

DATE: 1/28/2025

TO: COUNCILMEMBERS

FROM: CITY MANAGER'S OFFICE

SUBJECT: COUNCIL Q&A FOR JANUARY 28, 2025 CITY COUNCIL REGULAR MEETING

Agenda Item 3 (Weed Abatement Appeal):

- Which properties are appealing the weed abatement designation or won't we know that until the public hearing?
Answer: The properties that were included in the program must show in-person the night of to appeal. We won't know how many appeals are received until the public hearing.
- What inspection process is used for determining properties added to the weed abatement list? Drive-by observations of only the front area of a property might not provide a systematic view of the highest priority flammable weed situations.
Answer: Drive-by observations are the primary method of inspection by the County of Santa Clara. City Code Enforcement can also refer addresses to be placed on the program list; no properties have been referred to the County directly at this time.
- Since the purpose of the weed abatement program is wildfire prevention and mitigation, do the inspectors consider fire hazards other than weeds?
Answer: Staff will look into this with the Weed Abatement Program Administrator.

Agenda Item 4 (Vesting Tentative Map for 420 S. San Antonio Road):

- In the last paragraph above the "DISCUSSION/ANALYSIS" section of the staff report, the report details several areas where staff and the applicant should collaborate. Has that collaboration taken place? Is the applicant bound to collaborate, or does the applicant have the ability to disregard the Planning Commission's direction? Will any of the commission's direction be incorporated into the conditions of approval?
Answer: the collaboration has not formally occurred at this time. City staff will work with the developer and design professional on the final project details which occur in construction document phases. No non-objective design standards are not legally enforceable.
- What can be done about the one remaining utility pole? Can the applicant be directed to underground those utilities? If not, how else can the utilities attached to that pole be undergrounded?
Answer: the last pole also holds an above ground, pole-mounted transformer which cannot be required to be undergrounded at this time per PG&E. Future undergrounding

of the remaining pole can be explored as a Capital Improvement Project should PG&E allow for the undergrounding.

- Please address the concerns and suggestions raised by Mr. Wing in his public comment emailed on January 25, 2025.

Answer: the changing of circulation can be addressed during the comprehensive General Plan Update which will begin in late 2025. The update will include the Circulation Element for the City.

Agenda Items 5 (Private Zone Text Amendment Request):

- If granted, would the request affect only the requestor's parcel, the entire Sherwood Triangle neighborhood, or every parcel in any CN zone throughout the City?

Answer: this would affect all parcels zoned CN.

- Can the requestor's request be accommodated by a variance?

Answer: No, based on statute.

65906.

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

- In staff's opinion, is the Sherwood Triangle properly zoned as CN?

Answer: The Sherwood Specific Plan is like the Loyola Corner Specific Plan in that it does not have enforceable land use regulations and only serves as an aspirational document. The underlying Zoning District of CN contains the only enforceable land use regulations. The staff's opinion is that the CN district along El Camino Real could carry the same designation as CT.

- In staff's opinion, should LAMC § 14.01.080 be amended so that private requests are first considered by the Planning Commission?

Answer: No. Best practice is for the Legislative body (City Council) to authorize the process to proceed for potential Zone Text Amendments. If the Council believes the potential amendments are a non-starter it would be best to be determined early on.

- Does Council have the legal authority to grant a private zone text amendment request without the proposed modification first being considered by the Planning Commission?
Answer: No. The City of Los Altos has an independent Planning Commission which must consider and recommend action to the City Council. The Private Zone Text amendment will be discussed and recommended by the Planning Commission, for final approval by the City Council.
- Does the requestor understand the costs associated with the request (administrative, building, etc.), and is the applicant prepared to incur that expense?
Answer: The actual cost associated with the development of a Zone Text Amendment has been explained to the applicant, which must be covered by a Deposit Based Fee Account with the City. The applicant is aware of additional costs associated with processing a new subdivision map to change what has already been recorded, and any changes necessary in a building permit.
- Does this type of request go to the Planning Commission or only when/if Council approves it and we initiate the process of amending the zoning?
Answer: Council will authorize the initiation of the process which will then direct staff to develop Zone Text Amendments to present to the Planning Commission for consideration.
- Would the proposed zoning text amendment allow ground floor residential use just in the Sherwood area, or across all Commercial Neighborhood districts?
Answer: Zone Text Amendment to the CN district would apply to the entire city. The City Council could authorize a rezoning of the Sherwood Specific Plan area to another zoning designation which would only apply to those affected parcels.

Agenda Item 6 (PARCC Fidelity to Work Plan):

- Have the PARCC commissioners been advised that this topic is on our agenda? Do they plan to attend? Do any of them plan to submit a written response to the staff report?
Answer: The Commission was sent an email on 1/22 that this topic was going to be on the agenda. Upon publication of the agenda packet, staff forwarded the link to the Commission so they could review the materials.

Staff is unsure if individual Commissioners plan to attend the meeting or respond in writing.

- Why did the commission decline to partner with MALA, the History Museum, and Arts Los Altos?
Answer: The Commission generally felt the partnership with MALA was inappropriate due to potential religious promotion.

The Commission felt the History Museum may have legal ramifications for the City.

In both cases, the PARC Commission was provided information that the partnerships could proceed without legal concerns.

The Commission not having full control of art selections was the sticking point with the Arts Los Altos partnership.

Additional input on each item was provided by individual commissioners at the meetings, but those were the general reasons provided by individual commissioners, not the PARC Commission.

- PARC had a good record of providing feedback with respect to the dog park pilot programs. Why have they seemed to have lost interest in the continued input needed on the permanent dog parks?
Answer: Staff is unsure why the data collection and feedback were not gathered according to plan. It is the staff's understanding that the raw data gathered still needed to be organized before presenting it to the Commission and staff. Staff believes there may have been additional information that needs to be gathered by the Ad Hoc committee as well.
- If the Council elected to remove commissioners, or disband the entire commission, can it do so at the Jan. 28 meeting, or would it need to be agendaized for a later meeting?
Answer: Based on the Agenda Item as prepared, the City Council could remove or disband at the January 28th meeting.
- Did the PARC Commission have a chance to review and respond to this staff report?
Answer: Based on the City Council request for this item to be on the 1/28 meeting agenda, the Commission did not meet to review. The initial plan was to review the staff report with the PARC Commission at their 1/21 meeting, but the meeting was cancelled.

As noted above, the commissioners were made aware of the posting of the report and were sent the link.

- What is the current status of the Commission, how many vacancies are there?
Answer: There is one vacancy from a recent resignation.
- Please include the attendance requirements for commissioners as detailed in the Commission Handbook. Do all the current commissioners meet this requirement?
Answer: "A majority of members is necessary to conduct business. As such, Commission members are expected to attend no less than 75% of the regularly scheduled meetings annually during their term of office. At the end of each year, the City Council reviews an annual attendance report for each Commission. A Commissioner may be removed for failing to attend the required minimum number of meetings or after a third consecutive absence. If a Commissioner must miss a meeting, they shall inform the staff liaison a minimum of two weeks' notice prior to the regularly scheduled commission meeting whenever possible. If a Commission meeting is cancelled due to a lack of quorum, that meeting will still be considered a regularly scheduled meeting for purposes of calculating attendance, and those

members whose absence caused the cancellation shall be charged with an absence for that meeting.”

Early in 2024 one commissioner was not meeting attendance requirements and was asked to resign and she did so.

A second Commissioner is also failing to adhere to the meeting requirements as listed above. He has attended approximately 50% of the meeting since appointment. This Commissioner was also asked to resign, but declined. Based on the Council action this evening, the Council may consider the attendance of this Commissioner with regards to the policy at a future meeting.

- The City Hall steps project was on the 2024 Work Plan when the Commission met with Council early in 2024, where and how did that project originate?

Answer: It is the staff’s understanding that the Public Art Commission created the project and carried it over to the PARC Commission work plan. However, the item on the work plan was to paint the “risers” on the steps only. The current proposal far exceeds the item that was on the work plan.

- What is the financial status of the Public Art Fund? How much money has been received, and what run rate is anticipated? How much money has been expended, and what is the current balance?

Answer: The Public Art Fund began with a balance of \$452,080. Additional revenue of \$228,700 was collected, bringing the total fund inflow to \$680,780. Minimal expenditures of \$703 for miscellaneous decorations have been recorded, resulting in a current fund balance of \$680,077 as of January 27, 2025.

- What are allowable uses of the Public Art Fund? Acquiring art works for display on public property clearly was a driving motivator, but other creative uses might be possible. For example, would a public performance be an allowed use? Would such a performance need to be free of charge?

Answer: At this time the Ordinance in place does not allow for the expenditure of funds on performance art. Modification of the ordinance provisions has been previously discussed but not executed.

- Other commissions have benefited from strong collaborations with allied private organizations, for example, the Historical Commission and the Los Altos History Museum. What reasons has the PARC commission raised in their deliberation to decline such collaboration with the organizations listed in the staff report?

Answer: Please see the answer above.

- Did City Council instruct PARC to prioritize art for the exterior of the Chambers? What public input has been received on the project?

Answer: No. Please see the answer above.

Some public input was provided at the commission meetings it was discussed and a few emails were received.

Agenda Item 7 (ALPR Annual Update):

- Please provide a redlined copy of the City’s existing ALPR use policy to assist the public and the Council to better understand the changes in policy requested by the Department.

Answer: Please see the attached. [Automated License Plate Readers ALPRs-redline.docx](#)

- Were any of the seven individuals arrested for possession of a stolen auto in 2024 (vs the four arrests in 2023) in the five stolen vehicles recovered due to Flock?

Answer: Yes, seven individuals were arrested in the stolen vehicles resulting from Flock alerts.

- What would be the downside, if any, to requiring a case/incident number OR search reason instead of AND?

Answer: No foreseeable downside to accepting the OR in the policy. The proposed changes move the policy into alignment with nearly every other police database.

- Can the ALPR software be modified to require providing case/incident number and/or [tbd] reason before proceeding with a search?

Answer: No, the system has a free form field available for this information. Los Altos Police currently seeks both case/incident and reason, however it is up to the agency to fill in the form based on its policy parameters. If the requirement changed to OR, Flock wouldn’t need to change anything, as it’s up to each respective agency to fill in as it sees fit.

- If Council approves moving to quarterly internal audits, would it be possible to include select member(s) of the public or someone appropriate external to the police department? While the findings would be made available to the public, it’s also imperative that those findings result from rigorous self-critical review with adequate independence.

Answer: No. The City cannot provide this type of data to members of the public. The data can only be released to sworn police officers, crime analysts, and communication dispatchers.

Agenda Item 8 (City Council Strategic Goals):

- How would the first strategic goal, to “support the different business communities,” relate to non-profit entities (e.g. arts organizations) interested in participating in the vibrancy of Los Altos commercial neighborhoods?

Answer: The City could look to partner with non-profit entities to support the business districts provided the partnership furthers the aims and mission of the City. This could include infrastructure improvements, events and/or promotion of districts, among other activities.