Trong.

25 MS. TRONG: Thank you.

1 MAYOR LEE ENG: Mr. Eric Steinle.

2 MR. STEINLE: It's still Tuesday.

3 (Laughter) I just thought I would mention that.

4 UNIDENTIFIED FEMALE: For 22 minutes.

5 MR. STEINLE: I sent a brief memo to
6 you, which I assume you got, because I want to
7 talk about something completely different. I
8 want to talk about parking. I grew up in
9 Berkeley, where for decades they have had a
10 simple system in neighborhoods because many
11 neighborhoods, the houses simply don't have
12 garages, for whatever reason. Parking is only on
13 the street.

14 So they have a simple system of
15 stickers. If you live in the neighborhood, you
16 get a certain number of stickers. And if you
17 have the sticker, you can park there, and if you
18 don't have the sticker, you can't park there.

19 What we're hearing a lot from everybody
20 about this is there is a matter of perception.
21 And that's really the problem here. We have
22 people in high-rises or potentially in high-rises
23 and people in R1 housing. And the perception is
24 that the people in the high-rise will look down
25 on the people in the R1 housing, and I don't

1 know. I'm not going to pursue that thought.

2 One of the ways to control the
3 perception here is to make sure that, since we
4 also do not have large amounts of parking in
5 these high-rises, that we keep the people who
6 live there from going and parking in front of the
7 houses of the people in the R1 sections. And I
8 think the sticker system -- and I know you've
9 talked about this. I know you went over this. I
10 know you went through a whole bunch this and
11 that's about a year ago.

12 I'm proposing a very simple thing, which
13 is just that particular neighborhoods, perhaps
14 those behind the CT zone, have benefit of a
15 parking sticker system so that in the evenings,
16 at least, there's the possibility that they will
17 not feel that they have been invaded by the
18 people who live in the CT zone. I don't have
19 that problem; I park underground in the CT zone
20 already. But for the others, okay, I think this
21 might go a long way towards relieving some of the
22 stress that might be produced by this. So that's
23 something I'd like to see you consider along with
24 all these other things.

25 MAYOR LEE ENG: Thank you, Mr. Steinle.

1 Chili Chow (phonetic), followed by
2 Sophia Wong (phonetic), followed by Scott
3 O'Brien.

4 UNIDENTIFIED FEMALE: Chili Chow, she
5 went home.

6 MAYOR LEE ENG: Oh, okay. Thank you.
7 Sophia Wong.

8 UNIDENTIFIED FEMALE: She also went
9 home.

10 MAYOR LEE ENG: Oh, okay.
11 Scott O'Brien.

12 MR. O'BRIEN: Good evening. I'm Scott
13 O'Brien. I'm a commercial real estate broker
14 here in Los Altos. I'm also a resident of Los
15 Altos. I'm here this evening. I was asked to do
16 an analysis of commercial space along the El
17 Camino corridor for the 4898 El Camino Project,
18 which was part of the packet for tonight's
19 meeting.

20 So I just wanted to come up and bring
21 some attention to that. There's been some
22 mention about the loss of commercial spaces and
23 things with some of these projects coming in.
24 There is a little -- there is some loss of retail
25 in certain situations. But what we're seeing out

1 there is that it's very hard to lease the retail
2 space that's there. There's a -- there's a
3 significant amount of retail vacancy along the El
4 Camino in older spaces. Some of those spaces are
5 taking upwards of three years to lease.

6 And the specific one I'm talking about
7 is the new development at 4750 El Camino. Kuba
8 Cafe finally just moved in, but there's still
9 4000 square feet of vacant retail space there.

10 So what we're seeing is that -- it's
11 making it that harder. So bringing in retail
12 into some of these developments, you have higher
13 parking ratios that you would require, but
14 they're also not true retail destinations.
15 You've got The Village at San Antonio, the San
16 Antonio Shopping Center, which are all very close
17 and walking distance along that El Camino
18 corridor.

19 And then, also, with regards to office,
20 there's a lot of office space up and down
21 El Camino. I think right now, if you go from
22 just -- the Los Altos border all the way down,
23 there's about an 18 percent vacancy rate right
24 now, with a couple of large buildings that are
25 vacant. So losing some of that office space,

1 there's still a considerable amount of office
2 space out there. If you guys have any questions
3 about that report there, I'm happy to answer any
4 questions. Thanks.

5 MAYOR LEE ENG: Thank you, Mr. O'Brien.
6 Carolyn Bedard, followed by Mr. Pierre
7 Bedard, followed by Fred Haubensak.

8 MS. BEDARD: Thanks for including the
9 study section of the El Camino corridor on the
10 agenda tonight, finally. I just want to say, my
11 first ask is on-menu density bonus -- double-
12 dipping. So thanks. You're working on it.

13 Second, we need measures to protect our
14 one and our three neighbors from loss of privacy.
15 How many homeowners downtown were protected from
16 having a two-story community center near their
17 houses? Okay. It's downtown. It's not near
18 El Camino. Downtown is sacred. We're only going
19 to have one-story buildings for civic buildings.
20 We're only going to have low-density buildings in
21 downtown. We're going to keep that village feel,
22 that rural community.

23 Okay. But I live in Los Altos, and I
24 live in a house that was built in 1958, and I'm
25 going to look out my windows at 745 Distel

1 Avenue, towering over my neighbor, Maryann Hocks
2 (phonetic). I'm going to look at 5150 towering
3 over everybody on -- Casito Way.

4 That's not really right. I think we
5 have a right to be protected from loss of
6 privacy. We have a right to have -- not village
7 character, because I think that's going to go
8 away downtown. It's just going to take longer
9 maybe; you'll have to wait longer before you can
10 start doing high density downtown, to include
11 multistory buildings downtown.

12 But we need to have protections for our
13 houses. There's more consideration; there's more
14 attention given to downtown. We matter too. I
15 understand that we're not going to have more
16 parking at 5150 or the other buildings because
17 that's decided by the State. Traffic in our
18 neighborhood is going to increase, however, and
19 we need to figure out how to protect the kids
20 going to Almond and Santa Rita, and Egan, and the
21 high school.

22 MAYOR LEE ENG: Thank you. Sorry.

23 MR. BEDARD: Hi. My name is Pierre
24 Bedard. I'm not speaking in my role as a member
25 of the Library Commission. I'm speaking as a

1 private citizen. I'm a resident of 721 Casito
2 Way. I've been in Los Altos since 1999.

3 Thank you for having this meeting. I
4 have only one bone to pick with your
5 characterization of the residents, and that is
6 that we don't want development. We do want
7 development. We know it's happening. It's going
8 to go down. It's great to see the map of Los
9 Altos actually with the City looking at what
10 we're doing, because up until this time, I just
11 wasn't sure. I mean, everything was haphazard.
12 Everything was plopped in.

13 My only complaint and my biggest point
14 is that we do need to take care of the R1. Right
15 now I would be at a better advantage being in
16 Mountain View because in Mountain View, I'd have
17 a two-story going into a one-story house.
18 Currently, 5150 is five and three. I can tell
19 you, anecdotally, if it was four and two, people
20 would probably be a lot happier. We'd probably
21 have a lot more privacy, and we'd probably be
22 able to put trees and things like that, that it
23 would actually protect us.

24 But overall, I think the R1 issue is a
25 big deal. I put in comments to the housing

1 element, with some very pointed questions as to
2 how we're dealing with some of the zoning issues,
3 especially OA, which made reference to a property
4 over on Foothill. But OA has already been used
5 with Maryann Hocks. The Dutchints Developers
6 have come in and started saying, my, wouldn't it
7 be so great if went OA to CT to residential, so
8 we could build it up. It'd just be so much more
9 profitable. And this is before it's -- even been
10 before planning. So this is what we face.

11 Thank-you.

12 MAYOR LEE ENG: Thank you, Mr. Bedard.
13 Mr. Fred Haubensak.

14 MR. HAUBENSAK: Hello, Councilmembers.
15 Thank you -- thank you for the time. I'm Fred
16 Haubensak. And I want to just, again, thank you.
17 And everyone's been very thankful for this
18 session, and we've been waiting for a while, so
19 this is much appreciated.

20 I just want to communicate, I think what
21 we're trying to say, and our -- or ask is that we
22 think we're being very reasonable. These are --
23 these are minor things in our mind. We're not
24 asking for moratoriums. We're not asking to put
25 all the housing for Los Altos somewhere else.

1 But I appreciate those comments that maybe those
2 would be the kind of things that would cause the
3 HCD to complain. So I appreciate that data
4 point.

5 Essentially, I just -- I had sent a
6 letter to the Council with some thoughts, but
7 also challenging some of the Cushman letter
8 conclusions. I think the data was in there --
9 and I appreciate the gentleman describing that.
10 The data is essentially okay, I feel, that we
11 agree that the vacancy rates on El Camino,
12 especially the service industry, is about -- is
13 in single digits. And then the time on market is
14 two to nine months in the last -- since 2016, so
15 two to nine months on market.

16 There's an exception that they keep
17 raising -- something that's been open in a large
18 development that was developed and then sold to
19 Standard University, and there was a -- there was
20 potentially some reasoning there. So we don't
21 think it's unreasonable to ask for mixed use.
22 The -- El Camino Real has got plenty of exposure.
23 One of the Cushman letter things says there's no
24 exposure on El Camino. I mean, come on. So lots
25 of exposure there.

1 Yes. The parking is a challenge. I
2 believe that is a good challenge. However,
3 parking on El Camino is always going to be a
4 challenge, so we have to think about how to do
5 that. So please agendize the -- some solutions
6 here. I appreciate the discussion on the double-
7 dippings. That's great. Great progress. And we
8 look forward to more of this soon. Thank you
9 very much.

10 MAYOR LEE ENG: Thank you.

11 Okay. I'm going to turn back to
12 Council. Who wants to start our study session?

13 (Cross talk)

14 Or a study session.

15 COUNCILMEMBER ENANDER: Who wants to
16 start?

17 MAYOR LEE ENG: Beg your pardon? You
18 want --

19 COUNCILMEMBER ENANDER: I'll start.

20 MAYOR LEE ENG: Okay.

21 COUNCILMEMBER ENANDER: A couple of
22 comments. One is that -- I did a rough
23 calculation. And it wasn't precise because I've
24 been doing other things, getting ready for other
25 things tonight. But if you take out Village

1 Court and Sherwood -- specific plan areas from
2 the CT zone, I think about 50 percent of the
3 available developable lots, we already have
4 proposals for in the pipeline. So if we don't
5 move very quickly, we will have lost the chance
6 to help a whole bunch of our residents protect
7 their privacy. So I think that's a reason for us
8 to move as quickly as we can.

9 It also indicates that our -- in our
10 housing element, the list of potential
11 developable probable places along El Camino does
12 not include every parcel. I mean, we've had
13 parcels developed on El Camino that are not on
14 that list. So we have actually done housing in
15 places that we never thought we were going to do
16 housing. That ought to mean that we're already
17 ahead of the game in terms of what housing we've
18 developed compared to what we told the State we
19 were going to do. And I don't want us to lose
20 sight of that.

21 Third thing is, compared to Mountain
22 View, we have no commercial. Our entire city has
23 less than 4 percent of our land mass in
24 commercial. That is nothing compared to what
25 Mountain View has, and I think it's very

1 disingenuous to try and compare the two cities in
2 that regard. We have to decide as a policy
3 issue, I think, as a Council, how much commercial
4 can we hang onto in our city, because it's good
5 for us to have commercial.

6 And I don't know what our options are
7 yet -- I'm looking to staff -- but I think we
8 have to find a way to defend the retaining of --
9 whether it's office administrative, retail,
10 services, or whatever, but retaining some
11 commercial space along the El Camino as part of
12 protecting one of the seven commercial centers in
13 our city and protecting some commercial land for
14 the diversity it gives us in tax base and the
15 services and amenities that it gives to our city.

16 MAYOR LEE ENG: So do you have any
17 suggestions? When you say "we need to move
18 quickly," what suggestions would you have?

19 COUNCILMEMBER ENANDER: Well, one of
20 them would be whether we can impose as kind of
21 development criteria simple things like -- and a
22 number of these have come out of the residents --
23 window screening, minimum heights or maximum --
24 you know, where you can have windows that are on
25 those upper floors so that people can't look down

1 into the neighbors. Some of our cities -- like
2 in Saratoga, they have those kinds of rules on
3 the -- in the hillside, so that people who are
4 higher on the hillside can't look -- they can't
5 do certain heights of windows so that they
6 literally can't look down on their neighbor
7 below. I don't know what we can do in that
8 regard, but that's one thing I think we ought to
9 look at.

10 Another thing I think we ought to look
11 at, of course, is the "double-dipping" issue. A
12 third thing that I think we ought to look at is
13 whether we can impose criteria for, in some way
14 -- whether it's incentive or decentivize (sic),
15 if that's a word -- all housing, as opposed to
16 incentivizing mixed use, or requiring a certain
17 amount of mixed use.

18 Mountain View certainly did that with
19 the newest proposal in the corner of El Camino
20 and Castro, where they required the developer to
21 have space for -- they even required him to keep
22 a contract with Pete's Coffee and with the
23 Rose --

24 VICE MAYOR PEPPER: Rose Market.

25 COUNCILMEMBER ENANDER: -- Market, to

1 make sure that those didn't get lost. I don't
2 know how they did that, but that's what we need
3 our staff to help us with.

4 MAYOR LEE ENG: Okay. Vice Mayor
5 Pepper.

6 VICE MAYOR PEPPER: Thank you.

7 I know I pretty much agree with
8 everything that Anita has said. And I guess my
9 question is -- well, first of all, I'd like us to
10 move on this ASAP. This has to go to Planning
11 Commission. Let's get it on the next Planning
12 Commission agenda, and then let's get it to us as
13 soon as possible. We can't keep -- we've been
14 talking about this, but we need to take action on
15 this right away. So I agree with what Anita has
16 said.

17 I'd like to know, can we do some
18 specific setbacks, limit certain setbacks and
19 heights adjacent to single-family homes. Can --

20 COUNCILMEMBER ENANDER: More than what
21 we have now.

22 VICE MAYOR PEPPER: Can we --
23 Huh?

24 COUNCILMEMBER ENANDER: More than what
25 we have now.

1 VICE MAYOR PEPPER: More than what we
2 have now. Can we do that? And I'd like us to do
3 that.

4 And also, I second the idea of having
5 mixed use on El Camino, saying that people can go
6 over to Village at San Antonio. No. You know,
7 there used to be lots of good restaurants. We
8 used to go to the Satsuma that used to be on --
9 where 4880 is now, or 4846. So just because one
10 commercial space on The Colonnade is not being
11 rented does not mean that not everything can be
12 rented.

13 Actually, I was talking to people in
14 some other cities. I was talking to some folks
15 in Belmont, and they said they were getting the
16 same kind of pressure, that they wanted to have
17 commercial on the first floor and residential
18 above. And they told me, "Just insist on it."
19 You know, we can't be scared by the State telling
20 us what we should or shouldn't do. We need to do
21 what's right for our community, and that's what's
22 right for our community. So let's not be afraid.
23 Let's stand up for ourselves. And then, also,
24 the double-dipping, as we talked about earlier.

25 And then I've -- we've talked about this

1 before. With the heights, we've talked about
2 affordable by design. And I'm still super-
3 frustrated that we're not getting very much
4 affordable housing. It seems to me that's what
5 HCD wants us to do is get affordable housing.
6 And if we can keep the height low, and you have
7 the density high, then aren't those units going
8 to be smaller? And aren't they therefore going
9 to be more affordable?

10 That's what we're trying to do, and I
11 don't see why they would be against us doing
12 that. And we need to tell the story right to
13 them so that's what we get. Having more
14 \$2 million condos on El Camino is not what we
15 need. We really need affordable stuff. So I'd
16 really like us to look at that and push for that
17 as well. So I'd like some answers tonight on
18 what the timing can be -- how soon will this get
19 to the Planning Commission; how soon can this get
20 back to us. Thank you.

21 MAYOR LEE ENG: And thank you for all
22 the work on this. I don't mean to be critical or
23 anything. I'm sick. I really want to go to bed,
24 but I appreciate all the work.

25 MR. DIAZ: Just to answer some of the

1 immediate questions. At least on the double-
2 dipping, that is something that could easily be
3 done, and quickly, at least in the process.

4 On the potential, you know, change to
5 height, setback, stuff of that nature, that
6 starts impacting our housing element. So we're
7 going back to HCD. And that process can be done;
8 it's just going to take time. And so I want the
9 Council to at least understand that.

10 COUNCILMEMBER ENANDER: Well, what --

11 VICE MAYOR PEPPER: So just to clarify
12 on that question, when she asked about the
13 setback -- earlier you said, "Well, we can really
14 look at the -- utilizing the Quimby Act." So if
15 we utilize and apply the Quimby Act and say, we
16 don't want the money, but we want the parkland,
17 and we put it in the back, that's something we
18 can decide to do, right? Because that's
19 utilizing the Quimby Act as well as utilizing
20 open space in the back.

21 MR. DIAZ: But our zoning code and our
22 housing element -- and Jon can correct based on
23 what's in the documents -- but we've laid out a
24 parameter of what we are allowing on those sites
25 -- specific setbacks, specific height. And if

1 you change that, then we're going back to HCD.
2 And I'm not saying that that's anything that
3 can't be done. It's just it's going to be a
4 time-intensive project.

5 COUNCILMEMBER ENANDER: But isn't part
6 of it also being more skilled in making
7 developers justify the request for some of these
8 incentives and waivers and that --

9 MR. DIAZ: I think that's something that
10 definitely we've heard clear from Council
11 tonight, to have some short of sheet to our
12 questions or asks so that we get clear
13 information to you as the decision-makers when
14 you're looking at those.

15 COUNCILMEMBER ENANDER: Yeah.

16 VICE MAYOR PEPPER: And is there some
17 kind of health and safety argument that we can
18 make for projects that are right next to R1 or R3
19 housing so that -- I don't know if it impinges on
20 the health or safety of the people who live
21 there, if the people in the condos or apartments
22 nearby are looking right into their units. It
23 seems to me that that's a bit of a safety issue
24 that you could have people peaking in your
25 windows. So I don't know. I'm just trying to be

1 a little creative. I'm asking you guys: be a
2 little creative. Let's think outside the box,
3 and make this work. You know, this -- you know
4 what we want. Make this work for us. Thank you.

5 MAYOR LEE ENG: Okay. Who wants to go
6 first? Councilmember FLIGOR?

7 COUNCILMEMBER FLIGOR: There we go.
8 I'll go. I'll be quick. It's late. So
9 definitely, thank you, staff, for putting these
10 different presentations together. And you
11 clearly heard us, that we wanted to do a study
12 session on this topic, because we're hearing from
13 residents that they're being impacted, and we
14 want to figure out what, if anything we can do.

15 So I'm going to go through the different
16 items that we've discussed, starting with the
17 double-dipping. I think the direction is for
18 this to go to the Planning Commission, and then
19 it will come back to Council. So I'm open to
20 seeing what we get back from the Planning
21 Commission and ensuring that, you know, we're
22 still in compliance with applicable laws, and
23 we're doing what we're permitted to do without
24 running the risk of violating the State housing
25 laws. And then, also, you know, taking action

1 that I think supports affordable housing without
2 imposing on our residents.

3 So I am supportive of having the
4 Planning Commission look at this and then come
5 back to us with a proposal. And as part of that
6 proposal, I do want to understand the pros and
7 cons and the risks associate with if we move
8 forward with changing our codes.

9 On the conditions of approval, I just
10 want to, again, thank the city attorney for
11 putting this together, because this is very
12 helpful. And you know, my question all along has
13 been, you know, when can we ask for these
14 conditions to be imposed on our developers? And
15 we'll look to staff to guide us during that
16 process. But I think these are very important,
17 because I think this is one way or one tool we
18 can use to really offset the impact and mitigate
19 the impact on our residents.

20 I do think it's a big issue where, you
21 know, right now we don't have the privacy
22 buffers. And also, when we think about the
23 traffic impact. What else do I have? The lack
24 of parks and open space in that area. I do want
25 us to figure out a way to work with our

1 developers within our codes to get these things
2 in the CT zone, and -- because I do think they're
3 important.

4 So on this list -- and Chris Diaz, for
5 conditions of approval -- one that I thought was
6 missing, a couple members of the public addressed
7 it -- was the traffic improvements that we can
8 require and what that would look like. Whether
9 it's having parking permits, as Mr. Steinle
10 suggested, which is an interesting idea -- and I
11 do want us to be creative in thinking how can we
12 really move a lot of these things forward to
13 better protect our residents.

14 So I think traffic improvements, you
15 know, safe routes to school, you know, the
16 funding source -- how can we require that of
17 developers, again, without violating the State
18 laws. That would be very helpful.

19 And the mixed-use requirement -- I don't
20 know -- and I guess staff could address this --
21 but what that would really look like from a
22 requirement perspective. So I can understand --
23 you know, we can always work with the developers
24 to see if they would -- if it's not part of their
25 initial proposal. Let's say they do want to do

1 100 percent residential, and they want to -- you
2 know, they going through the whole process --
3 staff, Planning Commission, back and forth,
4 before they come to us -- you know, at what point
5 would we really ask them to change their proposal
6 and to consider making it mixed use? I -- and
7 you know, who is doing the analysis of whether or
8 not mixed use in that location is actually
9 appropriate. Because -- and it comes down, I'm
10 sure, for the developer, whether or not they're
11 going to be able to lease it out and other
12 considerations.

13 So, you know, what would that look like
14 if Council wanted -- and again, I don't think
15 this should be a code change. I think it should
16 be a -- you know, ad hoc, where it's case by
17 case, where the -- a project comes to us, and we
18 figure out, is this something we want to require
19 of the developer, or work with the developer to
20 see if they would and could consider making that
21 mixed use.

22 And on the window screening and -- that
23 Councilmember Enander mentioned -- yes. That's
24 another tool I think we should consider. And
25 again, the timing. When do we start asking our

1 -- the developers and requiring these different
2 conditions of our developers?

3 And again, you know, we talked about the
4 on-menu/off-menu. There are a lot of conditions
5 that we can all come up with as Council. But I'm
6 sure it's going to get to the point where we have
7 to be reasonable, where we don't have -- you
8 know, we're not imposing X number of conditions
9 where it becomes prohibitive. So that's the kind
10 of guidance I would look to staff and Council
11 for.

12 And the last thing, in light of the
13 time, and that I will say is, you know, if there
14 are existing projects moving forward right now --
15 and I know Councilmember Enander had her number
16 -- and we haven't imposed any of these conditions
17 -- for example, 5851 -- 50 -- yeah, 5150 -- and
18 we can, that's also something I'd want to hear
19 from staff and Council on so that we can figure
20 out how we can mitigate the current impact on our
21 residents.

22 MAYOR LEE ENG: Councilmember X.

23 COUNCILMEMBER BRUINS: So I want to
24 start kind of more --

25 COUNCILMEMBER FLIGOR: And I'm sorry.

1 COUNCILMEMBER BRUINS: No. Go ahead.

2 COUNCILMEMBER FLIGOR: One thing I
3 didn't touch on was the specific plan. I -- and
4 I'm sorry. And I do understand the specific plan
5 process, and I'm sure the residents do as well,
6 where it's not an overnight process. A lot of
7 things have to be in place to finalize and get a
8 specific plan in place. It has to comply with --
9 it has to be consistent with the general plan and
10 with our housing element. They all have to
11 align.

12 And so, when we talk about what we need
13 to do immediately, I just want to make sure it's
14 clear, the specific plan is not immediate. It
15 really isn't. It can be a long process, and it
16 requires time, staff resources. And so I -- you
17 know, do I support the idea of having a specific
18 plan in the CT zone? Yes. But I don't think
19 that is the immediate solution, and that's going
20 to require a lot of public comment, especially
21 because it impacts and touches on our general
22 plan for the city.

23 MAYOR LEE ENG: Thank you.

24 COUNCILMEMBER BRUINS: Okay. So I'm
25 going to take a different approach to this and

1 deal with it more philosophically. I'm going to
2 tell you my concern. There are so many things we
3 could do, should do, want to do, need to do,
4 etcetera. But tonight, after what we just went
5 through in terms of this hearing that we had,
6 okay, I'm going to tell you where my attention
7 is. My attention, and I think the thing we need
8 to do first and foremost, is take some action
9 that actually protects the city as a whole.

10 I think we have standards today that are
11 not truly objective standards. If we do not make
12 that our number-one priority, okay, any developer
13 can come in and start trying to run a Mack truck
14 through the fact that we don't have solid
15 objective standards.

16 So when I look at this, that is my
17 number one priority. And I'll even go as far as
18 to say, when Council is looking at our strategic
19 priorities, I believe there's only two things on
20 that list at this point in time. One is to get
21 that community center across the finish line.
22 But the most important one is how to harden our
23 codes and our language -- the correspondence
24 language and all in the general plan, okay.

25 So all these other things -- and I know,

1 the residents, you don't want to hear me say this
2 -- but just now, imagine if we had somebody
3 coming in, claiming that they have an SB 35
4 project, and it's not that 5-story building; it's
5 a 10-story building, okay. So it can get --
6 bottom line is it could get worse than what we
7 have. We have stuff in the pipe. And as Anita
8 says, our ability to turn that ship, that kind of
9 -- from those -- the ship has sailed, okay. So
10 it's whatever -- is zoning codes and such that
11 are in place when their application is deemed
12 complete.

13 So I hear you guys. If we want to move
14 forward on a couple of these things, where it
15 really is, from a staff attention is pop in and
16 pop out, such as the double-dipping, I'm for
17 that. If we're going to be talking about stuff
18 that's going to require a lot of analysis and
19 what does this mean and blah, blah, blah, blah,
20 I'm sorry. I want to -- I want to get rid of
21 these big gaping holes. I want us to focus in on
22 the objective standards first and foremost.
23 Let's put the energy in that; let's make that
24 happen. Then, once we have that done, let's look
25 at all these other things, okay.

1 So I'm willing to deal with the double-
2 dipping one, as saying that's one of them that we
3 definitely should be looking at. These other
4 things, I'm not so convinced at, as long as -- if
5 they're getting anywhere close to being in
6 conflict. I just don't want to spend the energy
7 right now trying to figure that out and then to
8 have it, you know, implode on us.

9 So privacy -- I hear you. I hear the
10 residents about privacy. I don't know how many
11 of us go home from a long day of work and go and
12 just stand at our window to go look at what our
13 neighbors are doing, okay. I don't have fence --
14 we don't have fences in our front yards. You
15 know, I'm sorry. I got a huge -- I got a
16 nine-foot kitchen window, okay. I come home, I
17 don't go and stand at that window, so I can go
18 see what all my neighbors are doing.

19 I understand why, psychologically, we
20 are concerned about privacy, okay. I get that.
21 But to put all this energy in this -- again, this
22 would be -- no matter what we come up with, it
23 won't meet the needs of our residents. So I'm
24 going -- like I said, I will start -- the double-
25 dipping. But after that, I really -- Council, I

1 would ask that we seriously think about what we
2 just went through when we look at SB 35 and we
3 look at the potential for more projects coming
4 in.

5 If we don't harden our codes, our
6 general plan specifically for that purpose and
7 make that our number-one priority, I think we are
8 going to put more residents -- I think with the
9 -- more residents throughout the city in
10 jeopardy, and I think we're going to make it even
11 worse for our El Camino residents. So that's --
12 sorry -- that's where I feel right now is our
13 priority.

14 MAYOR LEE ENG: Well, no. I'm pleased
15 to hear that we have a majority, so it should be
16 going through our Planning Commission at its next
17 meeting --

18 COUNCILMEMBER ENANDER: What is going
19 through?

20 MAYOR LEE ENG: -- on the double-
21 dipping.

22 COUNCILMEMBER ENANDER: Double-dipping.

23 MAYOR LEE ENG: Correct. I can
24 understand the request for the specific plan.
25 And like Councilmember Bruin said, I think it's

1 just going to take too long. And we can look at
2 something that we can put in place to ensure that
3 our residents are respected. With the shortage
4 on City -- well, our staff, and that's going to
5 delay the process longer. So it's -- nothing's
6 going to happen.

7 But we can do things. I think we --
8 like she said, we need to revisit our objective
9 standards. Some of those objective standards was
10 mentioned by Vice Mayor Pepper, such as maybe we
11 need to revisit our height. Maybe we need to
12 prove that if we increase the percentage, we can
13 get more housing and affordable housing and not
14 go up. So if that's going to be a possible
15 objective standard that we can revisit, I think
16 we should look at that. And that is something
17 that we can revisit, and that'll be a fast to
18 fix.

19 I think that understanding traffic is
20 very important. We have all these high-density
21 projects coming up, and we have to understand
22 that we need an accumulative traffic study,
23 because we have to understand the impact it's
24 going to have on our neighboring residents, on
25 how it affects safe routes to school, and how

1 it's going to affect, you know, the safety of our
2 residents.

3 I agree with everything my former
4 councilmembers talked about as well as
5 incentivizing on how can we make sure we keep
6 commercial space. I think that's important. I
7 -- the problem -- when someone said you had a
8 hard time renting out commercial space, you said
9 you had hard time renting out older commercial
10 space. But then, now we have -- if you have new
11 commercial space, that might be a different
12 story. So I think we'd like to reconsider
13 incentivizing and keeping mixed use.

14 And as you said earlier, or it was
15 stated on the screen, maybe we need to really
16 revisit whether or not we want that money and
17 want -- we want to advocate for more green space
18 and having the City create more pocket parks. So
19 I think we need to look at that.

20 But since it's late, I think that we can
21 continue, as we bring things back to us, to
22 advocate for more ideas on how we can respect the
23 R1 community behind the projects that are coming
24 out. So, once again, going to Planning
25 Commission for --

1 MR. JORDAN: Yeah. We --

2 MAYOR LEE ENG: -- the double-dipping.

3 MR. JORDAN: Yeah. And we'll get on
4 that right away. It will not be the next
5 Planning Commission meeting. The next Planning
6 Commission meeting, I believe, is in early May.
7 I believe they have an absolutely full agenda --

8 UNIDENTIFIED MALE: Full agenda.

9 MR. JORDAN: -- already. Plus, there's
10 noticing requirements and everything else
11 associated with these kinds of changes. But
12 we'll get --

13 MAYOR LEE ENG: Okay. June.

14 COUNCILMEMBER ENANDER: But we'll get --
15 we'll get on it as quickly as we possibly can.

16 COUNCILMEMBER ENANDER: And I --
17 Mayor, may I?

18 MAYOR LEE ENG: Yeah.

19 COUNCILMEMBER ENANDER: I'd like to
20 thank the planning commissioners that are here --

21 MAYOR LEE ENG: Uh-huh (affirmative).

22 UNIDENTIFIED FEMALE: Yes.

23 COUNCILMEMBER ENANDER: And hung out all
24 the way through the evening, or came later, just
25 for this wonderful part of our presentation. And

1 please convey to Commissioner Bressack, who was
2 here for the most of the time, I think. It was
3 really great that you guys showed up to hear
4 what's happened tonight. And I hope it will help
5 us align better in what we're trying to do as
6 policy and what we want from Planning Commission
7 in terms of what's the best way to make those
8 things happen as we go forward and try and solve
9 these problems together.

10 MAYOR LEE ENG: And thank you, staff,
11 for the wonderful report. I have one more
12 question. So, like when we talked about the
13 windows, and perhaps clerestory windows or having
14 a policy at a certain level -- is that just a
15 policy or something that goes to planning as
16 well?

17 MR. JORDAN: No. We'll review different
18 options --

19 MAYOR LEE ENG: Okay.

20 MR. JORDAN: -- see what other Cities
21 are doing. And -- no. That would have to be by
22 ordinance and changing the zoning code because,
23 again, we would try to get those objective
24 standards. That would have to be in the code.

25 MAYOR LEE ENG: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. JORDAN: We'll take a look at those options.

UNIDENTIFIED MALE: And we have slated this.

MAYOR LEE ENG: Okay. And once again, we want to strengthen our objective standards so that we can ensure that we don't have any problems in the near future. Okay. Thank you.

(END OF REQUESTED PORTION - 5:15)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF TRANSCRIPTIONIST

I certify that the foregoing is a true and accurate transcript of the digital recording provided to me in this matter.

I do further certify that I am neither a relative, nor employee, nor attorney of any of the parties to this action, and that I am not financially interested in the action.



Julie Thompson, CET-1036

[1 - affirmative]

1	3	9	
<p>1 6:10,18 7:1,2 59:11 1-1/2 6:18 10 6:15,24 7:21 21:6,6,20 98:5 100 35:11 94:1 1036 106:13 11 23:6 40:18 42:4 42:6,7,18,18,23 120 6:23 14.28.040. 4:22 14759 106:12 15 21:23 66:3 150 36:13,14 18 76:23 1958 77:24 1970s 51:12 1979 3:17 1980s 51:12 1999 79:2</p>	<p>3 21:22 63:12 30 21:23,23 36:11 330 59:18 35 31:24 33:11 48:25 65:8,10 98:3 100:2 3:17 2:1</p>	<p>9 1:12</p>	<p>actions 31:20 36:25</p>
	<p>4</p>	<p>a</p>	<p>actual 11:22 14:7 22:3</p>
	<p>4 83:23</p>	<p>ability 31:1,17 32:18 39:7 54:8 98:8</p>	<p>ad 94:16</p>
	<p>40 7:20 68:17</p>	<p>able 10:23 14:18 37:8 47:12 79:22 94:11</p>	<p>add 19:18 35:16 42:4,6,7,8</p>
	<p>4000 76:9</p>	<p>absolutely 103:7</p>	<p>added 31:7,8 34:5 52:24 55:20</p>
	<p>4750 76:7</p>	<p>abuts 62:2</p>	<p>addition 11:5 23:24 24:25 25:1</p>
	<p>4846 87:9</p>	<p>acceptable 13:5 15:14</p>	<p>additional 8:7 27:12 35:7 60:12</p>
	<p>4880 87:9</p>	<p>accommodate 7:20,21 60:13</p>	<p>address 3:2 57:2 60:8 93:20</p>
	<p>4898 75:17</p>	<p>accomplished 51:15</p>	<p>addressed 60:21 93:6</p>
	<p>5</p>	<p>account 33:24</p>	<p>adjacent 86:19</p>
	<p>5 7:1 21:5 72:13 98:4</p>	<p>accountability 2:9 2:20 30:18,23</p>	<p>adjusted 6:1,14,24 64:2</p>
	<p>50 5:25 83:2 95:17</p>	<p>31:3 32:8 33:9 35:5,9 36:6 37:14</p>	<p>administrative 84:9</p>
	<p>5150 78:2,16 79:18 95:17</p>	<p>37:21 49:19 61:14 61:17</p>	<p>admittedly 13:23</p>
	<p>55 10:1,4 12:18</p>	<p>accumulate 101:22</p>	<p>adopt 52:21</p>
	<p>5851 95:17</p>	<p>accurate 106:3</p>	<p>adopted 4:21 5:11 29:19 31:4 51:19 63:17</p>
	<p>5:15 105:9</p>	<p>achieve 16:21 17:14 54:14</p>	<p>adoption 22:23 53:5,10 59:2</p>
	<p>6</p>	<p>acre 7:18</p>	<p>adopts 29:17</p>
	<p>60 36:13 38:5,5 68:3 71:23</p>	<p>act 2:10,21 30:18 30:23 31:3,5 32:8</p>	<p>advantage 45:3 79:15</p>
	<p>65 71:25</p>	<p>33:9 34:22 35:5,9 36:6 37:14,21</p>	<p>adverse 22:6,24 25:12,14 32:12 33:5 34:8 35:15</p>
	<p>65858 58:4</p>	<p>49:19 61:14,17 89:14,15,19</p>	<p>advise 50:5</p>
	<p>7</p>	<p>acted 38:7,12</p>	<p>advocate 102:17 102:22</p>
	<p>721 79:1</p>	<p>action 59:14 70:1 86:14 91:25 97:8 106:7,8</p>	<p>affect 102:1</p>
	<p>745 77:25</p>		<p>affirmative 12:6 13:9 23:13 36:10</p>
	<p>7:00 1:13</p>		
	<p>8</p>		
	<p>80 6:14,23</p>		
	<p>85 65:23</p>		

[affirmative - asking]

<p>40:4 103:21 afford 37:1 affordability 4:16 7:9 21:15 25:4 32:1 affordable 3:18 4:3,10 6:7,11,19 6:22,22 7:3 8:9 9:8,10,23 11:1,22 11:24 16:21 17:15 20:7,12,22 22:3 24:13 31:22,23 35:7,17,22 38:16 48:24 52:25 55:6 55:22 58:24 60:14 60:25 66:25 67:12 67:17 88:2,4,5,9 88:15 92:1 101:13 afoul 56:4 afraid 87:22 age 7:10 agencies 3:8 54:3 agency 36:25 37:2 agenda 71:17,19 77:10 86:12 103:7 103:8 agendize 82:5 aggregate 8:22 ago 13:24 14:2,9 31:5 51:13 74:11 agree 4:2 37:5 66:15 81:11 86:7 86:15 102:3 agreement 10:13 agreements 10:14 ahead 39:18 83:17 96:1 aid 39:12 alex 62:24 64:18 64:21</p>	<p>align 96:11 104:5 allocation 5:3 allow 26:13 36:21 54:18 55:4 65:14 65:18 66:25 allowable 23:6 allowance 43:19 allowed 4:5 18:13 42:21 55:14 57:19 allowing 66:22 89:24 allows 34:9 almond 78:20 alternatives 65:10 alto 50:15 64:22 64:25 65:11,16,22 66:6,7 70:3,20 72:10 altos 1:11 4:18,20 5:1,15,19 9:10 10:16,22 22:17 28:2 29:15 50:21 50:22,23 54:10,16 64:24 65:1,4,7,22 67:9,11 68:12 69:22 70:18 75:14 75:15 76:22 77:23 79:2,9 80:25 amended 3:19,20 15:12 amending 44:17 amendments 3:20 amenities 26:10 26:13 84:15 ami 6:24 amount 8:17 76:3 77:1 85:17 amounts 74:4 analysis 16:24 75:16 94:7 98:18</p>	<p>anecdotally 79:19 anita 86:8,15 98:7 answer 77:3 88:25 answered 17:19 answers 88:17 antidevelopment 68:11 antonio 51:9,9 76:15,16 87:6 anybody 59:4 68:12,23 anybody's 68:4 apartments 90:21 apologize 30:14 appears 63:13 applaud 64:6 applicable 91:22 applicant 15:18 16:22 17:4,10 18:5,17 19:24 20:6 21:18 23:19 26:16 27:7,14,17 36:18 43:16 applicants 16:17 19:16 24:1 26:7 application 19:21 34:18 36:11,20 40:3 98:11 applications 17:1 36:5 39:13 50:4,9 applied 8:10,18 39:5 applies 6:11,19 7:4 8:4 24:23 31:21 32:1,2,4 35:6 37:24 apply 9:24 10:3,7 10:8 11:10 12:3 28:25 36:24 38:11 39:8,15 89:15</p>	<p>applying 41:25 appreciate 2:7 40:21 81:1,3,9 82:6 88:24 appreciated 80:19 approach 96:25 appropriate 5:21 16:11 17:24 38:19 68:24 94:9 appropriately 8:2 39:2 approval 10:25 57:24 60:17,21,24 61:25 92:9 93:5 approve 5:20 58:11 approved 13:22 38:8 45:2,3 52:5 approximate 7:24 april 1:12 architectural 11:19 area 48:17,19,21 48:22,23,24 49:1 51:7,10,11 52:10 54:13,25,25 57:5 61:9 72:13,13,14 92:24 areas 52:1,12 64:15 69:8 83:1 argue 16:23 argument 36:19 44:25 59:2 90:17 asap 86:10 aside 22:5 asked 27:8 75:15 89:12 asking 14:19 18:9 19:5 29:5 62:20 70:12 80:24,24 91:1 94:25</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[asks - burden]

<p>asks 41:6 90:12 aspect 62:2 assertion 17:2,4 assessing 5:1 assists 4:22 associate 92:7 associated 57:7 103:11 assume 73:6 assuming 23:9 attacking 60:4 attempt 43:13 attending 8:12 attention 75:21 78:14 97:6,7 98:15 attorney 58:17 59:14 63:11 92:10 106:6 attorneys 23:22 26:20 38:14 66:17 audible 63:2 authorities 5:13 authority 3:10 59:12 authorize 5:17 automatically 42:21 available 20:6 21:5 38:15 44:2 83:3 avenue 51:9 78:1 avoid 25:11,14 award 26:20 awarded 23:22,23 aware 49:23</p>	<p>90:1 91:19,20 92:5 94:3 102:21 background 3:15 44:25 backs 68:8,20 backyard 68:4,7 72:7 bad 38:7,12,13 40:9 balance 69:2 base 9:2 65:19 84:14 based 21:14 25:3 25:23 27:10 28:24 34:16 63:12 89:22 baseline 17:21 basically 12:1 15:18 16:5 18:20 19:21,22 20:21 43:9,14,25 58:5 basis 10:11 14:18 17:20 23:12,17 27:11 33:17 34:3 35:3 37:4 becoming 71:6,10 bed 88:23 bedard 77:6,7,8 78:23,24 80:12 bedroom 28:21,22 29:25 71:25 bedrooms 28:23 28:24 30:2,10,11 beg 82:17 believe 43:11 63:24 82:2 97:19 103:6,7 belmont 87:15 benchmark 33:14 benefit 12:1 26:22 27:13 74:14</p>	<p>benefits 8:25 9:12 11:10 24:1 27:16 35:10 66:24 berkeley 26:9 73:9 best 8:24 45:8,12 104:7 better 14:8 45:12 79:15 93:13 104:5 beyond 29:8 big 58:13 63:25 79:25 92:20 98:21 biggest 79:13 biggs 16:15 17:7 19:12 49:17 51:3 54:23 55:3 56:2,6 56:9 59:6 66:17 bill 59:17 bills 3:21 59:10 bit 19:13 49:20 56:9 57:24 59:24 60:18 90:23 blah 98:19,19,19 98:19 body 3:5 bone 79:4 bonus 2:3,9,18,20 3:16 4:1,4,20 5:7 6:17 7:1,1,12 8:7 8:15,17,19 9:1,11 10:9 11:11,12 15:16 17:1,8,12 21:12,14 22:17 24:2 26:23,25 27:2,7,25 30:17,21 31:23 34:2 37:10 39:9 43:6 49:18 50:11 77:11 bonuses 5:14,21 9:13 11:5 21:16 23:25 24:24 25:1</p>	<p>border 76:22 bordering 69:8 borrowing 19:9 bother 72:22 bottom 32:22 33:15 48:15 98:6 boundaries 4:11 box 91:2 breakdown 21:2 bressack 104:1 brief 73:5 bring 54:18 75:20 102:21 bringing 76:11 broader 39:7 broadest 17:18 broker 75:13 brought 41:12 bruin 100:25 bruins 19:3 46:12 47:8 49:6,11,14 95:23 96:1,24 buffers 92:22 build 70:15 71:20 72:15,17 80:8 building 11:20 55:5,20 65:5 68:3 71:23 72:16 98:4 98:5 buildings 40:12 57:6,8 66:23 68:14 76:24 77:19 77:19,20 78:11,16 built 58:2 67:16 77:24 bullet 13:17,18,19 19:22 20:2 48:15 bunch 74:10 83:6 burden 23:11 37:3 38:18</p>
<p>b</p>			
<p>back 3:7 10:18,20 15:21 51:22 52:22 53:16 72:15 82:11 88:20 89:7,17,20</p>			

[businesses - color]

businesses 65:7	cautionary 53:22 54:19 66:16	chart 30:15	65:7 66:18 70:2,7
c	ceiling 29:2	chase 32:23	70:14,21,24 71:14
cafe 76:8	center 51:2,3 76:16 77:16 97:21	check 19:19	71:22 72:23 79:9
calculated 20:20	centers 84:12	checklist 39:11 40:13	83:22 84:4,13,15
calculation 9:7 82:23	ceqa 35:1	child 8:4,6,8,16 21:8,11	92:10 96:22 97:9
calculations 9:1	certain 4:16 5:18 7:16 20:21 46:25	children 8:11 71:1	100:9 101:4
call 22:20 42:19	64:15,15 73:16	chili 75:1,4	102:18
camino 49:22	75:25 85:5,16	choose 8:20,24	city's 28:17 30:25
50:15,16,19,20,22	86:18 104:14	chose 55:17	civic 77:19
51:1,7,8,21,23	certainly 2:15 3:4 3:24 18:1,23	chow 75:1,4	claiming 42:18 98:3
52:4,17,24 54:6,15	44:19 85:18	chris 2:10 45:1 93:4	clarification 46:13 47:9 49:8
64:15 66:6,19,23	certificate 106:1	circumstance 18:9	clarify 2:17 44:18 45:16,21 89:11
67:11 68:9 70:2,7	certify 106:2,5	circumstances 5:22 7:16 24:7,21	clear 90:10,12 96:14
70:14 71:15,24	cet 106:13	27:1 40:6	clearly 61:9 91:11
72:16,19,21 75:17	challenge 23:19 59:5 82:1,2,4	cite 33:17	clerestory 104:13
75:17 76:4,7,17,21	challenged 26:16	cities 5:13 19:4 31:15,16,19 36:4	close 14:2 30:1,8 66:6 68:15 69:14
77:9,18 81:11,22	challenger 23:18	37:3,16,19,21	76:16 99:5
81:24 82:3 83:11	challenging 37:13 81:7	38:18 65:1,10	closely 59:24 61:21
83:13 84:11 85:19	chance 83:5	70:19,25 84:1	closer 2:4
87:5 88:14 100:11	change 3:23,24 41:2 57:18 60:10	85:1 87:14 104:20	clue 14:8
capability 31:10	89:4 90:1 94:5,15	citizen 79:1	code 2:19 3:16 4:22 11:18 33:10
care 8:4,6,8,16 21:8,11 79:14	changed 29:24 43:2,3 55:13	city 1:11 4:10,14 4:18,22 5:9 10:19	41:17 58:3,4
careful 54:3	changes 17:8,11 36:1 52:23 53:18	10:21 14:11 16:13	89:21 94:15
carolyn 77:6	53:20 66:19	17:13 18:5,7,24	104:22,24
carries 23:11	103:11	19:15 23:11,19,23	codes 92:8 93:1 97:23 98:10 100:5
carry 4:23	changing 92:8 104:22	25:8,22 26:15,18	codified 2:19 3:16 4:21
case 14:5 26:8,9 35:21 37:13 61:8	character 68:3,16 68:19 69:3,12	28:3,25 32:10,23	coding 52:9
71:3 94:16,17	78:7	34:9 35:14 36:9	coffee 85:22
casito 78:3 79:1	characterization 79:5	38:6,12,18 39:5	collection 53:3
castro 85:20		43:25 50:18,21,23	colonnade 87:10
categories 7:11 8:21 27:9 35:12		50:23 51:4 53:14	color 52:9
category 6:16 23:25 26:22		57:20 58:16,18	
caught 44:11		59:15,20,23 60:13	
cause 69:11,23 81:2		61:11 63:11,13,17	
		63:24 64:2,6,14	

[colored - copy]

<p>colored 52:10 come 8:12 12:8 23:15 40:10 58:1 75:20 80:6 81:24 84:22 91:19 92:4 94:4 95:5 97:13 99:16,22 comes 62:9 94:9 94:17 coming 19:10 53:16 57:6 75:23 98:3 100:3 101:21 102:23 commend 66:15 comment 49:4,7 49:16 96:20 comments 39:21 62:21,21,22 66:16 79:25 81:1 82:22 commercial 20:3 52:1 55:15 57:9 70:15 71:5 75:13 75:16,22 83:22,24 84:3,5,11,12,13 87:10,17 102:6,8,9 102:11 commission 44:13 44:23 50:6 78:25 86:11,12 88:19 91:18,21 92:4 94:3 100:16 102:25 103:5,6 104:6 commissioner 104:1 commissioners 103:20 committed 6:4 committee 40:12 common 11:2</p>	<p>communicate 80:20 community 4:25 53:24 57:8 61:6 66:24 77:16,22 87:21,22 97:21 102:23 compare 84:1 compared 83:18 83:21,24 compelling 38:4 complain 81:3 complaint 79:13 complete 34:18 36:12,12 49:12,15 98:12 completely 14:25 73:7 completeness 34:20 compliance 5:2,10 38:4,20 57:22 91:22 complicated 40:24 complied 38:1 complies 32:9 33:3 34:11 35:19 comply 23:2 33:2 35:20 36:4,8 38:11,19 96:8 complying 9:18 component 5:4 components 20:4 comprising 21:5 comsa 62:25 64:19 64:21,21 66:10,11 concept 35:1 50:14 concern 58:14,16 71:24 97:2</p>	<p>concerned 71:22 99:20 concerns 41:10 56:23,23 60:22,22 62:14 concession 11:13 15:18 16:2,10,20 20:5 21:9,12 22:2 22:14 27:14 43:14 concessions 4:6 9:13 11:9 13:10 20:10,23,24 21:5 22:20 24:25 27:15 conclude 36:22 conclusions 81:8 condition 10:25 60:24 61:3,4,7,12 61:16,18,20 conditional 55:15 55:19 conditioning 32:16,20 conditions 32:17 35:16 57:23 60:17 60:21 61:25 92:9 92:14 93:5 95:2,4 95:8,16 condo 21:7,10 71:22 condos 88:14 90:21 confirm 63:11,25 conflict 58:6 99:6 conformance 53:12 confusing 24:5 conjunction 31:4 cons 92:7 consider 38:20 39:2 74:23 94:6 94:20,24</p>	<p>considerable 77:1 consideration 38:23 78:13 considerations 94:12 considered 26:11 33:25 63:19 considering 24:15 consistent 34:6 36:19,21,23 60:1 96:9 constraint 24:19 constraints 47:6 construction 25:11 consult 6:3 containing 6:14 contains 6:6,8 61:19 context 3:14 37:9 37:10 39:10 continue 102:21 continued 67:13 continues 3:19 contract 85:22 contrary 22:14,15 25:16 26:6,14 contrast 34:18 contribution 10:20 control 38:24 74:2 controls 5:11 conversation 11:25 63:10 conversion 21:10 conversions 21:7 convey 104:1 convinced 99:4 copies 30:14 copy 65:21</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[corician - deny]

<p>corician 63:5,6,8 corner 51:8 85:19 corollaries 11:8 correct 29:13 46:6 89:22 100:23 correlates 6:5 correspondence 97:23 corridor 49:22,25 51:21 67:11 68:9 75:17 76:18 77:9 cost 11:22 14:7 15:6 20:1,11,14 22:3 costs 11:23 14:21 22:4 26:21 council 1:11 5:20 15:15,25 22:22 44:5,10,14 49:2 50:7 52:21 53:14 53:22 56:8,14,20 56:22 57:1 58:1 60:19 61:21 62:16 69:22 71:14 81:6 82:12 84:3 89:9 90:10 91:19 94:14 95:5,10,19 97:18 99:25 councilmember 13:14,17,21 14:1,4 14:22 15:2,5,23 16:6,25 17:16 18:7 19:3 25:17 25:21 26:1,4 27:20,23 28:8 29:4,7,12,14,17,20 30:2,6 39:18,20 40:5 41:8,11,20,24 42:15 44:20,24 45:15,20,23,23 46:2,3,12,21 47:8</p>	<p>47:20,24 48:4,12 48:14,19 49:6,11 49:14 55:11 82:15 82:19,21 84:19 85:25 86:20,24 89:10 90:5,15 91:6,7 94:23 95:15,22,23,25 96:1,2,24 100:18 100:22,25 103:14 103:16,19,23 councilmembers 80:14 102:4 count 14:15 27:13 34:5 couple 54:2 70:3 76:24 82:21 93:6 98:14 coupled 50:12 course 85:11 court 23:18,20,21 26:18,18 38:2,3,5 38:6 83:1 courts 37:1 cover 57:12 coverage 23:5 48:16 create 12:20 102:18 creative 91:1,2 93:11 crisis 57:5 criteria 31:25 38:23 39:1,4,11 40:13 84:21 85:13 critical 3:2 88:22 cross 48:1 82:13 ct 49:10,13,20 51:5 52:22 53:2,6 57:5,11,19,21 58:23 59:9,24</p>	<p>60:11,15 62:2 63:10 64:8 74:14 74:18,19 80:7 83:2 93:2 96:18 curb 3:10 31:10 50:24 current 17:17 95:20 currently 39:5 52:6 79:18 cushman 81:7,23 cutting 32:22</p> <hr/> <p style="text-align: center;">d</p> <hr/> <p>data 81:3,8,10 date 34:17 day 34:19 60:7 99:11 days 36:11,13 38:5 38:5 40:25 dead 10:1 deal 63:25 79:25 97:1 99:1 dealing 80:2 debate 33:8 decades 73:9 decentivize 85:14 decide 84:2 89:18 decided 78:17 decides 66:18 decision 14:10 16:1 50:5,8 90:13 decisions 38:25 41:15 52:19 decrease 23:6,7,8 dedication 62:7 deed 9:21 11:3 deemed 34:18 36:12,19,20 98:11 defend 16:8 84:8 deference 37:1</p>	<p>define 33:9 defined 13:12 32:3 definitely 40:24 56:22 90:10 91:9 99:3 delay 101:5 demand 66:2 demonstrate 17:10,14 37:3,22 demonstrating 37:19,25 denial 20:25 21:19 21:22,25 22:25 23:12 26:5 denied 25:23 34:10 denies 26:16 density 2:3,9,18 2:20 3:12,15 4:1,5 4:20 5:7,21 6:17 7:2,11,22 8:15,19 9:1,2,11,12 10:9 11:5,11,11 15:16 17:1,8,12 21:12,14 21:16 22:17 23:25 24:2,24 25:1 26:23,25 27:2,7,25 30:17,21 31:12,17 31:22 32:11,16,16 32:21,24,25 33:4 33:18,20 34:2,5,10 34:13 35:4,25 37:10 39:9 43:6 49:18 50:11 58:25 60:14 65:17 70:9 70:9 77:11,20 78:10 88:7 101:20 deny 3:11 23:13 23:16 26:12,12 31:11,17 32:11,23 32:24 33:4 34:13</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[deny - either]

<p>35:16 43:14 46:25 47:4 denying 24:8 33:17 35:3,24 38:13 46:24 department 4:25 departure 36:24 depending 10:3 16:22 depends 8:17 described 22:16 describing 81:9 design 11:19 33:21 33:25 88:2 designated 8:2 32:5 designed 2:22 desire 31:10,14 59:22 desired 44:4 destinations 76:14 determination 36:9 38:12 45:4 determinations 37:2,20 determine 16:19 34:9 develop 9:15,16 14:15 17:24 39:11 72:3,4 developable 83:3 83:11 developed 3:10 51:18 65:13 81:18 83:13,18 developer 8:20 20:10 45:4 85:20 94:10,19,19 97:12 developers 4:2 8:23 14:17 37:6 80:5 90:7 92:14</p>	<p>93:1,17,23 95:1,2 development 2:23 4:7,25 5:6 7:19,24 7:25 8:1,14 11:17 12:4 13:13 24:4 24:16,18 25:7 30:25 31:13,18 32:2,9 34:4 48:25 49:24 50:5 52:3,4 52:8,14,15,16 53:19,25 54:6,10 54:18 55:8 58:25 59:1,9 61:4,6 62:9 67:9,12 68:24 69:6 76:7 79:6,7 81:18 84:21 developments 20:5 31:21 69:14 76:12 diaz 15:15 19:18 42:24 43:4 88:25 89:21 90:9 93:4 difference 24:8 29:24 different 24:6,7,9 24:21 29:23 51:22 55:12 67:2 72:13 72:14 73:7 91:10 91:15 95:1 96:25 102:11 104:17 digital 106:3 digits 81:13 dip 45:25 46:4 48:7 dipping 41:4,11,13 41:19 42:19 47:10 47:11 63:21 77:12 85:11 87:24 89:2 91:17 98:16 99:2 99:25 100:21,22 103:2</p>	<p>dippings 82:7 direct 34:15 52:19 directed 44:4 direction 44:6,22 48:7 49:3,5 56:17 57:2 91:17 directly 29:17 65:25 director 59:17 disabled 7:14 21:4 discretion 3:8 5:20 31:1 discretionary 46:19,22 discuss 30:16 53:15 discussed 66:19 91:16 discussion 15:21 63:20,22 82:6 disingenuous 84:1 distance 76:17 distel 77:25 distinguishes 70:13 district 49:20 51:7 53:2 districts 48:22 diversity 84:14 documents 57:19 89:23 doing 17:9 24:1 45:14 64:7 67:16 68:23 69:24 78:10 79:10 82:24 88:11 91:23 94:7 99:13 99:18 104:21 dollars 62:10 donation 21:3 donations 7:16,17</p>	<p>don't 44:10 47:22 56:3 double 41:4,11,13 41:19 42:19 45:25 46:4 47:10,11 48:7 63:21 77:11 82:6 85:11 87:24 89:1 91:17 98:16 99:1,24 100:20,22 103:2 downtown 40:12 68:2 71:23 77:15 77:17,18,21 78:8 78:10,11,14 dozen 66:5 duration 8:9 12:25 58:8,9 dutchints 80:5</p> <hr/> <p style="text-align: center;">e</p> <hr/> <p>ear 16:13 earlier 9:24 17:7 31:24 37:6 87:24 89:13 102:14 early 103:6 easier 45:7 easily 89:2 economic 16:18 ecr 64:24 effect 2:25 5:16 15:6,12 18:12 24:18 32:18 34:8 34:14,15 36:2 37:12 59:11 effective 39:13 effectively 31:10 32:20 efforts 56:21 egan 78:20 either 7:25 21:11 52:5 53:17 62:10 72:8</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[el - facility]

<p>el 49:21 50:15,16 50:19,20,22,25 51:6,8,21,23 52:3 52:17,24 54:6,15 64:14 66:6,19,23 67:10 68:9 70:2,7 70:14 71:15,24 72:16,19,21 75:16 75:17 76:3,7,17,21 77:9,18 81:11,22 81:24 82:3 83:11 83:13 84:11 85:19 87:5 88:14 100:11</p> <p>elaborate 28:9</p> <p>element 4:23 50:1 50:2 53:21 54:11 55:21 56:4 57:22 58:22 59:4,20 60:2,5,11 67:6,10 80:1 83:10 89:6 89:22 96:10</p> <p>elevated 37:18</p> <p>eligibility 8:21</p> <p>eliminated 65:17</p> <p>email 72:11</p> <p>embodied 28:19</p> <p>emergency 35:8</p> <p>employee 106:6</p> <p>enacted 3:17</p> <p>enander 13:14,17 13:21 14:1,4,22 15:2,5,23 16:6,25 17:16 18:7 25:17 25:21 26:1,4 30:2 39:19,20 40:5 41:20,24 42:15 44:20,24 46:2,21 47:20 48:14 55:11 82:15,19,21 84:19 85:25 86:20,24 89:10 90:5,15</p>	<p>94:23 95:15 100:18,22 103:14 103:16,19,23</p> <p>encourage 2:22 38:21 49:3 67:11</p> <p>encouraged 30:24</p> <p>encouraging 68:2</p> <p>energy 98:23 99:6 99:21</p> <p>enforcement 59:12</p> <p>eng 12:5,7,12,15 12:18 13:1,3,8 39:18 40:15,20 44:17 49:10,13 51:2 54:21,24 55:24 56:5,7 62:19 63:7 64:18 66:10,12 67:18,22 67:25 69:17 71:11 72:24 73:1 74:25 75:6,10 77:5 78:22 80:12 82:10 82:17,20 84:16 86:4 88:21 91:5 95:22 96:23 100:14,20,23 103:2,13,18,21 104:10,19,25 105:5</p> <p>enhanced 38:11</p> <p>ensure 8:11 67:5 101:2 105:7</p> <p>ensuring 38:24 91:21</p> <p>entertained 71:8</p> <p>entire 50:25 83:22</p> <p>entirety 50:20</p> <p>entitle 5:7</p> <p>entitled 9:4 20:22 21:18,21 42:16</p>	<p>environment 22:8 66:2 71:1</p> <p>envisioned 67:6</p> <p>envisioning 67:3</p> <p>equal 48:23</p> <p>equity 10:14</p> <p>eric 69:20 73:1</p> <p>especially 80:3 81:12 96:20</p> <p>essential 69:4</p> <p>essentially 56:16 58:21 59:19 61:18 81:5,10</p> <p>establish 22:19 23:11</p> <p>established 14:10 61:8</p> <p>estate 64:23 65:20 66:3 75:13</p> <p>etcetera 15:6,6,7 97:4</p> <p>evaluate 22:19 24:10 39:3</p> <p>evaluated 22:22</p> <p>evaluation 16:18 17:6 24:22 34:6 36:15</p> <p>evening 75:12,15 103:24</p> <p>evenings 74:15</p> <p>event 28:18 30:7</p> <p>everybody 72:9 73:19 78:3</p> <p>everyone's 80:17</p> <p>evidence 23:14 36:21 37:7,8,9,23 37:24 38:3</p> <p>exact 68:22</p> <p>exactly 15:22 29:12 47:9</p>	<p>example 19:15 43:18 45:19 46:7 47:13 54:2 64:1 95:17</p> <p>examples 19:4 23:4 25:18,20,21 33:20 61:24</p> <p>exceed 11:19</p> <p>exceeding 30:8</p> <p>exception 81:16</p> <p>exchange 4:4,9 66:23</p> <p>exchanges 4:12</p> <p>excuse 50:17 52:12</p> <p>exercise 42:17 58:12,19 59:8 60:19</p> <p>existing 52:8 95:14</p> <p>expanding 56:9</p> <p>explained 36:16 45:1</p> <p>explore 13:2,7 19:13 38:21</p> <p>expose 65:8</p> <p>exposure 81:22,24 81:25</p> <p>expressed 12:24</p> <p>extend 40:3</p> <p>extended 58:9</p> <p>extensive 15:10</p> <p>extent 3:1</p> <p>external 33:14</p> <p>extra 18:13 35:10</p> <hr/> <p style="text-align: center;">f</p> <hr/> <p>face 50:24 80:10</p> <p>facilities 8:4,8,16 21:8,11</p> <p>facility 8:6,7</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[fact - gives]

<p>fact 14:15 15:11 18:10 33:23 97:14 factors 60:5 61:12 62:12 fail 36:17 38:10 failure 23:2 fair 51:15 59:2 faith 38:7,12,13 fall 35:12 falls 17:13 46:22 familiar 3:1 35:1 familiarity 2:13 family 51:24 62:2 70:11 86:19 fan 69:19 71:12 far 16:7 17:1 33:21 71:25 97:17 fast 40:20 101:17 favorable 26:7 feasible 22:10,13 25:13 34:23 federal 22:15 23:3 25:16 feel 5:21 74:17 77:21 81:10 100:12 feels 69:9 fees 23:22 26:20 38:15 feet 23:6 42:4,6,7 42:8,9,18,18 71:23 71:25 76:9 female 73:4 75:4,8 103:22 fence 99:13 fences 99:14 fewer 36:13 fifths 58:10 figure 78:19 91:14 92:25 94:18 95:19 99:7</p>	<p>fill 2:14 finalize 96:7 finally 57:23 60:16 76:8 77:10 financial 20:7 financially 35:17 106:8 find 34:13 66:4 69:13 72:11 84:8 finding 23:4 34:3 findings 16:24 20:24 21:17,19,22 21:25 22:25 23:13 23:15 31:19 35:14 37:22 38:19 43:10 43:12,22 44:2 60:5 finds 26:18 38:2,6 fine 12:11 finer 38:9,10,11 finish 72:20 97:21 first 49:4 68:16 70:3 77:11 86:9 87:17 91:6 97:8 98:22 fit 27:8 fits 55:18 five 6:2 58:12 79:18 fix 101:18 flat 7:11 fligor 27:20,23 28:8 29:4,7,12,14 29:17,20 30:6 41:8 45:15,20,23 46:3 47:24 48:4 48:12,19 91:6,7 95:25 96:2 floor 48:17,19,21 48:22,23,24 49:1 87:17</p>	<p>floors 84:25 focus 98:21 folks 87:14 followed 62:24,24 64:19,19 69:19,20 75:1,2 77:6,7 following 49:18 foot 68:3 99:16 footage 8:18 32:5 foothill 80:4 foregoing 106:2 foremost 97:8 98:22 forgive 11:15 form 3:22 15:20 19:21 54:7 former 102:3 forth 15:21 65:15 66:8 94:3 forward 18:1 30:21 71:18 82:8 92:8 93:12 95:14 98:14 104:8 foster 7:13 21:4,4 four 4:4,8 28:23 29:25 30:2 58:10 58:11 79:19 frame 9:22 36:15 36:18 54:7 frames 39:14 frankly 27:4 fred 77:7 80:13,15 free 37:7,7 front 51:23 74:6 99:14 frustrated 88:3 fulfill 72:21 full 103:7,8 fully 59:3 fun 37:17</p>	<p>fundamentally 60:10 funding 58:17 93:16 further 40:3 44:25 106:5 future 10:14,16 52:20 53:17 64:14 105:8</p> <p style="text-align: center;">g</p> <p>gain 24:3 game 83:17 gaping 98:21 gaps 2:15 garages 73:12 gateways 51:10 gathered 38:22 geared 31:23 general 2:12 8:3 16:16 24:2 28:13 32:9 46:23 49:25 53:21 60:1,6 61:1 69:2 96:9,21 97:24 100:6 general's 59:14 generically 49:21 gentleman 81:9 getting 14:2 19:6 27:4 62:10 66:24 66:25 82:24 87:15 88:3 99:5 give 2:3,8,15 8:24 17:5 50:14 53:14 56:12,17 59:12 72:4 given 5:22 17:17 24:17 25:8,9 44:5 44:8 52:14 78:14 gives 5:20 35:10 52:2,17 84:14,15</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[giving - homeowners]

<p>giving 49:3 go 5:7 10:20 29:8 29:9 30:21 39:18 40:19 44:12,22 46:17 47:6,13,16 49:17 60:9 70:5 71:8,18 74:21 76:21 78:7 79:8 86:10 87:5,8 88:23 91:5,7,8,15 91:18 96:1 97:17 99:11,11,12,17,17 101:14 104:8 goals 5:5 50:3 goes 6:18 10:18 104:15 going 2:2,8,10 16:2 18:1 19:18 33:17 35:21 40:10 40:18 46:16 47:3 49:10,19,21 52:6 53:18 58:25 60:6 66:21 67:20 74:1 74:6 77:18,20,21 77:25 78:2,7,8,15 78:18,20 79:7,17 82:3,11 83:15,19 88:7,8 89:7,8 90:1 90:3 91:15 94:2 94:11 95:6 96:19 96:25 97:1,6 98:17,18 99:24 100:8,10,16,18 101:1,4,6,14,24 102:1,24 good 14:13,16 19:4,14 25:18,20 25:21 39:10,11 64:9 75:12 82:2 84:4 87:7</p>	<p>government 2:19 3:16 33:10 58:3,4 governments 31:11 grant 5:14 16:2 granted 26:19 46:16 granting 16:9 24:14 graph 66:8 graphs 65:23 grateful 69:24 great 33:8 49:16 72:9 79:8 80:7 82:7,7 104:3 greater 5:14,20 8:13 green 52:12 57:10 60:22 62:4 102:17 greenlighted 56:16 grew 73:8 gross 6:1,14,24 guarantee 4:15 guess 41:18 49:7 86:8 93:20 guidance 14:13 95:10 guide 50:3 92:15 guidelines 65:8 guys 77:2 91:1 98:13 104:3</p>	<p>h</p> <p>haa 40:3 haha 67:25 half 9:5 28:22 30:4 hand 54:20 handle 55:22 hang 17:5 84:4 haphazard 79:11</p>	<p>happen 44:9 46:11 46:16 66:18 69:8 98:24 101:6 104:8 happened 44:8 104:4 happening 79:7 happier 79:20 happy 77:3 hard 12:23 19:6 30:14 65:21 76:1 102:8,9 harden 97:22 100:5 harder 76:11 hats 17:5 haubensak 77:7 80:13,14,16 hcd 59:4,7,10,12 63:12,22,24 81:3 88:5 89:7 90:1 head 19:14 health 20:16 22:7 23:1,3 32:13 33:6 34:16 35:15 43:11 45:5 90:17,20 hear 40:22 41:19 63:9 95:18 98:1 98:13 99:9,9 100:15 104:3 heard 41:9 56:22 56:24,25 57:4,15 59:21 60:20 90:10 91:11 hearing 53:14 57:3 73:19 91:12 97:5 heather 42:24 44:25 47:24 50:11 61:15 height 23:7 33:20 42:5,7,7,8 43:18</p> <p>43:19,21 45:16,25 45:25 47:13 48:17 55:6 65:15 72:5 88:6 89:5,25 101:11 heights 48:5 84:23 85:5 86:19 88:1 hello 2:2 80:14 help 16:19,23 49:5 50:5 83:6 86:3 104:4 helpful 39:4 40:22 92:12 93:18 helping 52:18 helps 15:15 hershanson 64:20 67:20,22,23 68:1 hershant 67:19 hi 63:5 69:21 78:23 high 56:13 58:24 60:13 66:22 70:15 71:23 72:5,17,19 73:22,22,24 74:5 78:10,21 88:7 101:20 higher 55:4,5 76:12 85:4 highest 52:11,13 hillside 85:3,4 historic 22:9 25:14 history 55:23 hoc 94:16 hocks 78:1 80:5 holes 98:21 home 70:11 71:2 75:5,9 99:11,16 homeless 7:14 homeowners 77:15</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[homes - indiscernible]

<p>homes 69:15 86:19 honorable 56:8 hope 67:4 69:25 104:4 hopefully 2:14 host 2:25 5:23 house 77:24 79:17 households 6:23 8:13 houses 73:11 74:7 77:17 78:13 housing 2:9,20,23 3:2,8,9,11,12,18 3:21 4:3,10,14,23 4:24 5:2,4 6:22 7:13,23 8:3,10,14 9:10 11:1,23 12:4 20:8,22 21:3,3 22:4 24:13 30:18 30:22,25 31:1,3,12 31:15,18,21,22 32:2,3,7,8,19,24 33:8 35:5,6,7,9,18 35:22 36:2,3,6 37:13,20 48:24,25 49:19 50:1,12 52:25 53:21,24,24 54:8,10,11,18 55:7 55:8,10,14,20,21 55:22 56:4 57:22 58:22,24 59:4,10 59:13,19 60:2,4,11 60:14,25 61:14,17 61:19 66:25 67:6 67:10,12,17 71:21 72:3,20,21 73:23 73:25 79:25 80:25 83:10,14,16,17 85:15 88:4,5 89:6 89:22 90:19 91:24 92:1 96:10 101:13</p>	<p>101:13 huge 69:14 99:15 huh 12:6 13:9 40:4 86:23 103:21 hung 103:23</p> <hr/> <p style="text-align: center;">i</p> <hr/> <p>idea 4:13 20:3,13 39:10 40:9,9 87:4 93:10 96:17 ideas 102:22 identical 65:24 identifiable 11:21 14:7 20:11 22:2 identified 3:3 54:13 58:24 60:14 identify 14:16 32:12,25 33:5 34:24 39:4 55:9 56:13 identifying 38:25 illegal 63:18 imagine 34:1 38:17 98:2 immediate 57:24 60:18,20 89:1 96:14,19 immediately 96:13 impact 22:7,11,11 22:24 25:12,14 32:12,18 33:6 34:25 61:6 92:18 92:19,23 95:20 101:23 impacted 91:13 impacting 89:6 impacts 23:2 35:16 96:21 impinges 90:19 implement 5:9 55:25</p>	<p>implementing 13:22 implements 4:19 implicate 18:15 implications 65:9 implode 99:8 important 5:3 38:23 39:1 67:7 67:13 92:16 93:3 97:22 101:20 102:6 impose 10:25 11:2 61:16,17 84:20 85:13 imposed 10:12 23:21 38:9,10 92:14 95:16 imposes 61:5 imposing 32:17 61:11 62:5,8 68:6 69:10 92:2 95:8 improvements 93:7,14 incentive 11:13 14:24,24 15:19 16:2,20 17:3 23:21 24:20 27:2 27:13,18 41:6 42:1,2,4,6,10,21 42:22,23 43:15 46:18 85:14 incentives 4:6 9:13 11:9 13:11 14:19 20:9,20,24 21:16 22:19 23:24 24:6 24:12,15,15,25 25:3 27:6,15 41:5 42:16,17,18 90:8 incentivize 2:23 3:7,17 4:13 12:4 55:7</p>	<p>incentivizing 85:16 102:5,13 inclined 56:16 include 4:3 8:5,6 23:4 33:19 55:6 60:2 78:10 83:12 included 52:22 includes 9:2 32:17 including 31:25 77:8 inclusionary 9:9 9:10,16 50:12 67:14 income 6:1,13,15 6:16,23 7:23 8:13 10:1,8,9,11 35:10 35:12 inconceivable 68:19 inconsistencies 36:11 inconsistency 37:5 inconsistent 34:4 35:23 36:17 58:22 59:3 63:14,15,18 incorporated 10:15 increase 6:10,18 7:2,3 11:6 23:7 48:23 49:1 78:18 101:12 increases 23:5 43:21 55:5 incumbent 16:22 17:10 23:15 independent 16:18 indicate 53:25 indicates 15:17,19 83:9 indiscernible 43:5</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[industry - lee]

<p>industry 81:12 infeasible 31:12 31:18 35:17,22 61:19 inform 18:23 52:19 informal 41:21 information 14:17 15:13 16:16,16 18:17,21 23:12 39:14 41:9 90:13 initial 10:10 93:25 initially 31:4 62:13 insist 87:18 intensity 52:16 intensive 90:4 intent 5:1 31:9,14 interchangeably 11:14,15 interest 33:11 37:15,16 66:1 interested 106:8 interesting 93:10 introduce 54:5 61:21 introduced 53:3,5 invaded 74:17 invasion 72:6 inventory 67:10 investment 10:18 involves 33:12 involving 21:8 issue 38:4 45:6 79:24 84:3 85:11 90:23 92:20 issues 57:2 80:2 it'd 80:8 item 45:10 46:4,5 47:4</p>	<p>items 41:2 48:8,9 91:16 it's 10:1,6</p> <hr/> <p style="text-align: center;">j</p> <hr/> <p>jan 13:14,18 40:10 january 59:11 jeopardy 100:10 job 64:10 john 62:23 63:1 jon 10:23 16:12 56:8 59:6 66:17 89:22 jon's 2:11 jordan 44:12 48:2 48:11,16,21 56:7 65:5 103:1,3,9 104:17,20 105:1 judgement 33:13 judicial 14:13 judicious 69:6 julie 106:13 june 103:13 jurisdictions 3:11 11:2 19:19 29:8 justify 16:9 31:19 90:7</p> <hr/> <p style="text-align: center;">k</p> <hr/> <p>katie 43:5 keep 61:12 67:20 74:5 77:21 81:16 85:21 86:13 88:6 102:5 keeping 102:13 keys 34:22 kidding 67:24 kids 78:19 kind 9:7 23:10 26:13 37:6 44:5 46:15 52:2,10,16 52:19 54:15 59:8</p>	<p>59:20 61:19 62:5 62:12 81:2 84:20 87:16 90:17 95:9 95:24 98:8 kinds 33:22 85:2 103:11 kitchen 99:16 know 2:24 4:20 12:12 13:5 14:13 15:3 16:3 17:25 19:3,13 28:11 40:16 45:6 56:19 56:22 63:22 68:12 68:22,25 69:9,12 71:16 74:1,8,9,10 79:7 84:6,24 85:7 86:2,7,17 87:6,19 89:4 90:19,25 91:3,3,21,25 92:12 92:13,21 93:15,15 93:20,23 94:2,4,7 94:13,16 95:3,8,13 95:15 96:17 97:25 99:8,10,15 102:1 kuba 76:7</p> <hr/> <p style="text-align: center;">l</p> <hr/> <p>lack 57:7,10 92:23 laid 58:23 89:23 land 4:12 7:15,17 7:19,20 21:3 34:20 50:1 58:7 83:23 84:13 landing 53:8 language 97:23,24 large 7:19,21 51:17 74:4 76:24 81:17 larger 2:21 3:5,13 late 27:4 71:15 91:8 102:20</p>	<p>laughter 73:3 law 2:3,9,18,20 3:5,16 4:1,19 5:13 10:5,13 11:8 14:5 15:11 17:18 20:19 20:20 22:15,17 23:3 25:16,19 26:6,8,24 27:21,24 28:13 29:5,6,21 30:8 32:3,15 36:7 38:1,14 43:13 58:4 61:9,23 69:6 laws 3:5,13 5:17 59:13 91:22,25 93:18 lawyers 37:15 lays 61:9 league 66:14 learn 37:17 67:23 lease 76:1,5 94:11 lee 2:2 12:5,6,7,10 12:12,14,15,17,18 12:22 13:1,2,3,4,8 13:9,16,19,25 14:3 14:12 15:1,4,8 16:11 17:7,23 18:8,18,21,23 19:2 19:25 25:20,24 26:3,5 27:22 28:4 28:10 29:6,10,13 29:15,19,22 30:4,7 30:11,13 39:18 40:4,15,20 41:18 42:2,9,12 44:17 49:10,13 51:2 54:21,24 55:24 56:5,7 61:15 62:19 63:7 64:18 66:10,12 67:18,22 67:25 69:17 71:11 72:24 73:1 74:25</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[lee - matt]

<p>75:6,10 77:5 78:22 80:12 82:10 82:17,20 84:16 86:4 88:21 91:5 95:22 96:23 100:14,20,23 103:2,13,18,21 104:10,19,25 105:5 left 65:5 legal 34:21 41:21 56:10,12 legally 12:23 legislation 2:25 3:4 18:11 36:3 37:11 40:2 legislative 22:23 legislature 3:22 31:8 legitimate 14:23 15:8 length 50:14,25 letter 54:1 59:6 63:12,23 81:6,7,23 letters 54:2 level 17:9,13 104:14 library 78:25 licensed 64:23 lieu 62:7 light 95:12 lily 69:19,21 limit 43:17 45:24 62:22 86:18 limitation 43:22 limited 19:7 23:1 55:4 58:8 limiting 59:8 limits 25:2,4 50:23 54:7 55:5,6</p>	<p>line 32:22 33:15 50:23 61:8 97:21 98:6 link 72:11 list 36:10 47:25 48:10,20 53:1,17 54:9 55:21 83:10 83:14 93:4 97:20 listed 22:9 67:9 listened 69:25 listening 71:3 literally 85:6 litigant 26:20 38:15 litigation 58:20 little 10:6 13:23 19:13 30:15 49:20 56:9 57:24 59:24 60:18 75:24 91:1 91:2 live 65:3 69:8 70:2 70:7,17,21,24,24 71:7,7 73:15 74:6 74:18 77:23,24 90:20 local 3:8,10 11:8 28:20 29:8 31:11 37:2 locally 5:12 located 7:24 location 94:8 long 9:15 64:9 74:21 96:15 99:4 99:11 101:1 longer 10:3 12:18 12:24 78:8,9 101:5 look 4:25 20:3 52:4 54:9 55:3 57:17 59:24 61:20 65:9 68:4,6 70:5</p>	<p>71:25 72:12 73:24 77:25 78:2 82:8 84:25 85:4,6,9,10 85:12 88:16 89:14 92:4,15 93:8,21 94:13 95:10 97:16 98:24 99:12 100:2 100:3 101:1,16 102:19 105:1 looked 17:2 57:25 59:9 looking 22:18 50:22 53:20 54:15 57:20 58:20 60:9 60:12 61:25 79:9 84:7 90:14,22 97:18 99:3 los 1:11 4:18,20 5:1,15,19 9:9 10:16,22 22:17 28:2 29:15 50:21 50:22,23 54:10,16 64:24 65:1,4,7,22 67:9,11 68:12 69:22 70:18 75:14 75:14 76:22 77:23 79:2,8 80:25 lose 83:19 losing 57:8 71:9 76:25 loss 75:22,24 77:14 78:5 lost 83:5 86:1 lot 3:7,19 23:5,6 38:17 48:16,16 51:14 54:12 70:1 73:19 76:20 79:20 79:21 93:12 95:4 96:6,20 98:18 lots 64:15 81:24 83:3 87:7</p>	<p>low 5:25 6:8,13 7:23 8:12,12 9:25 10:1,8,8 21:6,6,20 21:20,23,23 35:10 70:8 77:20 88:6 lower 27:17 28:3 28:24 29:9 32:15 32:16 37:25 71:20 lowest 70:9</p>
m			
<p>mack 97:13 main 68:16,17 maintaining 54:17 majority 44:16,21 100:15 makers 50:6 90:13 making 14:11 16:1 24:12 38:25 50:7 54:16 62:8 76:11 90:6 94:6,20 male 103:8 105:3 manager 59:16 mandate 61:22 mandates 5:15 26:24 27:21,24 mandatory 38:8,9 map 64:7 68:8 79:8 marcea 62:24 63:4 63:5 market 7:22 38:16 61:1 65:20 67:15 69:1 81:13,15 85:24,25 maryann 78:1 80:5 mass 83:23 massive 72:6 materials 33:22 matt 64:19 67:18</p>			

[matter - needs]

<p>matter 29:21 70:23 73:20 78:14 99:22 106:4 maximum 48:22 48:23 49:1 65:17 84:23 mayor 12:5,7,12 12:15,18 13:1,3,8 13:20 15:25 18:2 18:16,19,22,25 30:9,12 39:18 40:15,16,20,21 41:23,25 42:3,11 42:14,20 43:1 44:7,15,17 45:18 45:22 46:6 47:18 47:22 49:2,10,13 51:2 54:21,24 55:24 56:5,7 57:14 62:19 63:7 64:18 66:10,12 67:18,22,25 69:17 71:11 72:24 73:1 74:25 75:6,10 77:5 78:22 80:12 82:10,17,20 84:16 85:24 86:4,4,6,22 87:1 88:21 89:11 90:16 91:5 95:22 96:23 100:14,20 100:23 101:10 103:2,13,17,18,21 104:10,19,25 105:5 mean 14:6 19:6,6 31:13 42:12 44:17 79:11 81:24 83:12 83:16 87:11 88:22 98:19 meaning 34:21</p>	<p>means 14:9 25:13 28:9 61:3 65:24 meant 11:16 56:11 measures 2:22 22:13,13 77:13 mechanism 9:21 24:14 30:24 68:22 median 6:1,15 medium 72:15,17 meet 5:4 23:9 36:18 43:14 99:23 meeting 1:10 5:2 15:20 44:10 71:16 75:19 79:3 100:17 103:5,6 meets 61:16 member 78:24 members 41:10 56:20 93:6 memo 73:5 memory 6:4 mention 27:3,5 59:7,7 66:20 73:3 75:22 mentioned 10:7 27:5 31:16 35:6 70:3 94:23 101:10 menu 22:20,21 41:1,5,5 42:3,4,10 42:21,22,23 43:8 43:17,18,20,25 44:2 45:2,10,11,16 45:17 46:3,5,15,19 46:23,24 47:1,2,5 47:7,8,19,25 48:8 48:10 63:13,14,15 63:21,21 64:4,4 77:11 95:4,4 menus 45:9 method 5:12 22:10 24:9</p>	<p>mic 2:4 middle 66:6,7 mile 8:1 million 88:14 mind 61:13 80:23 minimum 6:1,24 10:4 11:20 84:23 minimums 5:17 minor 80:23 minute 5:8 minutes 62:22 73:4 missing 93:6 mitigate 22:10,12 25:14 34:23,25 35:2 92:18 95:20 mitigated 32:14 mix 64:25 mixed 20:4 32:4 71:4 81:21 85:16 85:17 87:5 93:19 94:6,8,21 102:13 mode 57:5 moderate 6:21,22 8:12 10:8,9 21:7 21:21,24 35:11 modification 11:18 modify 54:4 money 89:16 102:16 months 81:14,15 moratorium 57:13 58:2,21 59:3 moratoriums 59:19 80:24 mountain 50:18 54:24 55:16 56:1 64:25 65:4,6,11,12 65:22 66:5,7,21,22 70:4,9,19 72:10</p>	<p>79:16,16 83:21,25 85:18 move 49:7,15 63:3 68:13 83:5,8 84:17 86:10 92:7 93:12 98:13 moved 76:8 moving 48:6 51:20 95:14 multifamily 52:1 67:8 multistory 78:11 municipal 4:21</p> <hr/> <p style="text-align: center;">n</p> <hr/> <p>nadini 69:19,21,21 name 63:5 78:23 nature 52:14 89:5 near 77:16,17 105:8 nearby 90:22 nearly 68:6 necessarily 33:22 37:16 necessary 14:18 15:3 16:20 17:14 25:10 necessitate 57:18 necessitates 61:7 need 6:25 8:8 44:12 54:13 56:3 60:1 61:1,20,20 77:13 78:12,19 79:14 84:17 86:2 86:14 87:20 88:12 88:15,15 96:12 97:3,7 101:8,11,11 101:22 102:15,19 needed 17:3 39:14 needs 5:3 7:18 38:4 61:3,5 99:23</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[neighbor - parking]

<p>neighbor 78:1 85:6 neighborhood 68:20 69:4,13 70:25 71:9 73:15 78:18 neighborhoods 51:25,25 73:10,11 74:13 neighboring 65:11 101:24 neighbors 77:14 85:1 99:13,18 neither 106:5 never 47:11 83:15 new 2:25 3:20 31:7,8 37:11 53:5 53:10 54:5 76:7 102:10 newer 36:7 newest 85:19 nexus 61:2,12 nice 19:20 65:5,12 night 71:16 nine 81:14,15 99:16 north 69:22 northwest 50:16 note 50:19 53:22 54:19 59:15 65:23 noted 9:4,24 notes 8:19 nothing's 101:5 noticing 103:10 notified 63:17 number 6:4 9:3 11:7 13:17,18,19 19:23 25:5 29:2 49:23 50:2 64:5,6 67:15 73:16 84:22 95:8,15 97:12,17</p>	<p>100:7 numbers 54:14 numerous 56:20 nutshell 5:24 32:7</p> <hr/> <p style="text-align: center;">o</p> <hr/> <p>o'brien 75:3,11,12 75:13 77:5 o'clock 40:18 oa 80:3,4,7 objective 32:9,25 33:1,3,7,19,25 34:7,12 35:20,23 36:8 38:23 39:1,6 40:13 97:11,15 98:22 101:8,9,15 104:23 105:6 obliviously 58:2 obvious 40:6 obviously 20:1 57:13 62:5 occupant 10:10 occur 25:15 52:20 occurred 17:12 occurring 52:15 occurs 24:22 odd 9:7 28:12 office 43:5 53:24 59:14 64:13,17 76:19,20,25 77:1 84:9 official 33:13 offset 92:18 oh 12:14 13:19 20:16 75:6,10 okay 2:5 13:1,3,8 13:21 18:25 20:16 26:4 30:6 40:15 46:15 48:12 49:17 56:5 62:19 63:3 69:17 71:21 72:3 74:20 75:6,10</p>	<p>77:17,23 81:10 82:11,20 86:4 91:5 96:24 97:6 97:12,24 98:5,9,25 99:13,16,20 103:13 104:19,25 105:5,8 older 76:4 102:9 once 40:8 42:18 45:9,10 46:9 51:18 98:24 102:24 105:5 onerous 36:4 ones 21:8 52:11 onus 17:13 open 23:8,9 48:18 53:7 81:17 89:20 91:19 92:24 operate 27:10 operation 8:9 opinion 45:13 opportunities 55:9 64:7 opportunity 2:15 52:18 53:13,15 64:12 opposed 69:2 85:15 option 43:17,20 44:19 45:11,17 47:18 57:13 58:12 58:14,20 59:8 options 13:6 43:9 43:18 45:16 47:19 47:25 56:10,12,15 57:12 60:19 62:18 84:6 104:18 105:2 order 3:9 15:5 38:4,7 43:14 60:8 ordinance 4:18,20 5:9,15,19 9:11,17</p>	<p>9:19 10:16 11:9 12:20 13:22 22:18 22:21,24 28:20 29:16 41:1,3,17 43:6,7 44:18 53:17 64:2 104:22 ordinary 9:15 ought 83:16 85:8 85:10,12 outcomes 16:23 outside 91:2 outstanding 39:22 overall 5:4 79:24 overdue 64:9 overlooking 68:18 overnight 96:6 overrun 69:10 overview 2:3,8 56:12 62:16 owner 10:18</p> <hr/> <p style="text-align: center;">p</p> <hr/> <p>p.m. 1:13 package 36:2 59:10 packet 75:18 page 41:14 63:12 palo 50:15 64:22 64:25 65:11,16,22 66:6,7 70:3,19 72:10 parameter 89:24 parcel 83:12 parcels 83:13 pardon 82:17 park 57:10 62:6,6 62:7,10 73:17,18 74:19 parking 4:7 26:24 26:25 27:12,16,17 27:25 28:1,2,3 73:8,12 74:4,6,15</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[parking - predominant]

<p>76:13 78:16 82:1 82:3 93:9 parkland 89:16 parks 92:24 102:18 parlance 34:20 part 2:21 3:5,13 3:21 16:17 25:19 27:18 53:1 54:11 75:18 84:11 90:5 92:5 93:24 103:25 particular 34:19 74:13 particularly 14:13 parties 106:7 party 18:4,10 path 60:3,9 pay 18:5,6,8 peaking 90:24 pending 59:17 people 39:23,24 70:2,3,17,23 71:6 73:22,23,24,25 74:5,7,18 79:19 84:25 85:3 87:5 87:13 90:20,21,24 people's 68:7,20 pepper 13:20 15:25 18:2,16,19 18:22,25 30:9,12 40:16,21 41:11,23 41:25 42:3,11,14 42:20 43:1 44:7 44:15 45:18,22,24 46:6 47:18,22 85:24 86:5,6,22 87:1 89:11 90:16 101:10 percent 5:25 6:2,9 6:10,10,14,15,17 6:18,18,23,24 7:1</p>	<p>7:2,2,11,21 21:6,6 21:7,20,20,21,23 21:23,24 23:5,6,7 23:8 35:10,11 49:1 76:23 83:2 83:23 94:1 percentage 6:5,6,7 9:7 10:1 20:22 25:4 101:12 percentages 9:5 21:15 perception 73:20 73:23 74:3 performa 15:24 period 4:16 59:1 permit 31:4 permits 93:9 permitted 33:20 67:5 91:23 perpetuity 12:20 12:22 13:4 person 36:22 37:4 personal 33:12 perspective 58:7 93:22 pertainable 64:16 64:16 pete's 85:22 philosophically 97:1 phonetic 62:24 63:6 67:19,22 69:19,20 75:1,2 78:2 phrase 52:25 physical 22:8 24:19 25:6 26:11 physically 24:18 25:11 pick 8:23 43:25 79:4</p>	<p>picture 65:4 pieces 40:1 pierre 77:6 78:23 piggybacking 56:8 pipe 98:7 pipeline 83:4 place 11:4 51:14 53:11 63:16 71:7 96:7,8 98:11 101:2 places 83:11,15 plain 31:13 plan 8:3 32:10 49:25 51:10,11,18 53:20,21 55:1,4,9 55:17,25 57:15,17 59:22,25 60:1,3,6 60:6 65:12 67:1,2 70:6,8,13,14,22 72:9 83:1 96:3,4,8 96:9,14,18,22 97:24 100:6,24 planning 17:9 44:13,22 50:6 57:18 58:3,7 59:17,23 80:10 86:10,11 88:19 91:18,20 92:4 94:3 100:16 102:24 103:5,5,20 104:6,15 plans 65:1 please 65:23 82:5 104:1 pleased 63:9 100:14 plenty 81:22 plopped 79:12 plus 103:9 pocket 102:18</p>	<p>point 2:16 3:24 16:4 19:23 33:11 79:13 81:4 94:4 95:6 97:20 pointed 50:11 80:1 pointing 16:12 policies 49:24 50:2 54:17 56:4 policy 84:2 104:6 104:14,15 political 66:1 pop 98:15,16 portion 2:1 105:9 possibility 55:19 74:16 possible 45:14 56:1,2 86:13 101:14 possibly 103:15 potential 52:3,12 52:13 53:20 54:9 59:14 67:8 83:10 89:4 100:3 potentially 54:4 55:22 57:20 62:1 73:22 81:20 powerpoint 28:12 practical 34:21 practice 10:22 pre 22:22 preapproved 46:17 precise 65:12 67:1 67:2 82:23 precisely 64:3 precluding 24:18 25:11 preclusion 25:6 26:11 predominant 51:6</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[predominantly - putting]

<p>predominantly 24:13</p> <p>premise 45:3</p> <p>prepared 43:6</p> <p>preponderance 37:23 38:3</p> <p>present 45:5</p> <p>presentation 2:11 49:9,15 56:9,11 65:3 103:25</p> <p>presentations 91:10</p> <p>presented 43:8 65:21</p> <p>preserving 69:12</p> <p>pressure 87:16</p> <p>pretty 9:18 31:13 86:7</p> <p>prevent 68:24 69:13</p> <p>primary 24:14</p> <p>principal 51:16</p> <p>printed 28:6</p> <p>prior 12:13 53:8</p> <p>priorities 97:19</p> <p>priority 97:12,17 100:7,13</p> <p>privacy 57:7 60:22 62:1 69:3 71:1 77:14 78:6 79:21 83:7 92:21 99:9 99:10,20</p> <p>private 79:1</p> <p>probable 13:5 83:11</p> <p>probably 3:1 9:5 13:5 38:22 58:15 79:20,20,21</p> <p>problem 19:9 35:24 73:21 74:19 102:7</p>	<p>problems 104:9 105:8</p> <p>proceeded 63:19</p> <p>proceeding 38:6</p> <p>process 22:23 63:13 89:3,7 92:16 94:2 96:5,6 96:15 101:5</p> <p>processing 36:5</p> <p>produce 4:2 31:15</p> <p>produced 74:22</p> <p>production 3:18</p> <p>professional 64:23</p> <p>profitable 80:9</p> <p>programs 4:23 50:3</p> <p>progress 82:7</p> <p>prohibit 41:17 59:19</p> <p>prohibitive 95:9</p> <p>prohibits 58:5</p> <p>project 4:5,12 5:22 6:6,7 7:18 8:18 10:10 12:3 16:19 26:10,13 32:11,17,19,20,24 32:24 33:2,2,5,18 34:3,9,11,13,17,17 35:17,18,19 36:7 36:17,22 38:8,13 48:25 52:7 60:25 61:1,16,18 75:17 90:4 94:17 98:4</p> <p>projects 3:11,12 4:2,15 5:8,18,24 5:24 6:9,12,13,13 6:21 7:4,5,8,8,10 7:12 8:5,5 9:18,22 9:23,25 10:6 11:3 11:10 12:16 20:4 21:5,14,19 24:1,23</p>	<p>26:23,25 27:25 28:23 31:2 32:3,4 35:8,11,13 36:12 36:13 38:16 39:3 46:8 53:11 55:6 57:25 65:14,18 75:23 90:18 95:14 100:3 101:21 102:23</p> <p>pronounce 67:24</p> <p>proper 37:20</p> <p>properties 6:12 7:6 25:15 51:22 51:23 54:12,14 55:21 65:21 66:4 66:5,9</p> <p>property 22:8 50:23 65:24 68:25 80:3</p> <p>proportion 8:14 10:17,19</p> <p>proportional 61:5</p> <p>proportionality 61:2,13</p> <p>proposal 45:24 85:19 92:5,6 93:25 94:5</p> <p>proposals 53:19 83:4</p> <p>proposed 20:10 40:2</p> <p>proposing 74:12</p> <p>pros 92:6</p> <p>protect 77:13 78:19 79:23 83:6 93:13</p> <p>protected 58:18 58:19 77:15 78:5</p> <p>protecting 84:12 84:13</p>	<p>protections 35:7 78:12</p> <p>protects 97:9</p> <p>prove 101:12</p> <p>provide 7:18 11:22 14:17 19:16 20:21 22:3 32:19 36:10 44:21 50:2 54:8 59:16 62:15</p> <p>provided 6:25 24:17 64:1 106:4</p> <p>provides 22:17</p> <p>providing 6:21 7:5 7:6 54:13 55:10</p> <p>provision 5:16,19 10:13 18:11</p> <p>provisions 7:7,13 11:7</p> <p>psychologically 99:19</p> <p>public 22:7 32:13 33:6,13 36:25 41:10 43:11 49:4 49:7,16 62:16,21 62:22 93:6 96:20</p> <p>pud 51:7</p> <p>purpose 57:1 100:6</p> <p>purposes 14:10 32:15 35:9 46:12 52:24 53:1</p> <p>pursue 74:1</p> <p>push 88:16</p> <p>put 41:3 56:18,23 58:13 63:15 72:20 79:22,25 80:24 89:17 98:23 99:21 100:8 101:2</p> <p>puts 38:17</p> <p>putting 91:9 92:11</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[qualified - request]

<p style="text-align: center;">q</p> <p>qualified 5:18 qualifies 10:9 qualify 5:23,24 6:25 7:12 8:6 9:11 9:12,17,25 10:11 11:11 24:23 25:3 26:10 27:11 qualifying 4:2,11 5:6,8 6:8 8:5 24:2 26:23 27:9 quantifiable 34:15 quarter 8:1 question 12:5 13:15 14:6,20,23 16:3 17:17 19:15 19:23 26:2 54:21 68:10 86:9 89:12 92:12 104:12 questioned 57:14 questions 2:16 10:24 12:8 30:19 30:20,20 39:17 62:20 77:2,4 80:1 89:1 90:12 quick 39:12 48:3 91:8 quickly 41:7 49:15 83:5,8 84:18 89:3 103:15 quimby 62:5 89:14,15,19 quivers 43:9</p>	<p>r3 51:25 90:18 raise 70:25 raised 62:14 raising 81:17 rare 2:6 ratchet 3:7 rate 7:22 38:16 61:1 69:1 76:23 rates 66:1 67:15 81:11 ratio 48:17,19,21 ration 27:18 ratios 76:13 reached 53:23 reaches 50:8 read 28:18 48:2,11 63:22 ready 40:19 82:24 real 22:8 48:3 49:22 50:15,16,19 50:20,22 51:1,7,8 51:21,23 52:4,18 52:24 53:13 54:6 54:15 64:15,22 65:20 66:3,23 71:24 72:16,19,21 75:13 81:22 really 3:6,7 7:4 14:5,12 15:3 20:2 23:11 24:12 31:14 31:23 33:15,16 37:15 52:18 54:7 57:2 73:21 78:4 88:15,16,23 89:13 92:18 93:12,21 94:5 96:15 98:15 99:25 102:15 104:3 ream 54:14 rear 46:9,9 62:1</p>	<p>reason 29:5 73:12 83:7 reasonable 15:9 15:14 17:25 18:21 22:12 23:17,22 36:22 37:4 80:22 95:7 reasoning 81:20 reasons 46:25 47:3 51:16 receipt 34:2 receive 12:2 receiving 53:18 recommend 56:14 recommendation 50:7 recommended 40:12 reconsider 102:12 record 14:16 recording 106:3 red 58:15 reduce 3:12 29:10 31:11,17 32:11,23 32:25 33:4 34:12 reduced 26:23,24 27:12,21,24 28:1 34:10 reducing 32:21 33:18 35:3,24 reduction 11:17 13:12 reductions 4:7 11:22 14:8 15:6 20:1,11 22:3 24:4 24:16 refer 49:21 59:13 reference 33:14 80:3 referred 24:3</p>	<p>referring 28:1 41:13 refers 41:15 refined 22:18 refining 5:12 refrain 62:20 refuse 53:3 regard 84:2 85:8 regarding 33:21 54:22 70:10 regards 76:19 regional 5:2 register 22:9 regulate 49:24 regulated 10:17 regulation 54:5 regulations 17:8 17:12 50:10,12,13 51:5,6 52:22 53:6 53:9 54:5 regulatory 4:6 11:10 20:9,23 related 41:16 61:3 relative 106:6 relaxation 12:2 relieving 74:21 rely 57:22 remain 4:16 8:8 9:23 12:19 remove 41:3 render 31:12 rental 6:11,20 7:5 9:23 12:16 rented 87:11,12 renting 102:8,9 rents 11:23 22:4 report 77:3 104:11 represent 19:20 request 15:14 23:16 25:9 27:2 27:17,18 90:7</p>
<p style="text-align: center;">r</p> <p>r1 51:24 68:8 71:22,24 72:4,14 73:23,25 74:7 79:14,24 90:18 102:23</p>			

[request - saying]

<p>100:24 requested 2:1 16:20 22:1 23:21 25:5 26:19 27:6 27:10 105:9 requests 27:7 72:22 require 15:10,24 18:13 28:14 29:3 58:10,11 76:13 93:8,16 94:18 96:20 98:18 required 10:2 11:21 12:19 18:14 22:5 37:1 53:4 85:20,21 requirement 11:1 11:2 19:16 23:8 62:8,9 93:19,22 requirements 4:8 11:18,19 23:9 26:25 27:25 28:1 28:2,3 32:1 33:21 39:12 53:2 61:10 62:6 103:10 requires 5:17 27:24 31:18 32:8 96:16 requiring 85:16 95:1 resending 54:1 resident 64:22 69:21 70:10 75:14 79:1 residential 32:6 51:24 57:9 62:3 64:13,17 65:14,17 65:18 67:1,5 68:8 68:25 70:11,16 71:5,6,10 80:7 87:17 94:1</p>	<p>residents 56:19,24 57:3,16 59:22 62:11,15 65:8 70:6,18,20 71:3 79:5 83:6 84:22 91:13 92:2,19 93:13 95:21 96:5 98:1 99:10,23 100:8,9,11 101:3 101:24 102:2 resources 96:16 respect 70:17 71:21 102:22 respected 70:20 101:3 respectful 70:6 response 63:2 restate 46:13 restaurants 71:8 87:7 restrict 31:16 restricted 4:14 7:9 7:10 10:15,16 30:25 restricting 9:22 restriction 10:2 11:4 12:24 restrictions 8:10 9:20,21 10:4,12 result 11:21 22:2 results 14:7 20:11 retail 64:13,16 75:24 76:1,3,9,11 76:14 84:9 retaining 84:8,10 returning 13:10 19:25 reveals 31:9 review 33:25 37:14,18 39:13,22 40:22 50:3 52:7</p>	<p>104:17 revisit 101:8,11,15 101:17 102:16 rezoned 55:12 rfqs 53:19 rid 47:19 98:20 right 3:22 5:7 14:25 15:24 16:11 17:16,19 19:14 29:14 40:2 42:13 45:13,18,20,20,22 46:16 47:1,2 48:4 48:14 49:9 51:9 59:18 63:23,24 65:5 68:8 69:15 69:16 72:6 76:21 76:23 78:4,5,6 79:14 86:15 87:21 87:22 88:12 89:18 90:18,22 92:21 95:14 99:7 100:12 103:4 rights 47:6 rigorous 35:21 rise 72:17 73:24 rises 73:22,22 74:5 risk 56:13 91:24 risks 92:7 rita 78:20 role 78:24 rooftops 53:7 room 33:16 rose 85:23,24 rough 61:2,13 82:22 roughly 61:5 round 9:6 rounded 9:2,3 routes 93:15 101:25</p>	<p>routine 17:20 routinely 16:7,8 rule 26:18 28:13 28:19 72:4 ruled 23:20 rules 46:23,24 49:24 53:9,10 54:17 85:2 run 56:3 97:13 rundown 65:6 running 91:24 runs 50:15,17,24 rural 77:22 russell 64:19 66:12,13,13 rusty 52:10</p>
s			
			<p>sacramento 59:18 sacred 77:18 safe 71:1 93:15 101:25 safety 20:16 22:7 23:2,3 32:13 33:6 34:16 35:15 43:11 45:6 90:17,20,23 102:1 sailed 98:9 sale 6:12,20 7:4,6 10:6,10 sales 10:14,16 san 51:8,9 76:15 76:15 87:6 santa 78:20 saratoga 85:2 satisfactorily 25:13 satsuma 87:8 save 40:11 saying 12:15 40:11 43:20,25 46:14,20 46:20 48:7 55:2</p>

[saying - special]

<p>64:24 80:6 87:5 90:2 99:2 says 18:11,12 20:21 40:10 41:4 42:4 47:11 48:21 63:13 81:23 98:8 sb 31:24 33:11 59:18 65:8,10 98:3 100:2 scared 87:19 scheme 3:13 11:12 24:2 school 78:21 93:15 101:25 score 65:20,23,25 66:4 scott 75:2,11,12 screen 102:15 screening 84:23 94:22 sdbl 63:14 se 68:11 second 20:2,18 45:11 46:18 47:5 77:13 87:4 section 4:22 58:4 71:15 77:9 sections 74:7 see 13:11 16:3,4 17:2 19:20 42:25 44:20 51:20 52:8 53:16 54:11 64:14 67:15 68:2,7 72:12 74:23 79:8 88:11 93:24 94:20 99:18 104:20 seeing 20:15 75:25 76:10 91:20 seen 16:5 64:4,11 segue 2:11</p>	<p>seller 10:18 send 72:11 senior 7:7,8,10 21:3 sense 17:18 52:3 52:17 sent 28:16 54:1,3 73:5 81:5 seriously 100:1 service 81:12 services 84:10,15 session 80:18 82:12,14 91:12 set 2:21 22:5 52:21 60:10 setback 23:7 46:9 46:9 48:5,17 89:5 89:13 setbacks 33:20 46:8 53:4 86:18 86:18 89:25 seven 84:12 shape 15:20 sharing 10:14 sheet 90:11 shelter 35:18 shelters 35:8 sherwood 51:10 83:1 shifts 37:3 ship 98:8,9 shopping 76:16 short 36:15 52:24 56:11 90:11 shortage 3:3 101:3 shorthand 47:10 show 28:16 showed 104:3 showing 25:6 28:11,14 67:21</p>	<p>shows 21:2 28:6 shut 45:2 sic 85:14 sick 88:23 side 12:13 53:3 65:5,6,7 sight 83:20 signature 106:12 significant 34:14 76:3 similar 20:13 55:25 similarly 39:10 simple 73:10,14 74:12 84:21 simply 55:18 73:11 single 46:14,15,18 51:24 62:2 70:11 81:13 86:19 sinking 40:24 site 11:17 13:13 28:20 29:25 51:17 sites 52:7,9,13 54:10 57:20,21 58:23 59:20 60:12 64:12 67:8,10 89:24 sitting 39:23 situations 75:25 six 48:18 65:15 size 55:18 skilled 90:6 sky 72:19 skyscraper 68:14 slated 105:3 sleep 40:19 slicker 45:7 slide 8:21 9:24 12:13 28:5 52:2 56:18 58:15</p>	<p>smaller 88:8 sold 81:18 solid 97:14 solution 55:18 96:19 solutions 82:5 solve 104:8 somebody 19:9,9 98:2 somebody's 68:18 soon 28:6 45:14 82:8 86:13 88:18 88:19 sophia 75:2,7 sorry 13:16 35:19 41:24 78:22 95:25 96:4 98:20 99:15 100:12 sort 17:21 50:16 69:9,15 sorts 69:1 source 93:16 southeast 50:17 southwest 50:17 space 23:8,9 28:20 48:18 53:7,8 57:10 60:23 62:4 62:11 75:16 76:2 76:9,20,25 77:2 84:11 85:21 87:10 89:20 92:24 102:6 102:8,10,11,17 spaces 28:21,22 29:1,2 30:4,9,12 52:1 75:22 76:4,4 speak 2:6 10:23 41:12 speaking 2:4,5 66:13 78:24,25 special 46:23</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[specific - sure]

<p>specific 22:6,24 25:12 31:25 32:12 33:5,21 34:8,21 35:14,15 51:10,11 51:18 52:23 53:1 53:19 55:1,4,9,17 55:25 57:15,17,25 58:23 59:22,25 60:3,6,25 70:5,8 70:13,21 72:8 76:6 83:1 86:18 89:25,25 96:3,4,8 96:14,17 100:24 specifically 100:6 specified 7:15 specifies 5:9 20:19 spend 99:6 square 8:17 32:5 76:9 staff 15:20 49:8 53:16 64:7 66:15 67:7 69:23 71:14 84:7 86:3 91:9 92:15 93:20 94:3 95:10,19 96:16 98:15 101:4 104:10 staff's 49:15 stand 87:23 99:12 99:17 standard 17:24 24:11,17 29:1 37:14,18,24 62:5 81:19 101:15 standards 4:7 11:17,20 12:3 13:13 24:4,7,16 26:24 28:25 32:10 33:1,1,3,7,19 34:1 34:4,7,12,16 35:20 35:23 36:8,23,24</p>	<p>37:12 39:7 53:7,8 53:8,11 97:10,11 97:15 98:22 101:9 101:9 104:24 105:6 standing 50:21 start 2:1 62:23 64:23 78:10 82:12 82:16,19 94:25 95:24 97:13 99:24 started 17:9 21:25 80:6 starting 91:16 starts 6:8,9,17 7:1 49:3 89:6 state 2:18,19,21 3:3,6,15 4:19,24 5:10,10,13,14,17 7:15 10:2,5,13 11:8 17:9,17 22:15,17 23:2 25:16 26:24 27:21 27:24 28:13,19 29:5,6,19 30:8,24 43:13 53:23 54:15 58:3 61:23 72:22 78:17 83:18 87:19 91:24 93:17 state's 59:13 stated 102:15 statement 19:22 31:8,14 41:4 states 27:21,23 statewide 29:1 statute 5:10,11 10:2 15:16 statutes 7:15 stay 3:24 steinle 69:20 73:1 73:2,5 74:25 93:9</p>	<p>step 71:18 72:5 steps 54:4 sticker 73:17,18 74:8,15 stickers 73:15,16 stop 2:16 43:16,19 59:1 stopping 43:24 stops 58:5 stories 65:15 story 65:6 77:16 77:19 79:17,17 88:12 98:4,5 102:12 straight 8:16 strategic 97:18 strategies 38:20 strategy 5:4 18:1 streamlining 31:5 street 68:16,17,17 73:13 strengthen 105:6 strengthened 31:6 stress 74:22 strip 64:24 strong 31:9 structures 68:5 69:10 studied 58:6 studies 15:10 19:17 study 16:23 18:13 18:24 71:15,18 77:9 82:12,14 91:11 101:22 stuff 60:20 88:15 89:5 98:7,17 subdivision 32:10 subject 33:8 subjective 33:12 33:15 39:6</p>	<p>submit 37:7,9 submittal 34:19 39:12 submitted 50:4 subsequently 51:18 subsidy 10:20 substantial 36:21 37:24 substantiate 14:18 success 19:5 successful 19:10 38:15 successfully 25:22 25:24 26:5 39:8 sue 64:19 66:13 suggested 93:10 suggestion 46:4 suggestions 84:17 84:18 suitable 7:22 sunnyvale 70:20 72:10 super 88:2 supply 66:2 support 16:24 20:7 23:14 45:14 96:17 supported 37:22 38:2 supporting 20:4 supportive 92:3 supports 92:1 supposed 40:17 sure 2:24 3:9 4:19 12:10 20:17 30:1 34:1,25 39:23 41:14 47:14,17 48:6 54:16,23 56:3 58:17,18 61:22 62:8 63:23</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[sure - top]

<p>74:3 79:11 86:1 94:10 95:6 96:5 96:13 102:5 sync 65:2,25 66:1 66:9 system 73:10,14 74:8,15</p>	<p>taxpayer 58:17 technical 41:21 technically 43:21 tell 66:21 79:18 88:12 97:2,6 telling 87:19 tells 2:6 term 41:21,22 terms 11:14 17:5 19:8 35:24 36:4 37:19,25 53:16 56:10,24 61:11 62:13 66:17 83:17 97:5 104:7 thank 13:8 39:22 56:5 63:7 64:17 64:18 66:10,11 67:18 69:17,22,23 71:2,10,11,13 72:24,25 74:25 75:6 77:5 78:22 79:3 80:11,12,15 80:15,16 82:8,10 86:6 88:20,21 91:4,9 92:10 96:23 103:20 104:10 105:8 thankful 80:17 thanks 19:1 69:11 69:16 77:4,8,12 that's 55:23 thing 12:23 15:14 17:25 19:7 39:1 40:7,8 45:7 50:18 64:11 65:16 74:12 83:21 85:8,10,12 95:12 96:2 97:7 things 4:4,8,9,13 9:5 24:5,24 27:10 27:11 33:23,23 35:12 43:4 55:13</p>	<p>55:13 57:4 59:25 69:1 74:24 75:23 79:22 80:23 81:2 81:23 82:24,25 84:21 93:1,12 96:7 97:2,19,25 98:14,25 99:4 101:7 102:21 104:8 think 2:12 12:22 12:23 13:4,14 14:14,14,20 15:16 16:3 17:17,19,25 18:2,8,14 28:5 29:22,23,24 31:8 38:22 41:19,22 43:5,7,8 44:5,15 49:8 51:12,15 52:10 53:13 56:13 56:19,21 57:1,15 57:16 58:14,19 59:21 60:10,18,19 61:10,25 63:16,25 63:25 64:8,9,11 65:20 66:21 68:1 68:2,10,12,23 69:4 72:20 74:8,20 76:21 78:4,7 79:24 80:20,22 81:8,21 82:4 83:2 83:7,25 84:3,7 85:8,10,12 90:9 91:2,17 92:1,16,17 92:20,22 93:2,14 94:14,15,24 96:18 97:7,10 100:1,7,8 100:10,25 101:7 101:15,19 102:6 102:12,19,20 104:2</p>	<p>thinking 93:11 third 18:3,10 23:25 83:21 85:12 thirds 32:5 thompson 106:13 thought 44:7 62:13 68:13 73:3 74:1 83:15 93:5 thoughts 81:6 three 20:23 28:22 30:10,11 65:1 76:5 77:14 79:18 threshold 37:25 thrown 11:14 time 3:19 4:17 9:22 30:19 36:15 36:18 39:14 40:9 40:11,13 45:11 47:5 51:13 55:16 59:1 62:19 79:10 80:15 81:13 89:8 90:4 95:13 96:16 97:20 102:8,9 104:2 times 31:6 42:23 timing 36:5 88:18 94:25 tired 71:16,17 today 3:25 97:10 told 40:8 83:18 87:18 tonight 2:13 12:1 44:4 53:14 56:17 57:1,12 63:9,12 77:10 82:25 88:17 90:11 97:4 104:4 tonight's 75:18 tool 59:23 92:17 94:24 top 19:14</p>
<p>t</p>			
<p>table 6:3 21:2 take 33:24 41:2 43:9,17 46:16 49:4 54:4,7 62:21 70:1 78:8 79:14 82:25 86:14 89:8 96:25 97:8 101:1 105:1 taken 36:25 52:4 talk 4:8 40:17,18 40:20 48:1 49:19 73:7,8 82:13 96:12 talked 17:7 26:9 31:24 41:22 43:7 74:9 87:24,25 88:1 95:3 102:4 104:12 talking 20:1,2,13 20:25 21:13 68:5 76:6 86:14 87:13 87:14 98:17 tall 57:6 68:3,15 71:23 taller 62:1 tan 52:10 tapping 57:14 targeted 22:4 targets 11:23 20:12 task 58:16 tax 84:14</p>			

[topic - violations]

<p>topic 91:12 touch 22:1 60:16 65:19 96:3 touched 23:10 37:6 39:9 61:15 touches 96:21 towering 69:15 78:1,2 traffic 78:17 92:23 93:7,14 101:19,22 training 49:18 transcript 1:10 106:3 transcriptionist 106:1 transition 71:21 transitional 21:4 trees 62:1 79:22 trend 3:4 40:6 trickier 10:7 triggering 61:22 trong 69:20 71:12 71:13 72:24,25 truck 97:13 true 76:14 106:2 truly 97:11 try 14:16 40:20 42:24 46:13 71:14 84:1 104:8,23 trying 3:2,6 47:14 68:24 69:13 80:21 88:10 90:25 97:13 99:7 104:5 tuesday 73:2 tuned 3:25 turn 30:17,22 82:11 98:8 turned 39:6 turns 19:21,22 twenty 42:9</p>	<p>twice 42:1,5,6 46:10 two 14:2,9 20:23 28:21,21,22 30:3,4 30:10,11,11,12 32:4 39:20 40:1 42:9,16,17,17,23 43:12,21 48:9 52:5 58:9 62:22 64:6 65:6,13 69:25 77:16 79:17 79:19 81:14,15 84:1 97:19 type 52:7 types 51:22 typically 4:3 8:23 9:21 23:1 33:24 36:24 37:23</p>	<p>unfortunately 26:7 unheard 56:22 unidentified 73:4 75:4,8 103:8,22 105:3 uniformly 33:13 unit 9:4 units 5:25 6:2,5,7 6:11,16,19,20,25 7:3,5,20,22 8:11 9:3,8,9,11,16 11:7 11:23 16:21 20:12 22:4 28:21,22 30:1 36:13,14 48:24 67:15 88:7 90:22 university 81:19 unmitigable 35:15 unreasonable 81:21 update 51:13 updated 64:4 updates 52:21 upped 37:12 upper 84:25 upwards 76:5 use 11:15 17:22 20:4 32:4 33:20 34:20 45:9,9,10 46:14,15,18 47:4 50:1 53:7 55:15 55:16,19 58:7 81:21 85:16,17 87:5 92:18 93:19 94:6,8,21 102:13 uses 32:6 57:9,9 57:19 58:5 67:5,5 usually 37:1 40:10 58:8</p>	<p>utility 60:7 utilize 89:15 utilizing 89:14,19 89:19</p>
		<p>v</p>	<p>vacancy 76:3,23 81:11 vacant 76:9,25 value 70:16,18 values 65:24 66:8 variety 51:21 verifiable 33:14 version 28:6 veterans 7:14 viability 20:7 vice 13:20 15:25 18:2,16,19,22,25 30:9,12 40:16,21 41:23,25 42:3,11 42:14,20 43:1 44:7,15 45:18,22 46:6 47:18,22 85:24 86:4,6,22 87:1 89:11 90:16 101:10 view 50:18 54:24 55:17 56:1 64:25 65:4,6,11,12,22 66:5,7,21,22 70:4 70:9,19 72:10 79:16,16 83:22,25 85:18 viewed 24:20 village 76:15 77:21 78:6 82:25 87:6 violating 38:14 91:24 93:17 violation 55:2 violations 59:13</p>
		<p>u</p>	
		<p>uh 12:6 13:9 40:4 103:21 ultimately 50:8 unavoidable 34:15 underground 74:19 underlying 60:4 understand 10:23 15:22 16:7 48:8,8 56:25 78:15 89:9 92:6 93:22 96:4 99:19 100:24 101:21,23 understandably 8:25 understanding 47:15,17 62:17 101:19 understood 3:14 undertake 56:15 unfavorably 59:10</p>	

[vitovich - zoning]

<p>vitovich 62:23 63:1 vos 63:4,6 voters 66:14</p>	<p>62:15 64:6 66:20 75:20 87:16 91:11 94:14 wants 32:23 82:12</p>	<p>windows 77:25 84:24 85:5 90:25 104:13,13 women 66:14</p>	<p>years 10:4 12:18 14:2,9 31:5,7 52:6 58:10 65:13 66:3 69:25 76:5</p>
<p>w</p>	<p>82:15 88:5 91:5 watch 39:25</p>	<p>wonderful 103:25 104:11</p>	<p>yep 13:20 youth 7:13</p>
<p>wacko 25:18 wait 12:8 78:9 waiting 80:18 waiver 16:9 25:23 26:12 27:2 waivers 4:6 9:14 24:3,6,16 25:5 26:10,15,19 27:6 90:8 walk 65:19,22,25 66:4 walking 76:17 want 2:16 12:7,8 12:10,11 14:19 30:19,20 41:16,18 42:5,6,7,8 43:20 44:18,22 45:10,21 46:11 47:4 48:2,6 53:16 56:20 57:21 59:15 61:12 64:23 65:19 66:14 70:25 71:6,7 73:6,8 77:10 79:6,6 80:16,20 82:18 83:19 88:23 89:8 89:16,16 91:4,14 92:6,10,24 93:11 93:25 94:1,18 95:18,23 96:13 97:3 98:1,13,20,20 98:21 99:6 102:16 102:17,17 104:6 105:6 wanted 20:17 47:9 55:24 56:18 59:5 60:9,16 61:10,21</p>	<p>watching 39:24 way 3:23 5:1 14:5 15:16,20 22:18 34:23,24 35:2 50:24 55:12 69:7 69:13 74:21 76:22 78:3 79:2 84:8 85:13 92:17,25 103:24 104:7 ways 55:7 74:2 we've 11:25 23:10 26:17 38:1 41:9 41:22 44:7 45:13 46:7 47:1,3 52:4 56:24 57:15 58:24 59:21 60:14,20 62:13 80:18 83:12 83:17 86:13 87:25 88:1 89:23 90:10 91:16 weird 28:15 welcome 56:6 welfare 43:12 went 18:12 36:2 37:11 46:10 60:3 74:9,10 75:5,8 80:7 97:4 100:2 wide 56:12 width 23:6 48:17 50:25,25 wiggle 33:16 willing 99:1 window 84:23 94:22 99:12,16,17</p>	<p>wong 75:2,7 word 85:15 work 69:24 71:19 88:22,24 91:3,4 92:25 93:23 94:19 99:11 working 77:12 works 4:1 5:6 52:6 worry 72:2 worse 98:6 100:11 writing 36:16 written 15:17 34:16 36:10 wrong 63:23</p>	<p>z</p> <p>zero 28:21 zone 48:22 49:20 53:2 55:15 57:5 57:11,19,21 58:23 59:9,24 60:11,15 62:2,3 70:2,7,14 70:21 74:14,18,19 83:2 93:2 96:18 zoned 54:25 zoning 11:18 32:10 50:10 51:5 51:6 58:3 64:8 67:13,14 68:8 80:2 89:21 98:10 104:22</p>
		<p>x</p>	
		<p>x 95:8,22</p>	
		<p>y</p>	
		<p>yard 48:17 68:18 72:1 yards 53:4 68:21 99:14 yeah 12:14,17 13:19 14:3 16:25 17:23 18:2,22,25 19:2 26:3 28:14 29:15 30:5,5,5,13 30:13 44:17,24 47:8 66:11 90:15 95:17 103:1,3,18 year 2:24 10:1 13:23 18:12 31:7 36:3 37:12 58:8 74:11</p>	

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



July 25, 2017

Members of the Planning and Transportation Commission
City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

RE: Pending Density Bonus Ordinance and Zoning Amendments

Dear Members of the Planning and Transportation Commission:

The purpose of this letter is to express the importance of opportunities to address the City's housing needs and provide information regarding the City's housing element, pending density bonus ordinance and zoning amendments. The Department fully respects the many factors and challenges surrounding complex land use issues and appreciates the City's consideration in its decision-making.

California's high housing cost and lack of housing supply compromise the ability to access opportunity (jobs, health, stability) for families and individuals, including working families and persons with special needs. Homeownership rates are the lowest since the 1940s and the State has not met its projected needs for new housing in the last fifteen years. The State disproportionately has 21 percent of the nation's homeless population and over half of all households overpay for shelter.

Our State's housing needs are of vital importance and a priority of the highest order. Local and state governments have a responsibility to use their vested powers to promote the development of housing for lower income households (Government Code (GC) Section 65580). The pending density bonus ordinance and zoning amendments related to key opportunity sites to accommodate the regional housing need allocation are a tremendous opportunity for Los Altos to address its housing needs. The Department urges the City to consider the importance of decision-making consistent with state housing laws, including housing element law.

On May 29, 2015, the Department found Los Altos' housing element in compliance with state housing element law (Article 10.6 of the Government Code). This finding, among other things, was based on identifying Commercial Thoroughfare (CT) zoned sites to accommodate the regional housing need for lower income households. The finding was also based on important goals, policies and programs to provide incentives, including density bonuses consistent with state law and monitoring potential constraints such as heights and lot coverages (e.g., Programs 2.2.1, 2.3.1 and 4.3.4). This finding was also conditioned on amending zoning to permit emergency shelters by August 31, 2015.

The Department urges the City to act consistently with its housing element of the general plan, including providing incentives to mixed use development and complying with State Density Bonus Law (SDBL). Also the City should not create or perpetuate barriers to development such as economically constraining heights and moratoriums, particularly on CT zoned sites identified to accommodate the housing needs of lower-income households. For example, continuing to allow at least four stories on CT zoned sites, without density bonus law, is important to promoting development consistent with the housing element. Further, taking actions to prohibit, even temporarily, multifamily development is viewed as a serious constraint and contrary to planning and zoning law, particularly housing element and related laws. Taking or extending such action could warrant immediate action, including amending and submitting the housing element to identify and address this constraint on development and how current and projected housing needs will be met. With respect to SDBL and the City's pending ordinance, the Department offers the following information for the City's consideration:

Non-discretionary Action: Under Section 14.28.040 (application processing and review), the draft ordinance proposes for applications to be reviewed by the review authority charged with reviewing the broader development application. For your information, Government Code Section 65915(j)(1) and (f)(5) require:

The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval (Section 65915(j)(1)).

The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval (65915(f)(5)).

While the City may utilize a review body such as the Planning and Transportation Commission or City Council, the decision making related to a density bonus and concession or incentive must be non-discretionary.

Denial Findings: The proposed ordinance lists denial findings (under Section 14.28.040) that appear inconsistent with SDBL, Section 65915(d)(1). For example, the review authority must approve the request for a concession unless the concession "...is not required to provide for affordable housing costs...". This finding appears inconsistent with Section 65915(d)(1)(A) which requires granting the concession or incentive unless:

The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs,...

The Section 65915(d)(1)(A) finding is intended to streamline and ease an applicant's approval for concessions and incentives and findings such as "...provide for affordable housing costs..." can be carried out in a potentially burdensome manner for an applicant, contrary the intent of and recent changes to SDBL.

Off-menu Incentives and Concessions (including parking alterations): The proposed ordinance includes two tiers of incentives and concessions: (1) On-menu Incentives and (2) Off-menu Incentives. The same approach is applied to parking alterations. While the Department recognizes the City's efforts to provide more certainty and streamlining for applicant's through on-menu concessions and incentives, the City's off-menu process appears inconsistent with SDBL. Specifically, the proposed ordinance requires applicants to include a pro forma to demonstrate the incentive or concession "...is needed in order to make the restricted affordable units *economically feasible*." However, an applicant should not be required to demonstrate economic feasibility and the City should grant or deny a request for concessions or incentives in compliance with Section 65915(d)(1). The Department recommends an alternative approach such as replacing the decision-making standard with Section 65915(d)(1).

65915 (d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

- (A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*
- (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.*
- (C) The concession or incentive would be contrary to state or federal law.*

The pending density bonus ordinance and zoning amendments provide a unique opportunity to address the housing needs of the community. The City can take a crucial step forward and contribute to the state, regional and local housing needs. In addition, taking action consistent with the housing element and state law has other benefits such as:

Sustainable Communities Strategy Consistency and Funding Incentives: Promoting affordable infill development is consistent the Sustainable Communities Strategy (Plan Bay Area) and can reduce greenhouse gases and meet requirements for funding programs. For example, the One Bay Area Grants utilize scoring criteria related to meeting housing objectives through the housing element and approving housing for all income levels.

Regional Housing Need Allocation (RHNA) Progress: Taking the appropriate action will result in much needed housing and would be considered progress toward the regional housing need. This progress can be reported as RHNA credit in the annual report on implementation of the general plan, pursuant to Government Code Section 65400.

Implementation Credit: Taking the appropriate action will implement programs in the housing element and would be looked at favorably when evaluated as part of the next housing element update. Housing element law requires a review of programs (e.g., implementation actions), including progress, evaluation of effectiveness, and revisions to future programs as appropriate. Approving projects or taking actions that implement programs assist in demonstrating the success of programs.

The Department fully respects the challenges and many factors the City is considering in these important land use decisions and appreciates the opportunity to provide comments and assist Los Gatos. The Department welcomes the opportunity to provide further assistance and is glad to meet with the City to discuss options. If you have any questions, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,



Paul McDougall
Housing Policy Manager

cc: Chris Jordan, City Manager
Jon Biggs, Community Development Director

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



January 2, 2018

Mr. Joe Hoefgen, City Manager
City of Redondo Beach
415 Diamond Street
Redondo Beach, CA 90277

Dear Mr. Hoefgen:

RE: Redondo Beach's 5th Cycle (2013-2021) Adopted Four-Year Housing Element Update

Thank you for submitting the City of Redondo Beach's housing element adopted September 19, 2017 and received for review on October 4, 2017. The Department also received Ordinance No. 3174-17 pertaining to zoning for emergency shelters on December 20, 2017. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review.

On July 20, 2017, the Department found the City of Redondo Beach's draft housing element to meet most statutory requirements. The Department also found the element would comply with housing element law once the City has completed zoning amendments to permit emergency shelters and submitted the adopted element. While the City has completed zoning for emergency shelters and submitted the adopted element, the Department understands the City, sometime shortly after July 20, 2017, has adopted an ordinance imposing a moratorium on mixed use development, including multifamily. The moratorium significantly limits the availability of sites identified in the element to accommodate lower-income households and constrains a variety of housing types, including multifamily and supportive housing. As a result, the element does not comply with housing element law and the following revisions are necessary:

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

The City has a total regional housing need of 1,397 units, including 595 for lower-income households. To accommodate the projected housing need for lower-income households, the City identified a capacity for 938 to 1,290 units with appropriate densities to accommodate lower-income households. However, the recently imposed moratorium precludes multifamily development on over two-thirds (640 units) of the identified capacity for lower-income households. Further, the remaining identified capacity for lower-income households appears attributed to Site #5 where the Department understands the City is processing a residential development application. While the Department acknowledges the City's efforts to process a residential

development application, the Department understands the application does not include housing for lower-income households; leaving potentially no capacity remaining to accommodate lower-income households. As a result, the element must list and analyze sufficient and suitable sites to accommodate the regional housing need for lower-income households and include program(s), as appropriate, to address a shortfall of capacity. The site listing and analysis and programs must address all the requirements of GC Section 65583.2. For more information, see <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml>.

In addition, please be aware housing element law and other housing related laws have been changed or added and take effect January 1, 2018. For example, no net loss law (GC Section 65863) was amended to clarify "At no time, ... shall..." a local government take action to cause an inventory to be insufficient to accommodate housing for lower-income households. In addition, housing element law was amended regarding analysis and programs related to the suitability and availability of sites (AB 1397). For more information, see the Department's website at <http://www.hcd.ca.gov/policy-research/lhp.shtml>.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures (Section 65583(a)(5)).*

Taking actions to prohibit, even temporarily, multifamily development is viewed as a serious constraint and contrary to planning and zoning law, particularly housing element and related laws. This is particularly important since the recently adopted element makes no mention of imposing a moratorium, nor was the Department made aware of this crucial information prior to its July 2017 findings. Further, GC Section 65858 was amended in 2001 for the purpose of heightening the standard of findings when imposing moratoriums on multifamily development. The City's findings do not appear to meet this heightened standard. For example, the City appears to be merely relying on a level of service (LOS) standard as a proxy for having a "specific, adverse impact upon the public health or safety standards" with little or no analysis to support making such a finding. Given the importance of encouraging multifamily development and not imposing constraints, the element must be revised to analyze the moratorium as a constraint on the cost, supply and timing of housing and include programs as appropriate to address and remove the constraint.

3. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily*

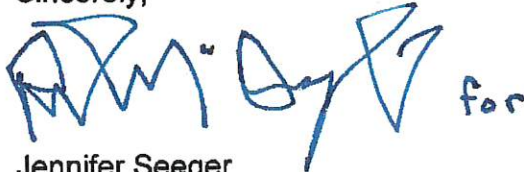
residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).

The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).

As noted above, the element does not list and analyze sufficient sites to accommodate the regional housing need and does not include analysis of imposing a moratorium as a potential constraint. Based on the results of complete analyses, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types and address and remove governmental constraints.

Once the element has been revised and adopted to address the above requirements, it will comply with State housing element law. For more information or assistance, please contact Greg Nickless, of our staff, at (916) 274-6244.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Seeger", followed by the word "for" in a smaller, simpler font.

Jennifer Seeger
Assistant Deputy Director

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



February 13, 2015

Ms. Sabrina Landreth, City Manager
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

Dear Ms. Landreth:

RE: Proposed Interim Ordinance on Multifamily Development

The Department understands the City of Emeryville is considering an urgency interim ordinance to establish a moratorium on multifamily development. Based on a preliminary review of agenda materials for the February 13, 2015 special City Council meeting, the Department is writing to assist the City in its decision-making and urges the City to postpone adoption of an urgency ordinance until there is further consideration of options.

The Legislature has declared that housing is of vital statewide importance and that each local government has the responsibility to consider economic, environmental, fiscal factors and community goals in addressing regional housing needs. The Department welcomes the opportunity to meet or discuss alternatives to adopting a moratorium while continuing to pursue Emeryville's housing and community objectives, particularly as contained in the recently adopted housing element.

On January 28, 2015, the Department found Emeryville's housing element in compliance with State housing element law (Article 10.6 of the Government Code). This finding is based on many sound policies and programs to address the housing needs of Emeryville. The City's housing element is an effective and meaningful planning document.

However, taking actions to prohibit, even temporarily, multifamily development is viewed as a serious constraint and contrary to planning and zoning law, particularly housing element and related laws. This is particularly important since the recently adopted element makes no mention of considering a moratorium, nor was the Department made aware of this crucial information prior to its finding of compliance. If the City does establish a moratorium on multifamily development, the City should take immediate action to amend and submit its housing element to identify and address the constraint on development and how current and projected housing needs will be met.

The Department hopes this information is useful to Emeryville as it considers the moratorium. The Department supports the community's objectives to promote an inclusive community with a variety of affordable housing options. Please do not hesitate to contact us should you need assistance and further information as you weigh policy approaches to addressing current concerns.


Sincerely,



Paul McDougall
Housing Policy Manager

BIA notes (BUILDING INDUSTRY ASSOCIATION)

Zoning changes – post housing element

- Downzoning (height decrease of the CD and CD/R3 zones). This zoning change does not appear to meet the requirements of Cal Gov't code 65863, which reads in part: "65863 (b) (1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following: (A) ***The reduction is consistent with the adopted general plan, including the housing element. ...***"
 - The Housing Element was certified, May 29th, 2015. 
 - The city received an expedited review from HCD in order to enable Los Altos to meet funding criteria for the OBAG program.
 - On pages 70 and 94 of the Housing element the city boasts, "Another recent project in the downtown area at 100 First Street demonstrated a 48-unit project achieved a greater density of 48 units per acre for a residential-only project ***following key recent zoning changes that removed floor area limits and increased height limits.***" (Pg 70) "The downtown commercial CD/R3 Combining District ***was recently amended to allow up to a 45-foot height limit*** and no limit to the number of stories." (Pg 90)
 - What the city failed to inform HCD was that while this zoning was in place they had already formed a committee (Downtown Buildings Committee), on February 24th, 2015, of ardent anti-development citizens that had publicly opposed the development projects in the CD/R3 zone. The committee was further stacked by prohibiting any participation from downtown property owners, architects, developers or other real estate professionals, and the committee was mandated to not consider real estate economics in its work. The committee was charged with holding public meetings as it proceeded but declined to do so – ultimately stating that they had shared their work with their extensive network of fellow citizens. No public comment was ever considered on their work.
 - The original charter of the committee was to present a report that would inform the downtown visioning plan that the council was considering commissioning.
 - The Committee completed its work on December 17th, 2015 and initially presented their recommendations to the city's Planning and Transportation Committee. The PTC rejected the recommendations of the committee.
 - After rejection from the PTC, the committee's recommendations came to the Council in October of 2016. The council voted to accept the recommendations and immediately reversed the height increases and zoning changes that they had boasted about in the Housing Element just 16 months earlier, reducing building heights to a maximum of 30-feet in these two zones. This down zoning height reduction effectively eliminates the economic opportunity for any future development in these zones with out exceptions to the code. The council and the committee were well informed of this fact but made these zoning changes to prevent future development in the zones.

- Meeting date: City Council 10/25/2016, PTC 9/1/2016, 9/15/2016, 10/13/2016
 - In the Housing Element the city lists six (6) sites in these zones as potential future development sites. There are no longer economically viable sites based on the zoning changes.
 - On page 91 of the Housing Element the city states in Table B-40 that the maximum Structure Height in the CD and CD/R3 zones are 45-feet.
 - In the DMJM/Harris study that was completed for the City in 2008 it states that a rezoning (height increase from 30-feet to 45-feet) of the CD district should lead to the future development of 115 housing units in the zone. The downzoning has eliminated all project economics for development in the zone.
- Height measurement change for the purpose of eliminating a perspective development.
 - In October of 2012 the council changed how buildings are measured. Previously they had been measured to the top floor ceiling height. The new ordinance measures height to the roof deck. This change was adopted for the express purpose of preventing developers from achieving additional density.
 - The council attempted to make this originally in May of 2012 but were met by strong resistance from the community. They then formed a hand picked citizens committee to review the policy change and make recommendations. The committee made the recommendations that the council had tried to pass and then sent those recommendations to the Planning Commission. The Planning Commission unanimously rejected the recommendations of the committee. The council disbanded the planning commission and reconstituted the Planning and Transportation Committee. The committee recommendations were then presented to the newly formed PTC. Interestingly this meeting is the only meeting that is not video recorded. The presentation by staff was not an accurate portrayal of the ordinance changes being proposed. The PTC recommended adoption of the changes and sent the recommendation to council which adopted the changes at the last business meeting prior to an election that saw two council members termed out of office.
 - Meeting dates,
 - City council meeting 5/8/2012, Planning Commission meeting 6/21/2012, City Council meeting 7/24/2012, Planning and Transportation Committee 10/4/2012, City Council meeting 10/23/2012

Government constraints

The city has added significant Governmental constraints to the development of housing that were not disclosed in the Housing Element.

- Story Poles
 - The council began discussing requiring story poles for all multi-family developments at their September 9, 2014 meeting. The discussion regarding story poles continued on December 9, 2014, January 13th, 2015 and March 24th 2015.
 - Requiring story poles for multi-family projects was rejected 7-0 by the PTC on February 19th, 2015.

- Story poles became a requirement for multi-family development shortly after the Housing Element was approved by HCD.
- Story poles for multi-family developments add more than \$10,000 in speculative costs to a project pre approval and for larger projects the costs can exceed \$50,000. The council acknowledges that the story poles do little to identify the building but serve as a beacon to attract anti-development community members to attend public meetings to oppose projects.
- Photo simulation
 - The council has also adopted a policy to require photo simulation and 3D modeling for projects. These costs also exceed \$10,000 for a project. This requirement was adopted shortly after the Housing Element was approved by HCD.
- Art Fee (1% of development costs)
 - The council began discussing the possibility of adding a 1% art fee to projects in April of 2015. This fee was postponed until July of 2018. This fee is not listed as a potential Government constraint.

The Density Bonus Law and Housing Accountability Act

April 9, 2019

Meeting of the Los Altos City Council

Density Bonus Law: Background

- California state law (Gov. Code §65915-65918)
- Enacted 1979 to incentivize production of affordable housing
- Amended over 20 times since adoption

How it works

- Developers agree to produce qualifying project in exchange for up to 4 things:
 1. Density bonus
 2. Concessions/incentives
 3. Waivers of development standards
 4. Parking reductions
- In exchange, City gets affordable housing (or another qualifying project) that is guaranteed to remain so for specified durations

Los Altos Density Bonus Ordinance

- Los Altos Municipal Code Section 14.28.040
- Assists City in carrying out Housing Element Programs 2.3.1 (“Implement density bonuses”) and 6.2.1 (“Provide senior housing density bonuses and development incentives”)
- Assists City in carrying out Housing Element Programs 2.3.1 (“Implement density bonuses”) and 6.2.1 (“Provide senior housing density bonuses and development incentives”)

How It Works

- Qualifying development entitled “of right” to density bonus
- City ordinance specifies how to implement compliance with the statute
- State law authorizes cities to grant bonuses greater than State mandates
- Los Altos Ordinance provides discretion to grant bonus in excess of statutory minimums

How to qualify

Affordable Housing

Very Low (to 50% AMI)	Low (to 80% AMI)	Moderate (80-120% AMI)
<ul style="list-style-type: none"> • Minimum 5% of units • Starts at 20% bonus + 2.5% per 1% increase in units • Rental/ownership 	<ul style="list-style-type: none"> • Minimum 10% of units • Starts at 20% bonus + 1.5% per 1% increase in units • Rental/ownership 	<ul style="list-style-type: none"> • Minimum 10% of units • Starts at 5% bonus + 1% per 1% increase in units • Ownership only

Housing for seniors

- 100% restricted to seniors
- No affordability required
- Flat 20% density increase

Housing for foster youth, disabled veterans, homeless

- Minimum 10% of units
- Meet very low income affordability levels

Land donation to develop affordable housing

- Minimum 10% very low income (15% bonus)

Eligibility by Land Donation

- Land donated must be large enough to accommodate at least 10% of the market-rate units at densities suitable for very-low income housing (Gov Code §65915(g))
- Strict criteria for land donations, including:
 - At least one acre in size or large enough to accommodate 40 units
 - Be located within the boundary or within ¼ mile the development
 - Have appropriate general plan designation

Child Care Facilities Eligibility

Child Care Facilities

- Must remain in operation for duration of affordable housing covenants
- Must ensure that children attending come from very-low, low or moderate income households in same or greater proportion as the housing development

Density Bonus Notes

- Developer chooses from ONE category
- All density calculations must be rounded up (base density, bonus units, affordable units)
- Inclusionary units (per local ordinance requirements) qualify a project for density bonus (also true for incentives/concessions and waivers)

Duration of affordability

- Rental projects
 - Very low and low income units
 - 55 years (or longer if required by construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program)
- For-sale projects
 - Very low, low, and moderate income units
 - Initial occupant must qualify on basis of income
 - Equity Sharing Agreement-Seller gets investment and proportionate share of appreciation; City recaptures initial subsidy (City must enforce unless in conflict with the requirements of another public funding source or law)
 - Los Altos—City requires affordable housing agreement with deed restriction as condition of approval.

Concessions / Incentives

- Reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed minimum building standards that would otherwise be required that result in identifiable and actual cost reductions, to provide for affordable housing costs or for rents for the targeted units to be affordable.
- Approval of mixed-use zoning for a housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the vicinity of the project.
- Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units to be affordable.

Calculating Concessions/Incentives

None	One	Two	Three
<ul style="list-style-type: none"> • Senior housing • Land donation • Housing for transitional foster youth, disabled veterans, or homeless 	<ul style="list-style-type: none"> • 5% very low • 10% low • 10% moderate • Condo conversion: 15% low or 33% moderate¹ • Childcare facility¹ 	<ul style="list-style-type: none"> • 10% very low • 20% low • 20% moderate 	<ul style="list-style-type: none"> • 15% very low • 30% low • 30% moderate

All percentages listed are minimum required to qualify.

¹ These categories may receive either one concession or a 25% density bonus (condo conversion)/bonus=facility space (child care) but not both

Concession/Incentive denial

Requested concession or incentive must be granted unless it would:

1. not result in identifiable and actual cost reductions to provide for affordable housing costs, or for rents for the targeted units to be set as required; or

2. have a 'specific, adverse impact' on public health and safety or the physical environment or on any real property that is listed in the CA Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households; or

3. be contrary to state or federal law.

Los Altos Density Bonus Ordinance

- Ordinance has designated “On-Menu” Incentives
- City Council has determined would not have “specific adverse impact”
- Includes up to 20% lot coverage increase, up to 20% decrease in lot width, up to 11’ allowable height increase; 20% setback decrease; 20% open space requirement decrease

Challenges to denials of incentives

- City denial of a requested incentive may be challenged in court
- If court finds against city, challenging party may be entitled to
 - requested incentive
 - and
 - reasonable attorney's fees and costs

Waivers/reductions of development standards

When available	Number that may be requested	Must be given unless it would
<p>When a given development standard would have the effect of physically precluding the construction of a development qualifying for a density bonus at the densities or with the concessions/incentives permitted</p>	<p>No limit (unlike concessions and incentives)</p>	<ul style="list-style-type: none"> • Not be necessary to avoid physically precluding construction • Have specific, adverse impact for which no feasible means to satisfactorily mitigate or avoid adverse impact on real property on Register of Historical Resources • Be contrary to state or federal law

Challenges to denials of waivers

- City denial of a requested waiver may be challenged in court
- If court finds against city, challenging party may be entitled to
 - Requested waiver and
 - reasonable attorney's fees and costs

Reduced Parking Standards

- State law mandates reduced parking requirements for density bonus projects even if developer does not request density bonus, incentives or waivers
- Reduced parking under statute does not count as an incentive/concession
- But, developer can request even lower parking ratios as concession or waiver
- Reduced ratios apply to the market rate units as well as the density bonus units

Parking requirements

* Unless a city-wide parking study supports a greater requirement

Housing Accountability Act

Gov Code 65589.5

- Restricts cities' ability to deny, reduce density of, or make infeasible, housing developments and requires cities to justify these actions
- Applies to *all* housing development projects (affordable and market-rate) and emergency shelters
- Applies to mixed-use projects with at least 2/3 square footage designated for residential use

The Housing Accountability Act

In a nutshell:

- If a housing development complies with “objective” general plan, zoning and subdivision standards, the City can only reduce density or deny if can identify a “specific adverse impact” to public health & safety that cannot be mitigated.
- “Lower density” includes imposing conditions that “have the same effect or impact on the ability of the project to provide housing” (i.e., *de facto* density reduction).

Housing Accountability Act (65589.5)

Cut to the chase – If desire to deny or reduce density, must:

- Identify **objective** standards with which project does not comply.
- If project complies with all, must find “specific adverse effect” on public health & safety.

The Housing Accountability Act

What are “**objective**” standards?

- HAA does not define, but Gov Code elsewhere defines as one that involves “no personal or subjective judgment by a public official and uniformly verifiable by reference to an external benchmark”
- Provisions such a permitted use, density, height, setbacks, FAR or design requirements regarding specific materials should be OK
- Receipt of density bonus is **not** basis for finding project inconsistent with development standards

The Housing Accountability Act

What is a “*specific adverse effect*?”

- If project complies with all “*objective standards*”, can only deny or reduce density if find “*specific adverse effect*” on public health.
- “*Specific adverse effect*” must be significant, quantifiable, direct, and unavoidable based on written health & safety standards on date project deemed complete, and no feasible way to mitigate.

The Housing Accountability Act

- Additional protections for affordable projects (Gov't Code § 65589.5(d)):
 - Emergency shelters;
 - 20% low income (up to 80% of median); or
 - 100% moderate (up to 120% of median) or middle income (up to 150% of median).
- Must make specific findings of specific, unmitigable adverse health or safety impact to deny or add condition making project **financially infeasible for affordable housing/emergency shelter – even if project does not comply with all “objective” standards.**

The Housing Accountability Act

Processing housing applications:

- If a project does not comply with “objective standards,” City must provide list of any inconsistencies within 30 days of application being deemed complete for project of 150 or fewer units (60 days for projects of 150 or more units)
- Explain why the project inconsistent; or
- “Deemed consistent”

HAA Processing Requirements

- Also “***deemed consistent***” if “substantial evidence that would allow a reasonable person to conclude” project is consistent
- Developer may submit own evidence re: consistency

The Housing Accountability Act

Judicial Review:

- Requires the findings to be supported by a “preponderance of evidence.” If not supported by preponderance of evidence, court must issue order compelling compliance within 60 days. If project denied in “bad faith” court may order project approval.
- Imposes mandatory fines (\$10K/unit) on cities that fail to comply with court order within 60 days.
- Mandates enhanced fines (x5) court finds city acts in “bad faith.”
- Attorney’s fees for both market rate and affordable.

The Housing Accountability Act

Compliance Strategies:

- Identify our “objective” criteria
- Identify any subjective criteria that might be better converted to objective criteria
- Review applications to ensure all relevant information is being sought from applicants

Questions?

Los Altos City Council

CT District - El Camino Real Corridor City Council Study Session

Tuesday, April 9, 2019

Los Altos Community Development Department



CT District - El Camino Real Corridor



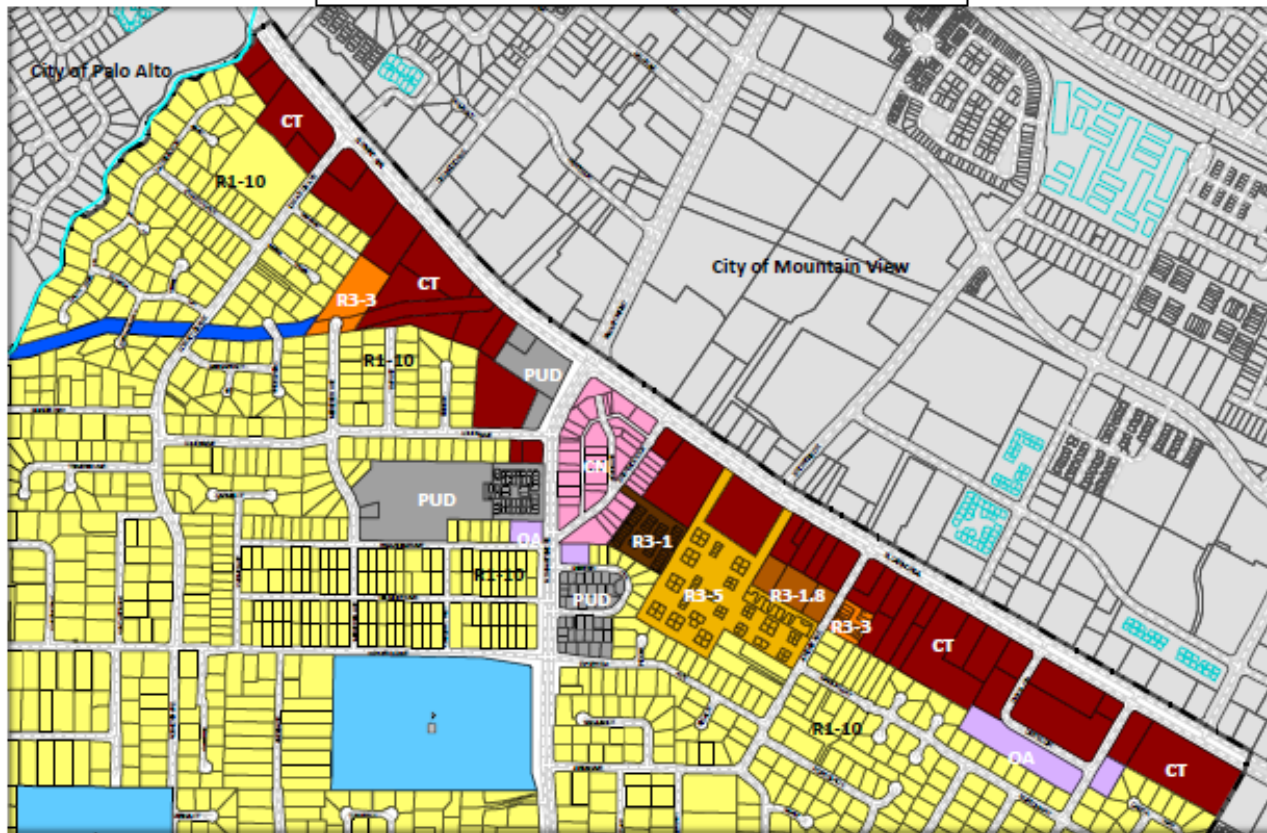
POLICIES AND REGULATIONS -

- General Plan – Land Use and Housing Element
- Zoning Regulations
- Density Bonus Regulations
- Inclusionary Housing Regulations

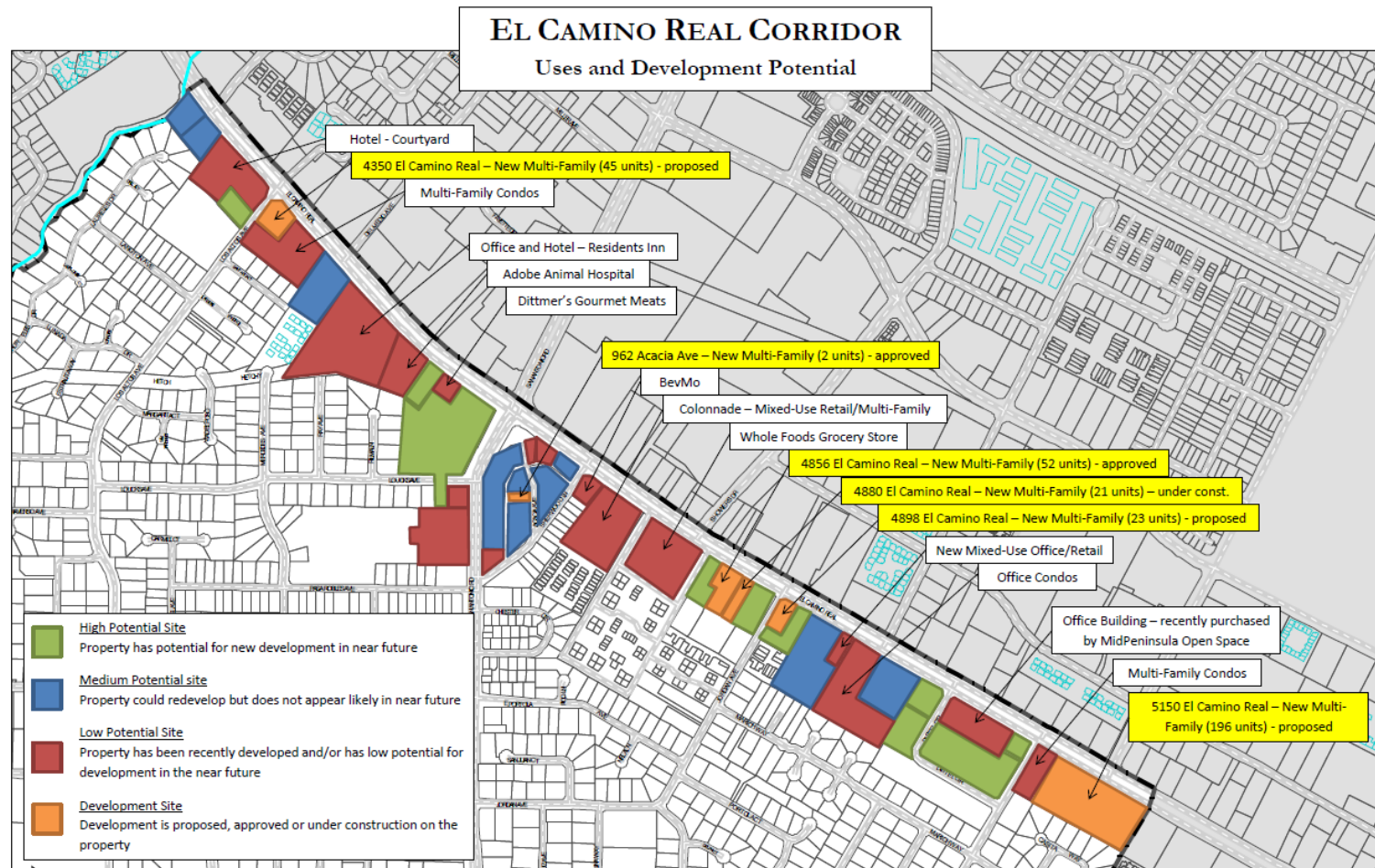
CT District - El Camino Real Corridor



EL CAMINO REAL CORRIDOR Zoning Designations



CT District - El Camino Real Corridor



CT District - El Camino Real Corridor



DEVELOPMENT STANDARD	PRIOR REGULATIONS	ADOPTED REGULATIONS 2017
14.50.020 – Specific Purposes	-	Added – residential, including affordable housing development, in list of Specific Purposes
14.50.060 C. 2. - Refuse collection	No requirement for refuse collection on site.	Amended to require refuse services, including pick-up, be located on site and this standard is applicable to all projects
14.50.100 - Side yards	None required – except for those properties abutting an ‘R’ District	Side Yard Setbacks Introduced for abutting CT properties.
14.50.150 – Open Space	No Standards	Common and Private Open Space Standards Introduced
14.50.160 - Rooftop Uses	No Standards	Standards for Rooftop Uses Introduces
14.50.180 Loading Space Requirements	No Standards	Standards for Loading Spaces Introduced

CT District - El Camino Real Corridor



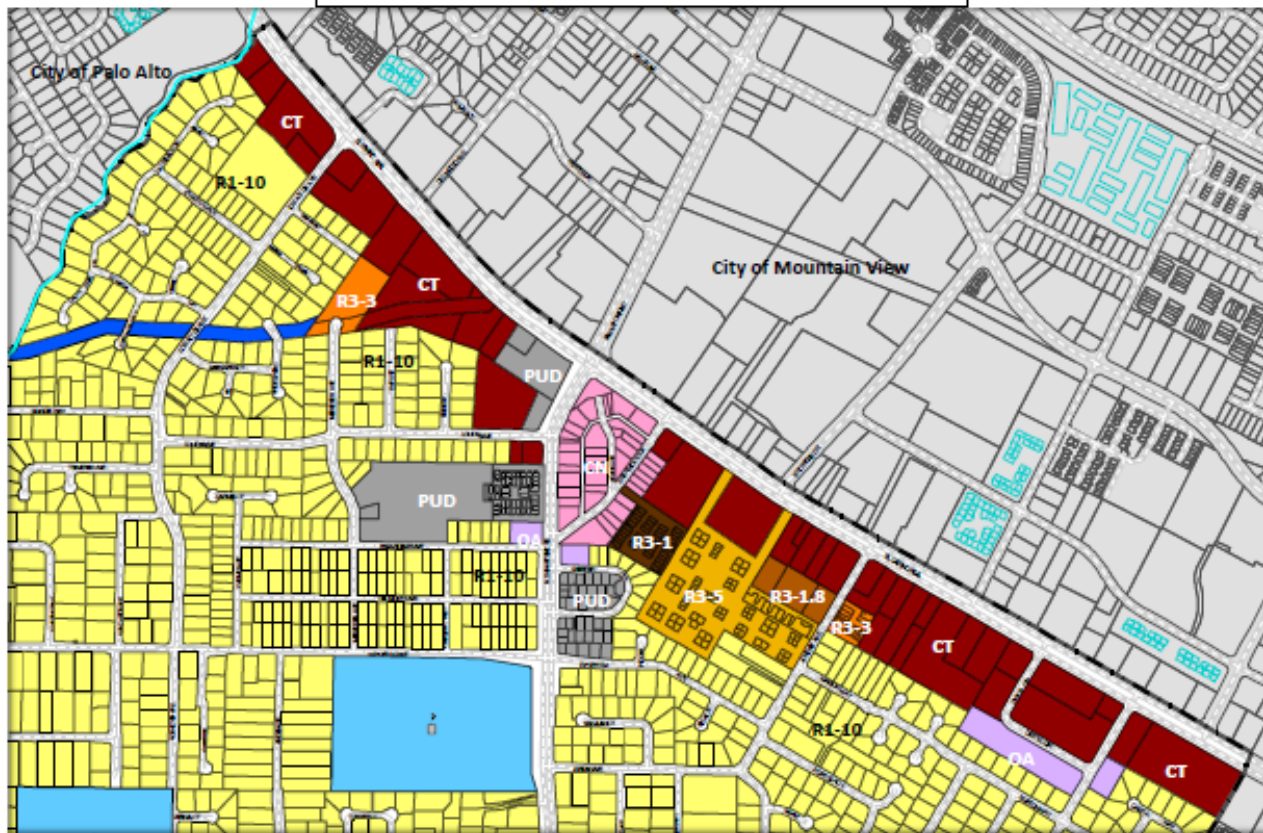
POLICY QUESTION -

What constitutes appropriate development for the CT District (Commercial Thoroughfare) and the El Camino Real Corridor – both from a land use and site development standards perspective?

CT District - El Camino Real Corridor



EL CAMINO REAL CORRIDOR Zoning Designations



CT Zone Discussion Options

City Council Meeting

April 9, 2019



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Resident Concerns

Stop the development

“Crisis mode”

Buildings are too tall

No privacy

Losing commercial uses

No green space



Options

- Moratorium
- Specific Plan/Change Planning
- Conditions of Approval



Moratorium

- Government Code Section 65858
 - Stops or prohibits any uses in conflict with a General Plan/Zoning proposal
 - Limited duration
 - Requires four-fifths vote
- BUT ...
 - Inconsistent with Housing Element
 - HCD 2017 Letter; new enforcement authority
 - SB 330 (Skinner): prohibits moratorium



Specific Plan/Change Planning Process

- Specific Plans
 - Planning tool
 - Must be consistent with General Plan (including Housing Element). Gov. Code 65454
- Change Zoning Code or CT Standards
 - To do so would require change to:
 - *General Plan*
 - *Housing Element (would require HCD recertification)*



Conditions of Approval

- Focused on immediate issues (privacy, green space).
- Nexus and Rough Proportionality. *Nollan v California Coastal Comm'n* (1987) 483 US 825; *Dolan v City of Tigard* (1994) 512 US 374
- Condition cannot make project infeasible if it contains affordable housing. Gov. Code 65598.5(d).
- Examples: taller trees for privacy, imposing standard Quimby park requirement.



Jon Maginot

From: Chris Jordan
Sent: Tuesday, April 09, 2019 10:49 AM
To: Jon Biggs; Jon Maginot; Christopher Diaz
Subject: Fwd: Buildings Planned on El Camino Real - Los Altos

Sent from my iPhone

Begin forwarded message:

From: Greg Ross _____
Date: April 9, 2019 at 10:45:05 AM PDT
To: council@losaltosca.gov
Subject: Buildings Planned on El Camino Real - Los Altos

I am a 36 resident at 394 Marich Way and am concerned with the many planned or developing properties along El Camino Real. The need for more housing is real as is climate change. We need to have a common sense plan on how high these building can be to preserve what is Los Altos. The developers will build 3 stories if they can't get 5 stories. They will have excellent arguments but remember its all economic and the ability to maximize profits.

Please take a more conservative and concerned look at what is happening now before its to late.

Thank you for your consideration.

Greg and Betsy Ross

Jon Maginot

From: Chris Jordan
Sent: Tuesday, April 09, 2019 12:49 PM
To: Jon Biggs; Jon Maginot; Christopher Diaz
Subject: Fwd: Agenda Item #6 - CT Zone study session

Sent from my iPhone

Begin forwarded message:

From: Fred Haubensak <fred@losaltosca.gov>
Date: April 9, 2019 at 12:37:33 PM PDT
To: council@losaltosca.gov
Subject: Agenda Item #6 - CT Zone study session

To: Los Altos City council members
Re: Agenda item #6 - CT Zone study session
From: Fred Haubensak

Dear council members -

First, a thank you is in order to council and staff for agendizing a discussion with a staff report for measures we can take now to address the CT Zone transformation this is in progress. This transformation is that the CT zone parcels are rapidly turning into pure residential imposing structures on surrounding R1 and R3 parcels. In addition, homeowners understand that as our CT Zone turns into a purely residential zone, we lose walkability to the service businesses we value, and the property value that goes along with it ([see the Redfin study in 2016](#), or our resident maintained website friendsofelcaminolosaltos.com).

Our specific asks that we believe do not create unreasonable barriers or economic burden for development are:

- No "Double-Dipping" fix on the On-Menu Density Bonus
- Mixed remains allowed use, pure residential moved to conditional or removed.
- Robust Privacy measures such as some restriction on window designs from large imposing structures with limited setbacks to R1/3 residential

Lastly, I would like to provide you with some alternative perspectives and rebuttal to some of the claims in the Cushman letter (see below).

Thank you for your time,

-Fred Haubensak

Cushman letter claims

Observations

Retail market conditions since 2016 ranged from 0% to 8% vacancy rate, and 2 to 9 months on the market.

Agreed, vacancy rates are the single digits, and time on the market as consistent with normal healthy business turnover, which is a process.

The local office market conditions are not as good as retail, with an 18% vacancy rate.

Agreed. Office space development is a red herring, nobody is asking for more office space at this time.

The "Amazon effect" is pushing market rates lower (\$3.82/sqft) for retailers.

1. This has had a positive benefit of the service businesses remaining vibrant. Service businesses are the bulk (60%) of businesses in the CT zone from our accounting, not classic retail that competes with online retailers.
2. The current market rates are still enough to give a positive profit margin for mixed use retail: Using simple math, a 5k sqft retail space that rents for \$4/sqft has a net present value to the developer of about \$3M from our estimates; and a 1,500 sqft retail space at \$4/sqft is \$6,000 per month, similar to what that space would rent as a residential unit.

There is a significant amount of retail in this area at El Camino and San Antonio, so adding more is undesirable

1. The developments will REMOVE not add retail, at best it stays the same.
2. More development of service retail will add to the city tax base.

The Futon Shop is struggling.

1. Its always dangerous to speculate on a business viability, and Cushman has not shared their special visibility or data - if they have any - on that business.
2. Even if one truly retail (not service) establishment on El Camino is struggling, that not a reason to give up on retail. Part of any normal business cycle always has some businesses that will come and go.

Exposure is needed for retail to work out.

These parcels are on the most traveled and preeminent commercial district on the peninsula, there is plenty of exposure here.

Parking is needed, and narrow parcels are difficult to create parking for.

This is always going to be a struggle with whatever is built, residential, retail, office, etc. El Camino parking is needed, and underground structures are the way to go. Nearby 4880 El Camino which is a very narrow parcel, and Wholefoods do just this. 4898 El Camino developer proudly announced in a recent planning commission study session that the parking on this narrow parcel provided in their initial design exceed the minimum requirements. No argument here, parking is needed but this is not unique for retail use.

Underground parking limits retail customers.

Wholefoods does this now.

5 parking spaces per 1000 sqft is burdensome and onerous.

We understand that there is a cost to adding parking spaces for retail space. Perhaps its worth determining what amount of added parking to support mixed use is not burdensome, 5, 10, 15 spaces? Seems the letter assumes a retail space size?

Challenging to provide 12-14' ceiling heights

The letter does not describe exactly what is the significant technical or cost challenge here, or solutions to address it.

Jon Maginot

From: Chris Jordan
Sent: Tuesday, April 09, 2019 11:14 AM
To: Jon Biggs; Jon Maginot; Christopher Diaz
Subject: Fwd: new developments on El Camino corridor

Sent from my iPhone

Begin forwarded message:

From: Cathy Walz <
Date: April 9, 2019 at 11:12:37 AM PDT
To: council@losaltosca.gov
Subject: new developments on El Camino corridor

Dear Los Altos City Council:

I live on Marich Way in Los Altos, close to El Camino. The traffic and parking from the new development construction in my neighborhood is already terrible. I fear a future "canyon" of tall and dense new buildings along El Camino. While there is a need for new housing in our city, I support reasonable measures to address resident concerns like more robust privacy measures for adjacent homes, fixing the double dipping loophole, and requiring a modest amount of commercial mixed use development.

Please support a more holistic "specific" plan for El Camino including resident concerns, such as robust privacy measures from large imposing structures with limited setbacks to R1/3 residential.

Thank you,
Cathy Walz

Los Altos

Jon Maginot

From: Chris Jordan
Sent: Tuesday, April 09, 2019 10:45 AM
To: Jon Biggs; Jon Maginot; Christopher Diaz
Subject: Fwd: Item 6 on 4/9/2019 agenda
Attachments: Memo to City Council for 9th April meetig.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Eric Steinle
Date: April 9, 2019 at 10:24:59 AM PDT
To: council@losaltosca.gov
Subject: Item 6 on 4/9/2019 agenda

Mayor Lynette Lee Eng
Vice-Mayor Jan Pepper
Councilmembers Jeannie Bruins, Anita Enander, and Neysa Fligor
1 North San Antonio Road
Los Altos CA 94022

Dear Mayor Lee Eng, Vice-Mayor Pepper, and Councilmembers Bruins, Enander, and Fligor:

I have attached a very brief memorandum concerning Item 6 on your agenda for this evening. I appreciate your taking a few minutes to consider it.

I will, of course, also attend the meeting.

Thank you for your attention.

Eric
Eric Steinle

MEMORANDUM

To: Los Altos City Council
From: Eric Steinle
About: Item 6 on 9th April 2019 agenda
Date: 8th April 2019

I want to address Item 6 on your present agenda.

First, let me acknowledge the excellent work done by staff in preparing the agenda report. It is concise and complete. I concur with staff's recommendation that you revisit the rules for development for the El Camino Real / CT zone. I urge you to consider certain changes to the current regulations. In that, I join the comments made before and during the 9th April meeting by my neighbors.

Please let me review the three specific areas we suggest would be an appropriate start on your task. First, on-menu density bonus items should be invoked only once, *i.e.*, no double-dipping. Second, mixed-use / multifamily should be a permitted rather than a conditional use in the CT zone, and pure residential should not be a conditional use; in other words, the CT zone should be consistent with other commercial zones. Finally, you should ensure the maximum possible protection of privacy for R1 or R3 owners contiguous with or adjacent to any new development.

Staff is right to emphasize the value of retail (or services) over office use. It improves the value of the neighborhood and increases sales tax revenue for the City.

Business on the Los Altos side of El Camino Real is visibly and certainly thriving. More retail space could provide more opportunity. Los Altos does not need more large office buildings, despite what real estate people may claim. We now have, according to the O'Brien letter, three legacy office blocks, all at least 38 years old, with a total of 80,074 square feet of rentable space. Note also that a single building on the Mountain View side (at the corner with Ortega) has 113,864 square feet of rentable space. The difference is essentially the equivalent of the two smaller (of three) buildings on the Los Altos side mentioned by O'Brien.

To the contrary, current development on the eastern end of the CT zone has removed a significant proportion of what was once vacant space in the CT zone and replaced it with purely-residential development. Before it is too late, we need to redress the balance.

Thank you very much for your kind attention.

Jon Maginot

From: Chris Jordan
Sent: Tuesday, April 09, 2019 9:02 AM
To: Jon Biggs; Christopher Diaz; Jon Maginot
Subject: Fwd: Writing Against Large Development on El Camino

Sent from my iPad

Begin forwarded message:

From: "Kirk Lindstrom"
To: "City Council" <council@losaltosca.gov>
Cc: "Kirk Lindstrom" , "Neighbors of El Camino Los Altos"

Subject: Writing Against Large Development on El Camino

Dear Los Altos City Council Members,

I'm very sad to year after year lose small businesses and restaurants along El Camino that I often walked to from my home. These great places have been replaced by massive apartment and condo developments with no business on the ground floor. These are under parked and make it tougher to park when I drive at other places we still frequent.

1. We have a "people overage" not a "housing shortage." Resist with max effort push to build more high density housing. I moved here for the "country feel" not to have Hong Kong, SF and NY traffic and their other problems replicated.
 - o Share the pain. Build high density housing on and near Foothill Expressway rather than just along El Camino. North Los Altos was much nicer when we had more of a country feel. Now we have gridlock getting in and out due to massive over development on San Antonio Road and El Camino Real.
 - o Nobody who can afford \$2M for a Los Altos condo is going to take the 22 bus to work so the argument of needing to build expensive housing near transit is a fake news talking point for developers to sell more of our quality of life down the drain while politicians go along for the campaign contributions from High Tech that wants to move even more jobs into the area.

2. Please don't shut Greg's 76 station on El Camino for yet another 5-story development.
 - o Instead, close his station on Foothill and offer to let him build an 8-story building there if it is affordable for teachers and first responders. Then they can BIKE to most Los Altos jobs from there (centrally located) and it won't add to San Antonio Rd gridlock.

3. NO MORE HOUSING ON EL CAMINO!!!!
 - o If Governor Newsom tries to withhold our funds paid with property taxes, sue him as that is illegal.

- Tell the governor and State Rules makers that we are a "small town sanctuary city" where we will harbor those who wish to keep our small town feel and ignore their laws to solve the housing crisis caused by Mountain View, Palo Alto and Sunnyvale for allowing more tech jobs than they had housing.
4. I just finished watching a series on Amazon Prime called "White Dragon" set in Hong Kong. The residents there were protesting a new high income housing development that was going up in place of a development planned for low cost housing to help with the shortage and high cost of housing in Hong Kong. If you think making the Bay Area resemble Hong Kong with sky scrapers and dense living will solve our housing, then think again. We need to encourage tech companies to find other areas to build their office parks.
 5. This is not new... see my attached letter to the Editor from 2000 suggesting the tech companies should be required to build housing if they bring in new office space.

Thanks for listening.

--

best regards
Kirk Lindstrom
Los Altos, CA

Match jobs with housing

THE housing shortage is due to new, high-paying jobs moving into the highly desirable location between San Francisco and San Jose. Up and down Highway 101 we see new offices going up and few new homes for the workers. We raise our taxes so we can build wider or more roads to get these workers to the jobs quicker, and then we are worse off than before with gridlock around the offices.

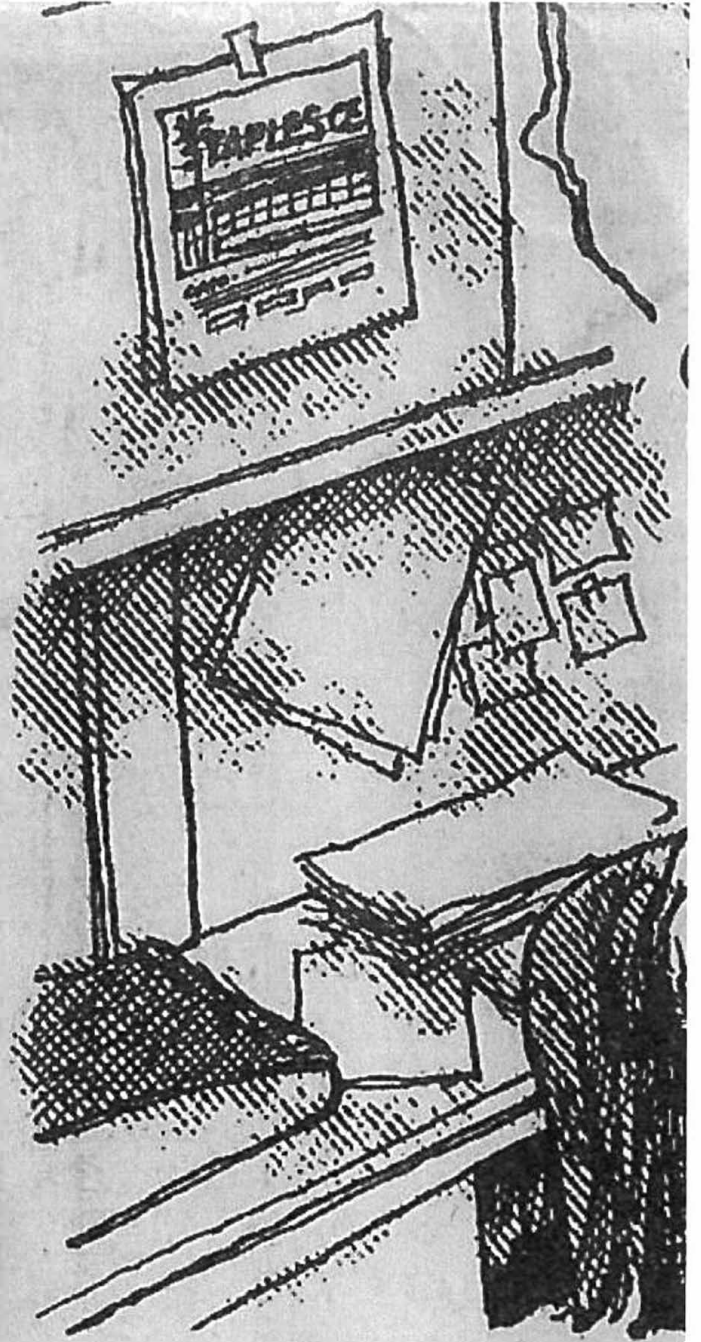
The solution is simple. Put new homes next to new jobs. If you build a new office building that will have 1,000 workers then you should be required to build perhaps 250 two-bedroom housing units for these workers. Extra units not rented to the workers will add to the housing pool and allow a cheaper living place for

sequences
ere and mov-

equivalent
Pathfinder
given the ex-
pects of in-
nable expec-

but commer-
shed, such as
d or much
t exploration

*engineer and
te this for the*



AUGUST

S , E - M A



Kirk Lindstrom

4 mins

🔔 I've complained for decades the developers are trying to turn the Bay Area into another Hong Kong... If anyone thinks turning the SF Bay Area into Hong Kong will "solve the housing problem", then watch "White Dragon" on Amazon prime.

🏠🔔🔔 One of the characters, played by Katie Leung of Harry Potter fame, is in a relationship with a woman who is protesting a new housing development for the wealthy on land promised to be used for low cost housing... sounds like SF, eh?

🏠🏠🔔 Basically, if you allow more office buildings, then the high paying jobs will follow then gentrification, more gridlock and then the politicians FUNDED BY THE BUILDERS come at us for more taxes to fit more into the sardine can. Lather rinse and repeat until we look like Hong Kong or Tokyo.... or NYC.

\$\$\$\$ The reason the cities don't require this is simple. They can't afford to go even deeper in the pension hole by hiring more teachers and first responders for those new residents so they just want the taxes from the commercial buildings and higher property taxes (and fewer kids in wealthy families) that come with gentrification. !! !! !!

Match jobs with housing

THE housing shortage is due to new, high-paying jobs moving into the highly desirable location between San Francisco and San Jose. Up and down Highway 101 we see new offices going up and few new homes for the workers. We raise our taxes so we can build wider or more roads to get these workers to the jobs quicker, and then we are worse off than before with gridlock around the offices.

The solution is simple. Put new homes next to new jobs. If you build a new office building that will have 1,000 workers, then you should be required to build perhaps 250 two-bedroom housing units for these workers. Extra units not rented to the workers will add to the housing pool and allow a cheaper living place for teachers, police, auto mechanics and all the other important people required for our society to operate.

Aug 10, 2000 Kirk Lindstrom
Los Altos



Jon Maginot

From: Jon Biggs
Sent: Monday, April 08, 2019 7:27 AM
To: Jon Maginot; Wendy Meisner
Subject: FW: Agenda Item No. 6 City Council Meeting April 9th 2019
Attachments: Slides for City Council Meeting 040919.pdf; MtView ECR Precise Plan.pdf; Palo Alto - ECR_Changes - Housing Ordinance 012819.pdf

Hello –

More public comment regarding Council's CT discussion at tomorrow's Council meeting. One of the PDF's is for this person's presentation to the City Council. I will remind them they could have three or fewer minutes to make the presentation.

Jon

From:
Sent: Monday, April 08, 2019 1:17 AM
To: Jon Biggs <jbiggs@losaltosca.gov>
Cc: Zach Dahl <ZDahl@losaltosca.gov>
Subject: Agenda Item No. 6 City Council Meeting April 9th 2019

Jon:

I am attaching three files:

Palo Alto's City Council Meeting Presentation, dated 01/28/19 re Housing Ordinance
Mountain View's El Camino Real Precise Plan
Slides for City Council Meeting 040919 (please upload it for a live presentation)

Here are my bullet points that I would focus on during my presentation:

1. SB35: City Council Members should get very familiar with SB35, as it is an option for the developers. Also, City should expose residents to this option and ask residents about their opinion re zoning changes, similar to the Downtown Initiative.
2. Los Altos should look into incorporating a City-wide Precise Plan that would address ALL components: Max Height, Setbacks, Lot Coverage, FAR, and Density. Neighboring cities, Palo Alto and Mt View, got such programs in place. The ECR strip of Los Altos, is actually a mix of PA, MtView, and LA and the plans of all three cities would have to be in sync.
3. MtView has an ECR Precise Plan that defines various zones within ECR. The FAR for "Village Centers" reaching 2.30, the height of 75' and six stories and densities at minimum 63 DU/AC versus Los Altos 38 DU/AC.
4. Palo Alto got a Housing Ordinance in place, as an alternative to State Density Bonus Law and SB35. Palo Alto city council wants to keep control by implementing a Housing Incentive Program to allow increases in residential FAR up to 3.0 and deter developers to go "SB35" route which is a 90 days approval w/ no questions asked.
5. Palo Alto Ordinance highlights: Eliminate Maximum Residential Density (for various zones such as Downtown, ECR, Calif Ave) and to allow residential-only developments for the zones mentioned herein. They also are eliminating more retail for residential...realizing that housing is more important than retail.
6. Proposed Changes by City Council are anti-development and anti-housing and not in line with neighboring cities' policies, and definitely not in line with HCD.
7. Walk Score is not in sync with real estate values. Please see attached a dozen of samples, in LS/PA/MV, with Walk Score from 25 to 86, where the trend is similar. Walk Score is not consistent, as it varies a lot within Los

Altos Square. Market is in sync with interest rates, political environment, supply&demand, etc, and definitely not in sync with Walk Score.

Please pass these docs and email to City Council Members prior to the meeting on Tuesday.

Thanks,
Alex



ALEX COMSA
Comsa Group | Coldwell Banker Palo Alto
630 Ramona Street | Palo Alto, CA 94301
CalRE 01875782

This email may be confidential. If you are not the intended recipient, please notify us immediately and delete this copy from your system.

From:
Sent: Wednesday, March 20, 2019 3:06 PM
To: 'Jon Biggs' <jbiggs@losaltosca.gov>
Cc: 'Zach Dahl' <ZDahl@losaltosca.gov>
Subject: Planning Commission Agenda, Item 3, 032119

Jon:

This email is in regards to 3/21/19 PC meeting Item No. 3 FAR.

I am attaching three files:

Palo Alto's City Council Meeting Presentation, dated 01/28/19 re Housing Ordinance
Mountain View's El Camino Real Precise Plan
Alex's Presentation, for tomorrow's agenda #3 (please upload it for a live presentation)

Here are my bullet points that I would focus on during my presentation, mainly related to the FAR section:

1. Los Altos should look into incorporating a City-wide Precise Plan that would address ALL components: Max Height, Setbacks, Lot Coverage, FAR, and Density. Neighboring cities, Palo Alto and Mt View, got such programs in place. The ECR strip of Los Altos, is actually a mix of PA, MtView, and LA and the plans of all three cities would have to be in sync.
2. MtView has an ECR Precise Plan that defines various zones within ECR. The FAR for "Village Centers" reaching 2.30, the height of 75' and six stories and densities at minimum 63 DU/AC versus Los Altos 38 DU/AC.
3. Palo Alto got a Housing Ordinance in place, as an alternative to State Density Bonus Law and SB35. Palo Alto city council wants to keep control by implementing a Housing Incentive Program to allow increases in residential FAR up to 3.0 and deter developers to go "SB35" route which is a 90 days approval.
4. Palo Alto Ordinance highlights: Eliminate Maximum Residential Density (for various zones such as Downtown, ECR, Calif Ave) and to allow residential-only developments for the zones mentioned herein. They also are eliminating more retail for residential...realizing that housing is more important than retail.

Please pass these docs and email to Planning Commissioners and City Council Members as I am planning to come and present again to City Council, when FAR discussion will be on the agenda.

Thanks,
Alex



ALEX COMSA

Comsa Group | Coldwell Banker Palo Alto
630 Ramona Street | Palo Alto, CA 94301

CaIRE 01875782

This email may be confidential. If you are not the intended recipient, please notify us immediately and delete this copy from your system.



El Camino Corridor Analysis

SB35 option for developers

Alternative to State Density Bonus Law and SB35

Walk Score and Real Estate

Prepared by:



ALEX COMSA

Realtor, Downtown Palo Alto
630 Ramona Street
Palo Alto, CA 94301

CalBRE #01875782



SB35

CONTACT



California Department of
Housing and Community Development

Housing Bills Summary

Streamline Housing Development

Planning and Zoning

SB 35 (Wiener) Streamline Approval Process [🔗](#)
Opt in program for developers

Creates a streamlined approval process for developments in localities that have not yet met their housing targets, provided that the development is on an infill site and complies with existing residential and mixed use zoning. Participating developments must provide at least 10 percent of units for lower-income families. All projects over 10 units must be prevailing wage and larger projects must provide skilled and trained labor.

- [New!](#) Final Streamlined Ministerial Approval Process Guidelines (PDF)
- [New!](#) Streamlined Ministerial Approval Process (SB 35) Statewide Determination Summary (PDF) — Updated 12/04/2018 — Summary of which jurisdictions are not currently subject to the streamlined ministerial approval process (SB 35 streamlining), which are currently subject to SB 35 streamlining for development [opens in a new window](#) affordability, and which are currently subject to SB 35 streamlining for developments with at least 50 percent affordability.
- Maps — Interactive SB 35 Determination and Housing Element Open Data map [🔗](#) (Reflects data submitted to HCD as of 12/04/2018)
 - [Mapping Webinar \(YouTube\) / Mapping Webinar Slide Presentation \(PDF\)](#)
- [New!](#) Streamlined Ministerial Approval Process (SB 35) Determination Methodology and Background Data (PDF) — Updated 12/04/2018 — Additional detail on the determination methodology and background data.

	SB35 Streamlining
Parking	None near transit
Discretionary Review	None
CEQA	Exempt

City Council Members to get familiar with SB35 and be aware that developers have that option

City to expose LA residents to SB35 guidelines and implications for City

- no parking near transit
- no Review
- no CEQA
- buildings height - 5 stories or more
- 90-day approval, no questions asked

City should look into an Alternative to SB35, by developing a City-wide Precise Plan
Neighboring Cities have those plans on place

El Camino Real Precise Plan

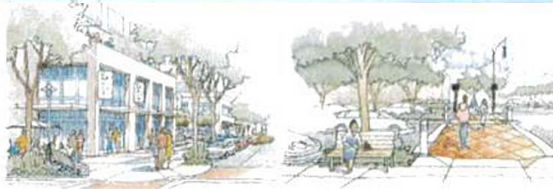
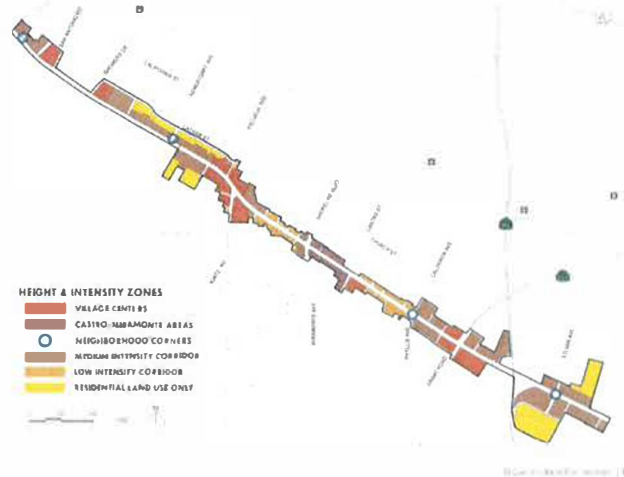


Figure 2. Corridor Character Areas (refer to pages 17-19 for full-scale area maps)



MtView ECR Precise Plan's Highlights:

- In line with Citywide Plan and it was developed over 1-2 years
- Addresses multiple zones within ECR
- Residential Density at 63 DU/acre
- FAR up 2.30 (for Village Center)
- Height up to 6 stories and 75' (for Village Center)
- Allows Residential-ONLY projects

2018 Housing Ordinance



City Council
January 28, 2019



Draft Ordinance

El Camino Real – CS and CN

Alternative to State Density Bonus Law and SB35:

F. Housing Incentive Program (HIP)

Created in a few months in 2018, discussed on 1/28/19, approved 4/1/19

Highlights:

Eliminates Maximum Residential Density
FAR to increase up to 250% from existing one
Allows Residential-ONLY projects

Walk Score and Real Estate Market

Please see below, properties in LA, PA, MV, with Walk Score from 25 to 86. Please note that the graphs/trends are identical, which means property values are not directly in sync with Walk Score. They are in sync with interest rates, political environment, supply&demand, etc. Been in real estate for 15 years and nobody asked me to find properties based on Walk Score.



How Walk Score Works

Walk Score helps you find a walkable place to live.

Walk Score is a number between 0 and 100 that measures the walkability of any address.

[Learn about our methodology.](#)

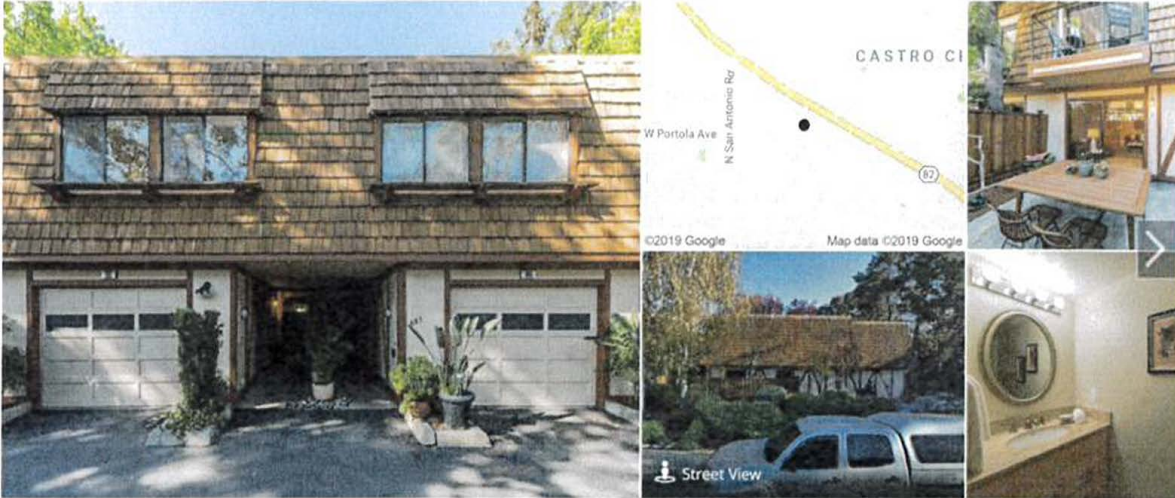
Walk Score	Transit Score	Bike Score
90-100	Walker's Paradise	
	Daily errands do not require a car	
70-89	Very Walkable	
	Most errands can be accomplished on foot	
50-69	Somewhat Walkable	
	Some errands can be accomplished on foot	
25-49	Car-Dependent	
	Most errands require a car	
0-24	Car-Dependent	
	Almost all errands require a car	

- 883 Jordan Ave, Los Altos, CA 94022 - Walk Score 79
- 240 Marich Way, Los Altos, CA 94022 - Walk Score 70
- 67 Los Altos Sq, Los Altos, CA 94022 - Walk Score 58
- 81 Los Altos Sq, Los Altos, CA 94022 - Walk Score 70
- 23 Los Altos Sq, Los Altos, CA 94022 - Walk Score 58
- 34 Los Altos Sq, Los Altos, CA 94022 - Walk Score 76
- 4388 El Camino Real, Unit 239, Los Altos - Walk Score 76
- 209 Yerba Santa, Los Altos, CA 94022 - Walk Score 30
- 56 Marvin Ave, Los Altos, CA 94022 - Walk Score 86
- 646 Lola Ln, MtView, CA 94040 - Walk Score 69
- 1207 Carmel Ter, Los Altos, CA 94024 - Walk Score 25
- 540 N Calif Ave, Palo Alto, CA 94301 - Walk Score 64
- 910 Boyce Ave, Palo Alto, CA 94301 - Walk Score 53

883 Jordan Ave, Los Altos, CA 94022 - Walk Score 79

[Public View](#) [Owner View](#)

CALLER ID: 415-355-3444

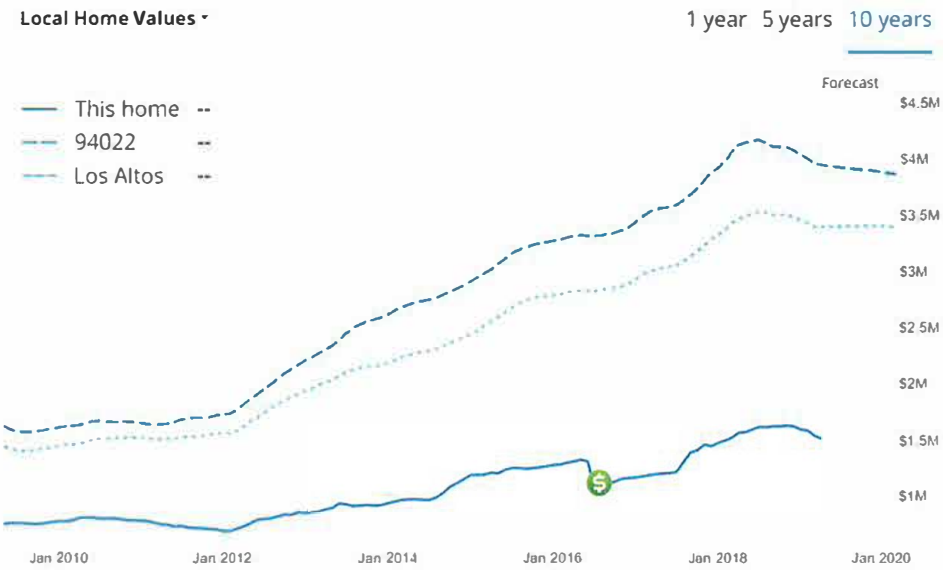


883 Jordan Ave
Los Altos, CA 94022
2 beds · 2.5 baths · 1,445 sqft

SOLD: \$1,120,000
Sold on 07/21/16
Zestimate®:
\$1,516,251

**Home Shoppers
are Waiting**

Local Home Values



240 Marich Way, Los Altos, CA 94022 - Walk Score 70

Public View Landlord View



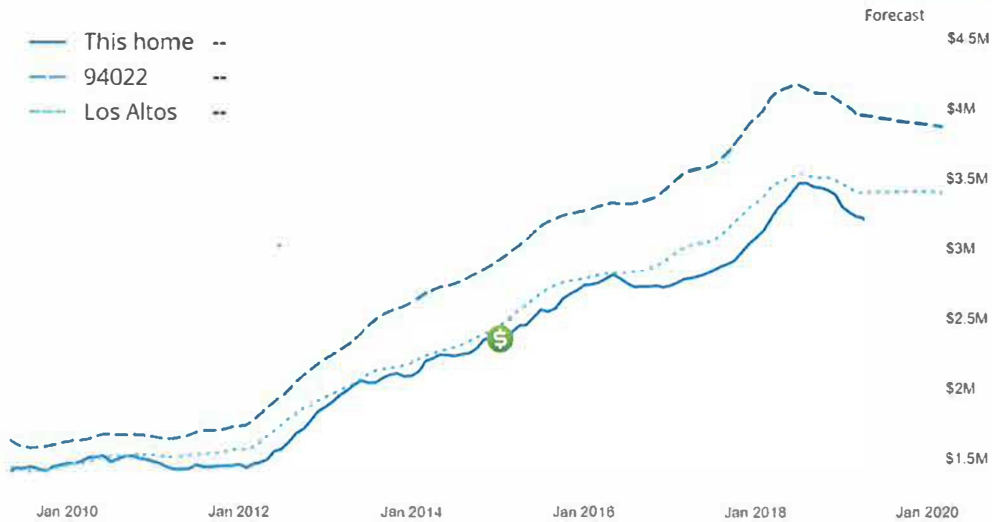
240 Marich Way
Los Altos, CA 94022
 4 beds · 3 baths · 2,026 sqft

OFF MARKET
 Zestimate®:
\$3,192,358
 Rent Zestimate® \$7,238 /mo
SEE DISCLOSURE

**Home Shoppers
 are Waiting**

Local Home Values

1 year 5 years 10 years



67 Los Altos Sq, Los Altos, CA 94022 - Walk Score 58

[Public View](#) [Owner View](#)

Walk Score: 58



67 Los Altos Sq Los Altos, CA 94022

2 beds · 2.5 baths · 1,444 sqft

SOLD: \$1,605,000

Sold on 11/03/16

Zestimate®:

\$1,792,942

Home Shoppers are Waiting

Local Home Values

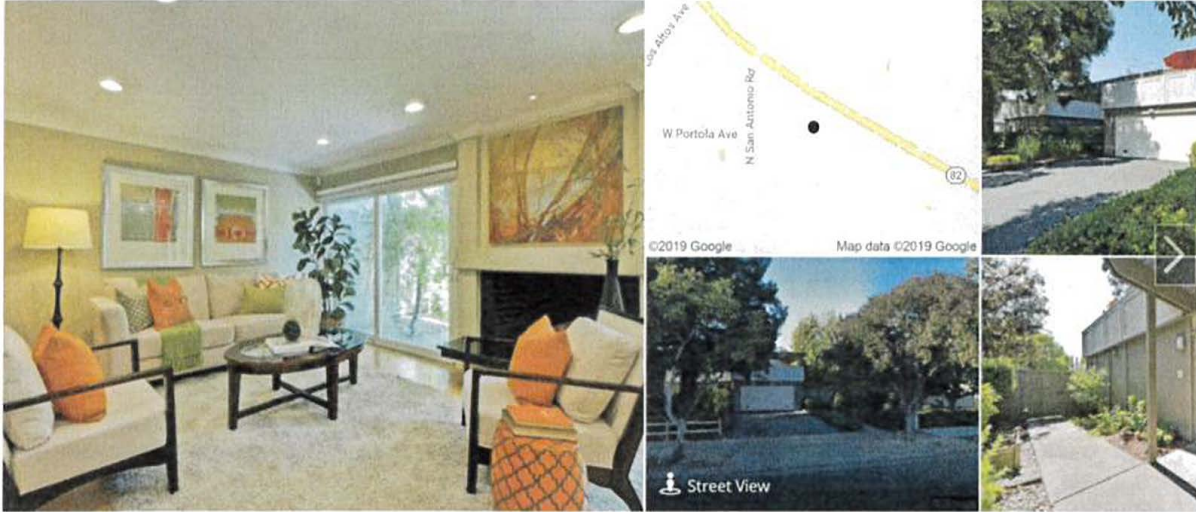
- This home
- 94022
- Los Altos



81 Los Altos Sq, Los Altos, CA 94022 - Walk Score 70

Public View [Owner View](#)

Photos: 15 | 3D Walk: 14 | 3D Live: 14 | 3D



81 Los Altos Sq
 Los Altos, CA 94022
 2 beds · 2.5 baths · 1,568 sqft

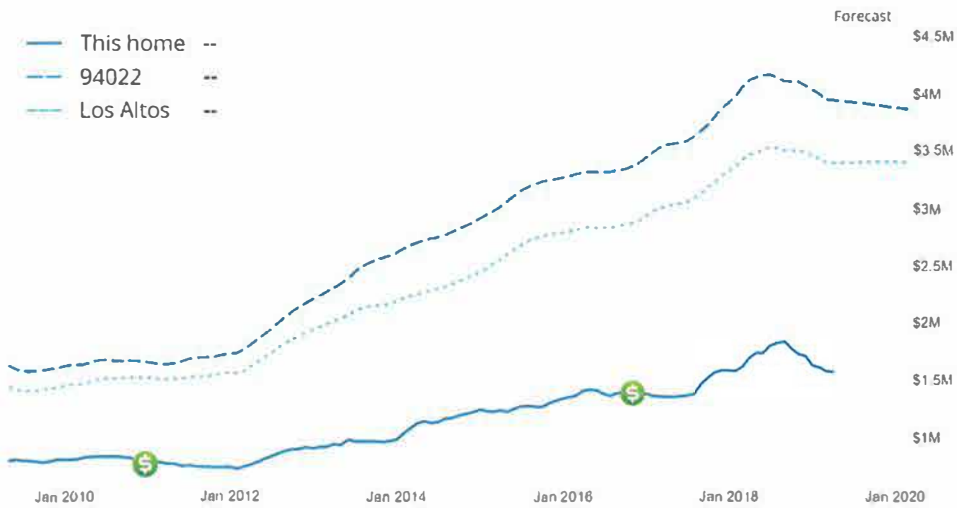
SOLD: \$1,375,000
 Sold on 11/01/16
 Zestimate®:
 \$1,562,186

**Home Shoppers
 are Waiting**

Local Home Values

1 year 5 years 10 years

- This home
- 94022
- Los Altos



23 Los Altos Sq, Los Altos, CA 94022 - Walk Score 58

Public View Owner View



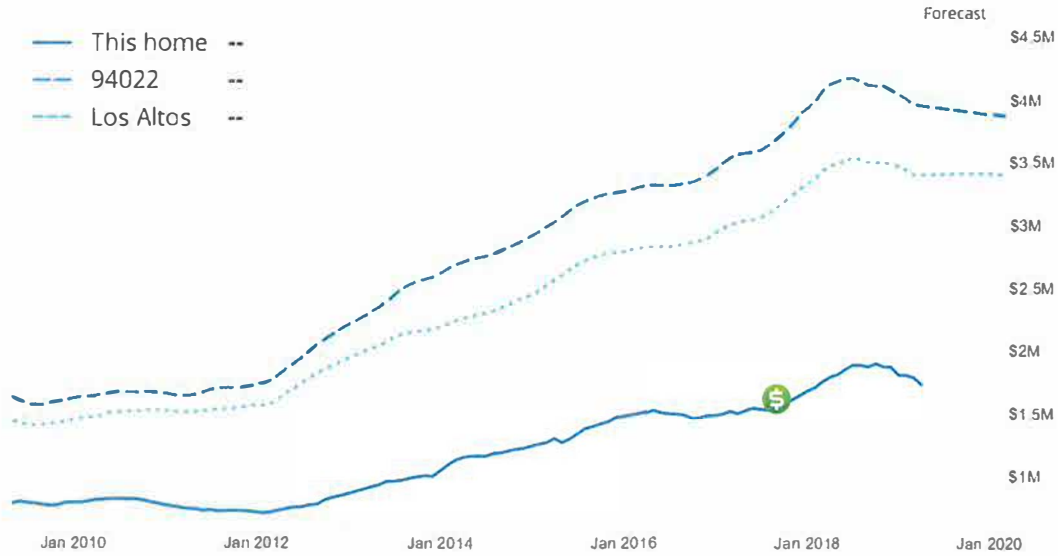
23 Los Altos Sq
 Los Altos, CA 94022
 3 beds · 2.5 baths · 1,568 sqft

SOLD: \$1,615,000
 Sold on 08/30/17
 Zestimate®:
 \$1,718,371

**Home Shoppers
 are Waiting**

Local Home Values

1 year 5 years 10 years



34 Los Altos Sq, Los Altos, CA 94022 - Walk Score 76

Public View Owner View

Location, 10/02/16, Walk, 76, 34 Los Altos Sq



34 Los Altos Sq
 Los Altos, CA 94022
 3 beds · 3 baths · 1,444 sqft

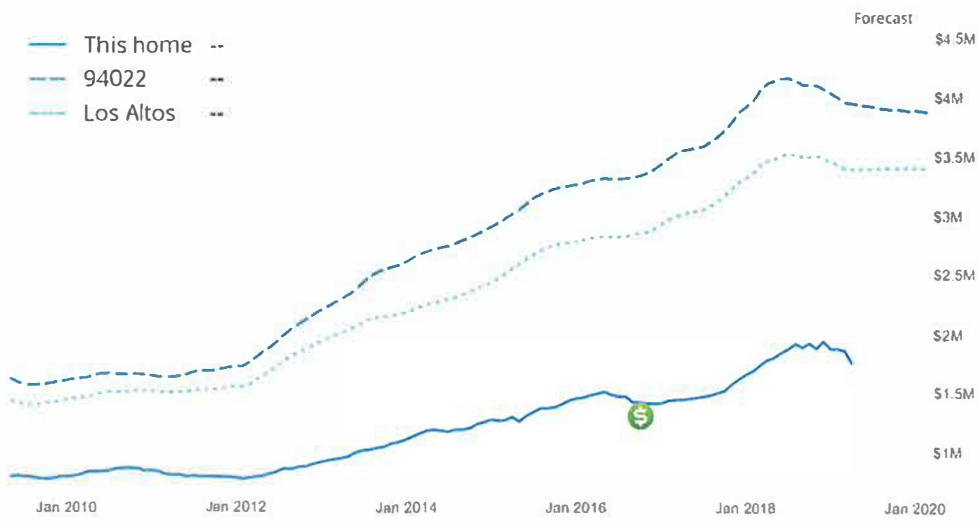
SOLD: \$1,310,000
 Sold on 10/02/16
 Zestimate®:
 \$1,749,929

Home Shoppers
 are Waiting

Local Home Values

1 year 5 years 10 years

- This home --
- - - 94022 --
- - - Los Altos --



4388 El Camino Real, Unit 239, Los Altos - Walk Score 76

Public View [Owner View](#)

California · Los Altos · ZIP: 94022 · 4388 El Camino Real · Unit 239



4388 El Camino Real UNIT 239
 Los Altos, CA 94022
 3 beds · 2 baths · 1,671 sqft

SOLD: \$1,490,000

Sold on 07/06/16

Zestimate®:

\$1,892,067

EST. MORTGAGE

\$5,540/mo

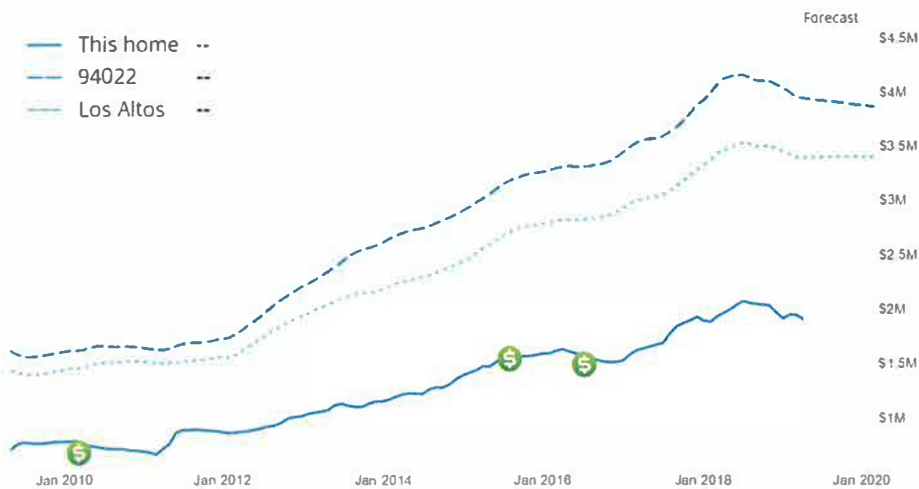
Home Shoppers are Waiting

140 shoppers are looking in your neighborhood and price

Local Home Values

- This home
- 94022
- Los Altos

1 year 5 years 10 years



209 Yerba Santa, Los Altos, CA 94022 - Walk Score 30

Public View Owner View

209 Yerba Santa, Los Altos, CA 94022



209 Yerba Santa Ave
Los Altos, CA 94022

3 beds · 2.5 baths · 1,859 sqft

SOLD: \$2,700,000

Sold on 07/13/16

Zestimate®:

\$3,299,016

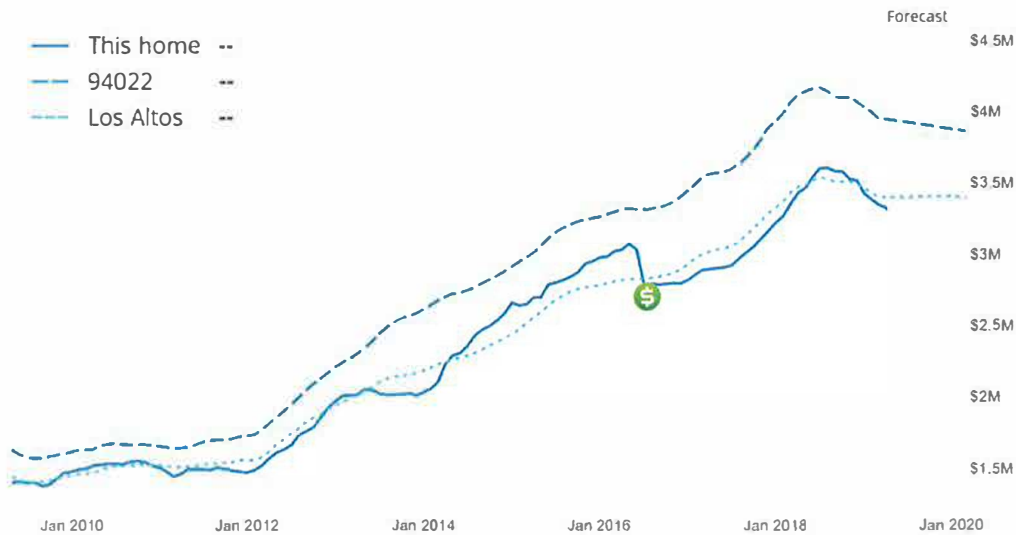
SEE HISTORICAL

**Home Shoppers
are Waiting**

Local Home Values

1 year 5 years **10 years**

- This home --
- 94022 --
- Los Altos --



56 Marvin Ave, Los Altos, CA 94022 - Walk Score 86

Public View [Owner View](#)

ESTIMATE: \$3,285,994



56 Marvin Ave
Los Altos, CA 94022

3 beds · 2 baths · 2,270 sqft

SOLD: \$2,600,000

Sold on 07/06/16

Zestimate®:

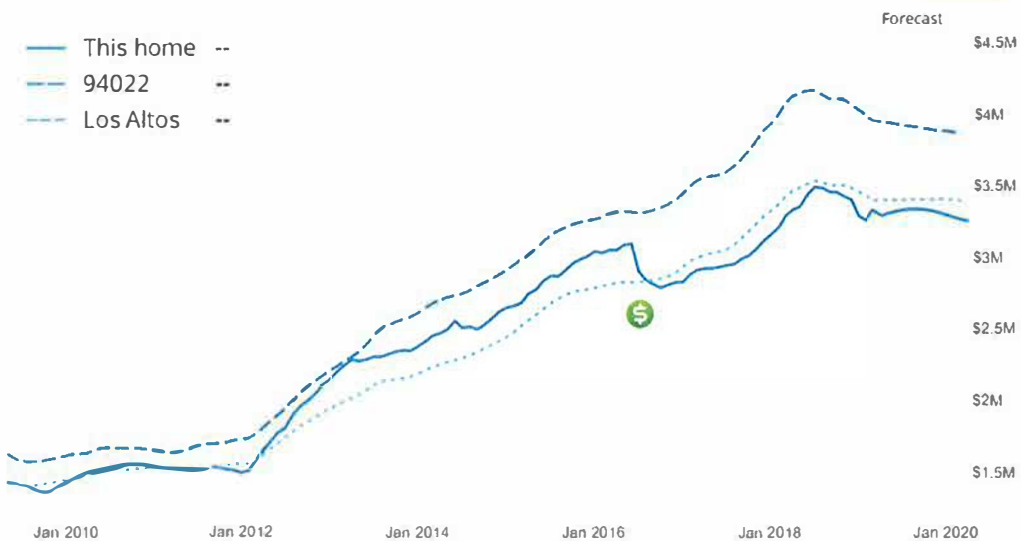
\$3,285,994

EST. \$3,285,994

Home Shoppers
are Waiting

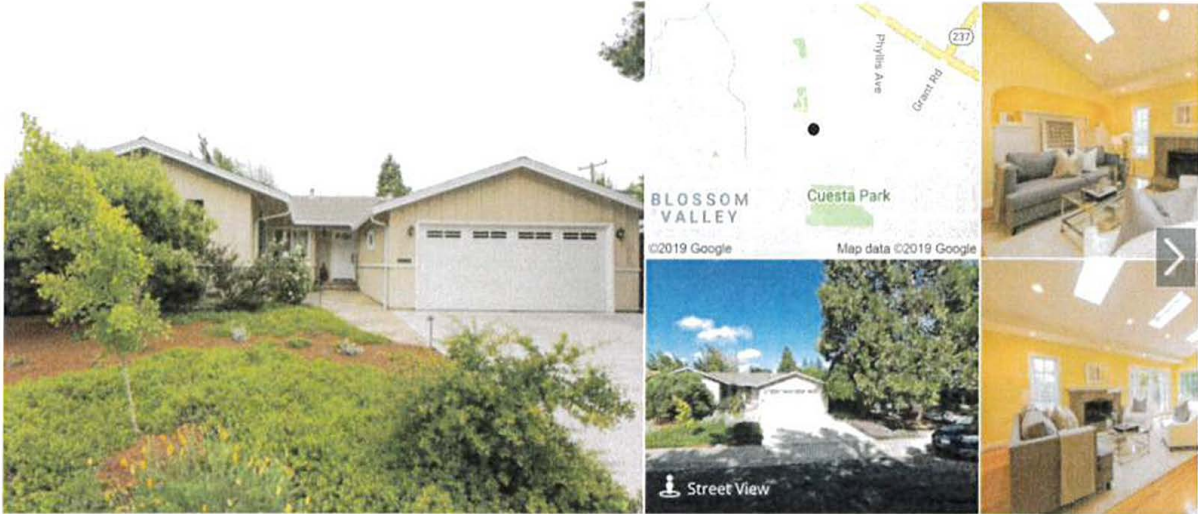
Local Home Values

1 year 5 years 10 years



646 Lola Ln, MtView, CA 94040 - Walk Score 69

Public View Owner View



646 Lola Ln
Mountain View, CA 94040

3 beds · 2 baths · 1,546 sqft

SOLD: \$1,958,000

Sold on 05/23/16

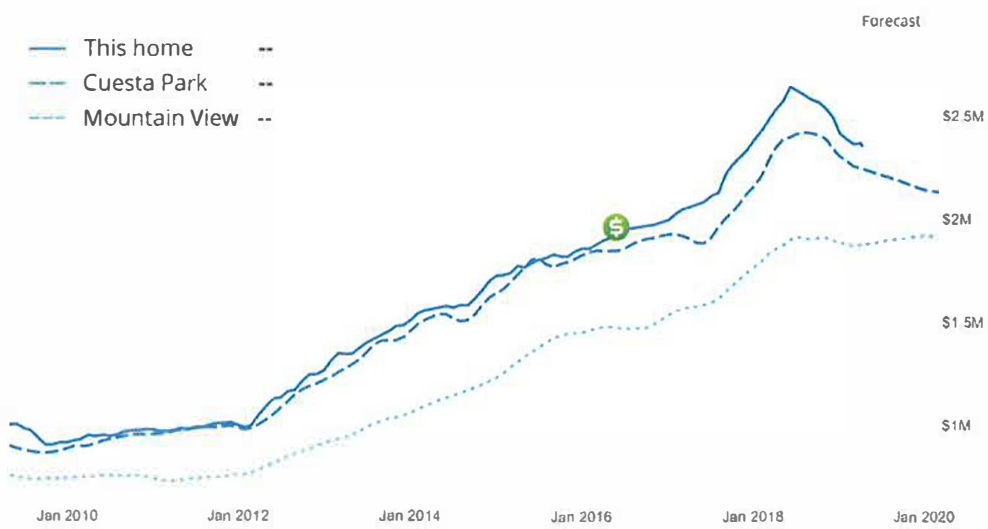
Zestimate®:

\$2,348,058

**Home Shoppers
are Waiting**

Local Home Values ▾

1 year 5 years 10 years



1207 Carmel Ter, Los Altos, CA 94024 - Walk Score 25

Public View Owner View

Location 1207 Carmel Ter



1207 Carmel Ter
Los Altos, CA 94024
 5 beds · 3 baths · 2,908 sqft

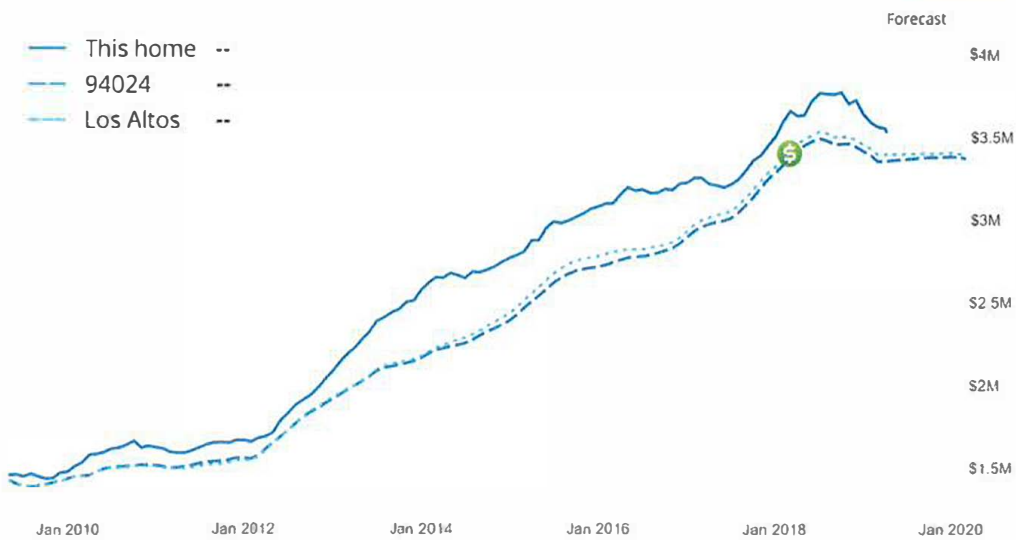
● **SOLD: \$3,400,000**
 Sold on 03/01/18
Zestimate®:
\$3,522,950
 EST MORTGAGE

**Home Shoppers
 are Waiting**

Local Home Values

1 year 5 years 10 years

- This home --
- 94024 --
- Los Altos --



540 N Calif Ave, Palo Alto, CA 94301 - Walk Score 64

Public View Owner View



540 N California Ave
Palo Alto, CA 94301

3 beds · 2 baths · 2,200 sqft

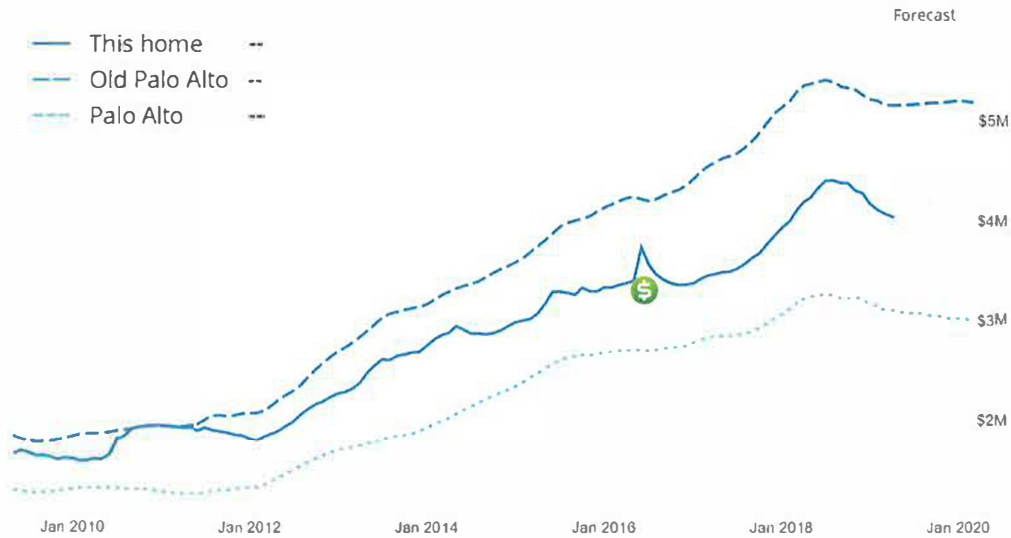
SOLD: \$3,300,000
Sold on 06/12/16
ZestimateSM:
\$4,012,011

Home Shoppers
are Waiting

Local Home Values

1 year 5 years 10 years

- This home
- - - Old Palo Alto
- · · Palo Alto



910 Boyce Ave, Palo Alto, CA 94301 - Walk Score 53

Public View Owner View



910 Boyce Ave
Palo Alto, CA 94301

2 beds · 1 bath · 1,120 sqft

SOLD: \$2,530,000

Sold on 02/27/17

Zestimate®:

\$2,906,263

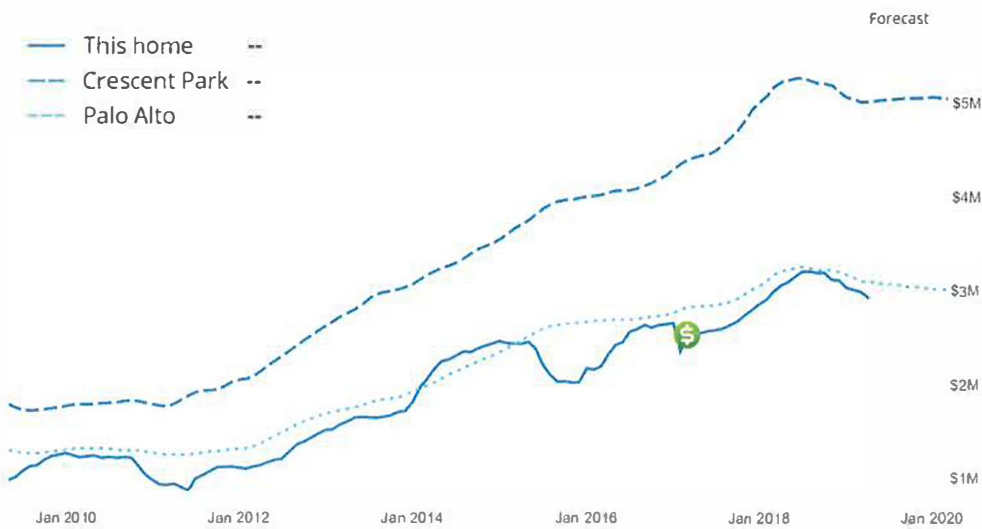
FST MORTGAGE

**Home Shoppers
are Waiting**

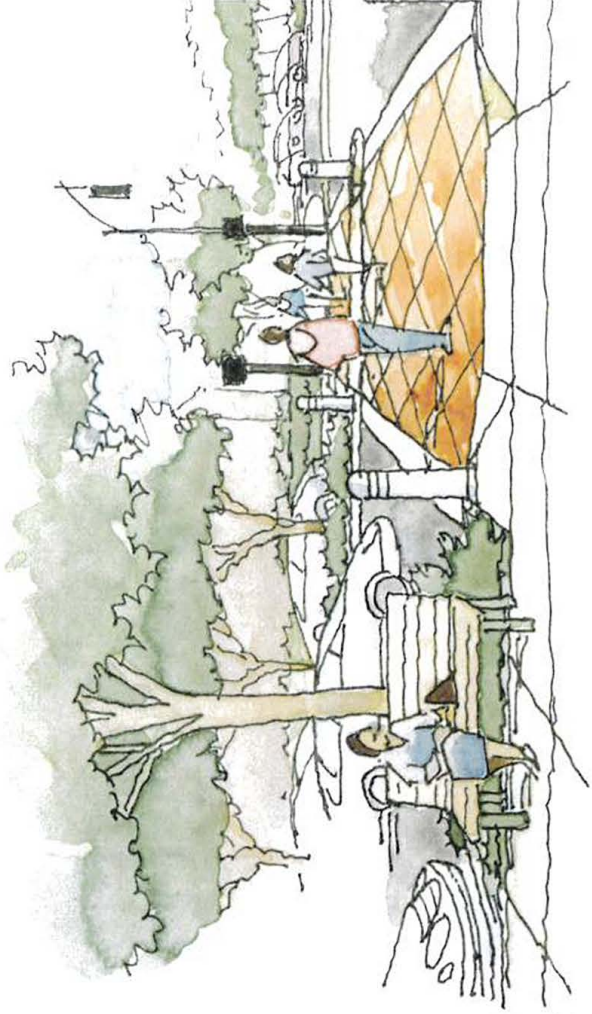
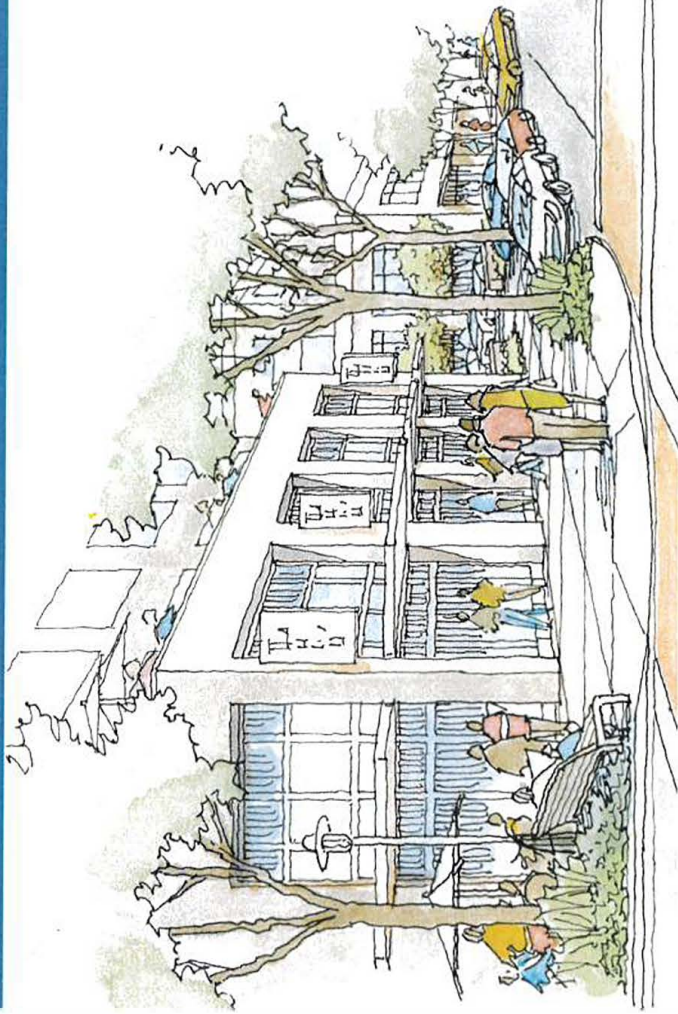
Local Home Values

1 year 5 years 10 years

- This home
- Crescent Park
- Palo Alto



El Camino Real Precise Plan



Presentations from the

January 28, 2019

City Council Meeting

Jon Maginot

From: Jon Biggs
Sent: Monday, April 08, 2019 7:17 AM
To: Jon Maginot; Wendy Meisner
Subject: FW: Agenda Item No. 6 City Council Meeting April 9th 2019
Attachments: HCD_LosAltos_Letter.pdf

Public comment submittal regarding CT discussion on Tuesday.

Jon

From: Mircea V
Sent: Saturday, April 06, 2019 10:29 AM
To: Jon Biggs <jbiggs@losaltosca.gov>
Cc: Zach Dahl <ZDahl@losaltosca.gov>;
Subject: Agenda Item No. 6 City Council Meeting April 9th 2019

Jon, The HCD letter received by the city almost 2 years ago should be also on the deck for some of the Newer City council members to review so they can see what happened after the CT zoning moratorium and also when city of Los Altos was found in compliance with the Housing element in 2015 because CT zoning was identified by Los Altos as the area to meet the housing needs.

Please attach this letter to the Agenda Item No. 6 for Tuesday discussion. I have one more document coming in on Monday just because this entire process to add an Agenda Item less than a week before the meeting was ridiculous so that is why all my supporting documents come in pieces.

Thanks
Mircea

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



July 25, 2017

Members of the Planning and Transportation Commission
City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

RE: Pending Density Bonus Ordinance and Zoning Amendments

Dear Members of the Planning and Transportation Commission:

The purpose of this letter is to express the importance of opportunities to address the City's housing needs and provide information regarding the City's housing element, pending density bonus ordinance and zoning amendments. The Department fully respects the many factors and challenges surrounding complex land use issues and appreciates the City's consideration in its decision-making.

California's high housing cost and lack of housing supply compromise the ability to access opportunity (jobs, health, stability) for families and individuals, including working families and persons with special needs. Homeownership rates are the lowest since the 1940s and the State has not met its projected needs for new housing in the last fifteen years. The State disproportionately has 21 percent of the nation's homeless population and over half of all households overpay for shelter.

Our State's housing needs are of vital importance and a priority of the highest order. Local and state governments have a responsibility to use their vested powers to promote the development of housing for lower income households (Government Code (GC) Section 65580). The pending density bonus ordinance and zoning amendments related to key opportunity sites to accommodate the regional housing need allocation are a tremendous opportunity for Los Altos to address its housing needs. The Department urges the City to consider the importance of decision-making consistent with state housing laws, including housing element law.

On May 29, 2015, the Department found Los Altos' housing element in compliance with state housing element law (Article 10.6 of the Government Code). This finding, among other things, was based on identifying Commercial Thoroughfare (CT) zoned sites to accommodate the regional housing need for lower income households. The finding was also based on important goals, policies and programs to provide incentives, including density bonuses consistent with state law and monitoring potential constraints such as heights and lot coverages (e.g., Programs 2.2.1, 2.3.1 and 4.3.4). This finding was also conditioned on amending zoning to permit emergency shelters by August 31, 2015.

The Department urges the City to act consistently with its housing element of the general plan, including providing incentives to mixed use development and complying with State Density Bonus Law (SDBL). Also the City should not create or perpetuate barriers to development such as economically constraining heights and moratoriums, particularly on CT zoned sites identified to accommodate the housing needs of lower-income households. For example, continuing to allow at least four stories on CT zoned sites, without density bonus law, is important to promoting development consistent with the housing element. Further, taking actions to prohibit, even temporarily, multifamily development is viewed as a serious constraint and contrary to planning and zoning law, particularly housing element and related laws. Taking or extending such action could warrant immediate action, including amending and submitting the housing element to identify and address this constraint on development and how current and projected housing needs will be met. With respect to SDBL and the City's pending ordinance, the Department offers the following information for the City's consideration:

Non-discretionary Action: Under Section 14.28.040 (application processing and review), the draft ordinance proposes for applications to be reviewed by the review authority charged with reviewing the broader development application. For your information, Government Code Section 65915(j)(1) and (f)(5) require:

The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval (Section 65915(j)(1)).

The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval (65915(f)(5)).

While the City may utilize a review body such as the Planning and Transportation Commission or City Council, the decision making related to a density bonus and concession or incentive must be non-discretionary.

Denial Findings: The proposed ordinance lists denial findings (under Section 14.28.040) that appear inconsistent with SDBL, Section 65915(d)(1). For example, the review authority must approve the request for a concession unless the concession "...is not required to provide for affordable housing costs...". This finding appears inconsistent with Section 65915(d)(1)(A) which requires granting the concession or incentive unless:

The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs,...

The Section 65915(d)(1)(A) finding is intended to streamline and ease an applicant's approval for concessions and incentives and findings such as "...provide for affordable housing costs..." can be carried out in a potentially burdensome manner for an applicant, contrary the intent of and recent changes to SDBL.

Off-menu Incentives and Concessions (including parking alterations): The proposed ordinance includes two tiers of incentives and concessions: (1) On-menu Incentives and (2) Off-menu Incentives. The same approach is applied to parking alterations. While the Department recognizes the City's efforts to provide more certainty and streamlining for applicant's through on-menu concessions and incentives, the City's off-menu process appears inconsistent with SDBL. Specifically, the proposed ordinance requires applicants to include a pro forma to demonstrate the incentive or concession "...is needed in order to make the restricted affordable units *economically feasible*." However, an applicant should not be required to demonstrate economic feasibility and the City should grant or deny a request for concessions or incentives in compliance with Section 65915(d)(1). The Department recommends an alternative approach such as replacing the decision-making standard with Section 65915(d)(1).

65915 (d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

- (A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*
- (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.*
- (C) The concession or incentive would be contrary to state or federal law.*

The pending density bonus ordinance and zoning amendments provide a unique opportunity to address the housing needs of the community. The City can take a crucial step forward and contribute to the state, regional and local housing needs. In addition, taking action consistent with the housing element and state law has other benefits such as:

Sustainable Communities Strategy Consistency and Funding Incentives: Promoting affordable infill development is consistent the Sustainable Communities Strategy (Plan Bay Area) and can reduce greenhouse gases and meet requirements for funding programs. For example, the One Bay Area Grants utilize scoring criteria related to meeting housing objectives through the housing element and approving housing for all income levels.

Regional Housing Need Allocation (RHNA) Progress: Taking the appropriate action will result in much needed housing and would be considered progress toward the regional housing need. This progress can be reported as RHNA credit in the annual report on implementation of the general plan, pursuant to Government Code Section 65400.

Implementation Credit: Taking the appropriate action will implement programs in the housing element and would be looked at favorably when evaluated as part of the next housing element update. Housing element law requires a review of programs (e.g., implementation actions), including progress, evaluation of effectiveness, and revisions to future programs as appropriate. Approving projects or taking actions that implement programs assist in demonstrating the success of programs.

The Department fully respects the challenges and many factors the City is considering in these important land use decisions and appreciates the opportunity to provide comments and assist Los Gatos. The Department welcomes the opportunity to provide further assistance and is glad to meet with the City to discuss options. If you have any questions, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,



Paul McDougall
Housing Policy Manager

cc: Chris Jordan, City Manager
Jon Biggs, Community Development Director