

**DATE:** 09/26/23

**TO:** COUNCILMEMBERS

**FROM:** CITY MANAGER'S OFFICE

**SUBJECT:** COUNCIL Q&A FOR SEPTEMBER 26, 2023 CITY COUNCIL REGULAR MEETING

**Agenda Item 1 (Minutes)**

- See accompanying pdf.  
**Answer:** Resolved.

**Agenda Item 3 (Appeal of PC Denial of Variance Request)**

- What is the purpose and objective of having a 25' second story setback?  
**Answer:** This is an objective design standard that exist within the Los Altos Zoning Code in order to breakup building massing and to create building articulation.
- In the applicant's overview, they claim that moving the patio to the north and suspending it in the air "raises safety concerns." What are those "safety concerns?"  
**Answer:** There are no safety concerns that staff are aware of.
- In the applicant's overview, they claim that any of staff's recommended design will "diminish the overall value of our property." Please provide evidence of this.  
**Answer:** This burden of proof is something that would be required for the applicant to detail. Staff does not have any evidence that supports the assertion that the property value would "diminish".
- On the bottom of page 1 of the Resolution, it has the wrong date from before the item was continued to our Sept 26 meeting, "WHEREAS, on June 27, 2023, the City Council".  
**Answer:** Noted. This will be changed upon final action of the City Council, prior to signature of the Mayor.
- When was LAMC Section 14.76.070 B adopted in its current substantive form (even if the number has changed)?  
**Answer:** No substantive changes have been made to the Variance section of this ordinance. Please see the link:  
[https://library.municode.com/ca/los\\_altos/ordinances/code\\_of\\_ordinances?nodeId=1210556](https://library.municode.com/ca/los_altos/ordinances/code_of_ordinances?nodeId=1210556)
- How many variance applications have we received under that section since its adoption, and how many variances have been granted? What are the dates that granted applications went to DRC, because I think it's the DRC?  
**Answer:** Under Ord. 2023-490: Two (2). 1. Application which is being Appealed tonight. 2. A request for a Variance for a historic structure.

**Under Ord. 2016-423: Forty-two (42) Variance applications were requested between October 2016 and December 2022. These requests were reviewed under the previous purview of the Design Review Commission. Specific dates each Variance was approved would require additional time and research however the date range in which they were requested and reviewed are as previously articulated.**

**2016: 10**

2017: 8  
2018: 8  
2019: 7  
2020: 2  
2021: 4  
2022: 3

- How have variances been reviewed in the past?

**Answer:** Prior to the redesignation of review authority from the Design Review Commission to Planning Commission, Application requests under the purview of the Design Review Commission were not regularly reviewed by the City Attorney's Office, this would only occur on a case-by-case basis as requested. All Planning Commission items are reviewed by the City Attorney. The request for 5790 Arboretum Drive was reviewed by the City Attorney and concurred with the staff determination that positive Variance Findings could not be made.

The determination of staff was based upon the statutory justification for a variance that the owner would otherwise suffer a unique hardship under the general zoning regulations because a particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location, or surroundings (Gov. Code Section 65906).

#### **Agenda Item 4 (Housing Element Implementing Ordinance)**

- Program 3.C. says that the “[t]he City will create new development standards reflective of a mixed-use zone that requires both commercial and residential uses for the Rancho Shopping Center and Woodland Plaza properties.” Please identify where, in the proposed ordinance, the City requires both commercial and residential uses for Rancho and Woodland Plaza.  
**Answer:** The Draft Ordinance includes new development standards and regulations by moving “Housing”, “Mixed Use” projects from a conditional use to a permitted use. The Ordinance further removes the limit on Floor Area Ratio and excess provisions that relate to setbacks which are no longer applicable after the 2021 Design Control (Section 14.40.150). Lastly, the height limitation is modified to comply with the structure height increased provided in Program 3.B.
- Why aren't we requiring front or side yards in the CN districts? (*See proposed LAMC § 14.40.080, et. seq.*)  
**Answer:** The existing CN district does have a standard Front, Side and Rear setback requirement, which will remain in place. However, there is additional setback provisions that are being removed as required in Program 3.B of the adopted housing element. The additional setback requirements were precursor to the Design Control (Section 14.40.150) which were completed in 2021 as part of the Objective Design Standards. The increased setback requirements are something that is covered in actual architectural design provisions within the code instead of the prior increased setback requirements.
- Why does staff propose 20' as the appropriate depth for rear yards? Why not require a deeper rear yard? (*See proposed LAMC § 14.40.100.*)  
**Answer:** Staff does not propose a 20-foot rear yard setback, this setback is already codified. Additionally, pursuant to the Housing Crisis Act (SB 330), no City can reduce the existing intensity of land of whatever is in effect at the time of the enactment of SB 330, which was January 1, 2018. Please note: setbacks and heights can change due to the Density Bonus Law.
- Would the units on Marshall Court and Stevens Place be allowed to be three stories high?  
**Answer:** Correct. As required in Program 3.N of the adopted housing element the allowed story count

is to be 3-stories for all R3 Zoning Districts which will create the regulatory environment for maximum densities to be achieved on all R3 zoned parcels.

- If we remove the FAR, what is the density? What rules determine that?

**Answer:** The CN Zoning District does not have a maximum density in the adopted Land Use Element, this remains unchanged. Additionally, pursuant to the Housing Crisis Act of 2019 (SB 330), no City can reduce the existing intensity of land of whatever is in effect at the time of the enactment of SB 330.

- What would be the setback (Front, Side, and Rear) rules for the Rancho property and Woodland Plaza properties in the CN district?

**Answer:** The CN District has no front or side setback and a 20-foot rear setback; however, increased front and side setbacks are required when across the street or abutting a residential zoning district. These setbacks range from 40 feet when across the street from a residential zoning district to 50 feet when abutting a residential zoning district. These increased setbacks restrict the buildable area and could result in fewer housing units. The City adopted objective design standards in 2021, which include upper-story step-backs and standards for adjacencies to a R-1 zoning district. As a result of the objective design standards and to facilitate housing production, the City will remove the CN District setback standards specific to residential zoning adjacencies (Program 3.B).

- Am I correct that the changes made will now mean that there will be no front yard or side yard setback requirements?

**Answer:** That is incorrect. The existing setback requirement for the CN District remains unchanged. Additional setback requirements for adjacencies are the only changes included in the amendments as required in Program 3.B.

- If we remove the Floor Area Ratio what is the potential housing units that could be built on the Rancho site and the Lucky's and adjacent property sites. In either with or without density bonus (maximum with or without density bonus)

**Answer:** Rancho Shopping Center Maximum Unit Capacity calculated in the adopted housing element is 237 units. The Realistic and conversation capacity assumption in the adopted housing element is 82 units. This does not include the requested density bonus; a density bonus can be applied which provides no additional bonus on density or could result in upwards a maximum of an additional 50% Pursuant to Section 65915 of the Government Code.

Woodland Plaza Maximum Unit Capacity calculated in the adopted housing element is 130 units. The Realistic and conversation capacity assumption in the adopted housing element is 68 units. This does not include the requested density bonus; a density bonus can be applied which provides no additional bonus on density or could result in upwards a maximum of an additional 50% Pursuant to Section 65915 of the Government Code.

- How do we address CN sites that have a specific plan attached to it?

**Answer:** No Specific Plan is attached to the CN Zoning District. CN Zoning is the underlying zoning, a Specific Plan is additional requirements above and beyond the zoning code.

- What have we committed to HCD in our approved housing element that relates to the sites at Rancho and Woodland Plaza sites. Please provide a chart detailing the promises made for each site and please provide the citations in the HEU.

**Answer:** Both Rancho Shopping Center and Woodland Plaza are zoned CN-Commercial Neighborhood.

- Program 3.B requires the city to increase the minimum height of the CN Zoning District by 10

feet.

- **Program 3.C** requires the city to remove the Floor Area Ratio for Woodland Plaza and Rancho Shopping Center.
- **Program 3.F** requires the city to allow residential, mixed-use and multi-family uses as a permitted use or “by-right” in the CN Zoning District.
- **Program 3.G** requires the city to amend the conditional use permit findings which are applicable to housing. The program further designates the Development Services Director as the review and approval authority in the event that a housing development requires a conditional use permit.

Each program contained within the Adopted Housing Element which are referenced above and relate to the Rancho Shopping Center and Woodland Plaza are provided within the Agenda Report and can be found here:

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/losaltosca-meet-292bf0f8f47e418dad74461e9111313f/ITEM-Attachment-001-f43e1500a5764e89bcd7ad5407380253.pdf>

- Are there any opportunities for mitigation to address noise, privacy, height, lighting, landscaping, traffic, and density concerns for these sites.

**Answer:** These concerns were addressed in the 2021 adopted Objective Design Standards the City of Los Altos developed. These have already been incorporated into the Zoning Code under Section 14.40.150 (Design Controls).

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/losaltosca-meet-292bf0f8f47e418dad74461e9111313f/ITEM-Attachment-001-51e0f9f4e000440c8da2c905c2022391.pdf>

Design Controls include:

1. Building Placement
2. Building Massing and Articulation
  - i. Upper-story setbacks
  - ii. Vertical and horizontal articulation
3. Adjacencies
  - i. Facades adjacent to R1
  - ii. Storefront facades
4. Privacy and Line of Sight
5. Roofline and roof design
6. Building design
  - i. Façade design
  - ii. Pedestrian-scaled entrances
  - iii. Primary entrance locations
  - iv. Corner entrances
  - v. Street facing entries
  - vi. Entry protection
  - vii. Ground floor ceiling heights
  - viii. Interior courtyards
  - ix. Window design
  - x. Building materials
7. Ground level open space

8. Landscaping paving and pedestrian amenities
9. Site circulation and access
10. Service areas and screening

Additionally, traffic is mitigated based upon a Traffic Engineer Report. Modifications or mitigation measures are solely based upon industry standard specifications or City adopted regulations for mitigation. The City in early 2023 adopted a VMT Policy which addresses much of the issues surrounding Traffic. Noise is mitigated and controlled by Chapter 6 of the Municipal Code.

Lastly, as previously identified the Commercial Neighborhood Land Use Designation does not have a limit on Density and has not since the City of Los Altos was incorporated. Additionally, pursuant to the Housing Crisis Act of 2019 (SB 330), no City can reduce the existing density and intensity of land of whatever is in effect at the time of the enactment of SB 330.

- Please provide a link to the approved housing element.

**Answer:**

[https://static1.squarespace.com/static/612fc0231c3b5b71bdaee404/t/64f78d5ddfb490480e368434/1693945189358/LWC\\_LosAltos\\_HEU\\_Final\\_081623\\_compiled\\_compressed.pdf](https://static1.squarespace.com/static/612fc0231c3b5b71bdaee404/t/64f78d5ddfb490480e368434/1693945189358/LWC_LosAltos_HEU_Final_081623_compiled_compressed.pdf)

The City is currently working on moving all Approved Housing Element Documents from the project website to the City's website so this link will no longer work in October 2023 but will be made available on LosAltosCA.gov

#### **Agenda Item 6 (Remedial Action Discussion)**

- Has anyone spoken to the commissioner in question, and has she been invited to attend the meeting?  
**Answer: The Council liaison to the Planning Commission, Vice Mayor Weinberg, sent a request to Commissioner Disney to discuss her comments.**
- In the past, if there was a potential problem email from a commissioner or Councilmember, the city attorney would send a gentle reminder to everyone. Was such a reminder sent after the last potential problem email sent to Council in May which would have been a helpful training reminder?  
**Answer: Please discuss this directly with the City Attorney as communications may be privileged or confidential.**
- When was the last in-person Commissioner training provided?  
**Answer: The last in person Commissioner training was in November of 2019. During the pandemic the City moved Commissioner training to virtual training. The City has hosted numerous virtual trainings for all Commissioners as well as specific trainings for individual Commissions, including the Planning Commission.**
- What training was provided after the handbook was updated?  
**Answer: The City Council approved changes to the Commission handbook on September 12, 2023 and appointed new Commissioners on September 19, 2023. Staff liaisons received comprehensive training on the changes to the handbook on September 18, 2023, with instructions to place the changes to the handbook on the agenda for each Commission in October or November, depending on when the Commissions meet.**

## Agenda Item 7 (SCCCA JPA)

- The staff report says that “[b]etween 2020 and 2022, events have transpired that have underscored the need for the indemnification, access to insurance and structure a joint powers authority can afford its members.” What are those “events” and how would the SCCCA being a JPA change how those events transpired?

**Answer:** Response from CASCC: During this time period, a claim was sent to the Cities Association and the individual cities/towns (member agencies) alleging these entities were liable or financially responsible for damages as a result of alleged conduct related to Association activities. The matter did not proceed to litigation. However, the question arose whether the individual members could be held liable for damages if the matter proceeded to trial and damages were awarded or whether the Cities Association would be liable because it is an unincorporated association.

The proposed JPA resolves this question by creating a separate governmental entity governed by the Joint Exercise of Powers Act and it contains a provision requiring the Agency to indemnify the member cities and towns in the event of a claim. Given the current economic climate, it would be difficult for an unincorporated association to obtain meaningful insurance coverage for an acceptable premium. But as a governmental entity, the Agency may have access to risk pools that are not currently available to the Cities Association. In addition, the draft JPA has been modified to prohibit the Board from hiring employees. Any necessary professional services (audit, administrative or legal) are to be provided by contract. The proposed JPA also restructured and renamed the Executive Board as the Executive Committee, and clarified the roles and responsibilities of the Executive Committee and the Board to provide the Board with more oversight of the day-to-day operations of the Agency.



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING MINUTES  
TUESDAY, SEPTEMBER 12, 2023  
7:00 p.m.  
1 N. San Antonio Rd. ~ Los Altos, CA**

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

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

**ESTABLISH QUORUM** – All Councilmembers were present and in person.

**PLEDGE ALLEGIANCE TO THE FLAG** – Neysa Fligor, Councilmember, led the Pledge of Allegiance.

**REPORT ON CLOSED SESSION** – No reportable action was taken during the Closed Session meeting of September 12, 2023.

**CHANGES TO THE ORDER OF THE AGENDA**

There were no changes to the order of the agenda.

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

The following members of the public spoke during Public Comment:

- Jacob Sterling-Silver
- Kim Mosley
- Jennifer Lantz
- Nancy Martin
- Roberta Phillips
- Shrikanth Shankar

**SPECIAL ITEMS**

Presentation from Silicon Valley Clean Energy on the Electric Showcase Awards

**Justin Zagunis, SVCE's Director of Decarbonization Programs and Policy**, announced the Electric Showcase Award Winner as Los Altos resident Tom Twiddell.

**CONSENT CALENDAR**

The following members of the public spoke regarding Item 9 of the Consent Calendar:

- Roberta Phillips

**Lynette Lee Eng, Councilmember**, requested to pull Item 9 from the Consent Calendar.

**Neysa Fligor, Councilmember**, requested to pull Item 4 and Item 10 from the Consent Calendar.

**Sally Meadows, Mayor**, announced that Items 9, 4 and 10 would be heard after Item 13 on the Discussion Item.

Motion by Dailey and Seconded by Weinberg to approve the Consent Calendar, excluding pulled Items 4, 9 and 10. **Motion carried unanimously by roll call vote for Items 1-~~6~~3, ~~5~~6 and Items 8-~~and~~ 11. Motion for Item 7 carried 3-2 with Councilmembers Fligor and Lee Eng opposed.**

*The numbering of agenda items below reflects the numbers as they were listed prior to the changes to the ordering of the agenda during the Council meeting.*

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1. Approve the Special and Regular Meeting Minutes for the meetings of August 22, 2023
2. Quarterly Investment Portfolio Report – Quarter Ended June 30, 2023
3. Authorize the City Manager to execute a not-to-exceed contract with C2R Engineering, Inc., in the amount of \$100,000 to provide on-call sanitary sewer spot repairs and CCTV inspection services
- ~~4~~5. Waive second reading and adopt Zoning Ordinance Text Amendments implementing programs identified in the adopted housing element, Program 4.C Allow Low Barrier Navigation Centers consistent with AB 101, Program 4.D Allow transitional and supportive housing consistent with State law, Program 4. E Allow employee/farmworker housing consistent with State law, Program 4.F Reasonably accommodate disabled persons' housing needs. The proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment
- ~~5~~6. Waive second reading and adopt an Ordinance of the City Council of the City of Los Altos Adding Chapter 12.72 Penalty for Expired Permits and amending Chapter 12.08 and 12.10 of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970
- ~~6~~7. Waive second reading and adopt an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.14 Mechanical Equipment to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970
- ~~7~~8. Authorize the City Manager to execute a five-year funding agreement with Community Services Agency in the amount of \$25,000 annually
- ~~8~~11. Authorize the City Manager to Execute Amendment No. 1 to Joint Exercise Powers Agreement and Cooperation Agreement to undertake or to assist in the undertaking of essential activities pursuant to Title I of the Housing and Community Development Act of 1974, as amended, for the period of October 1, 2017 to September 30, 2020 and subsequent automatic renewals unless terminated



**DISCUSSION ITEMS**

- 912.** Introduce and waive further reading of an ordinance of bidding procedures under the California Uniform Public Construction Cost Accounting Act; find that the adoption of the ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061

**June Du, Finance Director**, presented the report.

There were no speakers regarding the item.

Motion by Weinberg and Seconded by Dailey to waive the first reading and introduce an ordinance of bidding procedures under the California Uniform Public Construction Cost Accounting Act; find that the adoption of the ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061.

**Motion carried unanimously by roll call vote.**

- 1013.** Authorize the City Manager to sign a new contract with the Los Altos History Museum in the initial amount of \$120,000 annually for five years

**Anthony Carnesecca, Assistant to the City Manager**, and **Dr. Elizabeth Ward, Los Altos History Museum Director**, presented the report.

There were no speakers regarding the item.

Motion by Fligor and Seconded by Lee Eng to authorize the City Manager to sign a new contract with the Los Altos History Museum in the initial amount of \$120,000 annually for five years.

**Motion carried unanimously by roll call vote.**

- 119.** Authorize the City Manager to sign a contract with the Los Altos Chamber of Commerce in the amount of \$67,500 annually for five years as previously directed during the budget process (*Previously Item 9 on the Consent Calendar*)

Motion by Dailey and Seconded by Weinberg to authorize the City Manager to sign a contract with the Los Altos Chamber of Commerce in the amount of \$67,500 annually for five years as previously directed during the budget process. **Motion carried unanimously by roll call vote.**

- 124.** Authorize the City Manager to Execute a Professional Services Agreement for a Downtown Parking Strategy (*Previously Item 4 on the Consent Calendar*)

Motion by Weinberg and Seconded by Dailey to authorize the City Manager to execute a Professional Services Agreement for a Downtown Parking Strategy. **Motion carried unanimously by roll call vote.**

The City Council took a recess at 8:50 p.m.

The City Council reconvened at 9:02 p.m.

- 1310.** Approve amendments to the Commission Handbook sections on ad hoc subcommittees, Council liaisons, and conflicts of interest (*Previously Item 10 on the Consent Calendar*)

**Neysa Fligor, Councilmember**, requested an amendment to the Commission Handbook:

- In the event that a Commission is not able to select a Commission member as a liaison to another board, commission, or agency and a staff member cannot serve in that capacity, the Commission may recommend an individual resident to represent the Commission upon approval by the Commission and [the City Council](#).

Motion by Fligor and Seconded by Lee Eng to approve amendments to the Commission Handbook sections on ad hoc subcommittees, Council liaisons, and conflicts of interest, as amended.

14. Consider the Public Arts Commission recommendation to purchase and place three sculptures by artist Matthew Duffy at locations within the City

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

The following members of the public spoke regarding the item:

- Eric Steinle
- Monica Waldman
- Roberta Phillips

Motion by Meadows and Seconded by Dailey to approve the purchase of one heart-art sculpture, and to direct the [PARC-Parks, Arts, Recreation and Cultural Commission](#) to identify a location in Los Altos that is deficient of public art, to place the sculpture. **Motion carried 4-1 with Vice Mayor Weinberg opposed.**

15. Discuss the recommended appointment process and schedule and make changes as appropriate

**Sally Meadows, Mayor**, opened the item.

There were no speakers regarding this item.

The City Council provided the following direction regarding the Commission appointment process:

- Commission interviews will be held on September 19, 2023 at 5:00 p.m.
- Applicants will be given three questions prior to the meeting
- Applicants will be given three self-managed minutes to answer the three questions
- Council may ask additional questions, if necessary

16. Discuss the California Business Roundtable (CBRT) Measure and Provide Direction to the City of Los Altos Voting Delegate regarding potential petitioned resolutions at the CalCities Annual Conference in Sacramento, CA on September 20-22, 2023

**Neysa Fligor, Councilmember**, presented the report and announced she would abstain from voting on the item due to her position on CalCities

Motion by Meadows and Seconded by Weinberg to provide direction to the City of Los Altos Voting Delegate (Mayor Meadows) to oppose the California Business Roundtable Measure

(CBRT) at any meeting the Voting Delegate would be taking a position. **Motion carried 3-0-2 by roll call vote with Councilmembers Lee Eng and Fligor abstained.**

Motion by Fligor and Seconded by Meadows to authorize the City of Los Altos Voting Delegate (Mayor Meadows), or future Voting Delegates, to vote in opposition to any measure that is similar to the 2022 CalCities Annual Conference resolution that was brought forth by petition. **Motion carried unanimously by roll call vote.**

17. Determine whether the City wishes to provide a donation to an organization in the wake of the wildfires in Maui

**Lynette Lee Eng, Councilmember**, presented the report and to announce an event held at the Los Altos History Museum raising funds for Lahaina and to rescind the request for city funds for a donation.

There were no speakers for this item.

Due to the item being rescinded, no motion was taken.

#### **INFORMATIONAL ITEMS ONLY**

18. Tentative Council Calendar and Housing Element Update Calendar

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

- **Jonathan Weinberg, Vice-Mayor** – Requested a future agenda item for discussion regarding remedial action of Planning Commissioner Kate Disney for violation of the Commission Handbook pursuant to Council Norms and Procedures, Section 4.5. (Supported by Dailey and Meadows)

**ADJOURNMENT** – The meeting adjourned at 10:54 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of September 26, 2023.

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Sally Meadows,  
Mayor

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Melissa Thurman, MMC  
City Clerk

The September 12, 2023 City Council meeting recording may be viewed via the following external website: <https://www.youtube.com/@CityofLosAltosCA>

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