



REGULAR CITY COUNCIL MEETING

TUESDAY, JUNE 12, 2018 – 7:00 P.M.

Community Meeting Chambers

Los Altos City Hall

1 North San Antonio Road, Los Altos, California

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

CLOSED SESSION ANNOUNCEMENT

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

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

CONSENT CALENDAR

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

1. Council Minutes: Approve the minutes of the May 22, 2018 study session and regular meeting (J. Maginot)
2. Resolution No. 2018-16: 2018 City Council Election: Adopt Resolution No. 2018-16 calling for a General Municipal Election to be held on November 6, 2018 for two City Council seats and consolidating said election with Santa Clara County (J. Maginot)
3. Youth Commission appointments: Reappoint Drishaan Jain to a one-year term on the Youth Commission expiring June 2019; reappoint Krish Gujral, Mahi Kolla and Medha Rajagopalan to two-year terms on the Youth Commission expiring June 2020; and appoint Boladale Erogbogbo, Connie Hong, Anisha Reddy and Serra Tulu to two-year terms on the Youth Commission expiring June 2020 (J. Maginot)
4. Resolution No. 2018-17: Cost of living adjustment for all non-represented staff positions: Adopt Resolution No. 2018-17 approving a cost of living adjustment for all non-represented positions and a special adjustment for three Police Department classifications (C. Jordan)

Jeannie Bruins
Councilmember

Lynette Lee Eng
Vice Mayor

Jean Mordo
Mayor

Jan Pepper
Councilmember

Mary Prochnow
Councilmember

5. Ordinance No. 2018-444: Affordable Housing Impact Fees: Adopt Ordinance No. 2018-444 establishing Affordable Housing Impact Fees for residential and non-residential development (J. Biggs)
6. Professional Services Agreement: Document Scanning and Software Maintenance Services: Authorize the City Manager to execute a new agreement with BMI Imaging Systems Inc. for document scanning and software maintenance services (K. Ballard)
7. Unclaimed Funds Policy and Procedure: Adopt the Unclaimed Funds Policy and Procedure (S. Revillar)
8. Resolution No. 2018-23: Solid Waste Rate Adjustment: Adopt Resolution No. 2018-23 authorizing the increase of Solid Waste Collection Rates by 3.2427% effective July 1, 2018 (C. Lamm)
9. Consultant Contract Amendment: Miramonte Path, Project CF-01006: Authorize the City Manager to execute Amendment #2 on behalf of the City with Bellecci & Associates in the amount of \$52,490 for the Miramonte Path, Project CF-01006 (K. Small)
10. Clean Water and Storm Drainage Funding Initiative – Contract Amendment: Authorize the City Manager to execute an amendment on behalf of the City with SCI Consulting Group in the amount of \$98,122.60 to provide additional consulting services for the Clean Water and Storm Drainage Funding Initiative (C. Lamm)
11. Inspection Services for Various Sanitary Sewer CIP Projects: Authorize the City Manager to execute a contract on behalf of the City with Bellecci and Associates for inspections of the three Los Altos sanitary sewer Capital Improvement Program projects in the amount of \$149,184 (A. Fairman)
- 11a. Letter of support for Santa Clara County’s “Homestead Corridor Safe Routes to School” planning study: Authorize the Mayor to sign a letter in support of Santa Clara County’s “Homestead Corridor Safe Routes to School” planning study (C. Jordan)

DISCUSSION ITEMS

12. Fiscal Year 2018-19 Operating Budget and Fiscal Year 2019-23 Capital Improvement Plan: Adopt Resolution No. 2018-18, adopting FY 2018/19 Operating Budget; adopt Resolution No. 2018-19, adopting the 5-year FY 2019-23 Five-Year Capital Improvement Program; adopt Resolution No. 2018-20 establishing the FY 2018/19 Transient Occupancy Tax; adopt Resolution No. 2018-21 establishing the FY 2018/19 Utility Users Tax; and adopt Resolution No. 2018-22 establishing the FY 2018/19 Appropriations Limit (S. Etman)
13. Initiative Petition Report: Receive the report of effect of proposed initiative pursuant to Elections Code Section 9212 and take action as permitted by State Law (J. Maginot)
14. Ordinance to be submitted to voters: Sale or transfer of any property designated as a Park: Discuss a potential ordinance to be submitted to voters regarding the sale or transfer of any property designated as a Park and provide direction to staff as needed (J. Maginot)
15. Potential Revenue Measures: Adopt Resolution No. 2018-26 placing an increase in Transient Occupancy Tax on the November ballot; and provide direction to staff regarding a cannabis tax (C. Jordan)

JOINT CITY COUNCIL AND PLANNING COMMISSION STUDY SESSION

TUESDAY, JUNE 12, 2018 – To begin no earlier than 8:00 p.m.

Community Meeting Chambers

Los Altos City Hall

One North San Antonio Road, Los Altos, California

16. Draft Ordinances amending Chapter 14.74, Off-Street Parking and Loading: Discuss and direct staff to return to the City Council with draft ordinances that introduce the proposed amendments to Chapter 14.74, Off-Street Parking and Loading, of Title 14, Zoning of the Los Altos Municipal Code (J. Biggs)

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2720.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/meetings>. Council Meetings are televised live and rebroadcast on Cable Channel 26. On occasion the City Council may consider agenda items out of order. If you wish to provide written materials, please provide the City Clerk with **10 copies** of any document that you would like to submit to the City Council for the public record.

Written comments may be submitted to the City Council at council@losaltosca.gov. To ensure that all members of the Council have a chance to consider all viewpoints, you are encouraged to submit written comments no later than 24 hours prior to the meeting.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the City Clerk at (650) 947-2720 for the final document.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

**MINUTES OF THE STUDY SESSION OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, MAY 22, 2018,
BEGINNING AT 6:00 P.M. AT LOS ALTOS CITY HALL, 1 NORTH SAN
ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Mayor Mordo, Vice Mayor Lee Eng, Councilmembers Bruins, Pepper and Prochnow

ABSENT: None

ITEM FOR CONSIDERATION

1. FY 2018/19 Operating Budget and 5-year Capital Improvement Plan: Discuss the FY 2018/19 Operating Budget and 5-year Capital Improvement Plan and provide direction as desired by City Council

Administrative Services Director Etman presented the report.

Public Comment: The following individual provided public comments: Los Altos resident Ron Labetich.

Direction: Councilmembers provided feedback on the proposed FY 2018/19 Operating Budget and 5-year Capital Improvement Plan.

ADJOURNMENT

Mayor Mordo adjourned the meeting at 6:57 p.m.

Jean Mordo, MAYOR

Jon Maginot, CMC, CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, MAY 22, 2018,
BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL, 1 NORTH SAN
ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Mayor Mordo, Vice Mayor Lee Eng, Councilmembers Bruins, Pepper and Prochnow

ABSENT: None

PLEDGE OF ALLEGIANCE

Mayor Mordo led the Pledge of Allegiance to the flag.

CHANGES TO THE ORDER OF THE AGENDA

Action: Upon a motion by Councilmember Bruins, seconded by Vice Mayor Lee Eng, the Council unanimously moved Council/Staff Reports and Directions on Future Agenda Items to immediately before item number 10.

SPECIAL PRESENTATION

Mayor Mordo presented a proclamation recognizing National Public Works Week.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments on items not on the agenda: Los Altos residents Zahra Ardehali, Chris Nagao, Willem de Lange, Bill Bassett, Jim Fenton, Ron Coldiron and Michele Coldiron.

CONSENT CALENDAR

Councilmember Bruins pulled item number 5.

Action: Upon a motion by Councilmember Bruins, seconded by Vice Mayor Lee Eng, the Council unanimously approved the Consent Calendar, with the exception of item number 5, as follows:

1. Council Minutes: Approved the minutes of the May 8, 2018 joint study session with the Public Arts Commission and regular meeting.
2. Resolution No. 2018-15: Two-Lot Subdivision at 555 South El Monte Avenue: Adopted Resolution No. 2018-15 approving the subdivision application 17-D-02 and conditional use permit application 17-UP-05 subject to the recommended findings and conditions.

3. Express Short-Term Rental Prohibition: Adopted Ordinance No. 2018-441 prohibiting short-term rentals within the City of Los Altos.
4. Community Development Block Grant FY 2018/19 Capital Improvement Program Funding: Authorized the City Manager to execute the FY 2018/19 Community Block Grant Contract; appropriated up to \$303,933 of eligible Community Block Grant funds to the El Monte Avenue Sidewalk Gap Closure – Edith Avenue to Almond Avenue, Project TS-01038; and approved and authorized the proposed Intersection Pedestrian Improvement project and authorized the City Manager to execute the Community Development Block Grant contract should contingency funding become available.
5. Resolution No. 2018-13: Open Government Policy: Adopt Resolution No. 2018-13 amending the Open Government Policy – *pulled for discussion (see page 3)*.

PUBLIC HEARING

6. Resolution No. 2018-14: FY 2018/19 City Fee Schedule: Adopt Resolution No. 2018-14 setting the FY 2018/19 Fee Schedule for the City of Los Altos

Planning Services Manager Dahl presented the report.

Mayor Mordo opened the public hearing. There were no public comments. Mayor Mordo closed the public hearing.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Pepper, the Council unanimously adopted Resolution No. 2018-14 setting the FY 2018/19 Fee Schedule for the City of Los Altos.

DISCUSSION ITEMS

7. Certificate of Sufficiency of Initiative Petition – General Plan Amendment Measure Regarding Parks, Open Space and Public/Institutional Properties: Receive the Certificate of Sufficiency of Initiative Petition and take action as permitted by State Law; and provide direction to staff on any other action Council wishes to take regarding the future disposition of City-owned land

Public Comments: The following individuals provided public comments: Los Altos residents Al Rooney, Frank Martin, Lois Eckmann, Dennis Young, Harry Guy, Sonoko Rooney, Sue Russell, Virginia Morgan, Tanya DeMare, Gary Hedden, James Jolly, Nancy Phillips, Mike Ellerin, Tim Biglow, Margie Rauch and Steve Katz.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Pepper, the Council unanimously ordered a report pursuant to Elections Code Section 9212 to include all elements listed in Section 9212 plus those items identified by Council to include, at a minimum the following: potential impact on current leases, a listing of all City-owned land, the effect on non-City-owned land, what future actions would require voter approval, and the timeline for placing any future items on a ballot.

Direction: Council directed staff to prepare the necessary documentation to place the initiative on the November 2018 ballot for Council consideration.

Direction: Council directed staff to prepare a separate measure to be placed on a ballot requiring voter approval of the sale of parkland and the re-designation of parkland for Council consideration.

Mayor Mordo recessed the meeting at 8:54 p.m. The meeting resumed at 9:05 p.m.

8. Clean Water and Storm Drainage Public Opinion Survey: Receive a report on the clean water and storm drainage public opinion survey results and provide staff direction on next steps

Public Works Director Chan introduced the item and John Bliss of SCI Consulting Group presented the report.

Direction: Council directed staff to move forward with developing a property related fee for stormwater systems at a rate less than \$100.

9. Ordinance No. 2018-444: Affordable Housing Impact Fees: Introduce and waive further reading of Ordinance No. 2018-444 establishing Affordable Housing Impact Fees for residential and non-residential development

Community Development Director Biggs presented the report.

Public Comment: The following individual presented public comments: Los Altos resident Sue Russell, representing the League of Women Voters.

Councilmember Bruins expressed concerns with the use of impact fee for an in-lieu purpose. Vice Mayor Lee Eng expressed the opinion that funds should only be used within the City.

Motion: Motion made by Councilmember Pepper, seconded by Councilmember Prochnow, to introduce and waive further reading of Ordinance No. 2018-444 establishing Affordable Housing Impact Fees for residential and non-residential development.

Councilmember Bruins offered an amendment, which was not accepted, to strike “and the region” from the fifth whereas and Section 3.49.020. The motion, as originally stated, passed by the following vote: AYES: Mordo, Pepper and Prochnow; NOES: Bruins and Lee Eng; ABSTAIN: None; ABSENT: None.

ITEM PULLED FROM CONSENT CALENDAR

5. Resolution No. 2018-13: Open Government Policy: Adopt Resolution No. 2018-13 amending the Open Government Policy

Direction: Council directed staff to require a posting during construction with allowed construction hours and contact information for concerns with construction outside of allowable hours.

Action: Upon a motion by Councilmember Pepper, seconded by Vice Mayor Lee Eng, the Council unanimously adopted Resolution No. 2018-13 amending the Open Government Policy, with the direction provided to staff.

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Councilmember Prochnow reported she participated in the May 10, 2018 Bike to Work event, that she attended the May 10, 2018 Cities Association of Santa Clara County general membership meeting and that she and Councilmember Bruins interviewed applicants for the Youth Commission.

Councilmember Pepper reported she attended the following: the Cities Association of Santa Clara County general membership meeting on May 10, 2018, meetings of the North County Library Authority on May 14 and May 22, 2018, a Los Altos Property Owners Downtown dinner on May 14, 2018 and the Rotary Fine Art in the Park event.

Mayor Mordo provided an update on the North County Library Authority Library Redevelopment Task Force.

Vice Mayor Lee Eng acknowledged the passing of Hank Nagao and dedicated her participation in the Council meeting to him.

Councilmember Bruins reported she attended a meeting of the Valley Transportation Authority State Route 85 Corridor Policy Advisory Board.

Future agenda items

The Council requested an agenda item to discuss the no parking/no stopping signs along Carmel Terrace.

Mayor Mordo recessed the meeting at 10:20 p.m. The meeting resumed at 10:24 p.m.

DISCUSSION ITEMS CONTINUED

10. Los Altos Downtown Vision Plan: Review the Los Altos Downtown Vision Plan, provide direction on changes to the Plan the City Council would like to see incorporated and provide direction on next steps in the process

Councilmember Prochnow recused herself due to a potential conflict of interest (owns property within the Downtown), stepped down from the dais and left the room.

Community Development Director Biggs introduced the item and Debbie Rudd of RRM Design Group presented the draft Downtown Vision Plan.

Public Comments: The following individual provided public comments: Los Altos resident Curt Powell.

Direction: Councilmembers provided feedback on the draft Downtown Vision Plan and directed staff and the consultants integrate the feedback provided and to return for Council consideration.

ADJOURNMENT

Mayor Mordo adjourned the meeting at 11:48 P.M.

Jean Mordo, MAYOR

Jon Maginot, CMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 2

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2016

Subject: Resolution No. 2018-16: 2018 City Council Election

Prepared by: Jon Maginot, City Clerk/Assistant to the City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2018-16

Initiated by:

State of California Elections Code

Previous Council Consideration:

None

Fiscal Impact:

The estimated cost of conducting the election through Santa Clara County is approximately \$50,000. This represents a far less amount than if the City were to conduct the election on its own. The cost of the election has been budgeted in the General Fund. Any staff time used for the election will fall under expected activities for the City Clerk's office.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration: None

Summary:

- The City Council Election will be held on November 6, 2018

Staff Recommendation:

Move to adopt Resolution No. 2018-16 calling for a General Municipal Election to be held on November 6, 2018 for two City Council seats and consolidating said election with Santa Clara County



Subject: Resolution No. 2018-16: 2018 City Council Election

Purpose

To call the City Council Election for 2018

Background

Los Altos Municipal Code Section 2.04.040 specifies that “a regular election to select members of the Council shall be held on the first Tuesday after the first Monday in November of each even-numbered year.” In addition, Municipal Code Section 2.04.030 specifies that “no person shall serve more than two consecutive terms on the Los Altos City Council, plus the completion of any unexpired term to which such person was elected or appointed.”

Pursuant to Elections Code 10220, candidates for elective City office may be nominated during a nomination period specified by State law. Elections Code 10403 requires that the City Council adopt a resolution calling for an election to fill elective seats. In addition, State law requires that the Council adopt a resolution requesting the services of the County of Registrar of Voters to conduct the election and consolidate it with the Statewide General Election.

Discussion/Analysis

The attached Resolution No. 2018-16 calls for an election to fill two elective offices on the Los Altos City Council. It also requests the Santa Clara County Board of Supervisors consolidate the City’s election with the Statewide General Election on November 6, 2018. The nomination period for the 2018 General Municipal Election will open on July 16, 2018 and close on August 10, 2018. If a qualified incumbent fails to file the necessary documents by the end of the nomination period, a five-calendar-day extension will be granted during which any candidate, other than the incumbent, may file or withdraw.

If consolidation is approved, the City’s responsibilities would include: receiving and processing candidate nomination papers, forwarding candidate statements to the County, forwarding absentee voter applications and write-in declarations to the Registrar of Voters, publication of notices, and distribution and receipt of Fair Political Practices Commission documents. The County would provide all other services.

Recommendation

The staff recommends Council adopt Resolution No. 2018-16.

RESOLUTION NO. 2018-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA TO CONSOLIDATE SAID ELECTION PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 6, 2018, for the election of Municipal Officers; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the Registrar of Voters of the County of Santa Clara canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Los Altos as follows:

SECTION 1. That pursuant to the requirements of the Elections Code of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Los Altos, California on Tuesday, November 6, 2018, a General Municipal Election for the purpose of electing two Members of the City Council for the full term of four years (ending November 2022); and

SECTION 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of said election with the Statewide General Election on Tuesday, November 6, 2018; and

SECTION 3. That the Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election and only one form of ballot shall be used; and

SECTION 4. That the City of Los Altos recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs; and

SECTION 5.



CONSENT CALENDAR

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Youth Commission appointments

Prepared by: Jon Maginot, City Clerk/Assistant to the City Manager

Approved by: Chris Jordan, City Manager

Attachment(s): None

Initiated by:

City Council Youth Commission Interview Committee

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council concur with the recommended appointments to the Youth Commission?

Summary:

- Youth Commissioners are appointed to one- or two-year terms
- There are eight openings on the Youth Commission as of June 30, 2018

Staff Recommendation:

Move to reappoint Drishaan Jain to a one-year term on the Youth Commission expiring June 2019; reappoint Krish Gujral, Mahi Kolla and Medha Rajagopalan to two-year terms on the Youth Commission expiring June 2020; and appoint Boladale Erogbogbo, Connie Hong, Anisha Reddy and Serra Tulu to two-year terms on the Youth Commission expiring June 2020



Subject: Youth Commission appointments

Purpose

To appoint individuals to serve on the Youth Commission

Background

The Council appoints individuals to serve on the Youth Commission. Los Altos residents who are students between grades seven through twelve are eligible to serve on the Youth Commission. Commissioners are appointed to serve to one- or two-year terms and are eligible to be reappointed until they graduate from high school.

Discussion/Analysis

This June, terms for eight Youth Commissioners will expire. Four of these Commissioners will graduate from high school and are not eligible to be reappointed. Krish Gujral, Drishaan Jain, Mahi Kolla and Medha Rajagopalan are eligible and the Council Youth Commission Interview Committee recommends they be reappointed to the Commission.

On May 21, 22 and 24, 2018, the Council Youth Commission Interview Committee interviewed eligible applicants and recommends Boladale Erogbogbo, Connie Hong, Anisha Reddy and Serra Tulu be appointed to two-year terms on the Youth Commission.

Options

- 1) Accept the recommendation of the Youth Commission Interview Committee and reappoint and appoint the recommended individuals to the Youth Commission

Advantages: Fills eight vacancies on the Youth Commission

Disadvantages: None identified

- 2) Direct the Youth Commission Interview Committee to present an alternate recommendation to the Council

Advantages: None identified

Disadvantages: Delays the seating of eight Youth Commissioners

Recommendation

The Youth Commission Interview Committee recommends Option 1.



CONSENT CALENDAR

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Resolution No. 2018-17: Cost of living adjustment for all non-represented staff positions

Prepared by: Chris Jordan, City Manager

Attachment(s):

1. Resolution 2018-17

Initiated by:

Staff

Previous Council Consideration:

June 13, 2017

Fiscal Impact:

\$126,000 in FY 2018/19 and included in the Proposed Budget

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the City Council want to approve a cost of living adjustment that will assist the City in retaining a highly qualified municipal workforce?
- Does the City Council want to approve an increase related to compaction in the Police Department?

Summary:

- The City annually reviews the City's compensation schedule to ensure City staff is being compensated in accordance with the market using the Consumer Price Index (CPI) as a tool to determine increases
- CPI for the 12-month period ending April 2018 is 3.2%, which is being recommended as the increase in the salary ranges for all non-represented employees (not including the City Manager)
- Due to increases in the Memorandum of Understanding with the Los Altos Peace Officers Association, it is recommended that three management positions in the Police Department receive an additional 2.5% increase to the salary ranges to avoid salary compaction
- To help ensure that we are remaining competitive in the marketplace, a complete salary and benefit analysis will be conducted by a consultant for all non-represented and executive positions in Fall 2018 and will be reported back to Council for consideration



Subject: Resolution No. 2018-17: Cost of living adjustment for all non-represented staff positions

Staff Recommendation:

Move to approve Resolution 2018-17 approving a cost of living adjustment for all non-represented positions and a special adjustment for three Police department classifications



Subject: Resolution No. 2018-17: Cost of living adjustment for all non-represented staff positions

Purpose

To provide a cost of living adjustment for all non-represented positions using CPI and a special adjustment for three Police Department classifications.

Background

It has been the City's practice to provide pay increases to regular, full-time unrepresented, management and executive staff at the same time as increases to members of the City's two collective bargaining units. Historically, this has occurred annually at the beginning of the fiscal year, July 1.

Discussion/Analysis

The provision of municipal services relies on an educated, skilled and experienced workforce. The Los Altos community has been and continues to receive excellent municipal services provided by a staff that has been recruited and retained over the years. To continue to provide services that meet the community's standards, it is critical that we can recruit and retain highly qualified candidates to the City of Los Altos workforce.

One important factor in recruiting or retaining staff is the level of compensation. When establishing compensation levels, one factor to consider is the increase in the cost of living in the region. The Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose region for the 12-month period ending April 2018 is 3.2%. Therefore, it is recommended that the salary schedule increase for all full-time, regular, non-represented, management and executive staff (not including the City Manager) mirroring the increase in CPI-U be approved by the City Council.

In addition, to avoid compaction with the Los Altos Police Association, the classifications of Police Chief, Police Captain and Police Services Manager shall be increased by an additional 2.5% effective the first pay period in July.

A total compensation and benefit study is planned to be completed in Fall 2018. This study will focus on total compensation for non-represented classifications such as confidential, professional and management positions. Based on the results of the total compensation and benefit study, recommendations to Council will be made with recommendations that will be effective January 1, 2019. The total compensation analysis will review all non-represented classifications, using 12 Santa Clara County and San Mateo County agencies. The market study will factor salary and benefit relationships to top subordinate and create internal equity recommendations to create a salary structure moving forward. Staff will also review other benefits such as administrative leave, deferred compensation, retiree medical, long term disability and retiree health savings to ensure we remain competitive in the market.



Subject: Resolution No. 2018-17: Cost of living adjustment for all non-represented staff positions

Options

- 1) Approve Resolution 2018-17, adjusting compensation based on CPI-U and compaction for Police Department

Advantages: Allows the City to stay competitive in the market place for recruiting and retaining qualified staff

Disadvantages: The cost of the increase to the City is \$126,000

- 2) Do not approve the recommended cost of living adjustment and compaction increases

Advantages: The City would not incur the additional expense associated with such an increase

Disadvantages: Makes it challenging to recruit and retain highly qualified staff resulting in the possibility of a degradation of services to the community

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2018-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A COST OF LIVING ADJUSTMENT FOR REGULAR, FULL-
TIME, NON-REPRESENTED, MANAGEMENT AND EXECUTIVE STAFF
FOR FISCAL YEAR 2019**

WHEREAS, the City annually reviews and may revise employee compensation and salary schedule ranges; and

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

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

WHEREAS, to remain competitive, the City should adjust salaries to reflect changes in the region's cost of living; and

WHEREAS, the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose region increase by 3.2% for the twelve-month period ending the first quarter of 2018; and

WHEREAS, to assist in avoiding salary compaction in the Police Department, it has been determined that an additional increase of 2.5% is needed to the salary ranges for the positions of Police Chief, Police Captain and Police Services Manager; and

WHEREAS, the salaries are scheduled to take effect in the first full pay period in July 2018; and

WHEREAS, represented classifications are covered by current contracts which specify the amount of the salary adjustments in the new fiscal year.

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

1. Increases salary ranges for all regular full-time, non-represented, management and executive positions (not including the City Manager) by 3.2% effective the first pay period after July 1, 2018; and
2. Increases the salary range for the positions of Police Chief, Police Captain and Police Services Manager an additional 2.5% effective the first pay period after July 1, 2018; and
3. Adopts the salary schedule at Exhibit A reflecting these pay adjustments.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



City of Los Altos
FY 2018/19 Salary Schedule

Resolution 2018-XX
Effective FY 2018/19

Monthly Salary Range
Minimum **Maximum**

Legislative & Executive

City Manager	\$19,030	--	
Assistant City Manager	\$8,867	--	\$16,750
Deputy City Manager/City Clerk**	\$11,483	--	\$13,958
Assistant to the City Manager	\$9,673	--	\$12,425
City Clerk	\$9,040	--	\$10,989
Public Information Coordinator	\$7,363	--	\$8,950
Executive Assistant to the City Manager	\$6,296	--	\$7,653
Deputy City Clerk*	\$6,000	--	\$7,293

Administrative Services

Administrative Services Director	\$8,867	--	\$16,750
Financial Services Manager	\$9,951	--	\$12,096
Senior Accountant	\$8,260	--	\$10,040
Management Analyst II	\$7,881	--	\$9,580
Management Analyst I	\$7,165	--	\$8,709
Accounting Technician II	\$5,977	--	\$7,265
Accounting Technician I	\$5,190	--	\$6,308
Accounting Office Assistant I	\$4,564	--	\$5,548
Information Technology Manager	\$11,162	--	\$13,567
Information Technology Analyst	\$8,363	--	\$10,165
Information Technology Technician	\$6,350	--	\$7,718
Human Resources Manager	\$11,162	--	\$13,567
Human Resources Analyst	\$7,133	--	\$8,670
Human Resources Technician	\$5,847	--	\$7,107

Police Services

Police Chief	\$9,082	--	\$17,574
Police Captain	\$12,169	--	\$14,791
Police Services Manager	\$10,950	--	\$13,310
Executive Assistant	\$5,640	--	\$6,856
Lead Records Specialist	\$5,264	--	\$6,398
Records Specialist	\$4,781	--	\$5,811
Police Sergeant	\$9,656	--	\$11,737
Police Agent	\$8,591	--	\$10,442
Police Officer	\$8,183	--	\$9,946
Lead Communications Officer	\$8,091	--	\$9,835
Police Officer Trainee	\$7,793	--	\$9,472
Communications Officer	\$7,352	--	\$8,937
Community Service Officer	\$5,901	--	\$7,173



City of Los Altos
FY 2018/19 Salary Schedule

Resolution 2018-XX
Effective FY 2018/19

Monthly Salary Range
Minimum **Maximum**

Community Development

Community Development Director	\$8,867	--	\$16,750
Building Official	\$10,365	--	\$12,599
Planning Services Manager	\$10,365	--	\$12,599
Economic Development Manager	\$10,222	--	\$12,425
Senior Planner	\$9,613	--	\$11,685
Associate Planner	\$8,111	--	\$9,859
Senior Building Inspector	\$8,001	--	\$9,726
Economic Development Coordinator	\$7,363	--	\$8,949
Building Inspector	\$7,239	--	\$8,799
Assistant Planner	\$7,342	--	\$8,924
Permit Technician	\$5,816	--	\$7,069
Executive Assistant	\$5,640	--	\$6,856

Public Works - Engineering

Public Works Director	\$8,867	--	\$16,750
Engineering Services Manager	\$11,096	--	\$13,487
Transportation Services Manager	\$10,365	--	\$12,599
Senior Engineer	\$9,841	--	\$11,962
Project Manager	\$9,323	--	\$11,333
Special Projects Manager	\$9,322	--	\$11,331
Associate Civil Engineer	\$8,589	--	\$10,439
Assistant Civil Engineer	\$7,592	--	\$9,229
Junior Engineer	\$6,902	--	\$8,389
Construction Inspector	\$6,572	--	\$7,989
Engineering Technician	\$6,572	--	\$7,989
Executive Assistant	\$5,640	--	\$6,856

Public Works - Maintenance

Maintenance Services Manager	\$10,209	--	\$12,409
Maintenance Supervisor	\$7,364	--	\$8,951
Executive Assistant	\$5,640	--	\$6,856
Equipment Mechanic	\$5,656	--	\$6,874
Maintenance Leadworker	\$5,656	--	\$6,874
Maintenance Technician	\$5,656	--	\$6,874
Maintenance Worker II	\$5,131	--	\$6,237
Maintenance Worker I	\$4,538	--	\$5,516

Recreation & Community Services

Recreation & Community Services Director	\$8,867	--	\$16,750
Recreation Manager	\$8,167	--	\$9,928
Senior Recreation Supervisor	\$7,510	--	\$9,128
Recreation Supervisor	\$7,143	--	\$8,683
Recreation Coordinator	\$5,425	--	\$6,594
Facilities Coordinator	\$5,425	--	\$6,594
Office Assistant II	\$4,546	--	\$5,526
Office Assistant I	\$4,082	--	\$4,962

* Additional FTE position for FY 2018/19, ** New classification



CONSENT CALENDAR

Agenda Item #5

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Ordinance No. 2018-444: Affordable Housing Impact Fees

Prepared by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Ordinance No. 2018-444

Initiated by:

City Council

Previous Council Consideration:

The City Council reviewed the affordable housing impact fees at its meetings of May 8, 2018 and May 22, 2018.

Fiscal Impact:

If adopted the Affordable Housing Impact Fee would generate funds for the City to use towards its affordable housing initiatives. There would be an administrative cost associated with collecting and dispersing these affordable housing fees; however, the expenses are expected to be nominal and the fees themselves may be used to make up for such costs.

Environmental Review:

The adoption of this Ordinances is: (1) not a Project under the California Environmental Quality Act (CEQA) and is therefore exempt pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(4) because it constitutes a governmental fiscal activity that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; (2) statutorily exempt pursuant to CEQA Guidelines section 15267(Financial Assistance to Low or Moderate Income Housing); (3) not intended to apply to specifically identified affordable housing projects and as such it is speculative to evaluate any such future project now and, moreover, they will be subject to appropriate environmental review at such time as approvals for those affordable housing project are considered; and/or (4) not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment or payment of the fees. Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

Policy Questions for Council Consideration:

- Should the draft Affordable Housing Impact Fee Ordinance be adopted?



Subject: Ordinance No. 2018-444: Affordable Housing Impact Fees

Summary:

- The Keyser Marston Associates affordable housing nexus studies conducted for Los Altos support adopting affordable housing impact fees
- The draft ordinance provides that residential ownership and residential rental developments and non-residential developments pay a fee to mitigate their impacts on the supply of affordable housing
- The ordinance provides for the production of affordable housing or enhancement of affordable housing opportunities in-lieu of paying the affordable housing impact fee

Staff Recommendation:

That the City Council adopt Ordinance No. 2018-444 establishing Affordable Housing Impact Fees for residential and non-residential development



Subject: Ordinance No. 2018-444: Affordable Housing Impact Fees

Purpose

Consideration of the appropriateness of adopting affordable housing impact fees for non-residential and residential (ownership and rental units) development. Adopting these fees would implement Program No. 4.3.7 of the 2015-2023 Housing Element of the City’s General Plan.

Background

At its meeting of May 22, 2018, the City Council held a public hearing, introduced, and waived further reading of Ordinance 2018-444.

Discussion/Analysis

Ordinance No. 2018-444 will go into effect 31 days after adoption.

Options

- 1) Adopt the affordable housing impact fee ordinance

Advantages: May provide a substantial amount of fee revenue that can be beneficial in achieving affordable housing opportunities

Disadvantages: Potentially increase the cost of residential and non-residential development, which may discourage the production of residential and non-residential development

- 2) Decline adoption of the affordable housing impact fee ordinance

Advantages: Would not add to the cost of residential and non-residential development

Disadvantages: Will not provide funds that can be used to provide and pursue affordable housing opportunities

Recommendation

The staff recommends Option 1.

ORDINANCE NO. 2018-444

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ADDING CHAPTER 3.49 TO THE LOS ALTOS MUNICIPAL CODE TO
ESTABLISH AFFORDABLE HOUSING IMPACT FEES FOR RESIDENTIAL
AND NON-RESIDENTIAL DEVELOPMENT AND ADOPTING CEQA
EXEMPTION FINDINGS**

WHEREAS, existing local, state and federal resources are insufficient to meet the City of Los Altos' needs for affordable housing; and

WHEREAS, expansion of the supply of affordable housing will require funding to bridge the gap between the costs of developing new affordable housing and the amount new moderate and lower income households can afford to pay; and

WHEREAS, the Mitigation Fee Act, codified at California Government Code sections 66000, *et seq.*, establishes the legal requirements for a jurisdiction to establish and implement a development impact fee program in conformance with constitutional standards; and

WHEREAS, many cities and counties have adopted and imposed affordable housing impact fees on new development to address new developments' impacts on the need for affordable housing; and

WHEREAS, the City Council desires to create an Affordable Housing Impact Fee to fund affordable housing projects within the City and the region; and

WHEREAS, the City's 2015-2023 Housing Element provides that the City will facilitate the development of new affordable housing units, by, among other things, implementing Housing Element Program No. 4.3.7 to consider, study and explore a commercial development affordable housing linkage fee; and

WHEREAS, on May 26, 2016, the City Council expanded the scope of Housing Element Program No. 4.3.7 to include evaluation of an affordable housing linkage fee to include residential development; and

WHEREAS, to establish a basis for an affordable housing impact fee program, the City joined a multi-jurisdictional study organized by the Silicon Valley Community Foundation; and

WHEREAS, the Silicon Valley Community Foundation effort resulted in three reports prepared by Keyser Marston Associates, dated December 2016: (1) Summary, Context Materials and Recommendations Affordable Housing Nexus Studies; (2) Residential Nexus Analysis; and (3) Non-Residential Nexus Analysis (collectively "Nexus Studies"); and

WHEREAS, the Nexus Studies demonstrate that new residential and non-residential developments and additions to structures containing these types of uses generate an

Ordinance No. 2018-444

increased demand for affordable housing and that these can be mitigated through the imposition of housing impact fees; and

WHEREAS, on March 16, 2017, the City’s Planning Commission held a duly noticed public hearing on the program recommendations of the Nexus Study and made recommendations regarding the adoption of an affordable housing linkage fee; and

WHEREAS, the Nexus Studies and the Planning Commission’s recommendations were presented for public review and comment at the City Council’s regularly scheduled public meeting of May 9, 2017; and

WHEREAS, the City Council considered the Nexus Studies; and

WHEREAS, on May 22, 2018, the City Council held a duly noticed public hearing and considered the Affordable Housing Impact Fee, together with the Nexus Studies and all other information relevant to evaluation and adoption of such Fee; and

WHEREAS, this Ordinance is consistent with the Los Altos General Plan as a whole and implements the Los Altos General Plan’s Adopted Housing Element Goal 4, Policy 4.3, Program 4.3.7 for the 2015-2023 by establishing an affordable housing impact fee to help fund the development of new affordable housing units.

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

SECTION 1. AMENDMENT OF CODE: Title 3 of the Los Altos Municipal Code is hereby amended to include a new chapter as follows:

CHAPTER 3.49 – AFFORDABLE HOUSING IMPACT FEES

3.49.010 - Purpose.

This chapter requires the payment of housing impact fees for the impact of residential and non-residential development on the need for affordable housing in the City of Los Altos and to implement the Housing Element of the City’s General Plan and California Government Code Section 65583(c), which expresses the state housing policy that requires cities to assist in the development of adequate housing to meet the needs of lower income households.

3.49.020 - Housing Mitigation Fund.

All housing impact fees shall be placed in the City's Housing Mitigation Fund and used to support the development of affordable housing within the City and the region.

3.49.030 - Applicability.

A. New Construction. Projects that include, single-family parcels, new market rate multiple-family dwelling ownership units, new market rate rental housing units non-residential construction shall be subject to the housing impact fees required in this chapter. Payment of the housing impact fees shall a condition of approval for all development projects subject to this chapter.

B. Pipeline Projects. The following development projects shall be exempt from payment of the housing impact fees required in this chapter:

1. Projects for which a development application pursuant to this title has been filed and deemed complete by (date ordinance is effective); and

2. Projects that have received final approval pursuant to this title by (date ordinance is effective), and which are subsequently the subject of a pending application for modifications to the approved plans or permit, except that any increase in floor area from the amount already approved shall be subject to the housing impact fees required by this chapter.

3.49.040 – Housing Impact Fee

A. Adoption of Housing Impact Fees. Housing impact fee amounts for each applicable use shall be established by City Council resolution, which may be amended from time to time by Council. The fee amounts shall be adjusted annually based on the Consumer Price Index for all urban consumers for the San Francisco-Oakland-San Jose area unless otherwise modified by council. Such fees shall not exceed the cost of mitigating the impact of developments on the need for housing for lower-income households in the city.

B. Timing of Payment. Housing impact fees shall be paid prior to issuance of the first building permit for the project. A developer may pay all or a portion of the fee owed at any time prior to issuance of the building permit, at the rate in effect at the time payment is made. For phased projects, the amount due shall be paid on a pro rata basis across the entire square footage of the approved development, and each portion shall be paid prior to the issuance of any building permit for each phase.

3.49.050 - Housing Impact Fees for Residential Ownership Development.

A. Applicability. A housing impact fee shall be imposed on all new residential ownership developments that result in a net increase of one (1) unit or more, excluding accessory dwelling units, regardless of zoning designation of the project site, unless the applicant elects to provide one of the alternatives listed in subsection (D).

B. Calculation of Fee. The amount of the fee, as further described in the fee resolution, is imposed on a per square foot basis for new gross habitable floor area commensurate with the building type (e.g., townhome or condominium). The following Ordinance No. 2018-444

formula shall be used in calculating the required housing impact fee for new residential housing developments: (New gross habitable square foot area of all units) minus (existing gross habitable square foot area of all units) multiplied by (per square foot fee) equals (total housing impact fee).

C. Gross habitable Square Foot Area. Gross habitable square foot area means the total living area of each dwelling unit within a project measured to the outside of the exterior walls and does not include areas outside of the dwelling units such as common areas, corridors, parking facilities, outside storage lockers and shared laundry facilities.

D. Alternatives in-Lieu of a Housing Impact Fee. As an alternative to paying the affordable housing impact fee for residential ownership developments, a developer may request to provide affordable ownership units on the project site, dedicate land for affordable housing, or provide affordable units off-site, as detailed in this section.

1. On-site units. A developer may request to mitigate the housing impacts through construction of affordable residential ownership units on the subject development site consistent with the requirements outlined in Chapter 14.28. However, payment of the in-lieu impact fee does not preclude a developer from meeting the inclusionary housing requirements specified in Chapter 14.28.

2. Off-site units or dedication of land. As an additional alternative, a developer may request to designate affordable units in an off-site location or dedicate land for the construction of affordable units within the Los Altos City Limits. The City priority shall be for a location that is accessible to public transit. Any off-site units shall be either new or renovated to near-new conditions. Such requests shall be granted in the sole discretion of the City Council if the City Council determines that the proposed alternative will mitigate the impact of the project on the need for affordable housing.

3. In calculating the number of required affordable units either on-site or off-site, any fraction of a whole unit shall be satisfied by either developing one additional affordable unit or by paying the remaining fee amount as further described in the fee resolution.

4. All affordable units developed either on-site or off-site shall be subject to the City's standard Affordable Housing Agreement and Deed Restriction.

5. The applicant must enter into an Affordable Housing Developer Agreement with the City to be recorded against the property prior to recordation of a final or parcel map or issuance of any building permit, acknowledging that the affordable units or land dedication are provided in consideration for a direct financial contribution from the City in the form of a waiver of the housing impact fee.

E. The City Council may approve this request if the proposed alternative forms of affordable housing opportunities in the City are equal to or greater than the payment of the housing impact fee.

3.49.060 - Housing Impact Fees for Multiple-Family Residential Rental Development.

A. Applicability. A housing impact fee shall be imposed on all new residential rental developments that result in a net increase of one (1) unit or more, excluding accessory dwelling units, regardless of zoning designation of the project site, unless the applicant elects to provide one of the alternatives listed in subsection (D). For purposes of this section, new market-rate rental housing developments shall include developments that have recorded a condominium map but the developer intends to initially rent the units.

B. Calculation of Fee. The amount of the fee, as further described in the fee resolution, is imposed on a per square foot basis for new gross habitable floor area commensurate with the building type (e.g., townhome or condominium). The following formula below shall be used in calculating the required housing impact fee for new residential rental housing developments: (New gross habitable square foot area of all units) minus (existing gross habitable square foot area of all units) multiplied by (per square foot fee) equals (total housing impact fee).

C. Gross habitable Square Foot Area. Gross habitable square foot area means the total living area of each dwelling unit within a project measured to the outside of the exterior walls and does not include areas outside of the dwelling units such as common areas, corridors, parking facilities, outside storage lockers and shared laundry facilities.

D. Alternatives in-Lieu of a Housing Impact Fee. As an alternative to paying the affordable housing impact fee for residential rental developments, a developer may request to provide affordable units on the project site, dedicate land for affordable housing, or provide affordable units off-site, as detailed in this section.

1. On-site units. A developer may request to mitigate the housing impacts through construction of affordable residential rental units on the subject development site consistent with the requirements outlined in Chapter 14.28. However, payment of the in-lieu impact fee does not preclude a developer from meeting the inclusionary housing requirements specified in Chapter 14.28.

2. Off-site units or dedication of land. As an additional alternative, a developer may request to designate affordable units in an off-site location or to dedicate land for the construction of affordable units within the Los Altos City Limits. The City priority shall be for a location that is accessible to public transit. Any off-site units shall be either new or renovated to near-new conditions. Such requests shall be granted in the sole discretion of the City Council if the City Council determines that the proposed alternative will mitigate the impact of the project on the need for affordable housing.

3. In calculating the number of required affordable rental units either on-site or off-site, any fraction of a whole unit shall be satisfied by either developing one additional affordable unit or by paying the remaining fee amount as further described in the fee resolution.

4. All affordable units developed either on-site or off-site shall be subject to the City's standard Affordable Housing Agreement and Deed Restriction.

5. The applicant must enter into an Affordable Housing Developer Agreement with the City to be recorded against the property prior to recordation of a final or parcel map or issuance of any building permit, acknowledging that the affordable units or land dedication are provided in consideration for a direct financial contribution from the City in the form of a waiver of the housing impact fee.

E. The City Council may approve this request if the proposed alternative forms of affordable housing opportunities in the City are equal to or greater than the payment of the housing impact fee.

3.49.070 - Housing Impact Fees for Non-residential Development.

A. Applicability. A non-residential housing impact fee shall be imposed on all new construction of commercial, office, retail and hotel/motel development projects, as defined by Chapter 14.02.070 of the Zoning Code, that result in a net increase of 500 square feet or greater of new floor area, regardless of zoning designation of the project site, unless the applicant elects to provide one of the alternatives listed in subsection (D).

B. Calculation of Fee. The amount of the housing impact fee, as further described in the fee resolution, is imposed on a per square foot basis for new gross floor area. The following formula below shall be used in calculating the amount of the housing impact fee: (Gross square feet non-residential floor area) minus (existing square feet floor area) multiplied by (per square foot fee) equals (total housing impact fee).

C. Exemptions to New Gross Floor Area. The following areas are exempt from the new gross floor area used in housing impact fee calculations for non-residential developments:

1. Any incidental and accessory storage, structures or appurtenances, such as sheds, trash enclosures, ground-mounted equipment enclosures, garden features, trellises or shade structures;
2. Architectural design features not utilized for occupancy or storage; and
3. Existing floor area square footage of structures that were vacated or demolished no more than 12 months prior to the filing date of the development application.

D. Alternatives in-Lieu of a Housing Impact Fee. As an alternative to paying the affordable housing impact fee, a developer may request the following:

1. On-site units. A developer may request to mitigate the housing impacts through construction of affordable residential units on the subject development site. If applicable, the number of affordable units shall be those indicated at Chapter 14.28.

2. Off-site units or dedication of land. As an additional alternative, a developer may request to designate affordable units in an off-site location or to dedicate land for the construction of affordable units within the Los Altos City Limits. The City priority shall be for a location that is accessible to public transit. Any off-site units shall be either new or renovated to near-new conditions. Such requests shall be granted in the sole discretion of the City Council if the City Council determines that the proposed alternative will mitigate the impact of the project on the need for affordable housing.

3. In calculating the number of required affordable units either on-site or off-site, any fraction of a whole unit shall be satisfied by either developing one additional affordable unit or by paying the remaining fee amount as further described in the fee resolution.

4. All affordable units developed either on-site or off-site shall be subject to the City's standard Affordable Housing Agreement and Deed Restriction.

5. The applicant must enter into an Affordable Housing Developer Agreement with the City to be recorded against the property prior to recordation of a final or parcel map or issuance of any building permit, acknowledging that the affordable units or land dedication are provided in consideration for a direct financial contribution from the City in the form of a waiver of the housing impact fee.

E. The City Council may approve this request if the proposed alternative forms of affordable housing opportunities in the City are equal to or greater than the payment of the affordable housing impact fee.

3.49.080 - Exception to Municipal Code Section 14.28

Those projects that pay an affordable housing impact fee in compliance with this Chapter shall not be required to comply with the affordable housing requirements (inclusionary units) found at Section 14.28.030 of the Municipal Code.

3.49.090 - Waiver.

Notwithstanding any other provision of this chapter, the requirement to pay the housing impact fee may be waived, adjusted or reduced by the City Council if an applicant shows,
Ordinance No. 2018-444

based on substantial evidence, that there is no reasonable relationship between the impact of the proposed development and the requirement to pay the housing impact fee, or that applying the requirements of this chapter would take property in violation of the United States Constitution or California Constitution or would result in any other unconstitutional result.

3.49.100 - Enforcement.

The provisions of this chapter shall apply to all agents, successors and assigns of an applicant proposing or constructing a development governed by this chapter. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including but not limited to, actions to revoke, deny or suspend any permit, including a development approval, building permit or certificate of occupancy. The City shall be entitled to costs and expenses for enforcement of the provisions of this chapter, or any agreement pursuant thereto, as awarded by the court, including reasonable attorneys' fees.

3.49.110 - Severability.

If any portion of this chapter is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this zoning code. The City Council declares that this chapter and each portion would have been adopted without regard to whether any portion of this chapter would be later declared invalid, unconstitutional, or unenforceable.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. CEQA - EXEMPTION. The City Council finds and determines the adoption of this Ordinance is (1) not a Project under the California Environmental Quality Act (CEQA) and is therefore exempt pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(4) because it constitutes a governmental fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment; (2) statutorily exempt pursuant to CEQA Guidelines section 15267 (Financial Assistance to Low or Moderate Income Housing); (3) not intended to apply to specifically identified affordable housing projects and as such it is speculative to evaluate any such future project now and, moreover, they will be subject to appropriate environmental review at such time as approvals for those affordable housing project are considered; and/or (4) not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment or payment of the fees. Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2018 and was thereafter, at a regular meeting held on _____, 2018 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 6

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Professional Service Agreement: Document Scanning and Software Maintenance Services

Prepared by: Kirk Ballard, Building Official

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. RFP Response and Proposal from BMI Document Imaging Systems Inc.

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

The fiscal impact is negligible. All scanning and software maintenance service fees are paid by the applicant at time of building permit application submittal. Document scanning revenues and expenditures are included in the division's budget and fluctuate with construction activities. The annual expenditures for this service ranges from \$25,000 to \$40,000, all paid for by fees paid by applicants.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Will the City Council authorize the City Manager to enter into an agreement that provides for BMI Imaging Systems Inc. (BMI) to perform document scanning and software maintenance services for the Community Development Department?

Summary:

- This is a request authorizing the City Manager to enter into an agreement with BMI to provide document scanning and software maintenance services
- The Department needs to rely on a contract consulting firm to provide document scanning and software maintenance services
- An agreement with a new provider is necessary because the firm that provided these services previously gone out of business



Subject: Professional Service Agreement: Document Scanning and Software Maintenance Services

Staff Recommendation:

Move to authorize the City Manager to execute a new agreement with BMI for document scanning and software maintenance services



Subject: Professional Service Agreement: Document Scanning and Software Maintenance Services

Purpose

Facilitate the management, maintenance, storage, and retrieval of the numerous documents the Community Development Department works with on a day to day basis.

Background

The City's Community Development Department has been using contract document scanning and software maintenance services for many years to keep up with the community's on-going high-volume construction activities. These companies provide in-depth document scanning, on-line imaging and archiving for all related documents associated with projects submitted to Community Development. Fees for these scanning and maintenance services are paid directly by the applicant at time of permit submittal. Without these services, additional staffing, electronic server equipment, and training would be needed to maintain and manage department documents.

Currently the City is without a contractor to provide these services. Peelle Technologies, who has provided the service since 2003, recently dissolved their business. Following the closure of this company, staff moved forward with the release of a Request for Proposals (RFP) to solicit responses from document scanning and software maintenance companies.

Discussion/Analysis

Staff received one response to the RFP, which was from BMI. Their proposal was carefully reviewed and evaluated to make sure the firm met the following objective criteria:

1. Demonstrated experience working with other jurisdictions and agencies.
2. Consultant's approach and experience to accomplish the work identified in the RFP.
3. Ability to provide maintenance and support services to the City's existing archived documentation.
4. Associated fees for services.

Based on this review, BMI has been found to meet the objective criteria noted above. BMI has 60 years of experience in the greater Bay Area of successfully providing a complete range of secure, high-volume document conversion and management services. This firm's extensive experience and professional qualifications are equal to, if not better, than the previous firm that provided these services to the City.

The total expenditure over the term of this agreement with BMI is expected to be \$112,000.00, which is above the City Manager's signature limit; thus, City Council authorization is respectfully requested.

Options

- 1) Authorize the City Manager enter into an agreement with BMI for document scanning and software maintenance services



Subject: Professional Service Agreement: Document Scanning and Software Maintenance Services

Advantages: Will allow the Community Development Department to appropriately manage its on-going document duties

Disadvantages: On-going expenditure for scanning and software maintenance.

2) Decline authorization to enter into an agreement with BMI for document scanning and software maintenance services

Advantages: Reduces expenditures and allows for the RFP to be re-circulated, possibly to a greater range of companies that provide this type of service

Disadvantages: Document management for the department would not be adequate to keep up with the volumes of paper that are processed, and additional storage space would be needed

Recommendation

The staff recommends Option 1.



BMI Imaging Systems, Inc.
1115 E. Arques Avenue
Sunnyvale, CA 94085

RFP RESPONSE

AX DOCUMENT SCANNING AND SOFTWARE MAINTENANCE SERVICES

Prepared For



**City Of Los Altos
Community Development Department**

Submitted On:

February 23, 2018

Submitted To:

Lorrie Tanguay
Building Division Executive Assistant
City Of Los Altos

Submitted By:

Jim Detrick
Vice President
BMI Imaging Systems, Inc.



February 23, 2018

City of Los Altos
Community Development Department
Attn: Lorrie Tanguay
One N. San Antonio Road
Los Altos, CA 94022

Ms. Tanguay:

Thank you for giving BMI Imaging Systems the opportunity to submit the attached response to the City's request for proposals for the provision of ApplicationXtender (AX) document scanning and software maintenance services. We have thoroughly reviewed the RFP content and believe we have a comprehensive and clear understanding of the required services. Additionally, we've reviewed the City's standard Professional Services Agreement template (Exhibit A) and can meet the associated requirements.

Since 1958, BMI Imaging Systems has been a leading Bay Area-based provider of high-volume document and microfilm conversion services and has established a decades-long reputation for providing exceptional quality and service. BMI complements its comprehensive conversion service offerings with turnkey document management system solutions that include state-of-the-art software (such as OpenText's ApplicationXtender) and end-to-end implementation, integration and technical support services.

Please don't hesitate to contact me for additional information or to inquire about any items that require clarification.

Regards,

A handwritten signature in blue ink, appearing to read 'Jim Detrick', is written over a light blue horizontal line.

Jim Detrick, Vice President
Telephone: 408.736.7444 Ext. 212
Fax: 408.736.4397
jdetrick@bmiimaging.com

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Executive Summary

The City of Los Altos' (hereinafter "City") is seeking RFP proposal responses from document imaging/management companies qualified to provide 1) project document/plan scanning services with data deliverables in an ApplicationXtender (AX) compatible format and 2) AX software maintenance and support services, to include the maintenance of the Community Development Department's existing archived documentation.

To meet the City's requirements, BMI Imaging Systems is proposing the following comprehensive list of document conversion and software maintenance services:

- 1) Pick-up of City-boxed project documents (~100 boxes and year) comprised of pages/sheets ranging in size from 8.5" x 11" to 36" x 42";
- 2) Preparation of the documents for scanning by removing all page fasteners/bindings, back-folding/rolling plan sets and repairing torn pages;
- 3) Scanning of the documents into a Group IV Tagged Image File (TIF) file format;
- 4) Indexing of the scanned documents in accordance with the City's current AX application/repository index field requirements for both Building and Planning, to include each document's address, permit or project number, Assessor Parcel Number and Document Type (obtained from City-inserted barcode sheets);
- 5) Delivery of the image and index data via FTP and/or in the format of DVD-R or other portable media (i.e., USB thumb drive) in a comma-delimited format compatible with the AX software's Index Image Import (III) utility (AX Record Out format);
- 6) Destruction of the scanned documents via a secure/certified shredding process;
- 7) Annual AX software maintenance services.

Since 1958, BMI Imaging Systems has been a leading Bay Area-based provider of high-volume document and microfilm conversion services and has established a decades-long reputation for providing exceptional quality and service. We complement our comprehensive service offerings with turnkey document management system solutions that include state-of-the-art software (such as OpenText's AX software suite) and end-to-end implementation, integration and technical support services.

We believe BMI is highly qualified to meet the City's service requirements for the following reasons:

- 1) BMI has **60 years of experience** in successfully providing a complete range of secure, high-volume document conversion and management services to Bay Area organizations (including the City of Los Altos);
- 2) BMI is a **local AX document scanning and software maintenance company**, with its headquarters located in the city of Sunnyvale. Our proximity to the City will a) eliminate the risk associated with transporting the physical documents over great distances, b) make on-site project team collaboration with City staff easy to consider, c) facilitate relatively quick access to physical records in an emergency and d) minimize the cost associated with the document pick-up/delivery;



- 3) BMI has been **an authorized AX software reseller and support company for over 20 years**. As a result, our production and technical support teams are very familiar with the requirements for successfully creating, formatting and importing images and index data into the City's AX system;
- 4) BMI's facilities employ **innovative, best-of-breed document imaging equipment and software components**, all of which are designed to yield high-quality, accurate data deliverables in a high-volume production environment;
- 5) BMI's **experienced staff and well-equipped facilities** give us sufficient capability and capacity to perform all of the services described within the RFP in a timely and successful manner;
- 6) BMI's account, production and project management teams do a **superior job of communicating with its clients** to support their ongoing document and data management needs – our clients will absolutely attest to this.

It's our sincere hope that the information provided within the attached RFP proposal response expresses a) the comprehensive nature of the solution we're proposing, b) the qualifications of BMI's organization and team and c) our ability to provide the City with timely, accurate, and high-quality AX document scanning and software maintenance services.

Company Profile

BMI Imaging Systems (originally Bay Microfilm Incorporated) incorporated in 1958 as a microfilm service bureau, working with county Recorders microfilming land records. In the early '60s, services were expanded to include preservation microfilming of the rare books and manuscripts of some of California's leading universities. A Library Microfilms Division was also established, working with over 200 newspaper publishers in preserving California local history for libraries and archivists.

A reputation for service, precision, and reliability led to steady expansion of our government, education and commercial clients over the next two decades. By the early 1990's, the records management industry had entered the digital age and BMI was at the forefront of this evolution. Clients were meeting their electronic document management needs by having BMI digitize their records, with BMI installing and supporting on-premise document management software solutions. Like many of the companies that started in Silicon Valley in the early '50s, BMI's growth was fueled by the spirit of innovation and partnering with customers who were looking for better ways to preserve and secure their data.

Today, BMI's production staff, a team of over 60 technicians and project managers, create an average of 3 million digital images per month. We serve a customer base of over 800 organizations, many of whom have been clients for over 20 years. Included below is a partial list of noteworthy BMI clients:

City/County of San Francisco	City of Los Altos	Stanford University
Assessor/Recorder	City of Santa Clara	University of CA Berkeley
Dept. of Building Inspection	City of Livermore	San Jose State University
PUC	City of Menlo Park	MVLA School District
Superior Courts CA	City of Hayward	Sutter Health
County of San Francisco	City of Cupertino	UCSF Medical Center
County of Merced	Santa Clara County	Dignity Health
State of California	Fresno County	Safeway
Dept of Developmental Svcs	Sonoma County	Wells Fargo
Dept of Toxic Substance Cntrl	Tulare County	Chicago Title
US DOJ, Bureau of ATF	Alameda County	First American Title
San Francisco PD	Monterey County	Fidelity National Title
Phoenix PD	Santa Cruz County	North American Title
Redwood City PD	Clark County	Placer Title
Phoenix Police PD	Butte County	Bay Alarm
City of Mountain View	California State Library	Gilead Science
City of Sunnyvale	Hoover Institute	BD Biosciences

The loyalty of these valued clients stems from our steadfast commitment to providing secure, consistent, high-quality and customized document conversion services.

In addition to providing document/microfilm conversion and data capture services of the highest standard, BMI is both an application service provider, enabling secure access to client data via the Web, and a systems integrator, implementing turnkey document capture, management and workflow solutions. BMI employs an in-house development staff, a project management customer support staff, along with IT professionals that provide technical support for both our internal and Web hosting operations, and our customer's on-premises AX software implementations. As part of BMI's operational capabilities, BMI's development staff has written close to 2,000 unique software tools to address almost every conceivable image and data processing requirement.

Our Facilities and Security

BMI maintains two comprehensive 16,000± square-foot production facilities located in Sunnyvale and Sacramento, California. Both of these free-standing, single-tenant facilities are protected by heat-activated sprinkler systems and electronic security systems (Sonitrol) that are monitored 24/7. All external doors are secured with programmed key code locks that record the date, time and user of each entrance event. Video (CCTV) surveillance cameras capture all entrances, inside production and server areas and each building's exterior. There are no wireless networks at either facility and all BMI servers are located within locked server rooms, which are redundantly secured with cipher locks. Cell phone use is prohibited within the production areas.

As many of our existing clients are health care and law enforcement organizations, our employees, facilities, data processing systems and data management procedures are both HIPAA and CJIS compliant. BMI recently passed a Federal Government Audit/ Certification in order to perform microfilm conversion services. As a result, BMI is compliant with the National Institute of Standards and Technology Special Publication (NIST SP) 800-53 guidelines covering Federal Government Policies for Structural Security, Physical Access, Media Protection, NPI Security and Safety.

The locations of BMI's Sunnyvale and Sacramento facilities are included below:

1115 E. Arques Avenue
Sunnyvale, CA 94086
Phone: 408.736.7444

749 West Stadium Lane
Sacramento, CA 95834
Phone: 916.924.6666

RagingWire, a BMI colocation data center in Sacramento, California, maintains both BMI production backups and synchronized/replicated sets of customer-hosted data. The data sets hosted at the RagingWire and BMI Sunnyvale data centers are both active; user requests are serviced using a "load-balancing" methodology between the sites for performance. Key specifications for the RagingWire data center environment are provided below:

- 180,000 sq. ft., with 70,000 sq. ft. of raised floor space in a seismically safe location
- 8 feet tall perimeter fence with no public access
- Multifactor identification and multi-level security zones
- 24x7 manned security with centralized electronic access control systems
- Digital zoom cameras that monitor all secure areas, parking lots, entrances and roof
- 29 MW of backup generator power
- SSAE 16, PCI DSS, LEED Gold, EPA ENERGY STAR certified

Our Document Conversion Services

A high-level overview of BMI's document conversion services is included below:

Secure Backfile Conversion Services - Any Size and Type of Material

- Documents of all sizes (standard and oversize), colors and security requirements
- Microfilm, microfiche, aperture cards and film/glass negatives
- Bound books, fragile records, lab notebooks - all can be internally scanned to industry standard or custom output

Secure Transportation

- All drivers are BMI employees and vehicles are owned and operated by BMI only
- Shipment/transmittal logs required for all pick-ups/deliveries
- Vehicle security is an extension of the broader security parameters in place at BMI that enable the processing of sensitive law enforcement and medical records

Document Preparation

- Tasks are typically separated between preparation staff and scanning staff to create repeatable conditions
- Barcode technology for creating logical file and document breaks is frequently utilized with web based customer use systems available at no cost for creating barcode-based file and document indexing

Document and Microform Scanning

- Scanning at 100 – 400 DPI in bitonal, grayscale or color to single or multi-page files
- Image file formats including PDF, PDF/A, TIFF, JPEG and more
- Overhead scanning for bound or fragile/delicate documents

Document Reassembly

- Replacement of BMI-removed file and page fasteners
- Re-folding or re-rolling oversize pages
- Re-binding of books disassembled for scanning

Quality Control Measures for Accuracy, Quality and Completeness

- Duplex scanning for small-format pages (blank pages are deleted post-scan)
- Kofax Virtual ReScan image cleanup processing during scanning
- Ultrasonic double-feed detection to detect double-feeds
- Manual sheet feeding for poor quality or fragile/delicate originals
- Review of 100% of images during scanning process
- Post-scan thumbnail image review to detect cropping or skewing issues
- Imprinting/stamping of physical pages during the scanning process

Image Processing and Enhancement

- PDF processing (searchable PDFs, plug-ins)
- Multiple OCR engines for converting to images with text content
- Annotations: graphics and text added to an image page that wasn't part of original
- Redaction of sensitive information (e.g. Date of Birth, Social Security Numbers, Names)
- Watermarks for security or copyright protection; bits altered within an image to create a pattern which indicates proof of ownership

Document Indexing

- Automatic capture and indexing using optical character recognition (OCR), zonal OCR, intelligent character recognition (ICR) barcodes and forms recognition software
- Manual data entry for poor quality and handwritten documents via onsite/off-shore options
- Results guaranteed up to 99.95% at the character level for verified key-key-compare and adjudicate data entry
- In house development team for data formatting and rules-based submission requirements

Electronic Document Delivery

- Delivery via CD/DVD, USB flash drive, hard drive and Secure FTP
- Document Hosting (images are hosted at BMI's secure data center and accessed from a Web browser)
- Data delivery to document management systems (such as Laserfiche), back-end databases, workflow and other custom applications within client IT environments
- Electronic document/data purging following customer acceptance

Physical Document Destruction

- Document destruction via secure/confidential and certified shredding
- Destruction process requires customer to provide signed Destruction Authorization form

Key Project Team Members

Jim Detrick, Vice President: Having begun his sales career at BMI in 1988, Jim has 30 years of experience in managing high-volume document/data digitizing and conversion projects. Jim will have primary responsibility for managing the work performed under the Citywide Backfile Conversion Services contract and will work closely with department project managers and BMI's internal resources to ensure each department's project progresses toward a timely/successful completion.

Jim Modrall, Vice President, Operations and Security Officer: As BMI's VP of Operations for over a decade, Jim is largely responsible for the Company's leadership position in the area of information technology. Jim joined BMI in 1992 and is in charge of all technical operations, which include scanning, data capture and our Web Hosting services. Jim will be responsible for the overall management of the document conversion production operation.



Brad Gilbert – Vice President, Software Development and Project Management: Brad, a certified project manager, computer programmer and software developer, has been with BMI for over 10 years and is involved in both managing high-volume projects and developing the code to match client supplied index data with the scanned documents. Brad will be responsible for ensuring that the format of each department’s electronic document data deliverables conform to their requirements.

Kou Vue, Plant Manager: Kou has been with BMI since 2011. As Plant Manager, Kou will manage the production staff involved in all phases of each department’s backfile document conversion project, assigning the required resources and personnel to the tasks for each job and tracking all phases of production. Kou will work closely with the City’s account and project managers to ensure project deliverables are provided in accordance with required time frames.

Tam Ngo, Sr. Project Manager: Tam has been with BMI since 2006. As BMI’s primary Project Manager for the City’s projects, Tam will manage the design of the Unity process flows for each City department’s backfile conversion project and the conversion/digitization effort associated with each initial, turnkey Acceptance Test (or “Milestone 1”) review/approval process.

Project Approach

AX Document Scanning Services

BMI Imaging Systems is proposing a document processing methodology and overall work plan that will ensure the City receives an ApplicationXtender (AX) data deliverable that will meet its stated requirements. This methodology incorporates best practices that have been tailored to:

- Maintain the integrity and security of the hard-copy documents while they are under BMI's care and control;
- Accommodate the size, condition and quality of the document pages/sheets;
- Create and verify index data (metadata) that will be associated with each document during the AX data import process;
- Ensure the City receives images of acceptable quality/completeness in the specified format, and in accordance with mutually agreed upon delivery schedules.

The high-level document processing tasks are as follows:

- | | |
|--|-------------------------|
| 1) Document pick-up | 6) Image indexing |
| 2) Shipment receipt and reconciliation | 7) Data formatting |
| 3) Document preparation | 8) Data delivery |
| 4) Document scanning | 9) Document destruction |
| 5) Document reassembly | |

Each of these processing tasks is described below:

1) Document Pick-Up

BMI provides a high level of care for client documents and takes responsibility for maintaining the condition of the documents while they are under its care and control. BMI will utilize its own vehicles and drivers to pick up the City-boxed documents from the Municipal Service Center located at 707 Fremont Avenue in Los Altos.



2) Shipment Receipt, Reconciliation and Tracking

The received boxes will be reconciled with the shipping documentation and logged into Unity, a BMI-developed production control system that utilizes barcode technology to closely track each box through the various production process flows.

3) Document Preparation

The documents will be prepared for the scanning process. The preparation process will include the following tasks:

- Removal of page bindings/fasteners;
- Back-rolling/folding of plan sets to ensure each sheet can be properly fed;
- Repair of torn sheets in instances where the tear would affect either the feeding process or the completeness of the image produced from the sheet.

4) Document Scanning

BMI will utilize workstations configured with best-in-class Opex Falcon production scanners for the 300 DPI duplex capture of all small-format pages in black/white (or color using auto color detect, if necessary). Any blank back-sides of pages captured during the scanning process will be deleted using an automated blank page deletion process.



BMI will utilize workstations configured with high-performance, 42" Context HD Ultra large-format scanners for the black and white (or color, if necessary) capture of all plan set sheets. The plans will be scanned on a sheet-by-sheet basis at a 300 DPI resolution.

During the scanning process, 100% of the images will be presented to the operator and reviewed for quality and completeness. In general, the image acceptance criteria are readability (legibility of lettering and graphics), contrast and position. If it is determined that an image does not meet the established acceptance criteria, the document will be rescanned using manual controls.

The following additional quality control measures will be employed to ensure accurate and complete images are produced:

- Duplex scanning for all small-format pages (blank pages are deleted post-scan)
- Kofax Virtual ReScan (VRS) image cleanup processing during scanning
- Ultrasonic double-feed detection to detect double-feeds during auto-feeding capture
- Manual sheet feeding for very poor quality or fragile originals
- Post-scan thumbnail image review to detect cropping or skewing issues

5) Document Reassembly

Following the scanning process, the sheets associated with each plan set will be re-folded or re-rolled and rubber-banded and all documents will be returned to the box they were submitted in. It is assumed that the replacement of any BMI-removed page bindings/fasteners is not required, as the documents will be destroyed at some point following the scanning process.

6) Image File Indexing

The image files created for each file during the scanning process will be indexed as per the following specifications:

Building

AX Application Name: BUILDING_PERMITS

AX Application Index Fields:

- 1) STREET NUMBER (Populate via key entry process)
- 2) STREET NAME (Populate via key entry process)
- 3) APN (Populate via key entry process)
- 4) PERMIT NUMBER (Populate via key entry process)
- 5) DOCUMENT TYPE (Populate via City-inserted barcode sheets)

Planning

AX Application Name: DEVELOPMENT_APPLICATIONS

AX Application Index Fields:

- 1) STREET NUMBER (Populate via key entry process)
- 2) STREET NAME (Populate via key entry process)
- 3) APN (Populate via key entry process)
- 4) FILE NUMBER (Populate via key entry process)
- 5) DOC TYPE (Populate via City-inserted barcode sheets)

7) Data Formatting

The image file and document index data will be formatted for import into ApplicationXtender (AX) version 7, 8 or newer using the system's standard/included Index Image Import utility.

8) Data Delivery

The AX image/index data will be delivered via FTP and/or in the format of DVD-R or other portable media (i.e., USB thumb drive). If via DVD-R or USB thumb drive, the media will be delivered to the City's offices located at One N. San Antonio Road in Los Altos via UPS or FedEx. Appropriate documentation will accompany all shipments.

9) Document Destruction

The scanned documents will be held for destruction until BMI receives the City's signed BMI Letter of Destruction form, at which time they'll be destroyed via a certified/secure shredding process.

AX Software Maintenance Services

As a certified OpenText business partner, BMI's Technical Services team provides "front line" technical support for all of its ApplicationXtender software clients with the ability to escalate issues to MetaSource, OpenText's software distribution and support partner.

Under its annual Service Maintenance Agreement, BMI's technical support team will work in conjunction with City IT staff to ensure the City's ApplicationXtender (AX) software remains in normal working condition. This Agreement provides unlimited telephone/dial-in technical support with a 4-hour response time during BMI's normal business hours (8:00 a.m. to 5:00 p.m. PST, Monday through Friday, excluding BMI company holidays). Additionally, BMI will furnish the City with all AX software updates released during the term of the Agreement. If requested, on-site software installation and/or training services (Professional Services) associated with such software updates are optional and would be billable to the City.

CHANGE RECORD PAGE

ECN#	REVISION	DESCRIPTION	DATE	APPROVED
	1	CREATE NEW POLICY/PROCEDURE	6/24/2013	JRM
	2	REVIEW AND REVISE POLICY	0720/2015	JRM

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APPROVALS	DATE
PREPARED BY: LWITTRUP;JIM@BMIIMAGING.COM	6/24/2013
MANAGER JIM MODRALL	6/24/2013
PROJECT ENGINEER	
DOCUMENT CONTROL / QUALITY	

DOCUMENT TYPE	QUALITY ASSURANCE	
TITLE	QUALITY ASSURANCE IDENTIFICATION AND CORRECTION PROCEDURE	
DOCUMENT N ^o	QA-0001	REV 2

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1. PURPOSE

Provide a procedure for the quality assurance identification and correction process.

2. SCOPE

For all BMI production employees

3. DEFINITIONS

UID – A numerical Unique Identifier used to track each conversion unit through the BMI processing systems.

ANSI - American National Standards Institute

ASQ – American Society for Quality

4. APPLICABLE DOCUMENTS

Any other documents

5. POLICY

All projects that are put into a process flow should have a process for quality assurance. The quality assurance process should utilize a random sampling methodology consistent with ANSI/ASQ Z1.4 specifications.

5.1 QUALITY LEVEL

Unless otherwise specified by the client, all quality sampling should be configured to conform to a 0.25% AQL level of inspection.

5.2 IDENTIFICATION

The quality assurance process will review specific attributes determined necessary for the success of a project.

5.2.1 Pass or Fail

The quality assurance process will be marked as “Pass” if all of the attributes are determined to be acceptable.

The quality assurance process will be marked as “Fail” if any of the attributes are determined to be unacceptable.

5.3 INVESTIGATION

The Project Manager will investigate why the quality assurance process failed for a Specific UID to determine the necessary corrective action.

If the cause was the result of an incorrect manual process, the individual(s) that performed the task will be retrained in the correct procedure for the manual process.

If the cause was the result of an incorrect automated process, the Project Manager will review and modify the process as needed to perform the correct function.

5.4 CORRECTION



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Once the cause has been corrected, the process will be reapplied to the failed UID for correction verification.

The initially failed UID will be put through the quality assurance process again to determine if all of the attributes are acceptable.

If the initially failed UID is marked again as "Fail", the Identification process begins again. If the initially failed UID is marked as "Pass", the Project Manager moves onto the Assessment process.

5.5 ASSESSMENT

Once the Failed UID has been marked as "Pass", the Project Manager will need to assess all preceding UID's that have gone through the process flow to determine the scope of the UID's that will need to have the updated process reapplied.

5.6 APPLICATION

Project Manager applies the updated process to all identified UID's.

6. DISTRIBUTION

BMI production employees



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Fee Schedules

AX Document Scanning Services

Service Description	UOM	Unit Price
One-Time Project Setup/Engineering Fee:	Project	Waived
Document Pick-up:	Trip	\$50.00
Document Preparation:	Hour	\$22.50
Document Scanning		
Up to 8.5" x 14" sheets:	Image	\$0.05
11" x 17" sheets:	Image	\$0.15
24" x 36" and 36" x 42" sheets:	Image	\$1.50
Document Indexing:	Document	\$0.20
Record Data to DVD or USB Thumb Drive:	Disk/Drive	\$25.00
Data Delivery Via FTP:	Submission	Waived
Document Destruction (per 15" box equivalent):	Box	\$6.00

Applicable sales tax will be added to all invoices. Please note that sales tax does not currently apply to the services listed above if the AX index/image data is delivered via FTP (Internet-based delivery), as no "tangible media" will be delivered to the City.

AX Software Maintenance Services

License Description	Qty.	Unit Price	Ext. Cost
AX Concurrent Connection:	15	\$440.00	\$6,600.00
AX OCR Server:	1	\$380.00	\$380.00
AX Full-Text Server:	1	\$570.00	\$570.00
AX Full-Text Client:	15	\$60.00	\$900.00
Total Annual Software Maintenance Cost:			\$8,450.00

CHANGE RECORD PAGE

ECN#	REVISION	DESCRIPTION	DATE	APPROVED
	1	CREATE NEW POLICY/PROCEDURE	09/12/2012	BW 09/13/2012
	2	REVISED AND UPDATED PROCEDURE	07/21/2015	
	3	REVISED AND UPDATED PROCEDURE	06/30/2016	JRM 8/11/2016

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APPROVALS	DATE
PREPARED BY: JAMES MODRALL	6/30/2016
MANAGER BILL WHITNEY	6/30/2016
PROJECT ENGINEER	
DOCUMENT CONTROL / QUALITY	

DOCUMENT TYPE	SECURITY MANUAL	
TITLE	BMI DISASTER RECOVERY PLAN	
DOCUMENT N ^o	SM-0007	REV 2

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1. PURPOSE

Establish policies and procedures for business resumption after an emergency incident.

2. SCOPE

All BMI facilities and computer systems.

3. DEFINITIONS

DRP – Disaster Recovery Plan

DRT – Disaster Recovery Team

4. APPLICABLE DOCUMENTS

None

5. POLICY

5.1 OBJECTIVE

The overall objective of the Sunnyvale DRP is to protect BMI employees and both BMI and Customer resources, and to ensure the ability of BMI’s Sunnyvale operation to function effectively in the event of a severe disruption to normal operating procedures. The primary role of the DRP is to document BMI Sunnyvale’s plan for response, recovery, resumption, restoration, and return to operation after severe disruption.


A disaster is defined as the occurrence of any event that causes a significant disruption in BMI’s operational capabilities. The central theme of this Plan is to minimize the effect a disaster will have upon on-going operations.

The DRP is a systematic guide from disaster to recovery. The basic approach, general assumptions, and sequence of events that need to be followed will be stated in the documentation that follows. While using the DRP during a severe disruption, it may be in the best interest of BMI to modify the specified procedures based on the current situation and the nature of the disruption. Alternative actions should be documented and the DRP should be resumed and revisions made as appropriate.

The DRP should be distributed to all key personnel and they should receive periodic updates. The general approach is to make the DRP as threat-independent as possible. This means that it should be functional regardless of what type of disaster occurs.

5.2 ASSUMPTIONS

- Recovery for anything less than complete destruction should be achievable by using the DRP.
- Normally available staff members may be rendered unavailable by a disaster or its aftermath, or may be otherwise unable to participate in the recovery.
- Procedures are sufficiently detailed so someone other than the person primarily responsible for the work can follow them.

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- Recovery of a critical subset (recovery workload) of the unit's critical functions and applications systems during the recovery period will allow the unit to continue critical operations adequately.
- A disaster may require clients to function with limited automated support and some degradation of service until full recovery is made.
- The writing of special purpose programs may be required to enable the Sunnyvale office to effectively return to normal conditions. That is to say that BMI may need to: first, rebuild and/or re-enter data that was lost between the time of the last off-site backup and the time of the disaster/disruption; and second, enter transactions that accumulate during the period of "no automated support".

5.3 FACILITY DESCRIPTION

The BMI Imaging Systems Sunnyvale Plant consists of a 16,000+ square foot structure housing paper and film scanning hardware, workstations, image processing hardware, and a network and operations infrastructure common to many office environments. The systems are supported by BMI employees with knowledge of the systems and practices of the organization and the products created there.


While hosting of images is an extensive part of BMI's product offerings, the primary customer hosting site is a Sacramento-based N+2 hosting facility, in which BMI has its own caged server environment.

5.4 CRITERIA FOR INVOKING THE DRP

The detection of an event which could result in a disaster affecting BMI Sunnyvale or its information processing systems is the responsibility of Plant Operations Personnel or whoever first discovers or receives information about an emergency situation.

As soon as a situation occurs that could result in a severe disruption to service, the on-site personnel should contact the appropriate emergency authorities and then take the necessary steps to minimize property damage and injury to people in the vicinity. The following people must be notified:

- Normally, the Operations Manager and/or the Sunnyvale Police receive the initial notice through their alarm monitoring capabilities. If the problem does not activate a normal alarm system, immediately notify these two contacts.
- Once any appropriate authorities and Operations Manager have been notified, contact should be made with the Secondary Contacts to assist in personally making an on-site evaluation of the disaster.

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5.5 DISASTER RECOVERY MANAGEMENT TEAM – ROLES AND RESPONSIBILITIES

- **Operations Manager (Jim Modrall)**
Back up Operations Manager (Brad Gilbert)
Role: Team Leader
Responsibilities:
 - Team Leader for Disaster Recovery assessment and overseeing resumption of critical services.
- **Facilities Manager (Kevin Pounders)**
Role: Assistant to the Team Leader
Responsibilities:
 - Assist in coordinating resumption of hardware services and facility access.
 - Secure all space and mechanical resources required for business operations.
 - Contact backup facility (Sacramento) for use of their hardware.
 - Secure all space and mechanical systems required for resumption of operations.
- **Plant Manager (Kou Vue)**
Role: Assistant to the Team Leader
Responsibilities:
 - Assist in coordinating requirements with Sacramento Branch for transfer of services.
- **Computer Systems Security Manger (Tony Gayer)**
Role: Assistant to the Team Leader
Responsibilities:
 - Facilitate engagement of IT backup systems.
 - Contact backup facility (Sacramento) for use of their operating systems.
 - Determine and provide access to Sunnyvale systems backups.
 - Set up production software and workstations in the Sacramento facility.
- **Technical Support (Richard Gee)**
Role: Assistant to the Computer Systems Security Manager
Responsibilities:
 - Assist in facilitating the engagement of IT backup systems.

The Disaster Recovery Management Team should personally visit the site and make an initial determination of the extent of the damage. Based on their assessment, all or part of the Sunnyvale Disaster Recovery Plan will be initiated. The DRMT in conjunction with executive management will decide:

1. If normal operations can resume at the site and if repairs can be started as soon as possible.
 - Minor Damage – Processing can be restarted in a short time with no special recall of personnel.
 - Anticipated downtime is less than one day.



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- Damage could be to hardware, software, mechanical equipment, electrical equipment, or the facility.
2. If normal operations can resume or be restarted with the assistance of only certain recovery team personnel.
 - Major Damage – Selected personnel will be called to direct restoration of normal operations at current site.
 - Estimated downtime is two to six days.
 - Major damage to hardware or facility.
 3. If limited operations can resume at the site and if plans to repair or replace unusable equipment can be implemented.
 4. If the facility is destroyed to the extent that an alternate facility must be used.
 - Catastrophe – Damage is extensive.
 - Restoration will take in excess of one week.
 - Computer room or facility could be completely destroyed.
 - All critical personnel will be called to begin a total implementation of the Sunnyvale Contingency Plan.
 5. The extent that the Sunnyvale DRP should be initiated.
 6. The Management Team will finalize the plan of action and notify all non-DRT management personnel.
 7. If the plan of action requires the assistance of other recovery personnel; those personnel will be notified.

If a determination is made to notify other personnel, the Management Team should phone designated management personnel to disseminate the information. A brief message should be dictated over the phone and the called person should write down the message. At the end of the message, the called person should read back the message to verify that all critical information is stated.

5.6 PROCEDURES FOR OPERATING IN CONTINGENCY MODE

- Process descriptions are available from the Plant Manager and are in Production Systems (copies are stored on systems located at BMI colocation facility).
- Copies of vital records are backed up and stored at BMI's colocation facility.
- Equipment and software licensing descriptions are maintained by the Operations Manager.
- Backup copies of software needed to recover production operations are backed up to an off-site COLO facility
- The minimum infrastructure requirements (network, communications, email, telephone) are available at the Sacramento site.
- Internal systems for communication with sub-contractors will be routed to the Sacramento site.
- Necessary personnel that could not travel to Sacramento site will be added via existing staffing vendor.
- Communications will be adjusted for move.

5.7 CRITERIA FOR RETURNING TO NORMAL OPERATING MODE

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The Sunnyvale facility criterion for returning to normal operating mode is detailed below:

- The DRT will determine job priority and the available methods to resume production in Sunnyvale.

5.8 PROCEDURES FOR RETURNING TO NORMAL OPERATING MODE

The Sunnyvale disaster recovery/restoration procedures for Mission Critical Processes are:

- Procuring replacement equipment and supplies based on job commitments.
- Restore/restart systems as required.
- Test and certify functionality of all systems.
- Notifying personnel to return to normal operating mode.

5.9 PROCEDURES FOR RECOVERING LOST OR DAMAGED DATA

The methods used to recover data lost during a disaster event would depend on the type of data being recovered.

- Database tables would be restored from the off-site data backup.
- Raw Image data from BMI scanning systems may be recovered from local production system backup drives, depending on the requirements of each specific project.
- Image data that is not recoverable would require rescanning the original material.

5.10 TESTING AND TRAINING

Training and Plan Testing should be incorporated into Safety Training with Disaster Recovery exercises should be done not less than once every year. Results will be recorded on the basis of the following:

- Recoverable Data if all servers at Sunnyvale are destroyed.
- Personnel availability by contacting all emergency numbers.
- Team preparedness for all enumerated responsibilities.

5.11 DRP MAINTENANCE

Ensuring that the DRP reflects ongoing changes to resources is crucial. This task includes updating the DRP and revising this document to reflect updates; testing the updated DRP; and training personnel. BMI General Management is responsible for this comprehensive maintenance task.

Yearly, the DRT Operations Manager (Team Leader) ensures that the DRP undergoes a more formal review to confirm the incorporation of all changes since the prior year. Annually, General Management initiates a complete review of the DRP, which could result in major revisions to this document. These revisions will be distributed to all authorized personnel, who exchange their old plans for the newly revised plans. At that time the Team Members will provide an annual status report on disaster recovery planning to the DRT Operations Manager with questions, suggestions, or modifications.

5.12 MAINTENANCE CYCLE TRIGGERS

The DRP will be reviewed and updated on an annual basis in conjunction with plan testing. In addition, the DRP will be revised if any changes to the operating environment occur, such as:

- Facility changes.
- Equipment changes.



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- Major changes to existing applications.
- Off-site storage location changes.
- New software upgrades or installs.
- Changes to backup procedures.
- Changes to key personnel identified in the document.

6. DISTRIBUTION

All BMI Employees

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CONSENT CALENDAR

Agenda Item # 7

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Unclaimed Funds Policy and Procedure

Prepared by: Sarina Revillar, Financial Services Manager

Reviewed by: Sharif Etman, Administrative Services Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Unclaimed Funds Policy & Procedure

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt the Unclaimed Funds Policy and Procedure to help streamline the outstanding checks process?

Summary:

- Establish proper accounting for outstanding checks according to Government Code Sections 50050 through 50056
- A formal process for unclaimed money of \$15 or more and less than \$15
- The Unclaimed Funds Policy and Procedures has been reviewed by the Financial Commission

Staff Recommendation:

Move to adopt the Unclaimed Funds Policy and Procedure



Subject: Unclaimed Funds Policy and Procedure

Purpose

To establish an unclaimed funds policy and procedures in accordance with state law.

Background

The City's Unclaimed Funds Policy and Procedures sets guidelines that ensure the City's funds are managed in compliance with state law.

Discussion/Analysis

The Interim Audit conducted by Maze & Associates on April 2018 recommended the City establish procedures for handling outstanding checks. Currently, there are 221 checks, totaling \$54,676 in the General Fund, two checks totaling \$40,000 in other funds, and 23 checks, totaling \$1,292 in payroll.

Options

- 1) Adopt the Unclaimed Funds Policy and Procedures

Advantages: Allows the City to have a proper mechanism to take possession of long standing unclaimed checks in accordance with state law.

Disadvantages: None

- 2) Do not adopt the Unclaimed Funds Policy and Procedures

Advantages: None identified

Disadvantages: The City would not adhere to the recommendation of the auditor or Best Practices.

Recommendation

The staff and Financial Commission recommends Option 1.



City of Los Altos – Administrative Services Department
Unclaimed Funds Policy & Procedures
1 N. San Antonio Road
Los Altos, CA 94022

I. PURPOSE

The purpose of the unclaimed funds policy is to establish the proper mechanism to take possession of long standing unclaimed checks in accordance with state law.

II. POLICY

It is the policy of the City of Los Altos to properly account for unclaimed funds in a manner which follows Government Code Sections 50050 through 50056. Unclaimed funds, excluding restitution to victims, that remain unclaimed for at least 3 years will become the property of the City of Los Altos after the procedures identified herein have been followed. Unclaimed funds are defined as money or funds disbursed that remain in the City Treasury or in the official custody of City officers for a period of three (3) years or more without a claim being filed by the legal owner(s). Common sources include accounts payable, payroll, vendor payments, customer refunds and deposits.

The City is required to comply with the requirements of the unclaimed property laws and regulations. Those duties vested by Government Code Sections 50050 through 50056 in the City Treasurer are hereby transferred to the City Finance Director or other designee as stated in this policy. This policy outlines the procedures to be followed regarding checks issued by the City that remain uncashed after a specific period.

III. PROCEDURE

- 1) To minimize the number of unclaimed checks, the payee will be notified in writing when a check remains unclaimed for at least six (6) months. A sample letter is attached in **Exhibit I** to facilitate the notification process.
- 2) Unclaimed money of \$15 or more
 - a) All wages and vendor payments of \$15 or more that are outstanding and unclaimed by the payee at least three consecutive years must be publicly advertised. (Government Code Secs. 50050 and 50051). This procedure provides formal notice to vendors or individuals of the existence of uncashed checks and allows them the

opportunity to claim the funds.

- b) The City Clerk's Office shall prepare and place a Notice of Unclaimed Property in the Los Altos Town Crier or other newspaper of general circulation published in the City. The Notice shall state that it is proposed that the money will become the property of the City of Los Altos on a designated date not less than forty-five (45) days nor more than sixty (60) days after the first publication of the notice. The Notice will include the payee, amount and the disbursing fund. **See Exhibit II** (Gov. Code Sec. 50051)
 - c) The City Clerk's Office shall obtain a proof of publication from the newspaper to be retained as verification that the notice was placed in the publication and ran once per week for two consecutive weeks.
 - d) At the end of the public notification period (45-60 days), any remaining unclaimed funds with face amounts of \$15 or more will revert to the City and shall return to the originating fund. The amounts of such funds may be transferred to a miscellaneous General Fund revenue account by resolution of the City Council.
- 3) Unclaimed money less than \$15 or unknown depositors
- a) Unclaimed checks of less than \$15, or any amount if the depositor's name is unknown, will become the property of the City of Los Altos after being unclaimed for at least 12 months and shall return to the originating fund. This may occur without the necessity of a newspaper publication notice. (Gov. Code Sec. 50055). The funds may be transferred to the General Fund by resolution of the City Council (**See Exhibit III**).
- 4) Filing a Claim
- a) Potential claimants will contact the Finance Department to obtain instructions for placing a claim. All claims will be facilitated using the claim form. **See Exhibit IV.**
 - b) Upon or prior to publication, a party of interest may file a claim with the City Finance Department, which must include the following information: (Gov. Code Sec. 50052)
 - i) The claimant's name, address and telephone number.
 - ii) Social Security Number or Federal Employer Identification Number.
 - iii) Proof of identity such as a copy of a driver's license, social security card or birth certificate.
 - iv) The amount of the claim.

- v) The grounds on which the claim is founded.
 - c) The Finance Division may release to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, unclaimed money if claimed prior to the date the money becomes the property of the City upon submitting proof satisfactory to the Finance Division. (Gov. Code Sec. 50052.5)
 - d) The Financial Services Manager will verify the validity of the claim and, if appropriate, submit to the Accounts Payable Technician for payment through the normal accounts payable process.
- 5) Funds Transfer
- a) At the end of the public notification period (45-60 days) or if no notice is required then on date the money becomes the property of the City, any remaining unclaimed funds shall be returned to the originating fund.
- 6) When the unclaimed funds become the property of the City of Los Altos and are in a Special Fund, the City Council may transfer them by resolution to the General Fund. (Gov. Code Secs. 50053 and 50055).
- 7) Accounting Transactions
- a) If an unclaimed check is claimed prior to the date designated in the Public Notice or other date the money becomes property of the City, the Financial Services Manager will verify the claimant's supporting information and if the claimant satisfies all conditions required under this procedure, the City will issue a new check for the claimed amount to the claimant.
 - b) At the end of the public notification period (45-60 days) or other date the money becomes property of the City, the remaining unclaimed funds will revert to the City. The amounts of such funds will be transferred to a miscellaneous General Fund revenue account upon City Council approval.
 - i) Accounts Payable check will be voided, a journal entry will be prepared to reclass the account number from original to miscellaneous revenue account, Unclaimed Property account (2204). This will Debit Cash and Credit the above revenue account without changing the original Expense or Revenue account.
 - ii) Payroll checks will be voided through the payroll void process. In addition, a journal entry will be prepared to Debit the original expense account and Credit

the Miscellaneous Revenue, Unclaimed Property account.

- iii) The records of voided checks must be retained in Finance in accordance with the City's records retention policy.

8) Policy Review

- a) This policy shall be reviewed at least bi-annually.

Attachments:

Exhibit I-Sample Letter

Exhibit II-Sample Public Notice

Exhibit III-Sample Resolution

Exhibit IV-Sample Claimant Form



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

Date

«Payee_Name»
«Street_Address»
«City»

Dear «Payee_Name»,

Our records indicate that the following check issued to you or your organization has not been cashed.

Check number: «Check_Number»
Amount: \$«Amount»
Date issued: «Issue_Date»

Under California Government Code Section 50050 et seq., unclaimed funds will become the property of the City three (3) years after the check was issued, or after twelve (12) months for checks less than \$15. It is likely that the check was lost or never received. Please check your bank records to verify that the check has never been cashed by you. If your record indicates that you have deposited the check, please mark **X** on number 1 below. If your record shows that you have never received the check, please make **X** on number 2 and we will issue a replacement check to you. This letter should be returned to my attention at the address below.

Please reply to this correspondence below and return to us, either via e-mail or mail.

- 1. Yes, I have received and cashed the above-mentioned check.
- 2. No, I have never received and cashed the above-mentioned check. Please issue a replacement check.

Signed by: _____ Date _____

Sincerely,
Accounts Payable
City of Los Altos
1 N San Antonio Road
Los Altos, CA 94022

CITY OF LOS ALTOS

PUBLIC NOTICE OF UNCLAIMED PROPERTY

NOTICE IS HEREBY GIVEN THAT, the Finance Department of the City of Los Altos, County of Santa Clara, State of California, declares that the following monetary sums have been held by the City of Los Altos and remained unclaimed in the funds hereafter indicated for a period of over three (3) years and will become the property of the City of Los Altos on the _____ day of _____, year a date not less than forty-five (45) days, nor more than sixty (60) days after the first publication of the Notice.

Any party of interest may, **prior** to the date designated herein above, file a claim with the City's Finance Department. The Unclaimed Money Claim Form can be obtained from City Hall at 1 N San Antonio Road, Los Altos, CA 94022 or from the City's website at www.losaltosca.gov/unclaimedpropertyforms. Proof of identify such as a copy of a driver's licenses, social security card or birth certificate must be provided before funds will be released. Any questions, please contact the City of Los Altos, Finance Department at (650)947-2760.

This notice and its contents are in accordance with California Government Code Sections 50050-50056.

NAME	AMOUNT	FUND
Company XX	\$1000.00	General Fund
Doe, Jane	\$ 50.00	Sewer Fund

Sharif Etman, MBA
Administrative Services Director

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
RELEASING UNCLAIMED CHECKS**

WHEREAS, it is the policy of the City of Los Altos to take possession of long standing unclaimed checks in accordance with Government Code Sections 50050 through 50056; and

WHEREAS, each of the checks listed on the attached summary is less than \$15, or for any amount in which the depositor’s name is unknown, and have been unclaimed for more than one year; and

WHEREAS, the attached summary may also include checks in amounts greater than \$15 that have been unclaimed for more than three years and notice thereof was published in the Los Altos Town Crier on [date] and [date] as required by Government Code Section 50050.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby orders that the unclaimed checks on the attached list in the total amount of \$ xxx.xx shall be transferred to the General Fund in accordance with Sections 50053 and 50055 of the California Government Code.

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

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

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



**CITY OF LOS ALTOS
UNCLAIMED PROPERTY-CLAIM FORM**

*Return completed form to:
City of Los Altos
Finance Department
Accounts Payable
1 N San Antonio Road
Los Altos, CA 94022*

Pursuant to California Government Code Section 50052, I wish to file a claim for a previously unclaimed check in the amount of \$ _____ that was published in the Town Crier on _____ (if applicable).

The grounds on which I file this claim are as follows:

Vendor or Individual Name (printed)

Taxpayer I.D. or Social Security Number

Vendor or Individual Name (signature)

Telephone Number

Address

City/State/Zip Code

NOTE: ALL CLAIMS MUST BE RECEIVED BY THE CITY BEFORE THE DATE SPECIFIED IN THE NOTICE OR WITHIN 12 MONTHS IF THE AMOUNT IS LESS THAN 15 DOLLARS OR THE DEPOSITORS NAME IS UNKNOWN. POSTMARKS WILL BE ACCEPTED.

FOR FINANCE DEPARTMENT USE ONLY

Date Claim Received: _____

Name of Payee: _____

Original Check #: _____

Original Check Amount: _____

Original Check Date: _____

Replacement Check #: _____

Replacement Check Amount: _____

Replacement Check Date: _____

Account Code: _____

Verified by: _____

Date Approved: _____



CONSENT CALENDAR

Agenda Item # 8

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Resolution No. 2018-23: Solid Waste Rate Adjustment

Prepared by: Christopher Lamm, Engineering Services Manager

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Maximum Rates for Adoption
2. Resolution No. 2018-23

Initiated by:

Staff; Solid Waste Franchise Agreement

Fiscal Impact:

A 3.2427% increase in rates charged for service affects all rate payers, including the City.

Environmental Review:

Statutorily Exempt – CEQA Section 15273(a)

Policy Question(s) for Council Consideration:

None

Summary:

- The City of Los Altos Municipal Code Section 6.12.020 - Charge for solid waste collection service states that “Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the collection service agreement between the City and its franchised hauler
- The Franchise Agreement with Mission Trail Waste Systems (MTWS) provides for periodic rate adjustments based on the Consumer Price Index
- The calculated increase that will be applied to the existing Solid Waste Collection rates is 3.2427%

Staff Recommendation:

Adopt Resolution No. 2018-23, authorizing the increase of Solid Waste Collection Rates by 3.2427% effective July 1, 2018



Subject: Resolution No. 2018-23: Solid Waste Rate Adjustment

Purpose

Adopt Resolution No. 2018-23, authorizing the increase of Solid Waste Collection Rates by 3.2427% effective July 1, 2018.

Background

The City of Los Altos Municipal Code Section 6.12.020 - Charge for solid waste collection service states that “Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the collection service agreement between the City and its franchised hauler.” The Franchise Agreement with Mission Trail Waste Systems (MTWS) provides for periodic rate adjustments based on the Consumer Price Index, and establishes that the next adjustment would apply to service beginning July 1, 2018.

MTWS provided a revised rate schedule to the City for review on March 31, 2017 as described in the Franchise Agreement. The Franchise Agreement provides that MTWS shall charge service recipients an amount not to exceed the Maximum Service Rates set by City Resolution as may be adjusted under the terms of the Agreement.

Discussion/Analysis

The method of computing the price adjustment using the Consumer Price Index (CPI) is provided in the Franchise Agreement as follows:

Subsequent Adjustments: Using one-hundred percent (100%) of the twelve (12) month average percentage change in the CPI between February of the prior year and February of the current year.

The Franchise Agreement defines CPI as the index published by the U.S. Department of Labor, Bureau of Labor Statistics, Series Id: CCUA422SAO, Not Seasonally Adjusted, All Items, All Urban Consumers (CPI-U) for San Francisco-Oakland-San Jose, California. The calculated increase that will be applied to the existing Solid Waste Collection rates is 3.2427%. Attachment 1 shows a complete schedule of the maximum rates for adoption by Council Resolution.

Additional requests for rate increases due to bans on importing of recyclable materials into China have been deferred to be taken into consideration with contract extension negotiations.

Options

- 1) Adopt Resolution No. 2018-23, authorizing the increase of Solid Waste Collection Rates by 3.2427% effective July 1, 2018

Advantages: The rate increase is in accordance with the Solid Waste Franchise Agreement

Disadvantages: None



Subject: Resolution No. 2018-23: Solid Waste Rate Adjustment

Recommendation

The staff recommends Option 1.

Exhibit 1a Maximum Service Rates – SFD Services Effective July 1, 2017					
A. CURBSIDE COLLECTION SERVICE					
	Garbage Cart Sizes (gallons)	20	32	64	96
1	MONTHLY CURBSIDE RATE	\$31.98	\$34.45	\$68.89	\$103.35
2	Additional Curbside Garbage Cart – (added to Line A2)	\$31.98	\$34.45	\$68.89	\$103.35
B. ON-PREMISE COLLECTION SERVICE					
1	MONTHLY ON-PREMISE RATE (5 – 100 ft)	\$43.93	\$46.38	\$80.83	\$115.28
2	Additional On-Premise Garbage Cart – (added to Line B2)	\$43.93	\$46.38	\$80.83	\$115.28
3	Additional Walk-in Distance – Each 100 feet (add to line B1 or B2)	\$12.24	\$12.24	\$12.24	\$12.24
C. ADDITIONAL BULKY WASTE COLLECTION					
1	Additional On-Call Bulky Waste Collection (Individual Large Items)	\$19.89	Each additional large item (over 3 Large Items per Bulky Waste Collection)		
3	Additional On-Call Bulky Waste Collection (Loose)	\$30.63	Per cubic yard/occurrence (over 2 Bulky Waste Collections per Agreement Year)		
2	Collection of Large Items Containing Freon	\$61.26	Each item/each occurrence		
D. ADDITIONAL CART EXCHANGE OR REPLACEMENT					
1	Additional Garbage Cart Exchange	\$30.63	Each occurrence		
E. ON- CALL HHW COLLECTION					
1	On-Call HHW Collection	\$30.63	Each occurrence		
F. DISPOSAL COST PER TON COST					
	Disposal Facility Charge Per Ton	City Contract Rate	Newby Island Sanitary Landfill		

Exhibit 1b
Maximum Service Rates – Commercial and MFD Services
Effective July 1, 2017

Container Size	Collection Frequency					
	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
32 Gallon	\$34.45	\$68.88	\$103.34	\$137.77	\$172.23	\$206.65
64 Gallon	\$68.89	\$137.79	\$206.68	\$275.60	\$344.48	\$413.38
96 Gallon	\$103.35	\$206.67	\$310.02	\$413.36	\$516.71	\$620.02
1 CY BIN	\$135.16	\$270.34	\$405.49	\$540.65	\$675.82	\$810.97
2 CY BIN	\$270.34	\$540.65	\$810.97	\$1,081.30	\$1,351.63	\$1,621.95
3 CY BIN	\$405.48	\$810.97	\$1,216.48	\$1,621.96	\$2,027.45	\$2,432.93
4 CY BIN	\$540.65	\$1,081.30	\$1,621.96	\$2,162.59	\$2,703.27	\$3,243.94
6 CY BIN	\$810.97	\$1,621.96	\$2,432.93	\$3,243.92	\$4,054.89	\$4,865.87
Bin Push Rates (rate multiplied by collection frequency)	0 - 25 feet	\$25.45 per month for each 25 feet increment over the first 25 feet				
	No Charge					
Disposal Charge Per Ton	City Contract Rate		Newby Island Sanitary Landfill			
Organic Waste Processing Charge Per Ton	City Contract Rate		Zanker Road Processing Facility			
Organic Waste Processing Charge Per Ton	MTWS Contract Rate		Newby Island Processing Facility, (must be approved by CITY)			
Mixed C&D, Inerts, Green Waste, Wood Waste Processing Charge Per Ton	City Contract Rate		Newby Island Processing Facility			
On-Call Bulky Waste Collection (Loose)	\$30.63	Per cubic yard/occurrence				
On-Call Bulky Waste Collection (Individual Large Items)	\$19.89	Each item/each occurrence				
On-Call Bulky Waste – Large Items Containing Freon	\$61.26	Each item/each occurrence				
Charge for Opening Locked Gate	\$30.63	Per month				
Charge for CONTRACTOR supplied lock	\$30.63	Each lock				
Charge for installing lock bar	\$214.41	Each locking bar				
Charge for special bin delivery	\$91.90	Each special bin				
Charge for extra bin service same day	\$91.90	Each occurrence				
Extra Bin Cleaning	\$91.90	Each occurrence				
Additional Garbage Bin Exchange	\$30.63	Each occurrence				
Additional Bin Garbage Replacement	\$91.90	Each occurrence				
Charge for collecting manure	95% of Garbage rate					

Exhibit 1b Maximum Service Rates – Commercial and MFD Services Effective July 1, 2017	
Charge for extra day bin service on regular collection day	1/3 of Monthly Rate
Charge for extra bin service not on regular collection day	1/2 of Monthly Rate

Exhibit 1c
Maximum Service Rates – SFD, MFD and Commercial Debris Box
Services

Effective July 1, 2017

10 CY Debris Box	\$657.75	Per Pull		10 CY Compactor	\$747.03	Per Pull
15 CY Debris Box	\$657.75	Per Pull		15 CY Compactor	\$747.03	Per Pull
20 CY Debris Box	\$747.03	Per Pull		20 CY Compactor	\$753.06	Per Pull
30 CY Debris Box	\$753.06	Per Pull		30 CY Compactor	\$753.06	Per Pull
40 CY Debris Box	\$753.06	Per Pull		40 CY Compactor	\$753.06	Per Pull
	Disposal Charge Per Ton	City Contract Rate	Newby Island Sanitary Landfill			
	Organic Waste Processing Charge Per Ton	City Contract Rate	Zanker Road Processing Facility			
	Organic Waste Processing Charge Per Ton	MTWS Contract Rate	Newby Island Processing Facility, (must be approved by CITY)			
	Mixed C&D, Inerts, Green Waste, Wood Waste Processing Charge Per Ton	City Contract Rate	Newby Island Processing Facility			
	Demurrage Per Charge (not dumped every 7 days)		\$147.05	Per week		
	Per hour Stand-by Charge (box not ready to be pulled)		\$122.54	Per hour		
	Saturday Service		\$183.79	Per Pull		
	Charge for Opening Locked Gate		\$30.64	Per month		
Notes:						
All 10, 20, 30, 40 CY debris boxes and compactors are pull rates only; disposal or processing will be based on actual disposal processing and the Franchise Fee will be 15% of the gross receipts per box (including collection, processing or disposal). The total customer rate will be the total cost for the collection, processing or disposal and the franchise fee.						

Exhibit 1d
Maximum Service Rates – City Services
 Effective July 1, 2017

Container Size	Collection Frequency					
	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
32 Gallon	\$29.27	\$58.56	\$87.83	\$117.09	\$146.39	\$175.65
64 Gallon	\$58.57	\$117.12	\$175.69	\$234.26	\$292.81	\$351.37
96 Gallon	\$87.85	\$175.67	\$263.54	\$351.36	\$439.20	\$527.03
1 CY BIN	\$114.89	\$229.78	\$344.67	\$459.56	\$574.42	\$689.32
2 CY BIN	\$229.78	\$459.56	\$689.32	\$919.10	\$1,148.89	\$1,378.67
3 CY BIN	\$344.67	\$689.32	\$1,034.01	\$1,378.67	\$1,723.33	\$2,067.99
4 CY BIN	\$459.56	\$919.10	\$1,378.67	\$1,838.23	\$2,297.78	\$2,757.31
6 CY BIN	\$689.32	\$1,378.67	\$2,067.99	\$2,757.31	\$3,446.67	\$4,136.00
10 CY Debris Box	\$559.09	Per Pull		10 CY Compactor	\$634.97	Per Pull
15 CY Debris Box	\$559.09	Per Pull		15 CY Compactor	\$634.97	Per Pull
20 CY Debris Box	\$634.97	Per Pull		20 CY Compactor	\$640.10	Per Pull
30 CY Debris Box	\$640.10	Per Pull		30 CY Compactor	\$640.10	Per Pull
40 CY Debris Box	\$640.10	Per Pull		40 CY Compactor	\$640.10	Per Pull
Public Containers Collection (as included in Exhibit 2)	\$6,973.86 per month		7 days/week			
	\$83,686.30 per 12 months					
Green Waste Drop-off	\$36.76 per ton		MTWS transfer facility in Santa Clara			
Disposal Charge Per Ton	City Contract Rate		Newby Island Sanitary Landfill			
Organic Waste Processing Charge Per Ton	City Contract Rate		Zanker Road Processing Facility			
Organic Waste Processing Charge Per Ton	MTWS Contract Rate		Newby Island Processing Facility, (must be approved by CITY)			

Exhibit 1d Maximum Service Rates – City Services Effective July 1, 2017		
Mixed C&D, Inerts, Green Waste, Wood Waste Processing Charge Per Ton	City Contract Rate	Newby Island Processing Facility
Notes:		
All 10, 20, 30, 40 CY debris boxes and compactors are pull rates only; disposal or processing will be based on actual disposal processing and the Franchise Fee will be 15% of the gross receipts per box (including collection, processing or disposal). The total customer rate will be the total cost for the collection, processing or disposal and the franchise fee.		

Exhibit 1e Maximum Service Rates – Emergency Service Rates - Employees Effective July 1, 2017	
Labor Position	Hourly Rate
As needed	\$91.90

Exhibit 1f Maximum Service Rates – Emergency Service Rates - Equipment Effective July 1, 2017		
Labor Position or Equipment Type	Make & Model	Hourly Rate
Truck and One person	As needed	\$214.41

RESOLUTION NO. 2018-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE INCREASE OF SOLID WASTE COLLECTION RATES
BY 3.2427% EFFECTIVE JULY 1, 2018**

WHEREAS, the City of Los Altos Municipal Code Section 6.12.020 (Charge for solid waste collection service) states that “Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the collection service agreement between the City and its franchised hauler.”; and

WHEREAS, the agreement between the City of Los Altos and Mission Trail Waste Systems (MTWS) provides for periodic rate adjustments based on Consumer Price Index (CPI); and

WHEREAS, the City Council has determined that the appropriate increase to be effective July 1, 2018 is 3.2427%.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby authorizes the attached rate schedule to be applied to solid waste collection services within the service area provided in the City’s Franchise Agreement with Mission Trail Waste Systems.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 12th day of June, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 9

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Consultant Contract Amendment: Miramonte Avenue Path, Project CF-01006

Prepared by: Kathy Small, Assistant Civil Engineer

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Amendment Contract #1
2. Amendment Contract #2

Initiated by:

City Council, Capital Improvement Program (CIP) Project CF-01006

Previous Council Consideration:

April 12, 2016

Fiscal Impact:

\$52,490

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

Not applicable

Summary:

- Amendment No. 1 was executed on February 27, 2017 to complete the design of the raised crosswalk at Miramonte & Berry as separate bid for an approved CIP, Project TS-01036
- Amendment No. 2 is to revise the scope of work to complete the path design on Miramonte into two separate phases due to the approval of the federal funds of \$1,000,000 for Phase I work
- The proposed Amendment #2 requires authorization by Council.

Staff Recommendation:

Authorized the City Manager to execute Amendment #2 on behalf of the City with Bellecci & Associates in the amount of \$52,490 for the Miramonte Path, Project CF-01006



Subject: Consultant Contract Amendment: Miramonte Avenue Path, Project CF-01006

Purpose

To approve a Consultant contract amendment for additional scopes of work not included in the original contract.

Background

On April 12, 2016, Council approved a contract with Bellecci & Associates to provide professional engineering design and construction support service for the Miramonte Avenue Path, Project CF-01006 in the amount of \$207,916. This project was identified in the Blach Neighborhood Traffic Study, the Los Altos Bicycle Transportation Plan, and Pedestrian Master Plan and is currently listed as a Tier II project in the County Bicycle Expenditure Program. It includes storm drain, pedestrian and bicycle access improvements along Miramonte Avenue, between Fremont Avenue and the City limit with City of Mountain View at the north end.

Discussion/Analysis

On February 27, 2017, Contract Amendment No. 1 was issued to include improvements at the intersection of Miramonte Avenue and Berry Avenue. The improvements at this intersection was originally planned as a separate school route improvement project in the City's five-year Capital Improvement Program (Project TS-01036). Inclusion of improvements at this intersection to the Miramonte Avenue Path Project allowed us to better coordinate the design. Additionally, it may potentially provide some cost saving on construction as one bigger project.

The City received a \$1,000,000 federal grant to construct a portion of the improvements on Miramonte Avenue. Therefore, the City requested Bellecci to revise the scope of work to include the design as 2 separate phases. Phase I will includes improvements from City Limit to Berry on Miramonte Avenue, including the work for Project TS-01036 and to be constructed this summer. Phase II will be completed by Bellecci and ready for construction pending future construction funding. Additional professional support to meet Caltrans requirements for the federal grant results in the need for contract amendment #2.

Options

- 1) Authorize the City Manager to execute the Amendment #2 to Bellecci & Associates for additional professional services

Advantages: The additional services are needed to complete the design project in two phases to qualify for federal funds

Disadvantages: None

- 2) Do not execute Amendment #2 to Bellecci & Associates



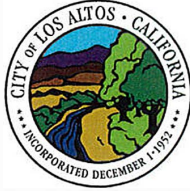
Subject: Consultant Contract Amendment: Miramonte Avenue Path, Project CF-01006

Advantages: None

Disadvantages: The design project will not be completed and the City will lose the \$1,000,000 federal funds

Recommendation

The staff recommends Option 1.



**AMENDMENT No. 001 to
AGREEMENT BETWEEN THE
CITY OF LOS ALTOS, CALIFORNIA AND
BELLECCI & ASSOCIATES
FOR DESIGN PROFESSIONAL CONSULTING SERVICES FOR
MIRAMONTE AVENUE PATH, PROJECT CF-01006 (1501)**

THIS AMENDMENT No. 1 TO THE ORIGINAL AGREEMENT is made and entered into as of 27th day of February, 2016, by all and between the CITY OF LOS ALTOS, a municipal corporation hereinafter referred to as "CITY," and Bellecci & Associates, a California Corporation, hereinafter referred to as "CONSULTANT."

RECITALS

WHEREAS, on April 22, 2016 the CITY and CONSULTANT entered into an agreement to provide design services to improve pedestrian and bicycle safety along Miramonte Avenue between Fremont Avenue and the city limit with the City Mountain View.

WHEREAS, CONSULTANT is a independent consultant providing similar professional services to numerous other cities; and

In consideration of the covenants, conditions and promises hereinafter contained, to be kept and performed by the parties hereto, CITY and CONSULTANT hereby agree that the following sections of the aforesaid agreement dated April 22, 2016, are amended to read as follow:

1. Section 1, **SCOPE OF SERVICES**, is hereby amended to add the following verbiage to the end of the paragraph from the Original Agreement:

“CONSULTANT shall provide additional scope of design services to improve pedestrian safety for the intersection of Miramonte Avenue & Berry Avenue as a separate plan and specification package, as described and shown in Exhibit E. CONSULTANT’S fee proposal for the additional services for \$18,200 is attached hereto and incorporated herein as Exhibit F.

CONSULTANT shall provide right-of-way research for 977 Clinton and provide additional striping work north of Miramonte & Covington, as described and shown in Exhibit E. CONSULTANT’S fee proposal for these additional services for \$3,460 is attached hereto and incorporated herein as Exhibit F.”

2. Section 2, **SCHEDULE**, is hereby amended to add the following sentence to the end of the paragraph”.

“For the additional design services described in Exhibit E, the CONSULTANT shall meet the completion requirements as indicated in Exhibit G.”

3. Section 4, **COMPENSATION**, is amended to add the following sentence to the end of the paragraph:

“Compensation for conducting the additional scope of work at the intersection of Miramonte Avenue & Berry Avenue, striping design north of Miramonte & Covington, and right-of-way research for 977 Clinton as described and shown in Exhibit E shall not exceed \$21,660”

4. This First Amendment shall be binding upon and inure to the benefit of all Parties herein, and their successors and assigns. All other terms of the original Agreement dated April 22, 2016 which are not in conflict with the provisions of this First Amendment, shall remain unchanged and in full force and effect. In case of a conflict in the terms of the Agreement and this First Amendment, the provisions of this First Amendment shall control.

CITY OF LOS ALTOS:


APPROVED AS TO CONTENT:

By: 
Susanna Chan, Director of Public Works

APPROVED AS TO FORM:

By: 
Jolie Houston, City Attorney

AGREED:

By: 
Christopher Jordan, City Manager

CONSULTANT:

By: 
Daniel Leary, Senior Project Manager

DATE:

2.2.17



TASKS DESCRIPTION		PROJ MNGR	PROF ENG / TRANSPORTATION ENG	ASSOC ENG	ASSIST ENG	OFF. SURVYR.	SURVEY CREW	Total Hours	Budget
1	Concept exhibit with RRFB/Ramps/Speed Table	0.5	2	4	0	0	0	6.5	\$1,010
2	RRFB Design (plans & specifications)	1	5	10	20	0	0	36	\$5,130
3	Layout Update with Curb Ramps enlargements	1	6	0	10	0	0	17	\$2,560
4	Speed Table layout and Detail	0.5	2	0	8	0	0	10.5	\$1,500
5	Technical Specifications and Bid Form (see below anticipated bid items)	0	4	0	7	0	0	11	\$1,630
6	Printing/Delivery Allowance	0	0	0	0	0	0	0	\$170
	rates	186	176	142	132	170	268		
	Totals=	3	19	14	45	0	0	81	\$12,000

OPTIONAL SERVICES

OS1	Boilerplate specifications	0	2	0	7	0	0	9	\$1,280
OS2	Allowance for Bid Support	0	3	5	0	0	0	8	\$1,240
OS3	Allowance for CA Services	0	4	16	0	0	0	20	\$2,980
OS4	PG&E Application / Coordination	0	1	0	4	0	0	5	\$700

Bid Items-Units-Pay Clauses-Estimate Items

Mobilization	Lump sum
Traffic Control	Lump sum
Clearing, Grubbing, Demolition & Earthwork	Lump sum
Curb Ramps	Each
Sidewalk	SF
Curb & Gutter	LF
AC Paving	Ton
Signing & Striping	Lump sum
RRFB	Lump sum
Undergrounding and/or drainage	N/A
Lighting	N/A
Fencing & Railing	N/A
landscaping	N/A

Anoop Admal PE, Bellecci & Associates Inc.

From: Daniel Leary <daniel@bellecci.com>
Sent: Monday, January 09, 2017 12:10 PM
To: Kathy Small
Cc: Cedric Novenario; 'Anoop Admal PE, Bellecci & Associates Inc.'
Subject: Aerial extension for Miramonte

Hi Kathy,

We spoke with our aerial subconsultant and we learned there is enough coverage on the original aerial flyover to extend to the base mapping City limit line. So the added cost to extend the base map in CAD for the aerial company is \$660 (striping design only). Please let me know if you have any questions or comments.

Thank you

Daniel Leary PE PTOE QSD



Bellecci & Associates

www.bellecci.com

d 925.681.4880

Anoop Admal PE, Bellecci & Associates Inc.

From: Charles Capp <ccapp@bellecci.com>
Sent: Tuesday, December 27, 2016 1:45 PM
To: Kathy Small
Subject: 977 Clinton ROW
Attachments: 20161227132655362.pdf

Dear Kathy Small,

Please see the attached record map and associated Assessor's Parcel Map. Notice that the subdivision map was filed in January 1948. The set Iron pipe monuments have been in the ground for almost 69 years. The chance that an experienced survey crew can recover the points and that they are measured with a minimum of an acceptable "material discrepancy" are at best 50/50. So my expected cost to recover and/or reset the right of way for 977 Clinton Road and file the required corner record with the Santa Clara County Surveyor is \$2,800. If no monuments can be found or recovered an additional cost will be provided to the City.

Please contact our office if you have any questions.

Thank You,

Charles N. Capp PLS
(925) 685-4569 X109

Charles N, Capp PLS 6925



www.bellecci.com
direct: 925-685-4569
fax: 925-685-4838

Due to the potential that information exchanged by electronic media can deteriorate, be damaged, lost or modified unintentionally or otherwise, use of this electronic data by anyone other than Bellecci & Associates, Inc. shall be at the sole risk of each such user and shall be without liability or legal exposure to Bellecci & Associates, Inc. The recipient is responsible for verifying the accuracy of all data against the governing hard copy documentation. Recipient assumes all risks in the changing or modification of data and revision or updating of hard copy documents.

Please consider the environment before printing this e-mail.

City of Los Altos
RRFB Intersection at Berry Avenue

updated 2.9.17

ID	Task Name	Duration	Start	Finish	Pred	2017											
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep			
1	Layout Alternatives for Berry Avenue	13 days	1/26/17	2/13/17													
2	Submit layout Alternatives to City for Review and Comments	2 wks	2/14/17	2/27/17	1												
3	Prepare Draft Improvement Plans for Intersection	4 wks	2/28/17	3/27/17	2												
4	Submit to City for Review and Comments	3 wks	3/28/17	4/17/17	3												
5	Prepare Final Plans for Intersection	3 wks	4/18/17	5/8/17	4												
6	Submit to City for Bidding	2 days	5/9/17	5/10/17	5												
7	Advertise	3 wks	5/11/17	5/31/17	6												
8	Bid Opening	1 day	6/1/17	6/1/17	7												
9	Award	4 wks	6/2/17	6/29/17	8												
10	Construction	10 wks	6/30/17	9/7/17	9												



Project Name	<i>Miramonte Avenue Path</i>			
Project Number	<i>Project CF-01006 (1501)</i>			
Consultant	<i>Bellecci & Associates</i>			
Contract/ Amendment	Date	Contract/ Amendment (\$)	Exhibits	Content
Original Contract	4/22/16	\$207,916		Engineering Design Services & Fee Schedule
Amendment No. 1	2/27/17	\$ 21,660		Revised Scope of Services & Fee Schedule
Amendment No. 2		\$ 52,490		Revised & Additional Scope of Services & Fee Schedule
Contract/ Amendment Amount to Date		\$282,066		

Submitted for review by:

Department: _____ By: _____ Date: _____

AMENDMENT No. 2
TO THE AGREEMENT BETWEEN
THE CITY OF LOS ALTOS, CALIFORNIA
AND
BELLECCI & ASSOCIATES
FOR DESIGN/ PROFESSIONAL CONSULTING SERVICES FOR
MIRAMONTE AVENUE PATH, PROJECT CF-01006 (1501)

THIS AMENDMENT No. 2, made and entered into as of the _____ day of _____ 2018, **TO THE ORIGINAL AGREEMENT** made and entered into on 4/22/16, by and between CITY OF LOS ALTOS, a municipal corporation, hereinafter referred to as "**CITY**," and BELLECCI & ASSOCIATES, hereinafter referred to as "**CONSULTANT**."

RECITALS

WHEREAS, on April 22, 2016 CITY and CONSULTANT entered into an agreement for consulting services ("Agreement") to provide design services to improve pedestrian and bicycle safety along Miramonte Avenue between Fremont Avenue and the city limit with the City Mountain View; and

WHEREAS, CONSULTANT is an independent consultant providing similar professional services to numerous other cities; and

In consideration of the covenants, conditions and promises hereinafter contained, to be kept and performed by the parties hereto, CITY and CONSULTANT hereby agree that the following sections of the aforesaid Agreement dated April 22, 2016, are amended to read as follows:

1. Section 1, **SCOPE OF SERVICES**, is hereby amended to add the following sentence to the end of the paragraph from Amendment No. 1:

"CONSULTANT shall provide the additional services to revise the scope to separate the design into two phases, to provide additional survey and testing for Miramonte Avenue Path, Project CF-01006 as described and shown in Exhibit H. CONSULTANT'S fee proposal for the additional services for **\$56,990** is attached hereto and incorporated herein as Exhibit H."

2. Section 2, **SCHEDULE**, is hereby amended to add the following sentence to the end of the paragraph".

"For the additional service described in Exhibit H, the CONSULTANT shall meet the completion requirements as indicated for Exhibit I."

3. Section 3, **TERM**, is hereby amended to add the following sentence to the end of the paragraph".

"The term of Amendment Agreement No. 1 & 2 and the original Agreement shall continue in full force and effect for the additional years of no more than a total of five (5) years from FY

2017/18. If the Agreement is terminated, it is intended that the termination of the Agreement be contemporaneous with final acceptance of all services by City.

4. Section 4, **COMPENSATION**, is amended to add the following sentence to the end of the paragraph:

“Compensation for added scope of work for Miramonte Avenue Path, Project CF-01006 as described and shown in Exhibit H of Amendment No. 2 shall not exceed \$56,990.”

5. Section 5, **INSURANCE**, is amended to add the following sentence to the end of the paragraph:

“Consultant shall procure and maintain for the contract insurance as described in Exhibit J against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Consultant, his agents, representatives, employees or subcontractors.”

6. Section 8, **INDEMNIFICATION**, is to be delete at its entirely and replace it with the following paragraphs:

“To the fullest extent permitted by law, CONSULTANT shall defend (with counsel of CITY’s choosing), indemnify and hold the CITY, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of CONSULTANT, its officials, officers, employees, subcontractors, subconsultants or agents in connection with the performance of the CONSULTANT’s services or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney’s fees and other related costs and expenses. CONSULTANT’s obligation to indemnify shall not be restricted to insurance proceeds, if any, received by CONSULTANT, the CITY, its officials, officers, employees, agents, or volunteers.

If CONSULTANT’s obligation to defend, indemnify, and/or hold harmless arises out of CONSULTANT’s performance of “design professional” services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, CONSULTANT’s indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the CONSULTANT, and, upon CONSULTANT obtaining a final adjudication by a court of competent jurisdiction, CONSULTANT’s liability for such claim, including the cost to defend, shall not exceed the CONSULTANT’s proportionate percentage of fault.”

7. Section 10, **NOTICES**, is to be delete at its entirely and replace with the following:

“Any notice, demand, request, consent, approval, or communications that either party desires or is required to give to the other party shall be in writing and either served personally or sent by prepaid, first class mail. Any such notice, demand, etc., shall be addressed to the other part at the address set forth herein below. Either party may change its address by notifying the other party of the change of address. Notice shall be deemed communicated within 48 hours from the time of mailing it mailed as provided in this section.

CITY: City of Los Altos
Christopher Jordan, City Manager
1 N. San Antonio Road
Los Altos, CA 94022

CONSULTANT: Bellecci & Associates
Daniel Leary, Senior Project Manager
7041 Koll Center Parkway, Suite 132
Pleasanton, CA 94566 “

8. New Section 20, **CALIFORNIA LABOR CODE REQUIREMENTS**. CONSULTANT is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain “public works” or “maintenance” projects. If the services are being performed as part of an applicable “public works” or “maintenance” project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, CONSULTANT agrees to fully comply with such Prevailing Wage Laws, if applicable. CONSULTANT shall defend, indemnify and hold the CITY, its elected officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the CONSULTANT and all sub-consultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Section 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1).

If the services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, CONSULTANT and all sub-consultants performing such services must be registered with the Department of Industrial Relations. CONSULTANT shall maintain registration for the duration of the Project and require the same of any sub-consultants, as applicable. This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be CONSULTANT’s sole responsibility to comply with all applicable registration and labor compliance requirements.

9. New Section 21, **COMPLIANCE WITH LAW**. CONSULTANT shall comply with all applicable federal, state and local laws, codes, ordinances and regulations, including Cal/OSHA requirements. CONSULTANT represents to CITY that it has, and will maintain through the term of the Agreement, all licenses, permits, qualifications, insurance and approvals of whatsoever nature, which are legally required for CONSULTANT to practice its profession. CONSULTANT shall maintain a City of Los Altos Business License.
10. New Section 22, **VENUE**. In the event that suit shall be brought by either party hereunder, the parties agree that trial of such action shall be held exclusively in a state court in the County of Santa Clara, San Jose, California.

11. New Section 23, **AMENDMENT**. This Agreement constitutes the complete and exclusive statement of the Agreement to CITY and CONSULTANT. It may be amended or extended from time-to-time by written agreement of the parties hereto.
12. All other terms of the original Agreement dated April 22, 2016, which are not in conflict with the provisions of this Second Amendment, shall remain unchanged and in full force and effect. In case of a conflict in the terms of the Agreement and this Second Amendment, the provisions of this Second Amendment shall control.

If there is any conflict in the terms of this Agreement with the exhibits or attachments, then the provisions of this Agreement shall control.

CITY OF LOS ALTOS:

APPROVED AS TO CONTENT

By: _____
Susanna Chan, Public Works Director

APPROVED AS TO FORM

By: _____
Christopher J. Diaz, City Attorney

AGREED

By: _____ Date: _____
Christopher Jordan, City Manager

CONSULTANT:

By: _____ Date: _____
Daniel Leary, Senior Project Manager



March 23, 2017

VIA EMAIL

Ms. Kathy Small Project
Manager City of Los
Altos

Regarding: Miramonte Avenue - Berry Avenue Bike and Pedestrian Improvements
Proposal for Additional Services
Intersection Surveying for BPAC Alternatives Letter - Option 3 *Revision 1*

Dear Kathy,

We are writing to request additional Services for the Miramonte Avenue - Berry Avenue Bike and Pedestrian Improvements. There are three items described below:

1. Field Surveying for Option 3 = \$1,715

We request 5 hours of field surveying and 3 hours of office surveying to collect additional topographic survey at the intersection of Berry/Miramonte Avenue. This change relates to the recent decision by the BPAC committee to select Option 3 from our summary letter dated 2.17.17. As we described in the letter summarizing the intersection options, Option C requires additional design fees because the existing Miramonte Avenue pathway also needs to be raised to meet the raised intersection without a Ramp condition. The raised path is directly adjacent to the steep creek slope, near the fence line, which requires detailed survey.

2. Property Survey on the NW corner of Berry/Miramonte (991 Berry Avenue): \$2,800

The property at 991 Berry Avenue requires property line research because there is not enough room for the future sidewalk, and we would like to improve the corner sight distance as part of the Berry intersection crosswalk improvements. Currently we do not have a CAD property boundary for 991 Berry Avenue. Our survey department will research the property lines and add the property lines to the CAD survey files using the best available information. We request a title report from the City if there is one available.

3. Structural Engineering:

As mentioned in our letter for the recent BPAC meeting there may need to be a structural detailed prepared for the raised pathway condition along the creek. This task can be activated later after we reevaluate the field survey and design performed after Task 1 above is complete.

Total Amount = \$4515

We appreciate your time in considering our request for additional budget for the Berry/Miramonte intersection. Please let me know if you have any questions or comments on our proposal for additional surveying. You may reach Anoop or me at 925.681.4885.

Sincerely,

Daniel Leary, PE PTOE QSD

5

EXHIBIT H

Bellecci & Associates

September 26, 2017

VIA EMAIL
Ms. Kathy Small
Project Manager
City of Los Altos

Regarding: Miramonte Avenue - Bike and Pedestrian Improvements
Proposal for Additional Services
Infiltration Testing and Optional Services

Dear Kathy,

We are writing to request additional Services for the Miramonte Avenue - Bike and Pedestrian Improvements, for services not included in our original proposal. There are three items described below:

A. Infiltration Testing = \$3,700

✓ APPROVED 9/25/17

Bellecci will retain a construction materials testing subcontractor to perform the following field services:

1. Walk site on the morning of first day of field work (City PM with Field contractor) to agree on Hole locations (4 holes)
2. Notify USA and have the areas where there are utilities identified.
3. Drill 12" Dia. hole to a 6' depth.
4. Place 4" perforated pipe in the center of the holes extending 2" above the surface.
5. Fill around the Perforated pipe with clean drain rock.
6. Fill each location with water and let soak 24 hours.
7. Fill each hole with water to 12" from the top.
8. Record water level every 10 minutes until the drop is less than 2" per 10 minutes.
9. Place Barricade around each pipe that is to remain overnight
10. Remove the perf pipe and backfill hole when complete.

The City understands and agrees the above are not geotechnical engineering services. Also there is no permit or traffic control plan submittal requirements included in the proposal. The deliverable is a table in PDF format indicating the measured percolation rate at the time of the study.

B. Plan Revisions = \$4,960

Bellecci will revise the 35% plans to reflect revisions to the storm drainage, phasing revisions, border labeling, and minor edits for E-76 requirements. **The above budget represents 4 days of Assistant Engineer and 4 hours of Professional Engineer.** The storm drainage improvements included are to delete the storm drain piping on the current plans and provide a 35% design for the dry gardens.

BASIC SERVICES FEE: \$8,660

CONCORD
2290 Diamond Blvd. Suite 100
Concord, CA 94520-5744
Tel. 925.685.4569

PLEASANTON
7041 Koll Center Parkway, Suite 132
Pleasanton, CA 94566
Tel. 925.681.4885

Civil Engineering Land Surveying
Construction Management



City of Los Altos - Miramonte Avenue project
 Infiltration Corners + Storm Drain Pipe extension + RRFB + Topo + Utility Mapping + Public Outreach
 Budget Estimate - December 18, 2017

BASIC SERVICES

	PROJ MNGR	PROF ENG	ASSOC ENG	ASSIST ENG/OFF SUP	LAND SURVEYOR	2-MAN CREW	TOTAL HOURS	SUBCONSULTANTS	TOTAL FEE
TASKS DESCRIPTION									

E76 SUBMITTAL WITH VALUE ENG DRAINAGE & BORDER REVISIONS TO CURRENT PLANS

1	Meeting at City on December 4	0	3.5	0	0	0	3.5	\$0	\$640
2	Change Borders on plans for E76	0	0	0	6	0	6	\$0	\$750
3	Resubmit - Add Bioretention gardens to plans for E76 - 35% Design level (& remove SD design from Covington Road)	1	18	4	24	0	47	\$0	\$7,060
subtotal							\$8,450		

PHASE 1 - PLAN CHANGES

4	95% Submittal for infiltration gardens	0.5	3	24	30	0	0	58	\$0	\$7,760
5	Additional topo for Eastwood Drive SD line	0	0	0	4	1	8	13	\$0	\$2,820
6	Potholing on Allowance Eastwood (assume 2)	0	0	0	4	0	0	0	\$4,000	\$4,500
7	SD Design for Eastwood Drive	1	6	12	16	0	0	35	\$0	\$4,970
8	Combine Berry RRFB into Phase 1	0	0	8	8	0	0	16	\$0	\$2,120
9	Previous Support for E76 thru October 10 2017	1.5	1.5	1	0	0	0	4	\$0	\$700
10	100% Submittal for Item 3 above - bioretention	1	6	4	20	0	0	31	\$0	\$4,350
11	In-house Printing Allowance	0	0	0	0	0	0	0	\$150	\$150
subtotal							\$27,370			

ADDITIONAL PUBLIC OUTREACH

12	Initial slide show (10-15 slides)	0.5	3	8	0	0	0	12	\$0	\$1,770
13	Prepare and Join Conference call on January 11, 2018 to review	1.5	1.5	0	0	0	0	3	\$0	\$560
14	Revise slide show	1	4	4	0	0	0	9	\$0	\$1,490
15	Expanded Layout Plot on Aerial w/ addresses	0	3	0	8	0	0	11	\$150	\$1,700
16	Dry run Meeting on January 18, 2018	3.5	3.5	0	0	0	0	7	\$0	\$1,310
17	Revisions to Slide show after January 18, 2018	0.5	2.5	0	2	0	0	5	\$0	\$810
18	Minor Revisions to Layout Plot on Aerial w/ addresses	0	3	0	8	0	0	11	\$150	\$1,700



City of Los Altos - Miramonte Avenue project
 Infiltration Corners + Storm Drain Pipe extension + RRFB + Topo + Utility Mapping + Public Outreach
 Budget Estimate - December 18, 2017

BASIC SERVICES

TASKS DESCRIPTION	PROJ MNGR	PROF ENG	ASSOC ENG	ASSIST ENG/OFF SUP	LAND SURVEYOR	2-MAN CREW	TOTAL HOURS	SUBCONSULTANTS	TOTAL FEE	
19 Meeting Attend Complete Streets Commission	3	3	0	0	0	0	0	\$0	\$1,120	
20 Coordination and/or changes between mtgs	1	1	0	0	0	0	0	\$0	\$370	
21 Attend Community Meeting	4.5	4.5	0	0	0	0	0	\$0	\$1,680	
	subtotal						\$12,510			
							10% Sub Mark-up	\$445	\$445	
	rates	190	184	140	125	180	268			
	Totals=	21	67	65	130	1	8	271	\$4,895	\$48,775

Subconsultants and Direct Costs

Potholing - Mapping	\$4,000
Printing & Delivery Allowance	\$150

OPTIONAL SERVICES

OS1 Additional CA above \$4670 allowance in base contract	3	10	24	32	24	0	0	\$3,000	\$17,090
OS2 RRFB & Raised Crosswalk for Eastwood Drive	2	12	20	40	0	0	74	\$0	\$10,390
OS3 Application and Traffic Control plan for Eastwood Drive if required by City	0	2	0	0	0	0	2	\$1,200	\$1,570
OS4 Meeting Notes / report for Each Meeting (if not by city)	0.5	4	0	6	0	0	0	\$0	\$1,580
OS5 Structural Engineer Detail for culvert on Eastwood Dr.	0	0	0	6	0	0	0	\$3,300	\$4,050
OS6 Storm Drain Design for Covington Drive									TBD

NOTE: Breakdown of hours shown is for estimating purposes only. Distribution of hours will vary.

City of Los Altos
Phase 1 Miramonte Avenue
updated 1.22.18 rev 2

ID	Task Name	Duration	Start	Finish	Predecessor	2018					
						Jan	Feb	Mar	Apr	May	Jun
1	Community Meeting City review	1 day	1/10/18	1/10/18							
2	Revisions to slide show	1 wk	1/11/18	1/17/18	1						
3	Community Meeting & BPAC Meeting	3 days	1/18/18	1/22/18	2						
4	Changes to Plans for Phasing	1 wk	1/19/18	1/25/18	3						
5	E-76 Submittal by City - assuming no changes from Public Meting	3 days	1/26/18	1/30/18	4						
6	Caltrans comments on E76 (and approval)	2 wks	1/31/18	2/13/18	5						
7	Submit Minor Revisions to Project Layout based on community meeting	2 wks	1/23/18	2/5/18	3						
8	City review of layout revisions and approval prior to 90% design	2 days	2/6/18	2/7/18	7						
9	Utility Investigation Period - after final layout	5 wks	2/8/18	3/14/18	8						
10	90% Design	5 wks	2/8/18	3/14/18	8						
11	City & Caltrans Review	1 wk	3/15/18	3/21/18	10						
12	Final design	4 wks	3/22/18	4/18/18	11						
13	Submit Final Plans & specifications	1 day	4/19/18	4/19/18	12						
14	Advertise	3 wks	4/20/18	5/10/18	13						
15	Award & NTP	4 wks	5/11/18	6/7/18	14						

City of Los Altos
 Phase 1 Miramonte Avenue
 updated 1.22.18 rev 2

ID	Task Name	Duration	Start	Finish	Predecessors	2018					
						Jan	Feb	Mar	Apr	May	Jun
						16	CONSTRUCTION	20 wks	6/8/18	10/25/18	15

EXHIBIT J
INSURANCE

CONSULTANT shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements to: **Project Manager, City of Los Altos, 1 N. San Antonio Road, Los Altos, CA 94022**

Minimum Scope of Insurance

Coverage shall be *at least as broad as*:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, with limits no less than **\$1,000,000 or \$2,000,000 aggregate or per occurrence**. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. CGL insurance must include coverage for the following:

- a. Bodily Injury and Property Damage
- b. Personal Injury/Advertising Injury
- c. Premises/Operations Liability
- d. Products/Completed Operations Liability
- e. Aggregate Limits that Apply per Project
- f. Explosion, Collapse and Underground (UCX) exclusion deleted
- g. Contractual Liability with respect to this Agreement
- h. Broad Form Property Damage
- i. Independent Consultants Coverage

The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if CONSULTANT has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than **\$1,000,000** per accident for bodily injury and property damage.
3. **Workers’ Compensation/Employer’s Liability:** CONSULTANT certifies that it is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and it will comply with such provisions before commencing work under this Agreement. To the extent CONSULTANT has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement CONSULTANT shall maintain insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.
4. **Professional Liability (Errors and Omissions)** Insurance appropriate to the CONSULTANT’s profession, with limit no less than **\$1,000,000** per occurrence or claim.

This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the CONSULTANT. "Covered Professional Services" as designed in the policy must specifically include work performed under this Agreement.

5. If CONSULTANT maintains broader coverage, umbrella or excess coverage and/or higher limits than the minimums shown above, the CITY requires and shall be entitled to the broader coverage, umbrella or excess coverage and/or the higher limits maintained by CONSULTANT. Any available insurance proceeds in excess of the specified minimum limits of insurance and any other coverages shall be available to the CITY.

Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status. The City of Los Altos, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy and the Automobile Liability policy, with endorsements under CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage, with respect to liability arising out of work or operations performed by or on behalf of the CONSULTANT including materials, parts or equipment furnished in connection with such work or operations.

Primary Coverage. For any claims related to this contract, the CONSULTANT's insurance coverage shall be primary insurance as respects the CITY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, or volunteers shall be excess of the CONSULTANT's insurance and shall not contribute with it.

Notice of Cancellation. Each insurance policy required above shall be endorsed to state that coverage shall not be canceled except after thirty (30) days' prior written notice (10 days for non-payment) has been given to the CITY.

Waiver of Subrogation. CONSULTANT hereby grants to CITY a waiver of any right to subrogation which any insurer of said CONSULTANT may acquire against the CITY by virtue of the payment of any loss under such insurance. CONSULTANT agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the CITY has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the CITY. The CITY may require the CONSULTANT to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the CITY.

Claims Made Policies. If any of the required policies provide claims-made coverage:

6. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.

7. Insurance must be maintained and evidence of insurance must be provided *for at least three (3) years after completion of the contract work.*
8. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the CONSULTANT must purchase “extended reporting” coverage for a minimum of *three (3)* years after completion of contract work.

Verification of Coverage. CONSULTANT shall furnish the CITY with original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the CITY before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the CONSULTANT’s obligation to provide them. The CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances. CITY reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.



CONSENT CALENDAR

Agenda Item # 10

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Clean Water and Storm Drainage Funding Initiative – Contract Amendment

Prepared by: Christopher Lamm, Engineering Services Manager

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachment(s): None

Initiated by:

City Council

Previous Council Consideration:

April 26, 2016; May 22, 2018

Fiscal Impact:

\$98,122.60 budgeted in the Capital Improvement Program

Environmental Review:

A Stormwater fee would be exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guideline 15378 as the adoption of any fee does not meet the definition of a “project” because it serves as the creation of new government funding mechanism or constitutes other government fiscal activities that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Policy Question(s) for Council Consideration:

None – Staff is proceeding under direction provided at the May 22, 2018 City Council Meeting

Summary:

- The current stormwater program is funded by General Fund
- The survey found that Los Altos property owners strongly desire increased investment in storm drainage infrastructure, and are willing to pay for it especially at a rate less than \$100 per year per parcel
- Consultant will be contracted to perform Phase II (Financial Engineering, Outreach and Implementation) of the Stormwater Funding Initiative Request for Proposals issued in 2017

Staff Recommendation:

Authorize the City Manager to execute an amendment on behalf of the City with SCI Consulting Group in the amount of \$98,122.60 to provide additional consulting services for the Clean Water and Storm Drainage Funding Initiative



Subject: Clean Water and Storm Drainage Funding Initiative – Contract Amendment

Purpose

To authorize the City Manager to execute an amendment on behalf of the City with SCI Consulting Group in the amount of \$98,122.60 to provide additional consulting services for the Clean Water and Storm Drainage Funding Initiative.

Background

Stormwater management is one of the core functions of the City. The Public Works Department is responsible for the operation and maintenance of a network of stormwater conveyance facilities that deliver stormwater runoff to the four creeks in Los Altos which terminate at the San Francisco Bay. The estimated replacement value of the stormwater conveyance network is approximately \$170 million in current dollars.

The stormwater program is currently funded by General Fund with annual allocation of approximately \$470,000 for operation, maintenance, and regulatory compliance and \$300,000 for capital improvements. On April 26, 2016, the City Council adopted the Stormwater Master Plan which determined the appropriate service levels for operation and maintenance as well as identified and prioritized capital improvement needs. As part of adopting the Master Plan, the council expressed interest to explore options to develop a dedicated revenue source to fully or partially fund the stormwater program.

The City issued a Request for Proposal (RFP) in 2017 to seek technical assistance to evaluate available funding options for the stormwater programs, gauge public support, provide public outreach and education, and implement the preferred funding mechanism based on polling results and direction from the City Council. Two proposals were received and SCI Consulting Group (SCI) was selected based on their expertise. SCI's contract with the City is structured in two phases, with Phase I for community opinion survey and Phase II for implementation based on the outcome of Phase I. The completed Phase I contract was for \$62,557; the proposed contract for Phase II is for \$98,122.60.

At the May 22, 2018 City Council Meeting, Council provided direction to staff to proceed with Phase II of the funding initiative.

Discussion/Analysis

Phase II of the funding initiative scope includes performing a financial engineering study (fee report), developing a plan and strategies for conducting public outreach and education, and implementation of the funding measure. More detail of each task is as follows:

Financial Engineering – Fee Report

SCI will prepare a comprehensive Proposition 218 compliant property-related fee engineering report and justification for the proposed stormwater services and improvements to be funded. The report will include a detailed description of the services and improvements to be funded by the proposed



Subject: Clean Water and Storm Drainage Funding Initiative – Contract Amendment

fee, plans for the services and programs, future capital and facility improvement needs, the rationale used for the fee structure, the method of fee appointment and calculations of the specific proposed fee amount for each parcel in the City.

Community Education and Outreach

SCI will assist with public informational and educational outreach strategies and property owner informational services. Information Outreach efforts, which will continue up to and throughout the ballot proceeding, include tasks necessary to ensure that the property owners are adequately informed about the assessment ballot proceeding and the proposed services/improvements in their area prior to the mailing of ballots. Throughout this process, the SCI will work closely with volunteers, City staff and other stakeholders.

SCI understands that basic message components will need to be simple, clear and transparent, and need to be well supported with detailed and substantive information.

SCI will evaluate and develop the potential communication infrastructure. Working with City staff (i.e., Public Information Officer, etc.), they will evaluate and ultimately coordinate existing communication infrastructure including stakeholder contacts, print media, website, social media, print publications, neighborhood groups and newsletters, etc., and prioritizing and integrating the various methods, as appropriate. They will also look at e-mail contacts with HOA and neighborhood leaders, as well as web-based platforms like nextdoor.com and will develop a schedule for the dates of community stakeholder meetings, due dates for local group newsletters, etc.

Implementation

Once the Fee Report and Outreach Plan are complete, the next steps for the implementation of a property-related fee includes several steps:

1. City Council approval of the Fee Report, establishing public hearing (protest hearing) date and time, and authorizing the mailing of notices
2. Printing and mailing of notices
3. Conducting a protest hearing no less than 45 days after mailing of notices
4. City Council authorization mailing of ballots (if no protest exists)
5. Printing and mailing of ballots
6. Tabulation of ballots after close of ballot period (at least 45 days after protest hearing)
7. City Council certification of results of the balloting, authorizing the fee structure if support is over 50%

The total costs of Phase II is \$98,122.60 which includes the tasks above as well as direct costs associated with printing, addressing, and mailing of notices and ballots.



Subject: Clean Water and Storm Drainage Funding Initiative – Contract Amendment

Options

- 1) Authorize the City Manager to execute an amendment on behalf of the City with SCI Consulting Group in the amount of \$98,122.60 to provide additional consulting services

Advantages: City staff will proceed forward with funding measure implementation as directed by City Council on May 22, 2018

Disadvantages: None

- 2) Do not authorize the City Manager to execute an amendment on behalf of the City with SCI Consulting Group

Advantages: None

Disadvantages: The City will need to continue to fund stormwater related activities and projects from the General Fund.

Recommendation

The staff recommends Option 1.



CONSENT CALENDAR

Agenda Item # 11

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Inspection Services for Various Sanitary Sewer CIP Projects

Prepared by: Aida Fairman, Senior Civil Engineer

Reviewed by: Christopher Lamm, Engineering Services Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

None

Initiated by:

City Council, CIP Projects WW-01001, WW-01002, and WW-01004

Previous Council Consideration:

Not Applicable

Fiscal Impact:

\$149,184, budgeted in the Sanitary Sewer Fund

Environmental Review:

Categorically Exempt pursuant to CEQA Section 15301 (b)

Policy Question(s) for Council Consideration:

None

Summary:

- Three sanitary sewer Capital Improvement Program projects have been awarded for construction this summer: 1) Sewer System Repair Program, Project WW-0100117; 2) Structural Reach Replacement, Project WW-0100217; and 3) South Sewer Main Replacement (Fremont Avenue), Project WW-01004
- Authorize the City Manager to execute an agreement on behalf of the City with Bellecci and Associates in the amount of \$149,184 for construction inspection services for these three sanitary sewer CIP projects

Staff Recommendation:

Authorize the City Manager to execute a contract on behalf of the City with Bellecci and Associates for inspections of the three Los Altos sanitary sewer Capital Improvement Program projects in the amount of \$149,184



Subject: Inspection Services for Various Sanitary Sewer CIP Projects

Purpose

Execute an agreement for additional construction inspection services for the three sanitary sewer Capital Improvement Program projects that have been awarded for construction this summer including: 1) Sewer System Repair Program, Project WW-0100117; 2) Structural Reach Replacement, Project WW-0100217; and 3) South Sewer Main Replacement (Fremont Avenue), Project WW-01004.

Background

The City currently has several CIP projects in either design or construction phases this summer, including the sewer projects mentioned above as well as traffic projects, storm drain projects, and other projects on City property. In addition to responsibilities for construction inspections at CIP projects, the Public Works Inspector also issues permits and inspects permitted work in the City. Due to these demands, the construction inspection needs for these CIP projects will exceed the capacity of the City's Public Works Inspector.

Discussion/Analysis

The City posted a request for proposals for construction inspection services for the three sanitary sewer projects listed above (WW-01001, WW-01002, and WW-01004). The Scope of Work for the project includes providing a qualified inspector to perform a variety of services including field inspections, daily inspection reports, photo documentation, quality assurance, materials verifications, safety review, and document control.

The City received proposals and short-listed three consulting firms for interviews for the inspection services work. The City requested a fee proposal from two of the firms and selected Bellecci and Associates for the inspection of these sewer projects. The total cost of inspection services will be \$149,184.

Options

- 1) Authorize the City Manager to execute the agreement with Bellecci and Associates for inspection services

Advantages: One inspector will be available to focus on these sewer projects and provide necessary oversight to ensure proper construction and testing is performed

Disadvantages: None.

- 2) Do not execute the agreement with Bellecci and Associates

Advantages: None



Subject: Inspection Services for Various Sanitary Sewer CIP Projects

Disadvantages: Work would need to proceed without appropriate construction oversight

Recommendation

The staff recommends Option 1.



CONSENT CALENDAR

Agenda Item # 11a

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Letter of Support for Santa Clara County’s “Homestead Corridor Safe Route to School” planning study

Prepared by: Chris Jordan, City Manager

Attachment(s):
Letter to the Santa Clara County Board of Supervisors

Initiated by:
City Manager

Previous Council Consideration:
N/A

Fiscal Impact:
N/A – funding to be provided by the County

Environmental Review:
Not applicable

Policy Question(s) for Council Consideration:
Does the Council wish to support the efforts of Santa Clara County for a coordinated planning study of the Homestead area Safe Routes to Schools?

Summary:

- President of the Board of Supervisors Joe Simitian plans to request funding for a coordinated planning study of the Homestead area Safe Routes to Schools
- The proposed letter of support will signal Los Altos’ interest and support of the project

Staff Recommendation:
Adopt a motion to authorize the Mayor to sign the attached letter.



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

June 12, 2018

Santa Clara County Board of Supervisors
70 West Hedding Street, 10th Floor, East Wing
San Jose, CA 95110

RE: Homestead Corridor Safe Route to School

Dear President Simitian and Board of Supervisors:

This letter serves to express our strong support for the “Homestead Corridor Safe Route to School” coordinated planning study.

Homestead Road serves as the primary access for Los Altos residents to access Cupertino Middle School and Homestead High School. This is a complex route covering multiple jurisdictions – Cities of Los Altos, Cupertino, Sunnyvale, County of Santa Clara, Valley Transportation Authority, Caltrans and Santa Clara Valley Water District.

Traffic Safety with specific focus on routes to schools is a top priority for our City Council. Development of a conceptual plan for Homestead Road corridor that provides safe access for school children across various jurisdictions aligns with our Council priorities. We understand that this conceptual plan would serve as the basis for subsequent multi-jurisdiction applications for state and federal funding to implement identified on-street improvements.

The City of Los Altos looks forward to working in a collaborative effort with all the stakeholders on the corridor study.

Sincerely,

Jean Mordo
Mayor
City of Los Altos

c: Los Altos City Council



DISCUSSION ITEMS

Agenda Item # 12

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Fiscal Year 2018-19 Operating Budget and Fiscal Year 2019-23 Capital Improvement Plan

Prepared by: Sharif Etman, Administrative Services Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Proposed Operating Budget (Revenue and Expenses) for FY 2018/19
2. 5-year Capital Improvement Plan for FY 2019-23
3. Resolution 2018-18 adopting the Operating Budget for FY 2018/19
4. Resolution 2018-19 adopting the 5-year Capital Improvement Plan for FY 2019-23
5. Resolution 2018-20 establishing the FY 2018/19 Transient Occupancy Tax
6. Resolution 2018-21 establishing the FY 2018/19 Utility User's Tax
7. FY 2018/19 Appropriations (Gann) Limit Calculation Worksheet and Resolution 2018-22

Initiated by:

Staff

Previous Council Consideration:

May 22, 2018 – Budget study session

June 27, 2017 – FY 2017/18 & FY 2018/19 Operating Budgets and 5-year CIP

Fiscal Impact:

Approving the FY 2018/19 Operating Budget and 5-year CIP plan will provide proper appropriation for all the City's operating and capital needs.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council approve the proposed FY 2018/19 operating budget and 5-year FY 2019-23 Capital Improvement Plan?

Summary:

- Property Tax revenue continues to remain strong and has increased over original estimates from a year ago
- Community Development fees and revenue is also trending higher due to increased construction and development activity throughout the City
- Most other revenue sources however, remain flat or stagnant



Subject: Fiscal Year 2018-19 Operating Budget and Fiscal Year 2019-23 Capital Improvement Plan

- Expenses are in line with projections and only slight increases are projected. One additional position is being proposed
- The Capital Improvement Plan includes three new projects and the increased \$9.7M in approved project budget for the community center. It also reflects two defunded projects for the Grant Park Kitchen and MSC Fuel Dispensing Station Overhead Canopy

Staff Recommendation:

Adopt Resolution No. 2018-18, adopting FY 2018/19 Operating Budget; adopt Resolution No. 2018-19, adopting the 5-year FY 2019-23 Five-Year Capital Improvement Program; adopt Resolution No. 2018-20 establishing the FY 2018/19 Transient Occupancy Tax; adopt Resolution No. 2018-21 establishing the FY 2018/19 Utility Users Tax; and adopt Resolution No. 2018-22 establishing the FY 2018/19 Appropriations Limit



Subject: Fiscal Year 2018-19 Operating Budget and Fiscal Year 2019-23 Capital Improvement Plan

Purpose

To adopt the FY 2018/19 Operating Budget and 5-year Capital Improvement Plan and required resolutions

Background

The City Council adopted the FY 2017/18 and FY 2018/19 budget on June 27, 2017, which appropriated funds for the 2017/18 fiscal year and adopted the financial plan for the 2018/19 fiscal year. The budget also included the Capital Improvement Plan for fiscal years 2018-22. During this interim year budget cycle, it is necessary to adjust the operating and capital budget and bring forward the revised budget for appropriation in June 2018.

Discussion/Analysis

The FY 2018/19 Operating Budget contains the funding recommendations for all City programs and services, including those that utilize funds from the City's enterprise and special revenue funds. The Capital Improvement Plan (CIP) is included as a planning tool with appropriations requests presented for the first year only.

Operating Budget

The General Fund is the City's main operating fund. Strong economic growth led by property tax revenues and community development fees provide for an optimistic General Fund budget for the upcoming fiscal year. Overall General Fund revenues are expected to rise by 6% in FY 2018/19 over FY 2017/18. Important revenue trends are as follows:

- Property Taxes, which account for over 50% of the FY 2018/19 General Fund revenue budget are expected to increase by 6.5% over fiscal year 2017/18. This is higher than the original 5.5% estimate adopted in the budget. \$770,000 in increased revenue (9% from original budget) has been added to the revised budget.
- Sales Tax is the second largest revenue source at 8% of the total General Fund Revenue. Sales Tax continues to remain flat with only a slight change of 1% over the FY 2017/18 budget.
- Transient Occupancy Tax (TOT) accounts for 6.5% of the General Fund revenue and is anticipated to grow by a modest 3% in the coming fiscal year. There is consideration by the Council to raise the current TOT tax rate from 11% to a maximum of 14% which could possibly generate up to \$700,000 a year more in revenue.

The FY 2018/19 General Fund operating expenditure budget increases 6% over the prior year adopted budget to a total of \$38,255,842 before transfers. The majority of this increase comes from increases in City personnel costs which account for 67% of the total expenditure budget.



Subject: Fiscal Year 2018-19 Operating Budget and Fiscal Year 2019-23 Capital Improvement Plan

The FY 2018/19 revenue over expenses is estimated to be \$2.6M. This estimated amount is subject to change based on the amount of debt payment needed to fund the Community Center project and the remainder needed to fund the current CIP projects.

The proposed budget recommends an addition of one full-time employee, as well as cost of living adjustments, MOU obligations, and anticipated increases for City retirement contributions. The proposed personnel changes are:

- Addition of a Deputy City Clerk position
 - Given the volume of public records requests (which continues to increase both in terms of the number and the scale), and to provide for adequate back-up for a critical position, the proposed budget reinstates the position of Deputy City Clerk.

With this recommended change, the City will have 134 FTE (full-time equivalent) positions from the current level of 133.

The continued economic boom in the Bay Area is equating to continued revenue growth for the City's property tax and Community Development revenue. It is with cautious optimism that we can fund our current needs and continue to prepare for the CalPERS unfunded liability increases while taking on limited debt to fund the Community Center project. We are also aware that a downturn in the economy is inevitable and must prepare accordingly and not spend or borrow beyond our means.

November General Election

The City Council is considering placing one or two tax measures (Transient Occupancy Tax increase and Cannabis Tax) on the November 2018 ballot. Preliminary estimates from the Registrar of Voters are that each measure will cost approximately \$50,000.

CalPERS

The Financial Commission has formed a subcommittee to analyze the significant increase in our CalPERS unfunded liability and recommend a strategy to best mitigate the increases beginning this

fiscal year. The subcommittee will recommend options to Council later this summer on how best to utilize the \$4M currently set aside in our CalPERS fund.

New Public Arts Fund

The Public Arts Fund helps create diverse interactive and exciting art experiences for the community through public art. Funds are restricted to the implementation of the Los Altos Public Art Program, including the acquisition, placement, maintenance and promotion of temporary and permanent art on public property throughout the City. If adopted by Council, the ordinance will impose a fee equal to 1% of the cost of the development; up to a maximum of \$200,000.



Subject: Fiscal Year 2018-19 Operating Budget and Fiscal Year 2019-23 Capital Improvement Plan

Affordable Housing Impact Fee and Housing Mitigation Fund

On May 8, 2018, the City Council held a discussion on an affordable housing impact fee. This fee, which would apply to multi-family residential projects and non-residential projects, acquires funds for enhancing and providing affordable housing. It is anticipated that the funds may help leverage affordable housing opportunities in the future. As structured, the draft ordinance implementing the fee still provides applicants with an opportunity to provide affordable housing on the site of their project in-line with the City's current affordable housing inclusionary regulations. The ordinance is scheduled to come back to the City Council for further consideration. All Housing Impact Fees shall be placed in the City's Housing Mitigation Fund and used to support the development of affordable housing within the City and region.

Capital Improvement Plan

The five-year FY 2019-23 Capital Improvement Plan identifies current and future capital projects and their associated funding sources. The projects outlined in the first year are proposed for full funding with the future years are presented with projects for planning purposes only.

The FY 2019-23 Proposed Capital Improvement Plan includes three new projects along with the updated budget of \$34.7M for the Community Center. The updated total for five years is \$104M from various funding sources.

The Financial Commission has formed a project financing subcommittee to explore options to fund the Community Center project. Ten million dollars has been identified as the amount needed to borrow to fully fund the project. The Community Center Project is being funded primarily by CIP funds, Park in-Lieu funds and cash acquired from the loan. The Financial Commission subcommittee will present options to Council for approval.

The three new projects proposed are:

- Intersection Access Barrier Removal - \$280,000 (CDBG funds)
 - The proposed FY 2018/19 Community Development Block Grant Capital Improvement Program contingency project will make improvements to four interchanges located on Los Altos Avenue, Estrellitta Way, Grant Road, and Jordan Avenue. The intersections are to be improved to provide better pedestrian access to nearby schools, downtown Los Altos, bus routes, and connection with the City of Palo Alto. The improvements include replacement or installation of curb ramps, new crosswalks, and removal of access barriers. These improvements will enhance pedestrian safety and overall pedestrian access by improving visibility and connectivity.
 - The CDBG CIP funds will be used to assist those considered a "Presumed Benefit"; a category of people who are presumed to be low-income, such as seniors, severely



Subject: Fiscal Year 2018-19 Operating Budget and Fiscal Year 2019-23 Capital Improvement Plan

disabled adults, victims of domestic abuse, etc. by installing curb cuts, widening sidewalks, etc. which will remove a barrier impeding disabled access.

- Enterprise Asset Management System - \$300,000 (\$150,000 CIP, \$150,000 Sewer Fund)
 - The Public Works Department is responsible for the maintenance and improvement of parks, buildings, bridges, streets, traffic signals and wastewater/storm drain collection systems. Department is seeking to implement an Enterprise Asset Management (EAM) system which will consolidate the work order processes and integrate inventory control, surplus, preventative and predictive maintenance scheduling, asset management, and capital asset data to produce effective resource and workflow management and reporting. The EAM will be tightly integrated with the City's GIS; provide an intuitive user interface; convert, migrate or integrate information from existing software; create and track work orders and provide real-time tracking and reports to effectively manage all City assets.

- Veteran's Community Plaza Sunshades - \$60,000 CIP
 - This item was discussed at the May 18, 2018 budget study session. The direction from Council was to include this amount for new sunshades in front of the Veteran's Community Plaza.

Proposed additions to the Equipment Replacement Fund include:

- Multiple purpose vehicle – Police Department
 - Replacement of multi-purpose utility vehicle, currently used for equipment/personnel transportation for special events, Crisis Response Unit, Firearms (Range) Division and Training Division.

- Support Services Vehicle – Police Department
 - Replacement of Support Services Vehicle (Court Liaison). This vehicle will replace a 12-year-old vehicle (2006 Ford Taurus) which, due to age and mileage, will increase projected maintenance costs.

The two de-funded CIP projects are:

- Grant Park Kitchen
- MSC Fuel Station Dispensing Station Overhead Canopy

The closed CIP projects during FY17/18:

- Covington Bicycle and Pedestrian Improvements
- Park Hydration Station Installation
- City Hall HVAC System Upgrades
- Grant Park Community Center Improvement Project



Subject: Fiscal Year 2018-19 Operating Budget and Fiscal Year 2019-23 Capital Improvement Plan

- City Hall Roof Replacement
- Commercial Wayfinding Sign Program
- Illuminated Crosswalk Replacement
- Speed Feedback Sign at Fremont
- W. Edith Avenue/University Avenue Crosswalk Improvements (School Route Project)
- University Ave/Lincoln Crosswalk Improvements (School Route Project)

Required Actions

A variety of resolutions are required to formalize the Operating Budget and Capital Improvement Program adoption. These resolutions, included as Attachments 3 through 7, serve to:

- Adopt the Operating Budget (Resolution No. 2018-18) and Capital Improvement Program (Resolution No. 2018-19)
- Affirm the Transient Occupancy Tax with no change (Resolution No. 2018-20)
- Affirm the Utility Users Tax Rate with no change (Resolution No. 2018-21)
- Approve the annual State Required Appropriations/GANN spending limit (Resolution No. 2018-22)

Adoption of the Operating Budget provides appropriation of all FY 2018/19 Operating expenditures and transfers as well as capital projects funding requests in FY 2018/19.

Staff Recommendation:

Move to approve the FY 2018/19 Operating Budget and FY 2019-23 CIP Plan and subsequent resolutions including the TOT tax, and UUT rate.

GENERAL FUND	2017-18 BUDGET ADOPTED	2017-18 YEAR END PROJECTED	2018-19 BUDGET ADOPTED	2018-19 PROPOSED BUDGET
Revenues				
Taxes	29,890,900	30,688,600	31,062,500	31,901,300
Income	219,000	278,000	234,000	274,000
Fees	8,310,700	8,440,500	8,370,800	8,576,300
Miscellaneous Revenue	130,400	154,000	130,400	130,400
Total General Fund Revenue	38,551,000	39,561,100	39,797,700	40,882,000
Transfers In/One-Time Revenue	160,000	160,000	160,000	160,000
Total General Fund Revenue/Transfers In	\$ 38,711,000	\$ 39,721,100	\$ 39,957,700	\$ 41,042,000
Expenditures				
Legislative	253,930	246,312	255,349	254,772
Executive	2,200,193	2,134,187	2,235,789	2,176,949
Administrative Services	3,399,129	3,297,155	3,201,104	3,348,345
Public Safety	17,437,509	16,914,384	18,613,174	18,666,245
Community Development	2,863,734	2,777,822	2,954,415	2,941,809
Recreation and Community Services	2,486,192	2,411,606	2,384,730	2,773,793
Public Works	8,093,793	7,850,979	8,313,980	8,092,212
Total General Fund Expenditures	36,734,480	35,632,445	37,958,540	38,254,126
Transfers Out	166,060	170,000	171,880	171,880
Total General Fund Expenditures/Transfers Out	\$ 36,900,540	\$ 35,802,445	\$ 38,130,420	\$ 38,426,006
Revenues over Expenditures	\$ 1,810,460	\$ 3,918,655	\$ 1,827,280	\$ 2,615,994

Fiscal Year 2019-23 Proposed Capital Improvement Program Summary

Project #	Project Name	Funding Sources	Prior Appropriations	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 Budget	2022/23 Budget	Total
CD-01009	Walter Singer Bust Relocation	CIP	\$ 10,000						\$ 10,000
CD-01010	Foothill Expressway Median Trees	CIP	\$ 49,500						\$ 49,500
CD-01013	Downtown Vision	CIP	\$ 125,057						\$ 125,057
		General Fund	\$ 174,943						\$ 174,943
CD-01014	Downtown Parking	Downtown Parking Fund	\$ 100,000						\$ 100,000
CD-01016	Public Arts Master Plan	CIP	\$ 50,000						\$ 50,000
CD-01020	Climate Action Plan Implementation Program	CIP	\$ 25,000						\$ 25,000
Technology									
CD-01006	Police Records Management & Dispatch System	Equipment Replacement Fund	\$ 1,064,000						\$ 1,064,000
CD-01008	IT Initiatives	Equipment Replacement Fund	\$ 100,000						\$ 100,000
		Technology Fund	\$ 2,597,557						\$ 2,597,557
CD-01019	Public Works Electronic Document Management	CIP	\$ 70,949	\$ 35,000					\$ 105,949
CD-01021	Community Chamber AV Equipment	PEG Fees	\$ 623,000						\$ 623,000
		CIP	\$ 50,000						\$ 50,000
CD-01022	Asset Management System	CIP		\$ 150,000					\$ 150,000
		Sewer		\$ 150,000					\$ 150,000
Storm Drain System									
CD-01012	Annual Storm Drain Improvements	CIP	\$ 1,000,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 2,500,000
Transportation									
Streets and Roads									
TS-01001	Street Resurfacing	CIP	\$ 2,656,530	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 3,906,530
		Gas Tax	\$ 1,425,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 3,175,000
		Road Maint. & Acct Act	\$ 300,000	\$ 150,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,450,000
		Measure B			\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 2,200,000
		VRF	\$ 550,000	\$ 550,000					\$ 1,100,000

Fiscal Year 2019-23 Proposed Capital Improvement Program Summary

Project #	Project Name	Funding Sources	Prior Appropriations	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 Budget	2022/23 Budget	Total
TS-01002	First Street Resurfacing	CIP	\$ 300,000						\$ 300,000
TS-01003	Street Striping	Gas Tax	\$ 391,544	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 891,544
		CIP	\$ 8,456						\$ 8,456
TS-01004	Street Slurry Seal	Gas Tax	\$ 750,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 2,000,000
		CIP	\$ 151,670						\$ 151,670
TS-01008	Annual ADA Improvements (Streets and Roadways)	CIP	\$ 150,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 525,000
TS-01009	City Alley Resurfacing	Gas Tax	\$ 295,000	\$ 100,000		\$ 100,000		\$ 100,000	\$ 595,000
TS-01056	Fremont Asphalt Concrete Overlay	OBAG	\$ 336,000						\$ 336,000
		CIP	\$ 179,000						\$ 179,000
<i>Pedestrian and Bicycle Safety</i>									
TS-01005	Concrete Repair	CIP	\$ 400,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 1,400,000
TS-01006	Traffic Sign Replacement	CIP	\$ 25,000	\$ 25,000					\$ 50,000
TS-01007	Neighborhood Traffic Management Plan	CIP	\$ 75,000						\$ 75,000
		Traffic Impact Fees	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 450,000
		Donations	\$ 7,000						\$ 7,000
TS-01013	Transportation Enhancements	CIP	\$ 50,000			\$ 25,000			\$ 75,000
TS-01018	Foothill Expressway Improvement between El Monte Ave & San Antonio Rd	Traffic Impact Fees	\$ 440,000						\$ 440,000
		VRF	\$ 52,000						\$ 52,000
		CIP	\$ 270,000						\$ 270,000
TS-01022	Collector Street Traffic Calming	Traffic Impact Fees	\$ 222,900	\$ 500,000					\$ 722,900
TS-01030	El Monte/Springer Intersection Improvements	Traffic Impact Fees	\$ 100,000	\$ 211,000					\$ 311,000
TS-01033	Miramonte Ave Path	CIP	\$ 331,200	\$ 250,000					\$ 581,200

Fiscal Year 2019-23 Proposed Capital Improvement Program Summary

Project #	Project Name	Funding Sources	Prior Appropriations	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 Budget	2022/23 Budget	Total
		OBAG		\$ 1,000,000					\$ 1,000,000
TS-01036	Miramonte Ave/Berry Ave Intersection Improvements (School Route Project)	CIP	\$ 250,000						\$ 250,000
TS-01037	San Antonio Road/West Portola Avenue Improvements (School Route Project)	Traffic Impact Fees	\$ 167,125	\$ 670,000	\$ -				\$ 837,125
TS-01038	El Monte Ave Sidewalk Gap Closure - Edith Ave to Almond Ave (School Route Project)	CIP	\$ 191,000						\$ 191,000
		CDBG		\$ 303,933					\$ 303,933
TS-01039	Arboretum Drive Speed Feedback Sign (School Route Project)	CIP	\$ 30,000						\$ 30,000
TS-01040	Fremont Ave/Truman Ave Intersection Improvements (School Route Project)	Traffic Impact Fees	\$ 40,000						\$ 40,000
TS-01041	Los Altos Ave/Santa Rita School Crossing Improvements (School Route Project)	CIP	\$ 40,000						\$ 40,000
TS-01042	Los Altos Ave/W. Portola Ave Crosswalk Improvements (School Route Project)	CIP	\$ 77,000						\$ 77,000
TS-01043	Santa Rita Avenue Bike Boulevard (School Route Project)	CIP	\$ 65,000						\$ 65,000
TS-01044	El Monte Walkway Improvement (School Route Project)	CIP	\$ 200,500						\$ 200,500
TS-01045	Covington Rd at Riverside Ave Pedestrian Improvements (School Route Project)	CIP	\$ 45,000						\$ 45,000
TS-01046	Springer Road/Fremont Ave Pedestrian Improvements (School Route Project)	CIP	\$ 112,500						\$ 112,500

Fiscal Year 2019-23 Proposed Capital Improvement Program Summary

Project #	Project Name	Funding Sources	Prior Appropriations	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 Budget	2022/23 Budget	Total
TS-01047	Grant Rd/Morton Ave Pedestrian Improvements (School Route Project)	CIP	\$ 80,000						\$ 80,000
TS-01048	Bicycle Count Stations (School Route Project)	CIP		\$ 143,000					\$ 143,000
TS-01049	Traffic Signal Control Upgrades	VRF-ITS	\$ 363,000						\$ 363,000
TS-01050	Carmel Terrace Sidewalk Gap Closure Project	CIP		\$ 350,000					\$ 350,000
TS-01051	University Ave/Milverton Rd Sidewalk Gap Closure Project	CIP		\$ 55,000					\$ 55,000
TS-01052	Annual Bicycle/Pedestrian Access Improvements	CIP		\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 1,750,000
		TDA Article III Grant		\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000
		Traffic Impact Fees		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
TS-01053	Traffic Sign Battery Backup Systems	CIP	\$ 250,000						\$ 250,000
TS-01054	Crosswalk Improvements at St. Joseph Ave and Deodora Dr	CIP	\$ 150,000						\$ 150,000
TS-01055	Fremont Ave Pedestrian Bridge Rehabilitation	CIP	\$ 250,000						\$ 250,000
TS-01057	In-Road Light System Maintenance	CIP	\$ 75,000						\$ 75,000
TS-01058	Intersection Access Barrier Removal	CDBG		\$ 280,000					\$ 280,000

Fiscal Year 2019-23 Proposed Capital Improvement Program Summary

Project #	Project Name	Funding Sources	Prior Appropriations	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 Budget	2022/23 Budget	Total
TOTAL			\$ 24,778,931	\$ 14,424,433	\$ 16,135,000	\$ 19,060,000	\$ 4,735,000	\$ 4,835,000	\$ 83,968,364
<i>Wastewater</i>									
<i>Sewer</i>									
WW-01001	Sewer System Repair Program	Sewer	\$ 1,707,728	\$ 600,000	\$ 610,000	\$ 620,000	\$ 630,000	\$ 640,000	\$ 4,807,728
WW-01002	Structural Reach Replacement	Sewer	\$ 2,454,129	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 6,454,129
WW-01003	Root Foaming	Sewer	\$ 1,029,136	\$ 274,000	\$ 281,000	\$ 288,000	\$ 295,000	\$ 305,000	\$ 2,472,136
WW-01004	South Sewer Replacement	Sewer	\$ 938,495						\$ 938,495
WW-01005	CIPP Corrosion Replacement	Sewer	\$ 1,303,568	\$ 320,000	\$ 333,000	\$ 340,000	\$ 350,000	\$ 360,000	\$ 3,006,568
WW-01006	Fats, Oils, Grease Program (FOG)	Sewer	\$ 232,464	\$ 60,000	\$ 62,000	\$ 64,000	\$ 66,000	\$ 68,000	\$ 552,464
WW-01008	GIS Updates	Sewer	\$ 275,681	\$ 60,000	\$ 62,000	\$ 64,000	\$ 66,000	\$ 68,000	\$ 595,681
WW-01009	Sewer System Management Plan Update	Sewer	\$ 24,000	\$ 26,000		\$ 28,000		\$ 28,000	\$ 106,000
WW-01010	SCVWD Sewer Main	Sewer	\$ 65,000						\$ 65,000
WW-01011	Sanitary Sewer Video Inspection	Sewer		\$ 380,000	\$ 400,000				\$ 780,000
TOTAL			\$ 8,030,202	\$ 2,520,000	\$ 2,548,000	\$ 2,204,000	\$ 2,207,000	\$ 2,269,000	\$ 19,778,202
<i>Equipment Replacement</i>									
	Marked Patrol Vehicles (3)	Equipment Replacement Fund		\$ 145,000					\$ 145,000
	Support Services Vehicle (court vehicle)	Equipment Replacement Fund		\$ 30,000					\$ 30,000
	Multi-Purpose Utility Vehicle	Equipment Replacement Fund		\$ 65,000					\$ 65,000
TOTAL				\$ 240,000	\$ -	\$ -	\$ -	\$ -	\$ 240,000
GRAND TOTAL			\$ 32,809,132	\$ 17,184,433	\$ 18,683,000	\$ 21,264,000	\$ 6,942,000	\$ 7,104,000	\$ 103,986,565

New CIP projects for FY 2019-23

Project #	Project Name	Funding Sources	Prior Appropriations	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 Budget	2022/23 Budget	Total
CD-01022	Asset Management System	CIP		\$ 150,000					\$ 150,000
		Sewer		\$ 150,000					\$ 150,000
TS-01058	Intersection Access Barrier Removal	CDBG		\$ 280,000					\$ 280,000
TOTAL				\$ 580,000	\$ -	\$ -	\$ -	\$ -	\$ 580,000

Updated CIP projects for FY19-23

Project #	Project Name	Funding Sources	Prior Appropriations	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 Budget	2022/23 Budget	Total
CF-01009	Annual Pathway Rehabilitation	in-Lieu Park Fund	\$ 75,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 325,000
CF-01002	Los Altos Community Center Redevelopment	CIP	\$ 3,273,500	\$ 1,626,500	\$ 11,400,000	\$ 14,000,000			\$ 30,300,000
		General Fund	\$ 400,000						\$ 400,000
		in-Lieu Park Fund		\$ 4,000,000					\$ 4,000,000
CF-01017	Annual Park Improvement Project	in-Lieu Park Fund	\$ 400,000	\$ 100,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,500,000
CF-01003	Annual Civic Facilities Improvement Project	CIP	\$ 1,625,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 7,625,000
CF-01010	Annual ADA Improvements (Facilities)	CIP	\$ 225,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 600,000
CD-01003	Public Arts Projects	CIP	\$ 40,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 90,000
CD-01012	Annual Storm Drain Improvements	CIP	\$ 1,000,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 2,500,000
CF-01019	Sun Shades Veteran's Comm. Plaza	CIP		\$ 60,000					\$ 60,000
TS-01001	Street Resurfacing	CIP	\$ 2,656,530	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 3,906,530
		Gas Tax	\$ 1,425,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 3,175,000
		Road Maint. & Acct Act	\$ 300,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,800,000
		Measure B			\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 2,200,000
		VRF	\$ 550,000	\$ 550,000					\$ 1,100,000
TS-01003	Street Striping	Gas Tax	\$ 391,544	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 891,544
		CIP	\$ 8,456						\$ 8,456
TS-01004	Street Slurry Seal	Gas Tax	\$ 750,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 2,000,000
		CIP	\$ 151,670						\$ 151,670
TS-01008	Annual ADA Improvements (Streets and Roadways)	CIP	\$ 150,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 525,000
TS-01005	Concrete Repair	CIP	\$ 400,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 1,400,000
TS-01007	Neighborhood Traffic Management Plan	CIP	\$ 75,000						\$ 75,000
		Traffic Impact Fees	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 450,000
		Donations	\$ 7,000						\$ 7,000
TS-01022	Collector Street Traffic Calming	Traffic Impact Fees	\$ 222,900	\$ 500,000					\$ 722,900
TS-01038	El Monte Ave Sidewalk Gap Closure - Edith Ave to Almond Ave (School Route Project)	CIP	\$ 191,000						\$ 191,000
		CDBG		\$ 470,000					\$ 470,000

Fiscal Year 2019-23 Proposed Capital Improvement Program Summary

Funding Source	Prior Appropriations	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 Budget	2022/23 Budget	Total Project Funding
CIP/General Fund	15,955,349	6,584,500	14,360,000	17,185,000	2,960,000	2,960,000	60,004,849
Community Develop. Block Grant	0	583,933	0	0	0	0	583,933
Downtown Parking Fund	100,000	0	0	0	0	0	100,000
Equipment Replacement Fund	1,164,000	240,000	0	0	0	0	1,404,000
Gas Tax	2,470,000	800,000	700,000	800,000	700,000	800,000	6,270,000
in-Lieu Park Fund	475,000	4,150,000	300,000	300,000	300,000	300,000	5,825,000
Measure B	0	0	550,000	550,000	550,000	550,000	2,200,000
Other Funding	7,000	0	0	0	0	0	7,000
Sewer Fund	8,030,202	2,670,000	2,548,000	2,204,000	2,207,000	2,269,000	19,928,202
TDA Article III Grant	0	50,000	50,000	50,000	50,000	50,000	250,000
Technology Reserve	2,597,557	0	0	0	0	0	2,597,557
Traffic Impact Fees	1,045,025	1,556,000	175,000	175,000	175,000	175,000	3,301,025
Vehicle Registration Fee	965,000	550,000	0	0	0	0	1,515,000
Total	\$ 32,809,132	\$ 17,184,433	\$ 18,683,000	\$ 21,264,000	\$ 6,942,000	\$ 7,104,000	\$ 103,986,565

Sun Shades Veteran's Comm. Plaza

CIP CLOSED PROJECTS FY2017/18

Summary of Savings by Fund

CIP	\$	543,672.28
In Lieu Park	\$	510,399.44
Traffic Impact	\$	168,431
TOTAL	\$	1,222,502.88

Project #	Project Name	Funding Sources	Prior Appropriations	YTD Expenditures	SAVINGS
CF-01005	Covington Bicycle and Pedestrian Improvements	CIP	\$ 446,000	\$ 398,584.04	\$ 47,415.96
CF-01015	Park Hydration Station Installation	in-Lieu Park Fund	\$ 40,000	\$ 29,159.56	\$ 10,840.44
CF-01007	City Hall HVAC System Upgrades	CIP	\$ 946,158	\$ 797,818.39	\$ 148,339.61
CF-01008	Sun Shades Veteran's Comm. Plaza	in-Lieu Park Fund	\$ 674,344	\$ 174,785	\$ 499,559
CF-01014	City Hall Roof Replacement	CIP	\$ 330,000	\$ 160,616	\$ 169,384
CD-01002	Commercial Wayfinding Sign Program	CIP	\$ 165,000	\$ 136,230	\$ 28,770
TS-01031	Illuminated Crosswalk Replacement	Traffic Impact Fees	\$ 493,620	\$ 345,189	\$ 148,431
TS-01032	Speed Feedback Sign at Fremont	Traffic Impact Fees	\$ 20,000	\$ -	\$ 20,000
TS-01034	W. Edith Avenue/University Avenue Crosswalk Improvements (School Route Project)	TDA Article III Grant	\$ 45,429.00	\$ 45,429.00	\$ -
		CIP	\$ 250,764.00	\$ 229,168.00	\$ 21,596
TS-01035	University Ave/Lincoln Crosswalk Improvements (School Route Project)	CIP	\$ 250,618.00	\$ 122,451.25	\$ 128,167
		CDBG	\$ 170,000.00	\$ 170,000.00	\$ -

\$ 1,222,502.88

RESOLUTION NO. 2018-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ADOPTING THE FY 2018/19 OPERATING BUDGET**

WHEREAS, it has been determined that the adoption of a biennial Operating Budget is an effective and prudent management tool; and

WHEREAS, the Council has reviewed the FY 2018/19 Operating Budget at a public study session held on May 22, 2018; and

WHEREAS, salary increases of 3.2% for non-represented City employees are included in the 2018/19 budget; and

WHEREAS, increases in salary ranges are to take effect in the first full pay period in July 2018.

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

1. The City of Los Altos FY 2018/19 Operating Budget has been presented and reviewed by City Council with regard to the approval of estimated revenues, appropriations, capital projects, and transfers for all City funds in accordance with adopted Financial and Investment Policies; and
2. City programs, services, and activities will be provided and maintained within the confines of this Financial Plan/Biennial Operating Budget in a manner consistent with adopted Financial Policies; and
3. Funds are deemed appropriated for those purposes and in amounts contained in said Financial Plan/Biennial Operating Budget and the City Manager is authorized to approve appropriations and transfers of these funds to the extent allowed by law and Financial Policies in implementing the work programs incorporated within the adopted budget; and
4. This budget includes the maintenance of an Operating Reserve of 20%; and
5. Encumbrances (obligated contract commitments), active capital improvement projects, and active grant awards that have not been completed or received at the end of each fiscal year shall be carried forward and re-appropriated into the next fiscal year.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 12th day of June, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

RESOLUTION NO. 2018-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ADOPTING THE FY 2019-23 FIVE-YEAR CAPITAL IMPROVEMENT
PROGRAM**

WHEREAS, the Council has reviewed the FY 2019-23 Capital Improvement Program at a public study session held on May 22, 2018; and

WHEREAS, modifications and/or adjustments identified in the aforementioned public meetings are incorporated within the five-year CIP before the Council.

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

1. Adopt the FY 2018/19 – 2022/23 Five-Year Capital Improvement Program submitted as presented for those respective fiscal years; and appropriate funds, for all respective funds, for those CIP projects identified within the 2018/19 fiscal year; and
2. Authorize the City Manager to proceed with those FY 2018/19 projects identified for implementation or the commencement of planning for them.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 12th day of June, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

RESOLUTION NO. 2018-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
REAFFIRMING THE FY 2018/19 TRANSIENT OCCUPANCY TAX RATE**

WHEREAS, on Tuesday, November 6, 2001 the voters approved an increase in the Transient Occupancy Tax from 8% to a maximum of 11%;

WHEREAS, the Los Altos Municipal Code requires that each year, following adoption of the City's budget, the City Council will determine the rate to be charged for the Transient Occupancy Tax, and shall set that rate in an amount not to exceed the rate authorized by the ordinance; and

WHEREAS, the City Council adopted the budget on June 12, 2018.

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

1. Adopt the Transient Occupancy Tax of 11% pursuant to Section 3.36.020; and
2. Maintain this rate to fund general governmental operational expenses as necessary.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 12th day of June, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

RESOLUTION NO. 2018-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
REAFFIRMING THE FY 2018/19 UTILITY USERS TAX RATE**

WHEREAS, the rate of tax for each of the Utility Users Taxes imposed in Section 3.40.070, 3.40.090, and 3.40.110, of the Los Altos Municipal Code does hereby remain fixed and levied at 3.5 percent until further action of the City Council; and

WHEREAS, the Los Altos Municipal Code requires that each year, following adoption of the City's budget, the City Council will determine the rate to be charged for the Utility Users Tax and shall set that rate in an amount not to exceed the rate authorized by the ordinance; and

WHEREAS, the City Council adopted the budget on June 12, 2018.

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

1. The rate of tax for each of the utility users taxes imposed in Sections 3.40.070, 3.40.090, and 3.40.110, of the Los Altos Municipal Code does hereby remain fixed and levied at 3.5 percent until further action of the City Council; and
2. Maintain this rate to fund general governmental operational expenses as necessary.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 12th day of June, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

RESOLUTION NO. 2018-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ESTABLISHING THE FY 2018/19 APPROPRIATIONS LIMIT**

WHEREAS, California Constitutional Article 13B limits the total annual appropriations of cities; and

WHEREAS, it is the desire of this Council to establish its appropriations limit pursuant to Article 13B.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby determines that said City's appropriations limit (as attached), pursuant to Article 13B of the California Constitution using the annual percent change in population for Santa Clara County and the percent change in California for per capita personal income, is as follows:

FY 2018/19	35,088,412
------------	-------------------

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 12th day of June, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

GANN LIMIT CALCULATION - FY2018-19

DESCRIPTION	AMOUNT	TAXES	"NON-TAXES"
GENERAL FUND			
TAXES			
Property Tax	21,137,200	21,137,200	0
Sales Tax	3,301,400	3,301,400	0
Off Hwy Veh Fees	13,000	13,000	0
Utility Users Tax	2,680,000	2,680,000	0
Business License Tax	500,000	500,000	0
Documentary Trans.	535,000	535,000	0
Building Dev. Tax	190,600	190,600	0
Transient Occ. Tax	2,705,300	2,705,300	0
LICENSES/PERMITS			
Engineering Fees	195,700		195,700
Building Permits	973,400		973,400
Electrical Permits	273,000		273,000
Plumb/Mech Permits	175,100		175,100
Plan Checking	543,300		543,300
Other Comm Dev Fees	570,900		570,900
CHARGE FOR SERVICE			
Police Fees	252,000		252,000
Expressway Landscape.	25,000		25,000
Street Sweeping	5,500		5,500
Signal Agreements	2,600		2,600
Special Event Appl	5,000		5,000
Weed Abatement	0		0
Fire Dept Fees	0		0
Sale of Publications	0		0
RECREATION FEES			
Recreation Fees	2,176,000		2,176,000
FRANCHISE FEES			
Franchise Fees	2,066,500		2,066,500
USE OF MONEY/PROPERTY			
Rental Income	24,000		24,000
Auction	10,300		10,300
FINES/FORFEITURES			
Traffic Fines	60,000		60,000
Parking Citations	100,000		100,000
Admin Citations	6,000		6,000
ENTERPRISE/CAPITAL ADMIN			
Sewer Admin.	824,700		824,700
Solid Waste Admin.	93,800		93,800
MISCELLANEOUS			
Misc./Other	49,000		49,000
CDBG Admin Reimb	0		0
Mandated Cost Reimbursement	5,000		5,000
Arrest Tow Fees	0		0
SUBTOTAL	39,499,301	31,062,500	8,436,801
Interest	210,000	165,145	44,855
GENERAL FUND TOTAL	39,709,301	31,227,645	8,481,656

CAPITAL PROJECTS

GANN LIMIT CALCULATION - FY2018-19

DESCRIPTION	AMOUNT	TAXES	"NON-TAXES"
SLES Police Grants	0		0
Other Capital Grants	55,200		55,200
Vehicle Impound Fees	20,000		20,000
In Lieu Park Land	1,668,500		1,668,500
Transportation Development Act	0		0
Downtown Parking Fund	40,000		40,000
Traffic Impact Fee	903,599		903,599
Safe Routes to School	0		0
Community Contributions	0		0
Prop 1B Grants	0		0
CDBG	79,600		79,600
GAS TAX FUNDS			
Gas Tax	1,251,054		1,251,054
SUBTOTAL	4,017,953	0	4,017,953

GRAND TOTAL 43,727,254 31,227,645 12,499,609

Total City Governmental Revenue	43,727,254
Less: Non Proceeds of taxes	(12,499,609)
Proceeds of Taxes	31,227,645
Exclusions: Debt Service before Prop 4	0
Add: Excess User Fees	0
Appropriations Subject to Limitation	31,227,645
2018-19 Appropriations Limit	35,088,412
Dollars under limit	3,860,766
Percent under limit	11.00%

Appropriations Limit Calculation

2017-18 Appropriations Limit	33,514,461
Change in Calif. per capita income	1.0367
Change in population in County	1.0099
Change Factor	1.0470
	35,088,412



DISCUSSION ITEMS

Agenda Item # 13

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Initiative Petition Report

Prepared by: Jon Maginot, City Clerk/Assistant to the City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Elections Code Section 9212 Report as ordered by Council (TO BE DISTRIBUTED UNDER SEPARATE COVER SHEET)
2. Resolution No. 2018-24

Initiated by:

Initiative Proponents

Previous Council Consideration:

May 22, 2018

Fiscal Impact:

Should the Council choose to place the measure on the ballot, the estimated cost to do so from the Registrar of Voters Office is approximately \$50,000 for the November 2018 ballot

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- What action, as allowed under State Law, does the Council wish to take?

Summary:

- An Initiative Petition has received a sufficient number of signatures to qualify a local measure for the ballot
- On May 22, 2018, the Council ordered a report be prepared pursuant to Elections Code Section 9212
- State Law now provides Council two options for the proposed measure

Staff Recommendation:

Receive the report of effect of proposed initiative pursuant to Elections Code Section 9212 and take action as permitted by State Law



Subject: Initiative Petition Report

Purpose

To receive the report of effect of proposed initiative and take action on the measure.

Background

On May 22, 2018, the City Council received a Certificate of Sufficiency of Initiative Petition for a General Plan Amendment Measure Regarding Parks, Open Space and Public/Institutional Properties. At that time, Council ordered a report be prepared pursuant to Elections Code Section 9212 (Attachment 1).

Discussion/Analysis

Per State Law, a report ordered pursuant to Elections Code Section 9212 must be presented to the City Council within thirty (30) days of the City Clerk certifying the sufficiency of the petition.

Following presentation of the report, Elections Code Section 9215 requires the Council to either adopt the ordinance, without alteration, or order an election. This must be done when the report is presented or within ten (10) days.

Should Council wish to submit the measure to the voters, it must do so for the November 2018 ballot as that is the next regular election and the time has passed in which to call a special election. A Resolution calling for the Election and consolidating with the County has been prepared for Council consideration (Attachment 2).

Recommendation

Council must take one of the two actions allowed under State Law.



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

MEMORANDUM

DATE: June 12, 2018
TO: Los Altos City Council
FROM: City Staff
SUBJECT: 9212 REPORT ON PROPOSED INITIATIVE

Background:

At its May 22, 2018 meeting, the Los Altos City Council received a Certificate of Sufficiency of Initiative Petition for a General Plan amendment measure regarding Parks, Open Space and Public/Institutional properties. City Council unanimously ordered a report pursuant to California Elections Code Section 9212(a), to assess the effect of the proposed Initiative.

Overview of Ballot Initiative

Title:

Initiative General Plan Amendment Measure Requiring Voter Approval of the Sale, Lease or Certain Changes in Use of Certain Land Designated as “Parks”, “Other Open Space” or “Public and Institutional” in the City’s General Plan

Ballot Summary:

This measure amends the City of Los Altos General Plan to add a voter approval requirement for significant changes to land with a General Plan land use designation of “Parks”, “Other Open Space”, or “Public and Institutional”. If this measure is approved, majority voter approval would be required for any of the following:

- (1) Any change in the list of uses the General Plan allows on land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation;
- (2) The sale or transfer of City-owned land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation;
- (3) The lease or other disposition (including granting of a license or easement) of City-owned land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation for longer than one hundred eighty (180) calendar days in any one calendar year; or
- (4) Changing City-owned land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation to another land use designation, except that

re-designation of “Public and Institutional” land to a “Parks” designation shall not require voter approval.

The measure exempts the following City-owned parcels from the voter approval requirements above:

- (1) Any City-owned parcel (or group of similar contiguous parcels) that totals 7,500 square feet in size or less with a General Plan land use designation of “Public and Institutional”;
- (2) The lease or other disposition of subsurface real property interests (i.e., easements) for utility or similar purposes that do not interfere with surface use except during construction or maintenance.

The measure authorizes the City Council to grant limited exceptions to the voter approval requirements when the City’s action is necessary to comply with state or federal housing law. This measure requires majority voter approval. If approved, this measure may be amended or repealed only by another vote of the people.

Provisions of California Elections Code Section 9212(a)

Section 9212 of the California Elections Code allows the City Council the opportunity to obtain a report on the impacts of the Initiative as they pertain to eight specific areas. California Elections Code Section 9212 provides:

- a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed Initiative measure to any city agency or agencies for a report on any or all of the following:
 - 1) Its fiscal impact.
 - 2) Its effect on the internal consistency of the city’s general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
 - 3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
 - 4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
 - 5) Its impact on the community’s ability to attract and retain business and employment.
 - 6) Its impact on the uses of vacant parcels of land.
 - 7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
 - 8) Any other matters the legislative body requests to be in the report.

The Code further indicates that this report must be presented to the City Council no later than 30 days after the election official certifies the sufficiency of the petition to the City. The certificate of sufficiency was presented to the Council on May 22, 2018.

Analysis

This Initiative proposes to change the language in the City’s 2002-2020 General Plan, primarily the Open Space and Conservation & Community Facilities Element, with conforming amendments throughout the General Plan.

To evaluate the impacts on City-owned real property and its current and future real property transactions, staff compiled and reviewed lists of various properties currently owned by the City, as well as various property transactions, including the lease of City property, in which the City is currently engaged. These lists were analyzed against the language provided in the proposed Initiative.

The impacts provided under California Elections Code §9212(a) were then analyzed.

Real Property Types Subject to Initiative

The proposed Initiative specifies that voter approval is needed for significant changes to City-owned property with the land use designations (1) Parks, (2) Other Open Space or (3) Public and Institutional, with some exemptions.

The City of Los Altos’ 2002-2020 General Plan summarizes those land use designations as follows:

Land Use	DUs or FAR/Net Acre		Summary Description of Land Use Designation
	Maximum	Anticipated	
Open Space Land Uses			
Parks	0.4:1	0.1:1	Publicly owned and dedicated parkland.
Other Open Space	0.6:1	NA	Open space for the preservation of natural resources, managed production of resources, outdoor recreation, and protection of health and public safety.
Public/Quasi-Public Facilities Land Uses			
Public and Institutional	0.6:1	0.35:1	Governmental, institutional, academic, group residence, church, community service uses, easements, rights-of-way, facilities of public and private utilities, and parking.

The Initiative states that voter approval would be required for any changes in the list of uses the General Plan permits for parcels with a land use designation of “Park”, “Other Open Space” or “Public and Institutional”, but the General Plan does not actually include a list of permitted uses for each land use designation. Staff believes the intent of the Initiative is to require voter approval for any changes to the *Summary Description of Land Use Designation*, as shown in the table above, or to the Land Use Designation descriptions in the text of the General Plan, beginning on Page 10 of the Land Use Element.

The Initiative exempts from the voter approval requirement any parcel owned by the City that is 7,500 square feet in size or smaller with a General Plan land use designation of Public and Institutional, unless the aggregate square footage of contiguous parcels with this designation exceeds 7,500 square feet, in which case, the voter approval requirements would apply. The Initiative also exempts the lease or other disposition of a subsurface interest in real property for utility or similar

purposes that does not interfere with the surface use of the property other than initial construction or subsequent maintenance. This exception does not apply to lands with a land use designation of “Parks” or “Other Open Space” regardless of the size of the parcel.

The Initiative grants the City Council authorization to grant exception to the voter approval requirements where necessary to comply with state or federal law governing the provision of housing, provided it meets certain requirements.

Impacts Analysis Provided by California Elections Code §9212(a)

Staff considered the language provided in the proposed Initiative, the types of real property the City currently owns or could own in the future, and the types of real property transactions into which the City has entered in determining the impacts under the provisions of the California Elections Code.

Fiscal Impacts [California Elections Code §9212(a)(1)]

California Elections Code §9212(a)(1) allows for an analysis regarding the fiscal impacts of the proposed measure.

The potential fiscal impact of this proposed measure largely centers around the cost to conduct an election should the City desire to take an action that falls under this measure. Potential costs of each election range from approximately \$50,000 (if held during a November or even year election) to as much as \$500,000 (if held during a stand-alone special election in which the City’s measure is the only item on the ballot).

In addition, there is a potential fiscal impact with regards to the sale or lease of surplus property, particularly if the measure limits the City’s ability to sell or lease land or to enter into a public/private partnership. Without a specific project or proposal however, there is no manner of determining exactly what the impact could be.

Consistency with General Plan and Housing Element [California Elections Code §9212(a)(2)]

California Elections Code §9212(a)(2) allows for an analysis regarding the proposed measure’s effect on the internal consistency of the city’s general and specific plan, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

Internal Consistency of the City’s General and Specific Plans, Including Housing Element

A review of the Initiative as drafted does not reveal an impact to the internal consistency of the City’s General Plan, including the Housing Element, or Specific Plans.

Section 65008 - Discrimination Prohibited

It does not appear that the Initiative would result in the City discriminating against a residential development proposal or subdivision application, or against a residential project that serves a certain age class or income class because the Initiative focuses on City-owned land with land use designations (Park, Other Open Space and Public and Institutional) that are not intended to provide for residential housing.

Chapter 4.2 (Section 65913) - Housing Development Approvals

It does not appear that the Initiative would limit the City's ability to approve housing developments because it focuses on City-owned land with land use designations (Park, Other Open Space and Public and Institutional) that are not intended to provide for residential housing. However, this Initiative could limit the City's ability to amend the General Plan Land Use Map if a City-owned property is identified as an appropriate location to provide housing (affordable, workforce or market rate). In addition, the City's Housing Element does not identify any City-owned sites, within the identified land use designations, "Park", Other Open Space" or "Public and Institutional", as necessary to meet the City's housing targets or as housing opportunity sites, under the current Housing Element Cycle.

Chapter 4.3 (Section 65915) - Density Bonus and Other Incentives

It does not appear that the Initiative would limit the City's ability to approve housing developments requesting a density bonus and/or other incentives or waivers because the Initiative focuses on City-owned land with land use designations (Park, Open Space and Public and Institutional) that are not intended for residential housing. Generally, private developments on sites zoned for housing (single-family or multi-family) or mixed-use are the type of projects that seek a density bonus and/or incentives or waivers, and this Initiative would not apply to this category of projects.

Land Use and Housing [California Elections Code §9212(a)(3)]

California Elections Code §9212(a)(3) allows for an analysis regarding the proposed measure's effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs.

The Initiative could potentially limit the City's ability to amend the General Plan Land Use Map if a City-owned property is identified as an appropriate location for housing opportunities. For example, a City-owned parking lot parcel in Parking Plaza North has been identified as a potential affordable housing opportunity site in the Downtown Los Altos Visioning effort because of its size and opportunity to help achieve a jobs / housing balance and the identified Vision for the Downtown. The development of affordable housing on sites like this are in line with the Housing Element Goal of "*Striving to maintain a variety of housing opportunities by location and housing type.*"

Although City lands are not identified as housing opportunity sites in the General Plan, maintaining flexibility for the consideration of housing on City-owned properties does provide opportunities to address affordable housing needs as called for in the Housing Element (2015-2023 Cycle), which has been certified by the State of California. In the future, especially during the next Housing Element update cycle (to start before 2023), if additional sites are needed to meet future Regional Housing Need Allocations (RHNA) assigned to the City by the State, the Initiative could impact the ability of the City to identify the lands needed to support the RHNA numbers and may well impact the ability of the State to certify a new Housing Element. The lack of a Certified Housing Element could have impacts on the City's ability to consider and permit other types of development in the future.

The Initiative does authorize the City Council to grant exceptions to the voter approval requirements where necessary to comply with state or federal law governing the provision of

housing, including but not limited to affordable housing requirements. This exception applies only if the City Council first makes the following findings:

- (1) A specific provision of state or federal law requires the City to accommodate the housing that will be permitted by the exception;
- (2) The exception permits no greater intensity than that necessary to accommodate the required housing; and
- (3) An alternative site that is not subject to the voter approval requirements in the Initiative is not able to satisfy the specific state or federal law.

Infrastructure Impacts [California Elections Code §9212(a)(4)]

California Elections Code §9212(a)(4) allows for an analysis regarding the proposed measure's effect on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

The proposed Initiative could have an impact on the ability to fund infrastructure improvements to the extent the underlying infrastructure was considered a covered property under the measure. Without a specific project or proposal however, there is no manner of determining exactly what the impact could be and how the initiative may or may not apply to a particular transaction.

It is undetermined if the Initiative would have any significant impacts of infrastructure costs directly on residents or businesses. The potential exists that should the City be unable to sell or transfer a covered property with infrastructure costs that were becoming burdensome, the City could look into establishing a funding mechanism such as a landscaping or lighting district, community facilities district, or other type of parcel assessed revenue mechanism that assesses property owners for the upkeep of that property.

Business Attraction, Retention, and Employment [California Elections Code §9212(a)(5)]

California Elections Code §9212(a)(5) allows for an analysis regarding the economic development impacts of the measure. Specifically, the Code identifies the "impact on the community's ability to attract and retain business and employment."

As there are many variables that influence the economic development of a city, it is difficult for staff to quantify the impacts of the proposed Initiative on business attraction, retention, and employment.

Vacant Land [California Elections Code §9212(a)(6)]

California Elections Code §9212(a)(6) allows for an analysis regarding the impact on the uses of vacant parcels of land.

Land use decisions in Los Altos are shaped by the community's desire to preserve and protect its unique character and existing land use patterns. The City's land use approach is to maintain a favorable balance of land uses, ensure land use compatibility, and direct growth

and redevelopment in a manner that is economically viable and in keeping with the existing character of the community. Achieving and maintaining a balance of land uses can ensure fiscal stability and also create a desirable community in which people can live, work, shop, and recreate.

Los Altos is a developed community with little opportunity for additional growth or major land use changes. Future growth will occur with development of the few remaining vacant parcels and the redevelopment of currently developed parcels. The City-owned vacant land inventory includes some parcels located within residential zoning districts but with a Park or Open Space land use designation. These parcels would be subject to the Initiative if the City were to take the specified actions that would trigger voter approval.

Other privately owned, vacant parcels with the designated land uses specified in the proposed Initiative throughout the City are not impacted by the Initiative unless one of these owners wanted to seek to broaden the uses allowed under the designated General Plan land use category which would require voter approval.

Agricultural Lands, Open Space, Traffic Conditions, Business Districts and Revitalization Areas [California Elections Code §9212(a)(7)]

California Elections Code §9212(a)(7) allows for an analysis regarding the impact on agricultural lands, open space, traffic conditions, existing business districts, and developed areas designated for revitalization. Each of these areas is addressed below.

Agricultural Lands

Los Altos no longer has any prime agricultural lands covered under the Williamson Act. The Civic Center Campus parcel is designated as Public and Institutional land and does include the fruit-bearing, heritage apricot orchard. The Civic Center Campus would be subject to the proposed Initiative.

Open Space

The City owns and maintains 45.45-acres of developed parks, approximately 1.49-acres per 1,000 residents. The parks system is comprised of 11 parks, one trail, one nature preserve and one open space property. Of these properties, the Hetch Hetchy Trail is owned by the City and County of San Francisco while Montclair Park is leased from Cupertino Union School District.

In addition to dedicated parkland, the City owns several other, significantly sized parcels that serve as open space, such as Woodland Library, or the intersection of Springer Road and El Monte Avenue.

One of the main goals of the Initiative is “to protect and expand its parks and open spaces.” If the Initiative were adopted, it could serve to maintain open space for the enjoyment of the community by requiring the public to vote on whether open space should be converted to another use.

Traffic Conditions

Traffic congestion is typically managed through city rights-of-way. The Initiative does not

address rights-of-way and staff's analysis indicates they would not be covered under the Initiative.

Business Districts

There are seven primary commercial areas in Los Altos, including Downtown, El Camino Real, Loyola Corners, Rancho Shopping Center, Village Court, Woodland Plaza and Foothill Crossing. Four of these districts include property with the land use designations that are covered under the proposed Initiative, but only one of them contains property that is owned by the City of Los Altos. The covered property is described below.

Shopping District	Number of covered parcels	Land Use Designation	Current Use	City-Owned
Downtown	8	Public & Institutional	Parking Plazas	Yes
El Camino Real	1	Public & Institutional	Bridgepoint Senior Care Facility	No
Loyola Corners	7	Public & Institutional, Other Open Space	CalWater, USPS, US Bank, Private owner	No
Rancho Shopping Center	1	Other Open Space	Private owner	No
Village Court	--	--	--	--
Woodland Plaza	--	--	--	--
Foothill Crossing	--	--	--	--

Developed Areas Designated for Revitalization

The City does not currently have any developed areas that are designated for revitalization.

Other Matters Requested by City Council [California Elections Code §9212(a)(8)]

At its May 22, 2018 meeting, the City Council also directed staff to address the items below.

Potential impact on current leases

The proposed Initiative contains vested-rights and ongoing-activity language in Section 4 that potentially exempts any person with a “vested right pursuant to State law.” If a contract is executed prior to the Initiative taking effect, it should fall under the exemption of the Initiative. Any automatic extension of a lease should also fall under this exemption, as well as any option to renew, provided that option is exercised at the lessee’s sole discretion. However, where a renewal, extension, or amendment depends on the sole discretion of the City, the exemption language is unclear, as there would be no “vested right.” The Initiative’s language is unclear as to exactly what conditions must be satisfied in order for existing leases to be exempt or included.

Exhibit A contains a list of all existing City leases on lands covered by the Initiative.

A listing of all City-owned land

See Exhibit B for a list of all covered property that will be subject to the proposed Initiative.

For clarification purposes, Public Parking Plazas 1 and 2 (South of Main Street, between First and Third Streets), have General Plan Designation solely of Downtown Commercial, and thus would not be subject to the requirements of the Initiative. Portions of Public Parking Plazas 3 and 6 are designated as both Downtown Commercial and Public and Institutional. Any change in use or activity in Plaza 3 or 6, would most like be subject to the voter approval requirement, even if the activity or change in use were solely contained within the Downtown Commercial portion of the parcel due to the fact that another portion of the parcel is designated as Public and Institutional.

The City does own additional parcels of land, but those would not be subject to the proposed Initiative as those properties are not currently designated Park, Other Open Space, or Public and Institutional in the General Plan.

The effect on non-City-owned land

The Initiative states that voter approval would be required for any changes in the list of uses the General Plan permits within the following land use designations: (1) Parks, (2) Other Open Space, or (3) Public and Institutional.

However, because the General Plan does not include a list of permitted uses for each land use designation, staff believes the intent of the Initiative is to require voter approval for any changes to the *Summary Description of Land Use Designation*, as shown on Page 3 of this report, or to the Land Use Designations in the text of the General Plan, beginning on Page 10 of the Land Use Element.

The sale, transfer, lease, or other disposition of non-city-owned property would not require voter approval.

What future actions would require voter approval?

The following actions would require voter approval:

- (1) Any change to the list of uses that the general plan permits in the Parks, Other Open Space, or Public and Institutional land-use designations.
- (2) Any sale or transfer of any city-owned real property that is designated by the general plan as Parks, Other Open Space, or Public and Institutional.
- (3) Any lease, license, easement or “other disposition” of city-owned real property that is designated by the general plan as Parks, Other Open Space, or Public and Institutional if the “disposition” is for more than 180 days out of a calendar year. (Multiple short “dispositions” to people acting in concert count as one.)

This would subject any easement or license to be given to public works contractors, other government agencies, or private contractors for projects that require access longer than 180 days. This would also subject any lease of any city property that lies within one of these three designated areas to voter approval if the lease is for more than 180 days.

- (4) Any re-designation of city-owned property that is currently designated by the

general plan as Parks, Other Open Space, or Public and Institutional, except for re-designation from Public and Institutional to Parks.

The timeline for placing any future items on a ballot

Elections Code §9222 authorizes the legislative body of the City to submit a measure to the voters. This may be done at either a Regular or Special Election. The election must be called, by resolution, no less than 88 days before the election.

The Elections Code states that all elections are to be held on Tuesdays and establishes the following election dates:

- (1) Second Tuesday in April of even-number years
- (2) First Tuesday after the first Monday in March of odd-number years
- (3) First Tuesday after the first Monday in November of each year
- (4) First Tuesday after the first Monday in March of even-number years (either traditional ballot or mail only)
- (5) First Tuesday after the first Monday in May of each year (Mail ballot only)
- (6) Last Tuesday in August of each year (Mail ballot only)

The above list does not account for measures which qualify for the ballot through the Initiative petition process (such as the measure in question). In these instances, a special election may be called on any Tuesday, provided it is done so at least 88 days in advance. It is not anticipated that this provision of the Elections Code would apply to measures required by the passage of this Initiative.

A table of when elections could be held in the next two years and those dates in which the election would need to be called by is below.

Election Date	Deadline to call election (88 days)
March 5, 2019	December 7, 2018
May 7, 2019 (Mail only)	February 8, 2019
August 27, 2019 (Mail only)	May 31, 2019
November 5, 2019	August 9, 2019
March 3, 2020	December 6, 2019
April 14, 2020	January 17, 2020
May 5, 2020 (Mail only)	February 7, 2020
August 25, 2020 (Mail only)	May 29, 2020
November 3, 2020	August 7, 2020

“Vested rights” as defined by the State of California and the Initiative’s implications on those rights

Meaning of “Vested Right”

The proposed section 4.A states that “[t]his Initiative shall not apply to prohibit any development project or ongoing activity that has obtained ... a vested right pursuant to State law.” However, vested rights arise under both state *and federal law*, and the law

recognizes both a “vested right” and a “fundamental vested right” and distinguishes between them, a distinction that is not addressed in the Initiative.

A vested right for land-use purposes is a property right — born of federal and state constitutional and common law principles of due process, as well as, in some cases, of state statute — which protects a developer or property owner from being subject to newly enacted land-use regulations.¹ On its face, the exemption in the Initiative for “a vested right pursuant to State law” appears to be limited to just vested rights that are created by California law, and not the U.S. Constitution, yet much, if not most, of the vested rights doctrine was developed under the U.S. Constitution.

Generally, though, a vested right for land-use purposes under State law is created through one or more of the following three methods:

- By common law,
- By development agreement, or
- By vesting tentative map.

By common law. “California courts have consistently held that a developer’s right to complete a project as proposed does not vest until (1) a valid building permit, or its functional equivalent, has been issued, and (2) the developer has performed substantial work and incurred substantial liabilities in good faith reliance on the permit.”² The issuance of a grading permit and the performance of work in reliance on that grading permit gives the permittee a vested right to complete the grading under the rules in place at the time the permit was issued — but it does not give the permittee a vested right to build a structure or to do anything else beyond the grading itself. The permittee must obtain the equivalent of a building permit and start work in reliance on it before it has a vested right to construct the building.³ There is no vested right in an existing general plan use designation, existing zoning, or in the build-out of an approved subdivision map, nor is there a vested right to expand a nonconforming use.⁴

By development agreement. The California Legislature provides the opportunity for additional vesting rights through the State’s Development Agreement Law.⁵ A developer and city may negotiate and create a customized vested right by contract, but that right remains subject to state and federal laws.

¹ See *Aries Dev. Co. v. California Coastal Zone Conserv. Comm’n* (1975) 48 Cal.App.3d 534; *Transcentury Props., Inc. v. State* (1974) 41 Cal.App.3d 835, 844; *Urban Renewal Agency v. California Coastal Zone Conserv. Comm’n* (1975) 15 Cal.3d 577, 583; *State v. Superior Court* (1974) 12 Cal.3d 237, 250 (“concept of vested rights is rooted in the Constitution”).

² CEB, *supra*, §16.2, citing *Avco*, *supra*, at 791; *Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309; *Mountain Defense League v. Board of Supervisors of San Diego County*, *supra*; CCP §1094.5; and quoting *Mountain Defense League v. Board of Supervisors of San Diego County* (1977) 65 Cal.App.3d 723, 730 n6.

³ *Avco*, *supra*, at 793.

⁴ *Ideal Boat & Camper Storage v. County of Alameda* (2012) 208 Cal.App.4th 301, 318 (expand nonconforming use); *Hafen v. County of Orange* (2005) 128 Cal.App.4th 133, 143 (final subdivision map); *Long Beach Equities, Inc. v. County of Ventura* (1991) 231 Cal.App.3d 1016 (general plan designation); *Penn-Co v. Board of Supervisors* (1984) 158 Cal.App.3d 1072, 1081 205 CR 298 (same); *Gilliland v. County of Los Angeles* (1981) 126 Cal.App.3d 610 (existing zoning).

⁵ Cal. Gov. Code §§ 65864–65869.5.

By vesting tentative map. The Legislature also provides a vested right through a vesting tentative tract map, but as with a development agreement, the right remains subject to state and federal laws.⁶

Implications for the Initiative

With regard to the Initiative petition, the vested-rights and ongoing-activity language would likely apply to exempt the following:

- Any development project where a developer has obtained a vested right.

As noted above, this is limited under the common law to situations where a developer has been issued a building permit and has performed substantial work and incurred substantial liabilities in good faith reliance on that permit.

A developer can obtain a vested right to develop through a development agreement. A developer can also obtain a vested right through a vesting tentative map.

- Any executed lease or executed purchase and sale agreement.

A person can acquire a contractual right under an executed purchase-and-sale agreement or lease before the Initiative takes effect, which might give the person a “vested right pursuant to State law” in the fundamental-vested-right/on-going activity sense. Thus, any contract that is executed before the Initiative takes effect should fall under the exemption in the Initiative. Arguably, any automatic extension of a lease should fall under the exemption, too, as would any option to renew that is held by the lessee, to be exercised at lessee’s sole discretion. However, it is less clear whether a renewal option that depends on the city’s sole discretion would be exempt or whether an amendment to an existing lease or purchase-and-sale agreement would be exempt, as there would be no “vested right” to the discretionary extension or to the new terms. It might be argued that the language regarding “on-going activity” would apply to ensure any lease is renewed or extended if there is an on-going activity at the property, but it is unclear based on the plain language in the Initiative.

Does size of lease, size of parcel, or size of easement trigger the vote?

The size of the parcel is what will trigger a vote as the Initiative provides a clear exception to the voter approval requirement for any parcel, or group of adjacent parcels, that is 7,500 square feet or smaller and has a land use designation of Public and Institutional. Therefore, the voter-approval requirement does not apply to the sale, conveyance, lease, license, easement, or “other disposition” of a city-owned parcel (or group of adjacent parcels) that is 7,500 square feet or smaller with a Public and Institutional land use designation.⁷ This exception does not apply to lands with a land use designation of “Parks” or “Other Open Space” regardless of the size of the parcel.

⁶ Cal. Gov. Code §§ 66498.1-66498.9.

⁷ Initiative, SEC. 2, adding Policy 1.A2 (b)(i).

Subsurface leases, easements, etc., are not subject to the voter approval requirement regardless of the size of the parcel or group of parcels.⁸

Are there any state or federal laws regarding wireless installations that would limit or complicate the Initiative ordinance’s restrictions on the sale, leasing, and change of use of city-owned property that is designated in the general plan as (1) Parks, (2) Other Open Space, or (3) Public and Institutional?

The Initiative voter-approval requirement raises questions about potential conflicts with state or federal law, or both, that are designed to facilitate the deployment of wireless cell towers on public property. These would involve licenses, easements, leases, or some combination of the three and would almost certainly be for longer than 180 days. The extent and likelihood of these kinds of conflicts will depend on the facts of each case.

The stated intent of the Initiative is to protect land owned by the City of Los Altos with a General Plan land use designation of (1) Parks, (2) Other Open Space, or (3) Public and Institutional by requiring voter approval for:

- (1) Changes in the list of permitted uses for those land use designations;
- (2) Sale or transfer of the City-owned property;
- (3) Long-term lease or other disposition of City-owned property (including license or easement); and
- (4) Re-designation of City-owned property to a different land use designation.

Items 1 and 4 appear to attempt to restrict the exercise of the City’s regulatory authority. Items 2 and 3 appear to attempt to restrict the exercise of the City’s proprietary authority. The distinction is important because federal and state telecommunications law applies differently to the actions of the City under these two different authorities.

Under Section 4, the Initiative would not apply (1) to any “development project or ongoing activity that has obtained” as of the effective date of the Initiative “a vested right pursuant to state law”; and (2) to the extent its application would “violate the constitution or laws of the United States or the State of California.”⁹ To the extent the Initiative would make it more difficult for the City to comply with other state or federal telecommunications law, it appears Section 4 would resolve this concern by expressly exempting such application of the Initiative. Further, as described below, many applicants submitting wireless applications have a “vested” right to deploy in public rights of way under California law.

As examples of existing restrictions, regarding personal wireless facilities, federal and

⁸ Initiative, SEC. 2, adding Policy 1.A2 (b)(ii).

⁹ Notice of Intent at 5.

state law imposes procedural and substantive rules on the city’s regulatory authority regarding application processing and denial. For instance, 17 U.S.C. Section 332(c)(7) requires local authorities to act on such applications within a “reasonable” period of time.¹⁰ In 2009, the FCC established “presumptively reasonable periods” for local action on a wireless communications facility siting application—typically referred to as the “shot clocks.”¹¹ In California, an application is at risk of being “deemed granted” if the City fails to meet the FCC shot clock deadline.¹² Other federal law preempts local authority to disapprove “eligible facilities requests” (collocations or modifications of existing wireless facilities that are not “substantial” within the meaning of the FCC regulations). If those requests are not approved within 60 days, they too may be “deemed granted” under FCC rules.¹³ Further, when acting in its regulatory capacity, a local government cannot regulate the “placement, construction, and modification of personal wireless service facilities” where such regulation has the effect of actually or effectively prohibiting service.¹⁴ Under California law, “telephone” companies have state franchise rights to use public rights of way pursuant to Cal. Pub. Util. Code Section 7901 (“Section 7901”). This franchise right has long been considered a “vested right”¹⁵ and has been interpreted in case law to apply to both wireline and wireless companies.¹⁶

Regulatory Authority

The City acts in its regulatory capacity when it changes the permitted uses for land use designations and when it re-designates property. For these and other regulatory actions, it does not appear the Initiative would cause the City to fall out of compliance with federal or state telecommunications law.

1. *Changes in the list of permitted uses for land use designations*

Under Section 2(a) of the Initiative, a “vote of the people” would be required for “any change in the list of uses the General Plan permits within the following land use designations: (1) Parks, (2) Other Open Space, or (3) Public and Institutional.

¹⁰ 47 U.S.C. Section 332(c)(7)(B)(ii).

¹¹ See *In re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(b)*, 25 FCC Rcd 11157 (F.C.C. 2010); *In re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B)*, 24 FCC Rcd 13994 (F.C.C. 2009).

¹² Cal. Gov. Code Section 65964.1.

¹³ A third wireless shot clock was established by the FCC in an order interpreting a law enacted by Congress in 2012, called the Spectrum Act and codified as 47 U.S.C. section 1455(a). *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, et al., 30 FCC Rcd. 31 (WTB 2014).

¹⁴ 47 U.S.C. Section 332(c)(7). Further, 47 U.S.C. Section 253(a) provides that: “No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”

¹⁵ *Pacific Bell Telephone Co. v. City of Walnut Creek* (N.D. Cal. 2006) 428 F.Supp.2d 1037, 1048, citing *Los Angeles County v. Southern Cal. Tel. Co.* (1948) 32 Cal.2d 378, 385. Section 7901 has long been interpreted as a statutory grant of a franchise to telephone companies to use and place “telephone lines” in public rights-of-way, and “to erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines...” *County of Los Angeles v. General Tel. Co.* (1967) 249 Cal.App.2d 903, 904.

¹⁶ *City of Huntington Beach v. Public Utilities Com.* (2013) 214 Cal.App.4th 566, 587-8 ; *GTE Mobilenet of Cal. Ltd. v. City of San Francisco* (N.D. Cal. 2006) 440 F.Supp.2d 1097, 1103. These parties typically demonstrate their franchise rights under Section 7901 by furnishing a Certificate of Public Convenience and Necessity (“CPCN”) or Wireless Identification Registration (“WIR”) issued by the California Public Utilities Commission (“CPUC”).

Because it is not clear that wireless use is permitted for Parks and other Open Space Lands, there is a chance those supporting the Initiative would argue that the City needs to seek a vote before acting on (in its regulatory capacity) a permit in those zones allowing wireless use. Under the Land Use Element of the General Plan, the “Parks” and “Other Open Space” designations are broadly described, and do not mention wireless.¹⁷ The Los Altos Municipal Code provides little additional guidance, since under Section 11.12.030 the ordinance governing “commercial personal wireless service facilities” nonetheless does not apply to facilities “regulated by the [CPUC].” It is not clear therefore whether approving a wireless facility would be a “change of use” of those lands, and there is a risk that the Initiative may be interpreted as requiring the City to seek a vote before approving wireless facilities on land with those designations. It is also possible the Section 4 exemptions would not immediately apply in this case, since it is difficult to discern when involving a “vote of the people” would abrogate the state franchise right vested under Cal. Pub. Util. Code 7901 or violate federal law.

The City likely can show wireless use would not change the use of “Public and Institutional” land, since the Land Use Element specifies that “Public and Institutional” land includes “rights of way.” First, the Land Use Element provides that Public and Institutional land is designed for, among other things, “facilities of public and private utilities” and “community service uses,” which could include wireless.¹⁸ Next, considering the City has been processing wireless facility applications in public rights of way for many years, it would seem likely the City could successfully demonstrate wireless use is within the character of this designation.

4. Re-designation of City-owned property in Parks, Other Open Spaces, or Public and Institutional land to a different land use designation

Under the Initiative, a “vote of the people” must be taken before City-owned property in Parks, Other Open Spaces, or Public and Institutional land is re-designated (except for the re-designation of any property designated Public and Institutional to Parks).¹⁹

While this may hinder the City’s urban planning goals, it has no immediate implications with respect to telecommunications compliance. To the extent it may in the future, Section 4 would likely apply.

Proprietary Authority

The City sells, transfers, leases, licenses, and otherwise disposes of City-owned land as a proprietor. When the City exercises its proprietary authority, it is unlikely the Initiative could conflict with telecommunications law. The Initiative, however, may

¹⁷ See General Plan, Land Use Element, at 10 (defining “Parks”); *id.* (defining “Other Open Space”). We note that Under Los Altos Municipal Code Section 9.24.030, wireless activities are not expressly prohibited in parks, and “commercial activities...for which permits have been issued by the city may be permitted in parks.”

¹⁸ General Plan, Land Use Element, page 6.

¹⁹ Notice of Intent, Section 2, Policy 1.A1.b(i)-(iii).

have other implications for telecommunications infrastructure in the community, as explained below.

2. *Long-term lease, license, or other “disposition” of City-owned property.*
3. *Sale or transfer of City-owned property.*

Under the Initiative, a “vote of the people” must be taken before City-owned property designated as Parks, Other Open Spaces, or Public and Institutional is sold, transferred, leased or disposed.²⁰

With regard to a sale of City-owned property designated as Parks, Other Open Spaces, or Public and Institutional, the plain language of the Initiative petition would prevent the City from selling any land to a wireless provider without obtaining voter approval. The same would apply in order for the City to lease City-owned property with those same land use designations to a wireless provider. However, any sale or even a lease of City property to a wireless provider would not be subject to state or federal telecommunications laws as the City would be acting in a proprietary capacity.

The City has a strong argument that its decisions regarding particular parcels of City-owned property—even if a public park—are proprietary and an exercise of the Initiative would not result in an obvious violation of federal or state law. Generally, any property a local authority owns—including public parks—is managed in the local authority’s proprietary role to sell or lease. The 9th Circuit has held that a local government acting as a proprietor can, just like a private property owner, “refuse to agree to permit a wireless carrier to erect a cellular tower on its private property.”²¹ Indeed, not every local or state government function is a regulation.²² Where the City of Los Altos acts in its “proprietary” authority—as opposed to its “regulatory” authority—it is not subject to federal laws that would otherwise force the City to consider a wireless facility deployment proposal.²³ A state or local government may participate in the market (or choose not to) just as a private person and manage its “purely proprietary interests ... where analogous private conduct would be permitted” without being limited by the preemption doctrine.²⁴ Even if issues did arise, Section 4

²⁰ Notice of Intent, Section 2, Policy 1.A1.b(i)-(iii).

²¹ *T-Mobile West Corp. v. Crow* (D. Ariz., Dec. 17, 2009, No. CV08-1337-PHX-NVW) 2009 WL 5128562, at *15 (ASU acted in its proprietary capacity where it selected a single exclusive DAS vendor on the Tempe Campus because the decision was specific to a certain portion of property—and was not a broader rule or “regulation”—and did not otherwise restrict consumers’ choice of personal wireless services), citing *Sprint Spectrum L.P. v. Mills* (2d Cir. 2002) 283 F.3d 404, 417-420. A state action is considered proprietary in either of two circumstances: First, “if it essentially reflects the governmental entity’s own interest in its efficient procurement of needed goods and services, as measured by comparison with the typical behavior of private parties in similar circumstances;” and second, “if the narrow scope of the challenged action defeats an inference that its primary goal was to encourage a general policy rather than address a specific proprietary problem.” *Crow* at *15, citing *Engine Mfrs. Ass’n*, 507 U.S. at 1021.

²² *Engine Mfr.’s Ass’n v. S. Coast Air Quality Mgmt. Dist.* (9th Cir. 2007) 498 F.3d 1031, 1041.

²³ *Building & Constr. Trades Council v. Associated Builders & Contractors* (1993) 507 U.S. 218, 226-27.

²⁴ *Boston Harbor*, 507 U.S. at 231-32; *Omnipoint Communications, Inc. v. City of Huntington Beach* (C.D. Cal., Oct. 8, 2009, No. CV0903777RGKSSX) 2009 WL 10659756, at *4; see also *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, et al., 30 FCC Rcd. 31, paras. 237-240 (WTB 2014), citing *Qwest Corp. v. City of Portland*, 385 F.3d 1236, 1240 (9th Cir. 2004) (recognizing that Section 253(a) preempts only “regulatory schemes”).

would apply to exempt the particular sale or transfer.

With regard to poles in the City’s public right-of-way, it seems unlikely that the Initiative would impact the City’s ability to permit wireless facilities in public rights of way, including on municipally-owned poles that the City controls in its proprietary capacity. Specifically, it seems unlikely that issuing a wireless permit is tantamount to a “lease or other disposition of property” within the meaning of Section 2, Policy 1.A1.b(ii)—and therefore no vote would be required under the Initiative for wireless permitting activity since a permit is a regulatory permission to engage in an activity on land, and does not convey a property interest in the underlying property.²⁵ This would still be the case even if the City “owns” the public right of way.²⁶ Even if issues did arise, Section 4 would apply to exempt the particular disposition of the land.

Attachments:

1. Exhibit A: Existing City Leases
2. Exhibit B: City-owned Property Impacted by Proposed Initiative

²⁵ See, e.g., *Cox Communications PCS, L.P. v. City of San Marcos* (S.D. Cal. 2002) 204 F.Supp.2d 1272, 1281 (holding that a wireless carrier has a “contract with the state” for lines it has already built under Section 7901, but its rights under federal telecommunications laws are not “property or liberty” rights “protected by the Constitution.”)

²⁶ Although unlikely, if a permit is considered a “disposition” of property, problems would arise under federal and state telecommunications law. In such a circumstance, the Petition could still require a vote of the people before a wireless permit or approval is issued. Since the City has limited authority over telecommunications installations in the public rights of way and therefore is subject to state and federal law while processing related applications for personal wireless service facilities, it is easy to imagine a scenario where securing a “vote of the people” would derail processing efforts and cause the City to miss an application processing deadline—at which point the application would be “deemed granted.”

Existing City Leases

Exhibit A

Lessee	Initial Date	Expiration Date	Location of Property	Notes	General Plan Designation
Bus Barn Stage Company	6/26/2012	6/25/2018 Agreement auto-renews annually	Civic Center	Use of theater at Hillview Park	Public and Institutional
Festival of Lights Association	11/1/1992	11/1/2042	707 Fremont Avenue	Lease of a portion of a storage building at City's Municipal Service Center	Public and Institutional
First Church of Christ, Scientist	11/7/1960	11/7/2064	Lincoln Park	Lease of off street parking at Lincoln Park	Park
Los Altos Community Foundation	11/1/2005	Until terminated	181 Hillview Avenue	Lease and operation of Neutra Cottage	Public and Institutional
Los Altos Historical Museum Association	6/10/2005	Until Terminated	Civic Center	Operations agreement for History Museum	Public and Institutional
Los Altos-Mountain View Children's Corner, Inc.	7/1/2017	3/31/2019	Civic Center	Lease of a portion of Hillview Community Center	Public and Institutional
Los Altos School District	12/12/2000	11/30/2020	707 Fremont Avenue	Lease of Corporation Yard	Public and Institutional
Santa Clara County Library District	9/9/2014	6/12/2032	Civic Center	Lease of Main Library	Public and Institutional

Lessee	Initial Date	Expiration Date	Location of Property	Notes	General Plan Designation
Santa Clara County Library District	9/9/2014	7/22/2029	Grant Road	Lease of Woodland Library	Public and Institutional
Santa Clara County Central Fire Protection District	12/17/1996	12/31/2026	1) Fremont Rd/ McKenzie Park; and 2) Almond Avenue	Lease of two fire stations	Public and Institutional
Santa Clara County Central Fire Protection District	4/9/2012	6/30/2021	Almond Avenue	Sublease of Almond Fire Station to Rural/Metro for ambulance services	Public and Institutional
Silicon Valley Regional Interoperability Authority	4/4/2008	4/4/2028	Civic Center	License agreement for emergency communications tower	Public and Institutional
Ye Old Towne Band	5/15/2009	Until Terminated	Shoup Park	Lease of Garden House Shed at Shoup Park	Park

City Owned Properties Impacted by Proposed Initiative

EXHIBIT B

Location	Land Use (GP)	Lot Size (ft2)	Current Use
Next to 2019 Fallen Leaf Lane	Open Space; Single Family, Small Lot	2000	Bike path
1 N San Antonio Rd	Public and Institutional	206598	Civic Center Campus- City Hall, PD, LAYC, Orchard
1 N San Antonio Rd	Public and Institutional	562987	Civic Center Campus- Library, Bus Barn, Soccer/Baseball fields, Hillview Community Center
Grant Rd /Fremont Ave	Park	10685	Corner parcel/Power pole/ utility boxes
Grant Rd /Fremont Ave	Park	94080	Corner parcel/public art
N Springer Rd/ El Monte Ave	Park	17868	Corner parcel/public art/stormwater/sidewalk
S Springer Rd/ Paco Dr	Single Family, Small Lot; Open Space	2105	Corner parcel/Stop sign
10 Almond Ave	Public and Institutional	39287	Fire station
1575 Holt Ave	Park	172996	Grant Park
Portland Ave/Miramonte Ave	Open Space; Park	203924	Heritage Oaks Park
Lincoln Park- bounded by Foothill/Lincoln/University/Edith	Park	193406	Lincoln Park
Along University Ave	Park	30536	Parking for Lincoln Park
1285 Fremont Ave	Park	97556	Marymeade Park
707 Fremont Ave	Park; Public and Institutional	352411	McKenzie Park
1st St	Downtown Commercial	46258	Parking Plaza 1
2nd St	Downtown Commercial	46695	Parking Plaza 2
3rd St	Downtown Commercial; Public and Institutional	88401	Parking plaza 3
1st St	Public and Institutional	24833	Parking plaza 4
2nd St	Public and Institutional	25994	Parking plaza 5
State St	Public and Institutional; Downtown Commercial	25296	Parking plaza 6
1st St	Public and Institutional	45454	Parking plaza 7
2nd St	Public and Institutional	51213	Parking plaza 8
4th St	Public and Institutional	7874	Parking plaza 9
4th St	Public and Institutional	25234	Parking plaza 10
482 University Ave	Park; Open Space	5341	Redwood grove
482 University Ave	Open Space; Park	59192	Redwood grove
482 University Ave	Park; Open Space	170381	Redwood Grove
401 Rosita Ave	Park	249163	Rosita Park
400 University Ave	Open Space; Park	10018	Shoup Park
400 University Ave	Open Space; Single Family, Small Lot; Park	156176	Shoup Park
647 N San Antonio Rd	Public and Institutional	15675	San Antonio Center/Tiny Tots
2 N San Antonio Rd	Park	30926	Village Park
1975 Grant Road	Public and Institutional	63828	Woodland library

RESOLUTION NO. 2018-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION
ON TUESDAY, NOVEMBER 6, 2018, FOR THE SUBMISSION OF A
PROPOSED MEASURE AMENDING THE CITY OF LOS ALTOS GENERAL
PLAN, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF
SANTA CLARA TO CONSOLIDATE SAID ELECTION PURSUANT TO
SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE AND SETTING
RULES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST SAID
MEASURE**

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of Los Altos, California, signed by more than ten percent (10%) of the number of registered voters of the City, to submit to the qualified electors a proposed measure amending the City of Los Altos General Plan to require voter approval of the sale, lease or certain changes in use of certain land designated as “Parks”, “Other Open Space” or “Public and Institutional” in the City’s General Plan; and

WHEREAS, the City Clerk/Elections Official examined the records of registration and ascertained that, pursuant to California Elections Code Section 9215, the petition is signed by the requisite number of voters, and has so certified; and

WHEREAS, the City Council has not voted in favor of the adoption of the measure; and

WHEREAS, the City Council is therefore authorized and directed by statute to submit the proposed measure to the voters; and

WHEREAS, the City Council desires to place the measure on the ballot for the November 6, 2018 General Municipal Election; and

WHEREAS, the City Council also desires to request that the election for this measure be consolidated with the Statewide General Election also to be held on November 6, 2018; and

WHEREAS, pursuant to California Elections Code Section 9285 and 9286, the City Council further desires to establish rules and regulations for the preparation, submittal and printing of arguments and rebuttals for and against the measure described herein; and

WHEREAS, the specific terms of the measure/General Plan amendment are attached hereto as Exhibit “A” and by this reference made an operative part hereof.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Los Altos as follows:

SECTION 1. That pursuant to the requirements of California Elections Code Section 9215 any other applicable requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Los Altos, California on

Resolution No. 2018-24 Page 1

Tuesday, November 6, 2018, a General Municipal Election for the purpose of submitting the following proposed measure/General Plan amendment:

Shall an amendment to the City of Los Altos General Plan be adopted requiring voter approval of the sale, lease or certain changes in use of certain land designated as “Parks”, “Other Open Space” or “Public and Institutional” in the City’s General Plan?	Yes
	No

SECTION 2. That the text of the measure submitted to the voters attached hereto as Exhibit A is hereby submitted to the voters; and

SECTION 3. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of said election with the Statewide General Election on Tuesday, November 6, 2018; and

SECTION 4. That the Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election and only one form of ballot shall be used; and

SECTION 5. That the City of Los Altos recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs; and

SECTION 6. That the City Clerk is authorized, instructed and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election; and

SECTION 7. That the ballots to be used at the election shall be in form and content as required by law. Voters shall vote yes or no; and

SECTION 8. That the polls for the election shall be open at 7:00 a.m. of the same day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day except as provided in Section 14401 of the Elections Code of the State of California; and

SECTION 9. That the consolidated election shall be held and conducted in the manner prescribed in Section 10418 of the Elections Code of the State of California; and

SECTION 10. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Santa Clara.

SECTION 11. Direct Arguments and Impartial Analysis.

A. Direct Arguments in favor of or against the measure shall be prepared and filed with the City Clerk in accordance with Article 4, Chapter 3, Division 9 of the Elections Resolution No. 2018-24

Code of the State of California and any other applicable provisions of law. Direct arguments shall be filed with the City Clerk not later than August 10, 2018.

B. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the ballot measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of direct arguments. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information guide of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the election official’s office at _____ and a copy will be mailed at no cost to you.”**

SECTION 12. Rebuttals. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the direct arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send copies of the direct argument in favor of the measure to the authors of the direct argument against, and copies of the direct argument against to the authors of the direct argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than August 20, 2018. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 13. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

SECTION 14. This resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

Initiative Measure to be Submitted Directly to the Voters

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure, pursuant to California Elections Code Section 9203. The title and summary must be printed across the top of each page of the petition whereon signatures are to appear as required by California Elections Code Section 9203.

BALLOT TITLE:

Initiative General Plan Amendment Measure Requiring Voter Approval of the Sale, Lease or Certain Changes in Use of Certain Land Designated as “Parks”, “Other Open Space” or “Public and Institutional” in the City’s General Plan.

BALLOT SUMMARY

This measure amends the City of Los Altos General Plan to add a voter approval requirement for significant changes to land with a General Plan land use designation of “Parks”, “Other Open Space”, or “Public and Institutional”. If this measure is approved, majority voter approval would be required for any of the following:

- (1) Any change in the list of uses the General Plan allows on land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation;
- (2) The sale or transfer of City-owned land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation;
- (3) The lease or other disposition (including granting of a license or easement) of City-owned land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation for longer than one hundred eighty (180) calendar days in any one calendar year; or
- (4) Changing City-owned land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation to another land use designation, except that re-designation of “Public and Institutional” land to a “Parks” designation shall not require voter approval.

The measure exempts the following City-owned parcels from the voter approval requirements above:

- (1) Any City-owned parcel (or group of similar contiguous parcels) that totals 7,500 square feet in size or less with a General Plan land use designation of “Public and Institutional”;
- (2) The lease or other disposition of subsurface real property interests (i.e., easements) for utility or similar purposes that do not interfere with surface use except during construction or maintenance.

The measure authorizes the City Council to grant limited exceptions to the voter approval requirements above where the City’s action is necessary to comply with state or federal housing law.

This measure requires majority voter approval. If approved, this measure may be amended or repealed only by another vote of the people.

/s/ Christopher J. Diaz, City Attorney

April 12, 2018

To the Honorable City Clerk of the City of Los Altos: We, the undersigned, registered and qualified voters of the City of Los Altos, hereby propose an initiative measure to amend the City of Los Altos General Plan. We petition you to submit this measure to the City Council of the City of Los Altos for adoption of the measure outright, or for submission of the measure to the voters of the City of Los Altos at the earliest election for which it qualifies.

The measure provides as follows:

LOS ALTOS PROTECT OUR PARKS AND PUBLIC LANDS INITIATIVE

The people of the City of Los Altos hereby ordain as follows:

SECTION 1: PURPOSE, EFFECT, AND FINDINGS

- A. Purpose:** The purpose of the *Los Altos Protect Our Parks and Public Lands Initiative* (“Initiative”) is to provide Los Altos residents a voice in protecting public parks, public open space lands, and other significant City-owned properties.
- B. Effect:** This Initiative amends the City of Los Altos General Plan to protect land owned by the City of Los Altos with a General Plan land use designation of (1) Parks, (2) Other Open Space, or (3) Public and Institutional. It accomplishes this effect by requiring voter approval for actions that would alter the public character of these lands, including their conveyance and re-designation. The Initiative does not apply to private property and includes exceptions to allow reasonable management of City land for the public good.
- C. Findings:** The people of the City of Los Altos find that this Initiative promotes and protects the small-town, semi-rural character of Los Altos, the integrity of its parks, open spaces, and other public properties, and the quality of life of its residents based on the following specific findings:
 - 1. Parks and Open Spaces Help Define Los Altos’ Distinct Village Character:** The City of Los Altos is defined by its unique blend of attractive natural setting and small-town, semi-rural character, with the City’s parks and open spaces integrating the physical beauty of its surroundings into its village-like downtown and surrounding neighborhoods. As expressed in the City’s General Plan, this “distinct combination of physical setting, natural and improved open space land, creek corridors, and low density residential neighborhoods with mature vegetation provides a unique identity for Los Altos.” The City’s open spaces, parks, and other public properties are a critical community resource and among the City’s most valuable assets: they bring residents close to nature, provide recreational and leisure opportunities, host walking and bicycle paths, and enhance the City’s civic culture and community character.
 - 2. Development Pressures Threaten to Erode Los Altos’ Parks and Open Spaces:** The rapid expansion of commercial, economic, and residential development in surrounding communities threatens the unique character of Los Altos. These development pressures pose a particular threat to the City’s already

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scarce parks and public open spaces, which are among the only undeveloped lands in the City, and heighten the need for residents to protect these precious public resources. As recognized in the General Plan, “[e]xisting park land in Los Altos is minimal, with a ratio of approximately 1.3 acres of dedicated park land per 1,000 residents,” already among the smallest per capita ratio of any city in the San Francisco Bay Area.

3. **Los Altos Residents Should Have the Power to Decide the Fate of Their Public Lands:** Los Altos voters visit, use, and value the City’s parks, open spaces, and other public lands. The voters, whose quality of life and property interests are tied to these resources, should have the power to decide the future of the City’s publicly-owned lands. They are in the best position to evaluate whether these properties should remain in public ownership and dedicated to their existing uses. The Initiative therefore imposes a voter approval requirement on actions that would jeopardize the public and civic character of City-owned parks, open spaces, and other significant public properties.
4. **This Initiative Advances the City’s Goals to Protect and Expand Its Parks and Open Spaces:** Recognizing the critical importance of these essential but threatened public resources, the General Plan sets a long-term goal of protecting and enhancing “the quality of the City’s environmental, open space, and scenic resources.” Indeed, it aims to expand public open spaces and maintain dedicated parkland in public ownership. The Initiative furthers these goals by empowering the voters who visit, use, and live in proximity to these resources to approve any efforts to terminate their use as parks, open spaces, or other public property.
5. **This Initiative Applies Only to Actions that Would Significantly Impact the Public Character of Lands Owned by the City of Los Altos:** This Initiative is narrowly tailored to require voter approval for actions that would significantly impact public use and access to City-owned lands. The Initiative applies only to properties that are currently owned or which may in the future be owned by the City of Los Altos, not to private property. The General Plan encourages these public spaces to be used for civic functions, such as cultural activities, special events, and programs. The Initiative furthers this goal by requiring voter approval for actions that would effectively privatize these shared spaces, such as their sale or other method of transfer, their long-term lease, or their re-designation to other land use categories.
6. **This Initiative Accommodates Housing Needs:** Adequate housing is essential to a thriving community. The General Plan endeavors to make a variety of residential housing opportunities available for Los Altos residents through measures such as encouraging mixed-use development, affordable housing units, and well-sited senior housing. To that end, the General Plan identifies an extensive list of sites with potential for future development. This Initiative accommodates these important housing goals. It does not apply to any of the sites identified in the General Plan for future housing development, and it authorizes the City Council to grant exceptions from its voter approval requirements where

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necessary to meet federal and state housing laws. This Initiative complements the City's housing goals by ensuring that all the current and future residents of Los Altos continue to enjoy the open spaces, parks, and civic spaces that make the City such a desirable and special place to live.

SECTION 2: CITY OF LOS ALTOS GENERAL PLAN AMENDMENTS

This Initiative hereby amends the Open Space, Conservation & Community Facilities Element of the City of Los Altos General Plan 2002-2020 ("General Plan"), as amended through March 28, 2018 ("submittal date"), to add the following Goal 1.A and Policies 1.A1 and 1.A2 immediately following Goal 1 on page 10 of the Open Space, Conservation & Community Facilities Element. Text to be inserted in the General Plan is indicated in **bold** type. The language adopted in the following amendments may be repealed or amended only by a vote of the people.

Goal 1.A: Require Voter Approval for Significant Changes to Parks, Open Space, and Other Public Properties owned by the City of Los Altos.

Policy 1.A1 Voter Approval

- a. **Approval by a vote of the people shall be required for any change in the list of uses the General Plan permits within the following land use designations: (1) Parks, (2) Other Open Space, or (3) Public and Institutional.**
- b. **Approval by a vote of the people shall be required for any of the following actions with respect to any property owned by the City with a General Plan land use designation of (1) Parks, (2) Other Open Space, or (3) Public and Institutional:**
 - (i) **The sale or transfer of that property.**
 - (ii) **The lease or other disposition of that property (including but not limited to a license or easement) for a period of more than one hundred eighty (180) calendar days in any one calendar year. This provision is intended to include situations where a lease or other disposition whose term, when added to the term(s) of one or more other leases or other dispositions of the same property for the same or a similar purpose by persons or entities acting in concert, would exceed 180 days in any one calendar year.**
 - (iii) **The re-designation of that property to a different land use designation, except for the re-designation of any property designated Public and Institutional to Parks.**

Policy 1.A2: Definitions, Exclusions, and Exceptions

- (a) **For purposes of Policy 1.A1, approval by a vote of the people is accomplished when an action covered by that Policy is placed on the ballot through any procedure provided for in the Elections Code, and a majority of the voters voting on the measure vote in favor of it.**

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- (b) The voter approval requirements of Policy 1.A1 shall not apply to:
- (i) Any parcel owned by the City that is 7,500 square feet in size or smaller with a General Plan land use designation of Public and Institutional. For purposes of this subsection, contiguous parcels owned by the City with a General Plan land use designation of Public and Institutional shall be regarded as a single “parcel” so that if the aggregate square footage of the contiguous parcels exceeds 7,500 square feet in size, the voter approval requirements of Policy 1.A1 shall apply.
 - (ii) The lease or other disposition of a subsurface interest in real property for utility or similar purposes that does not interfere with the surface use of the property other than initial construction or subsequent maintenance.
- (c) The City Council is authorized to grant exceptions to the voter approval requirements in Policy 1.A1 where necessary to comply with state or federal law governing the provision of housing, including but not limited to affordable housing requirements. This exception applies only if the City Council first makes each of the following findings based on substantial evidence in the record: (A) a specific provision of state or federal law requires the City to accommodate the housing that will be permitted by the exception; (B) the exception permits no greater intensity than that necessary to accommodate the required housing; and (C) an alternative site that is not subject to the voter approval requirement in Policy 1.A1 is not available to satisfy the specific state or federal law.

SECTION 3: CONFORMING AMENDMENTS

In order to promote internal consistency among the various sections of the General Plan amended by this Initiative, this Initiative makes the following conforming amendments. Text to be inserted in the General Plan is indicated in **bold** type. Non-bolded text currently appears in the General Plan and is not changed or readopted by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan.

- A. Policy 3.6 on page 12 of the General Plan Community Design & Historic Resources Element is amended as follows:

Evaluate the public benefit of City-owned parking plazas and the best use thereof, while preserving or increasing public parking Downtown, **consistent with the voter approval requirements in Policy 1.A1 of the Open Space, Conservation & Community Facilities Element.**

- B. The Open Space and Conservation Plan on page 3 of the Open Space, Conservation & Community Facilities Element is amended as follows:

In order to preserve and enhance community open space resources, **and consistent with the voter approval requirements in Policy 1.A1**, the City will implement a program that supports

the joint-venture use of open space areas to reduce City maintenance costs and increase City revenues for maintaining open space resources. Joint ventures could involve other local government agencies, non-profits, and private development of commercial recreation facilities. The City will also coordinate with public and private organizations to provide revenue generating open space uses to protect important open space resources, **consistent with the voter approval requirements in Policy 1.A1.**

- C. Goal 11 on page 14 of the Open Space, Conservation & Community Facilities Element is amended as follows:

Maximize opportunities for joint public and private utilization of City, private sector, private school land and facilities, and public school district land, facilities, programs and resources to provide the most cost efficient and effective services for present and future Los Altos residents, **consistent with the voter approval requirements in Policy 1.A1.**

- D. Policy 11.4 on page 14 of the Open Space, Conservation & Community Facilities Element is amended as follows:

Encourage private sector provision of facilities and/or services, **consistent with the voter approval requirements in Policy 1.A1.**

SECTION 4: EXEMPTIONS FOR CERTAIN PROJECTS

- A. This Initiative shall not apply to prohibit any development project or ongoing activity that has obtained, as of the Effective Date of this Initiative, a vested right pursuant to State law.
- B. The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the Constitution or laws of the United States or the State of California.

SECTION 5: IMPLEMENTATION

- A. **Effective Date:** "Effective Date" means the date that the *Los Altos Protect Our Parks and Public Lands Initiative* became effective pursuant to State law. Upon the Effective Date of this Initiative, the provisions of Sections 2 and 3 are hereby inserted in the Los Altos General Plan, as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted in the City of Los Altos General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any provisions of the City of Los Altos Zoning Code or any other City of Los Altos ordinance or resolution that are inconsistent with the General Plan amendments adopted by this Initiative shall not be enforced in a manner inconsistent with this Initiative.
- B. **Interim Amendments:** The City of Los Altos General Plan in effect on the submittal date and the General Plan as amended by this Initiative comprise an integrated, internally

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consistent, and compatible statement of policies for the City of Los Altos. To ensure that nothing in this Initiative would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment to the General Plan that is adopted between the Submittal Date and the date that the General Plan is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provision adopted and readopted by this Initiative, be amended as soon as possible to ensure consistency between the provision adopted and readopted by this Initiative and other provisions of the General Plan.

- C. **Other City Plan, Ordinances, and Policies:** The City of Los Altos is hereby authorized and directed to amend the City of Los Altos General Plan, all specific plans, the City of Los Altos Zoning Code, Land Use Map, and Zoning Map, and other ordinances and policies affected by this Initiative as soon as possible as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan, all specific plans, the Zoning Code, the Zoning Map, and other City ordinances and policies.
- D. **Reorganization:** The General Plan may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan, provided that the provisions of this Initiative shall remain in the General Plan unless earlier repealed or amended by the voters of the City.
- E. **Implementing Ordinances:** The City Council is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- F. **Enforcement and Defense of Initiative:** The City Council shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.

SECTION 6: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT

This Initiative imposes a voter approval requirement, with certain exceptions, on the conveyance or re-designation to another land use of City-owned property with a General Plan land use designation of Parks, Other Open Space, or Public and Institutional, as well as changes in the list of uses allowed for these land use designations. By voting for this Initiative, the voters expressly declare their intent that any other measure that appears on the same ballot as this Initiative and addresses voter approval for the conveyance or re-designation of City-owned properties with a General Plan land use designation of Parks, Other Open Space, or Public and Institutional, or a change in the list of uses permitted for these land use designations, shall be deemed to conflict with this Initiative. Because of this conflict, if this Initiative and any such other City of Los Altos measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 6, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to

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directly conflict with this entire Initiative.

SECTION 7: SEVERABILITY AND INTERPRETATION

This Initiative shall be broadly construed in order to achieve its purpose.

This Initiative shall be interpreted so as to be consistent with all applicable Federal, State, and City laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions were declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

SECTION 8: AMENDMENT OR REPEAL

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Los Altos.

SECTION 9: EXHIBITS

Certain documents are attached to this Initiative for informational purposes only. These include the General Plan's land use classification system table and description of relevant land use designations as well as the version of the City of Los Altos Land Use Policy Map currently available on the City's official website, which was last updated on June 17, 2010. The exhibits are as follows:

- (1) Table LU-1 Land Use Classification System in the General Plan's Land Use Element.
- (2) Descriptions of the Public and Institutional, Parks, and Other Open Space land use designations from the General Plan's Land Use Element.
- (3) City of Los Altos Land Use Policy Map, last updated on June 17, 2010.

Exhibit 1. Attached, for illustrative purposes, is the most recent publicly available version of Table LU-1 Land Use Classification System from the Los Altos General Plan Land Use Element. Proponents obtained this table from the City website on March 28, 2018. The Initiative does not adopt or amend this table.

LAND USE ELEMENT



**Table LU-1
Land Use Classification System**

Land Use	DUs or FAR/Net Acre		Summary Description of Land Use Designation
	Maximum	Anticipated	
Residential Land Uses			
Single Family Large Lot	2.0	1.8	Detached single-family homes on large lots.
Single Family Med. Lot	4.0	3.5	Detached single-family homes.
Single Family Small Lot	10.0	5.6	Detached single-family homes on smaller lots.
Low Density Multi-Family	15.0	11.0–15.0 ⁽¹⁾	Detached and attached single-family homes, condominiums, duplexes, and apartments.
Senior Housing	28.0	21.0–28.0 ⁽¹⁾	Detached and attached single-family homes, condominiums, duplexes, and apartments for seniors.
Medium density Multi-Family	38.0	28.0–38.0 ⁽¹⁾	Detached and attached single-family homes, condominiums, and apartments.
Commercial Land Uses			
Neighborhood Commercial			Retail uses serving the needs of nearby neighborhoods. Specified areas may also include general business, medical, or professional office uses. Residential development is allowed by right at Foothill Plaza.
<i>Foothill Plaza</i>	1.5:1 (2.0:1 w/ residential) ⁽²⁾	0.35:1	
<i>All other locations</i>	0.5:1	0.35:1	
Downtown Commercial			General retail uses and service, commercial recreational, cultural, and office uses that serve local residents. Higher density residential uses that enhance the village character of the Downtown are also allowed by right in the Core and Periphery areas. Such uses may be allowed elsewhere, subject to Use Permit approval.
<i>Downtown Core</i>	1.0:1 (2.0:1 w/ residential) ⁽²⁾	1.0:1	
<i>Downtown Periphery</i>	1.0:1 (2.0:1 w/ residential) ⁽²⁾	0.8:1	
Thoroughfare Commercial			Retail, service, and small office uses that typically rely on vehicle traffic and serve the city and/or regional market. Permits mixed use development and affordable residential opportunities along El Camino Real Corridor.
<i>El Camino Real Corridor</i>	0.5:1 office (1.5:1 w/ mixed use) ⁽²⁾	0.8:1	
Public/Quasi-Public Facilities Land Uses			
Public School Land	0.6:1	0.3:1	Land owned by public school districts and used for education, recreation, administration, or other non-commercial, non-residential, or non-industrial purposes.
Private School Land	1.0:1	0.3:1	Land owned by private or parochial schools and used for education, recreation, administration, or other non-commercial, non-commercial, non-residential, or non-industrial purposes.
Public and Institutional	0.6:1	0.35:1	Governmental, institutional, academic, group residence, church, community service uses, easements, rights-of-way, facilities of public and private utilities, and parking.
Open Space Land Uses			
Parks	0.4:1	0.1:1	Publicly owned and dedicated parkland.
Other Open Space	0.6:1	NA	Open space for the preservation of natural resources, managed production of resources, outdoor recreation, and protection of health and public safety.
Planned Community Uses			
Planned Community	varies	varies	Various single-family and senior residential densities and housing types, as well as community facilities, private schools, recreational areas, religious facilities, educational or philanthropic institutions, public utilities and services, hospitals, and open space areas.
(1) The average density for multi-family categories is 75% to 100% of the maximum density since projects are required to construct between 75% and 100% of the maximum density unless the project will negatively impact the community.			
(2) See qualifications and special provisions in the Special Planning Areas section of the Land Use Plan.			

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Exhibit 2. Attached, for illustrative purposes, is the most recent publicly available version of page 10 of the Los Altos General Plan Land Use Element, which describes the Public and Institutional, Parks, and Other Open Space land use designations. Proponents obtained this document from the City website on March 28, 2018. The Initiative does not adopt or amend this text.

LAND USE ELEMENT



Public/Quasi Public Land Use Designations: There are five public and quasi-public land use designations to accommodate land owned and/or operated by or for the community of Los Altos for the public good. Uses allowed in these land use designations are also permitted uses in several other general plan land use designations and corresponding zoning districts.

10) **Public School Land.** The Public School Land designation applies to land owned by public school districts and used or proposed for education, recreation, administration, or other non-commercial, non-residential, or non-industrial purposes. The maximum intensity of development is a floor area ratio of 0.6:1. The anticipated development intensity for this land use designation is a floor area ratio of 0.3:1.

11) **Private School Land.** The Private School Land designation applies to land owned by private or parochial schools and used or proposed for education, recreation, administration, or other non-commercial, non-residential, or non-industrial purposes. The maximum intensity of development is a floor area ratio of 1.0:1. The anticipated development intensity for this land use designation is a floor area ratio of 0.3:1.

12) **Public and Institutional.** The Public and Institutional land use designation provides for governmental, institutional, academic, group residence, church, community service uses and lands, utilities, easements, rights-of-way, and City-owned parking facilities. Public and Institutional facilities are intended to be compatible with the surrounding neighborhood. Where applicable, the maximum intensity of development is a floor area ratio of 0.6:1. The anticipated development intensity for this land use designation is a floor area ratio of 0.35:1.

Open Space Designations: There are two land use designations (Parks and Other Open Space), which provide for open space and recreational uses.

13) **Parks.** The Parks designation provides for publicly owned and dedicated parkland. Activities that may be developed include areas for active sports play, large multipurpose fields for community events and informal recreation, tot lots, picnic areas, multipurpose sports fields and courts, concessions, community event space, outdoor amphitheatres, maintenance/support facilities and caretaker facilities. The maximum intensity of development is a floor area ratio of 0.4:1. The anticipated development intensity for this land use designation is a floor area ratio of 0.1:1.

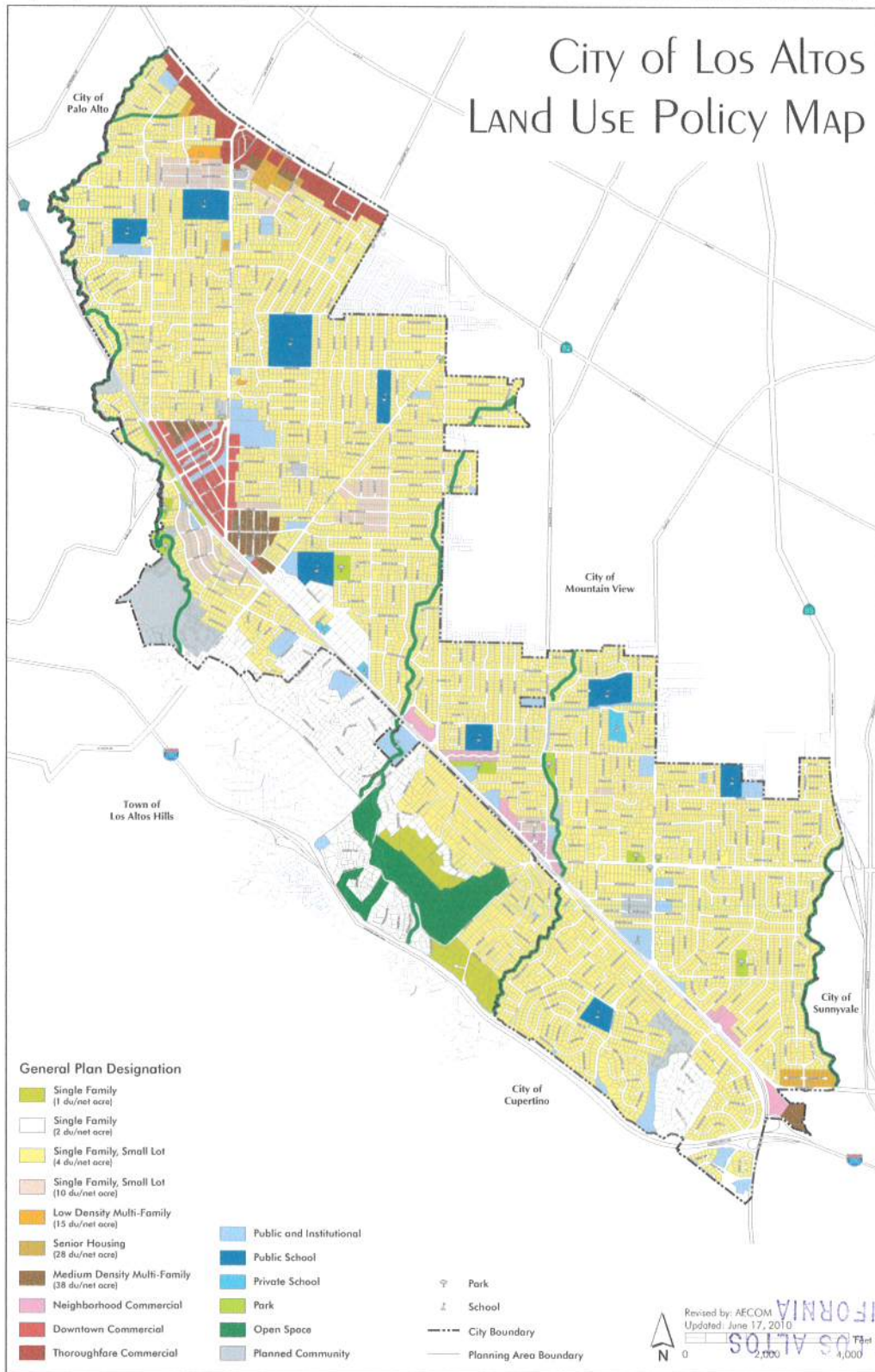
14) **Other Open Space.** The Other Open Space designation provides open space for the preservation of natural resources, managed production of resources, outdoor recreation, and protection of health and public safety. Areas designated for Other Open Space include: waterways, open space easements, private and public open space, as well as golf courses and other private recreational uses.

Planned Community Land Use Designation: The Planned Community designation allows for detailed analysis and flexibility of land uses for larger areas, or areas with special needs.

15) **Planned Community.** The Planned Community designation provides for the long-term development of large areas of land under single or common ownership or control. The Planned Community designation ensures compatibility with surrounding neighborhoods; protects the public health, safety, and welfare; provides for the long-term development of large properties; protects and preserves open space as a limited and valuable

CITY CLERK'S OFFICE
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CITY OF LOS ALTOS
CALIFORNIA

Exhibit 3. Attached, for illustrative purposes, is the most recent publicly available version of the City of Los Altos Land Use Map. Proponents obtained this map from the City website on March 28, 2018. The Initiative does not adopt or amend this map.



CITY OF LOS ALTOS
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DISCUSSION ITEMS

Agenda Item # 14

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Ordinance to be submitted to voters: Sale or transfer of any property designated as a Park

Prepared by: Jon Maginot, City Clerk/Assistant to the City Manager

Reviewed by: Christopher Diaz, City Attorney

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Draft Resolution

Initiated by:

City Council

Previous Council Consideration:

May 22, 2018

Fiscal Impact:

Should the Council choose to place the measure on the ballot, the estimated cost to do so from the Registrar of Voters Office is approximately \$50,000 for the November 2018 ballot

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to submit an ordinance to the voters requiring voter approval for the sale or transfer of any property designated as a park or any change in land use or zoning designation of any park within the City and amending the General Plan Land Use Policy Map designation for Hillview Park?

Summary:

- If passed by the voters, this ordinance would require approval by voters for the sale or transfer of any property designated as a park
- This ordinance would also change the Land Use Designation for Hillview Park from Public and Institutional to Park

Staff Recommendation:

Discuss a potential ordinance to be submitted to voters regarding the sale or transfer of any property designated as a Park and provide direction to staff as needed



Subject: Ordinance to be submitted to voters: Sale or transfer of any property designated as a Park

Purpose

To provide direction on an ordinance to be submitted to voters regarding the sale or transfer of any property designated as a park

Background

On May 22, 2018, the City Council directed staff to prepare a measure to be placed on a ballot which would require voter approval for the sale or transfer of any property designated as a park and the re-designation of parkland within the City of Los Altos.

Discussion/Analysis

Based on Council feedback provided at the May 22, 2018 meeting, staff has prepared a first draft of an ordinance for Council to consider submitting to the voters. The proposed ordinance would amend the City's Municipal Code to require voter approval for the sale or transfer of any property designated as a park in the City of Los Altos. It would also require voter approval for the re-designation or re-zoning of any park.

The ordinance would also amend the General Plan Land Use Policy Map to re-designate Hillview Park, which is currently designated Public and Institutional, as a Park. This area includes the site of the current Hillview Community Center and accompanying parking lot, the baseball field, the soccer field, the Bus Barn Theater and the History Museum and J. Gilbert Smith House.

Should Council wish to move forward with placing an ordinance on the ballot, a final Resolution and Ordinance will be brought before Council for approval.

Recommendation

Staff recommends Council discuss the ordinance and provide direction to staff as needed

RESOLUTION NO. 2018-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION
ON TUESDAY, NOVEMBER 6, 2018, FOR THE SUBMISSION OF A
PROPOSED MEASURE, REQUESTING THE BOARD OF SUPERVISORS OF
THE COUNTY OF SANTA CLARA TO CONSOLIDATE SAID ELECTION
PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE
AND SETTING RULES FOR ARGUMENTS AND REBUTTALS FOR AND
AGAINST SAID MEASURE**

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 6, 2018 for the election of City Council members; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to the sale or transfer or re-designation of parkland within the City of Los Altos.

WHEREAS, the City Council desires to place the measure on the ballot for the November 6, 2018 General Municipal Election; and

WHEREAS, the City Council also desires to request that the election for this measure be consolidated with the Statewide General Election also to be held on November 6, 2018; and

WHEREAS, pursuant to California Elections Code Section 9285 and 9286, the City Council further desires to establish rules and regulations for the preparation, submittal and printing of arguments and rebuttals for and against the measure described herein; and

WHEREAS, the specific terms of the measure are attached hereto as Exhibit “A” and by this reference made an operative part hereof.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Los Altos as follows:

SECTION 1. That pursuant to the requirements of California Elections Code Section 9215 any other applicable requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Los Altos, California on Tuesday, November 6, 2018, a General Municipal Election for the purpose of submitting the following proposed measure:

Shall the ordinance be adopted amending the City’s Municipal Code to require voter approval of the sale or transfer of any property designated as a park or any change in Land Use or Zoning designation of any park within the City of Los Altos and amending the General Plan Land Use Policy Map designation for Hillview Park to Park?	Yes
	No

SECTION 2. That the text of the measure submitted to the voters attached hereto as Exhibit A is hereby submitted to the voters; and

SECTION 3. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of said election with the Statewide General Election on Tuesday, November 6, 2018; and

SECTION 4. That the Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election and only one form of ballot shall be used; and

SECTION 5. That the City of Los Altos recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs; and

SECTION 6. That the City Clerk is authorized, instructed and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election; and

SECTION 7. That the ballots to be used at the election shall be in form and content as required by law. Voters shall vote yes or no; and

SECTION 8. That the polls for the election shall be open at 7:00 a.m. of the same day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day except as provided in Section 14401 of the Elections Code of the State of California; and

SECTION 9. That the consolidated election shall be held and conducted in the manner prescribed in Section 10418 of the Elections Code of the State of California; and

SECTION 10. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Santa Clara.

SECTION 11. Direct Arguments and Impartial Analysis.

A. Direct Arguments in favor of or against the measure shall be prepared and filed with the City Clerk in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and any other applicable provisions of law. Direct arguments shall be filed with the City Clerk not later than August 10, 2018.

B. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis

to be published in the voter information guide along with the ballot measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of direct arguments. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information guide of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the election official’s office at _____ and a copy will be mailed at no cost to you.”**

SECTION 12. Rebuttals. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the direct arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send copies of the direct argument in favor of the measure to the authors of the direct argument against, and copies of the direct argument against to the authors of the direct argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than August 20, 2018. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 13. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

SECTION 14. This resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

ORDINANCE NO. 2018-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS REQUIRING VOTER APPROVAL FOR THE SALE
OR TRANSFER OF ANY PROPERTY DESIGNATED AS A PARK
OR ANY CHANGE IN LAND USE OR ZONING DESIGNATION
OF ANY PARK WITHIN THE CITY OF LOS ALTOS AND
AMENDING THE GENERAL PLAN LAND USE POLICY MAP
DESIGNATION FOR HILLVIEW PARK TO PARK**

WHEREAS, the parks of Los Altos are a valued resource of the City and an integral part of the community; and

WHEREAS, designated City parkland is scarce within the City and the Silicon Valley; and

WHEREAS, the residents of Los Altos wish to protect parks from the sale or other transfer of property; and

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

NOW THEREFORE, the people of the City of Los Altos do hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: The following Section is hereby added to Chapter 9.24, Public Parks, of Title 9, Streets, Sidewalks and Public Places, of the Los Altos Municipal Code:

9.24.040 Voter Approval Required for Sale or change in use of Parks

A. The sale or transfer of any property designated as a park in the Los Altos Zoning Code or in the General Plan shall be approved by a vote of the people.

B. Any change in the land use or zoning designation of any park shall be approved by a vote of the people.

SECTION 2. AMENDMENT OF GENERAL PLAN: The General Plan Land Use Policy Map from the “Public and Institutional” land use to the “Park” land use as shown on the map in Exhibit “A” based upon the following findings:

- A. The General Plan Amendment is in the best public interest pursuant to California State Government Code Section 65358(a);
- B. The General Plan Amendment is compatible with adjacent land uses and consistent with all other sections of the adopted General Plan of the City as follows:
 - a. The General Plan Amendment is consistent with Policy 2.1 of the Land Use Element of the General Plan because it establishes a land use designation which recognizes existing development patterns and expected future growth
 - b. The General Plan Amendment will serve to maintain consistency between the General Plan and the zoning ordinance as required by law

SECTION 3. AMENDMENT OR REPEAL. This ordinance may be amended or repealed only by the voters of the City of Los Altos.

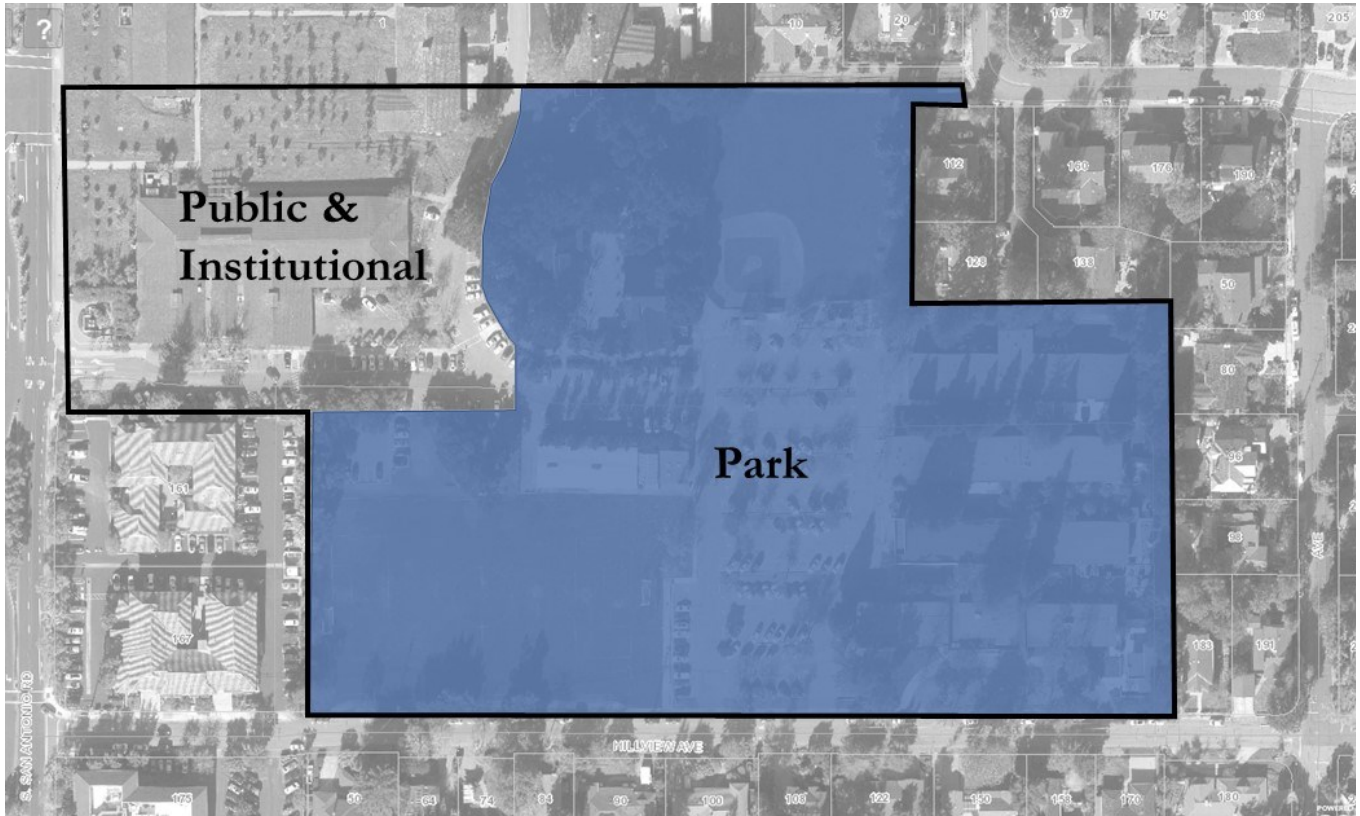
SECTION 4. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 5. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE. This ordinance shall be effective pursuant to State Law.

Exhibit "A"

Ordinance No. 2018-xx



“Public and Institutional” to “Park”



DRAWN S Henricks
CHECKED Z Dahl
APP.
DATE 05-31-2018
SCALE
DRAW. NO.

ENGINEERING DIVISION

CITY OF LOS ALTOS SANTA CLARA COUNTY, CALIFORNIA

General Plan Land Use Map Amendment



DISCUSSION ITEMS

Agenda Item # 15

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Potential Revenue Measures:
1) Resolution 2018-26, an increase in the Transient Occupancy Tax
2) Provide direction regarding a cannabis tax

Prepared by: Chris Jordan, City Manager

Attachment(s):
1. Resolution 2018-26, with the attached ordinance
2. Community Survey results regarding cannabis sales

Initiated by:
City Council

Previous Council Consideration:
March 13, 2018
May 8, 2018

Fiscal Impact:
Each 1% increase in the Transient Occupancy Tax (ToT) is expected to raise \$230,000 annually

Environmental Review:
Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to ask the voters to consider an increase in the transient occupancy tax from 11% to 14%?
- Does the Council want to direct staff to prepare a resolution and ordinance for a cannabis tax?

Summary:

- The Council previously discussed the possibility of both an increase in the ToT and establishing a tax on cannabis sales
- Each would require approval by a majority of the Los Altos voters in November
- Revenues generated by any of these measures would be deposited into the City's General Fund and would be used for various general governmental activities, such as public safety, traffic safety measures, facility maintenance and improvements; and projects in the downtown.
- Attached for consideration is a resolution and ordinance for an increase in the Transient Occupancy Tax



Subject: Potential Revenue Measures

-
- Staff will provide the results of an online survey regarding the community's thoughts on allowing a cannabis retail outlet in Los Altos and will act on direction from the Council regarding a tax on cannabis

Staff Recommendation:

Staff recommends the following:

1. Approve the resolution placing the ToT increase on the November ballot.
2. Provide direction to staff regarding a cannabis tax.



Subject: Potential Revenue Measures

Purpose

The City Council is asked to consider placing an increase in the Transient Occupancy Tax on the November ballot, and to provide further direction to staff regarding a possible tax on the sale of cannabis.

Background/Discussion

In recent Council meetings, two possible revenue generating measures were briefly mentioned: an increase in the City's transient occupancy/"hotel" tax (TOI) and a tax on the sale of cannabis.

- 1) Under the State Constitution ("Proposition 218"), a general tax (revenues deposited into the General Fund) must generally be placed on the same ballot as when Council elections are held (November, 2018) and requires approval by a majority of voters.
- 2) If a tax is proposed for specific and limited purposes (a "special tax"), it requires approval by 2/3 of the voters.

We note that this is the current state of the law. However, a draft Statewide proposition was recently cleared for petition signature circulation. We understand that the proponents intend to gather signatures in the coming months in order to qualify this proposition for the November, 2018 Statewide General Election. The proposition has two significant components that may affect Los Altos' efforts to enact a local tax:

- It would eliminate any distinction between "general" and "special" taxes - 2/3 supermajority voter approval would be required for passage of any local tax.
- It includes a "retroactivity" clause providing that any local tax measure passed any time in 2018 which does not meet the proposition's more stringent standards is legally void.

Therefore, if this Statewide proposition qualifies for the ballot and if State voters ultimately approve it, any local tax approved in 2018, whether "general" or "special" that has not secured 2/3 supermajority voter approval could be vulnerable to legal challenge. We wish to emphasize that there are still a great number of "if's" that must occur before this proposition actually becomes law and the proponents have a great deal of work still ahead of them. However, Staff is making the Council aware of this possibility for strategic planning purposes.

Under these circumstances, if the Council wants to consider a general tax measure, staff would suggest that the November 2018 ballot would be the appropriate opportunity for voter consideration.

At a study session on March 13, 2018, the City Council directed staff to prepare the attached resolution and ordinance that would increase the transient occupancy tax from 11% to 14%.

At its regular meeting of May 8, the City Council reviewed options for cannabis sales in Los Altos. The City Council expressed an interest in possibly allowing one or more retail outlets in the City (likely



Subject: Potential Revenue Measures

in the CT zone on El Camino Real), but also asked staff to survey the community regarding its interest in allowing such establishments.

Analysis

Transient Occupancy Tax (ToT)

The attached resolution places the attached ordinance before the voters at the November 2018 election and asks for their consideration of an increase in the ToT from 11% to 14%. Attached to this report is information prepared in 2016 regarding the ToT charged by other cities in Santa Clara County. It is also our understanding that other cities are considering increases to the ToT, including Mountain View and Palo Alto.

The ordinance is somewhat different than the City's existing ToT ordinance. The City Attorney's office has modified the City's existing ToT ordinance to ensure compliance with new legal interpretations and to ensure that the City can collect the ToT from third party booking agents. If the new ordinance with the new rate is not approved by the voters, staff will bring this new version (with a rate of 11%) back to the Council for consideration/adoption after November.

If approved by the voters, the increase in the ToT would result in an estimated \$700,000 in additional general fund revenues for the City.

Cannabis Tax

At the March 13 study session, the Council expressed some interest in establishing a tax on the sale of cannabis. The Council had a further discussion at its March 8 meeting and determined again that there was interest in possibility allowing one or more retail outlets in Los Altos, most likely on El Camino Real. Prior to making a final decision on the tax or the allowance of cannabis distributors in Los Altos, the Council requested staff conduct a community survey to help determine community support. The results of the survey are attached.

Options

Regarding the increase to the ToT, Council can:

- 1) Approve the ordinance requesting voter consideration of the increase resulting in an estimated \$700,000 of additional annual general fund revenue;
- 2) Modify the ordinance, and then approve the resolution requesting voter consideration
- 3) Do not approve the resolution

Regarding the possible tax on cannabis sales, the Council can:

- 1) Request staff return by July 10 with a resolution and ordinance that would request voter consideration of a tax on cannabis sales
- 2) Decide not to request voter consideration of a cannabis tax at this time.



Subject: Potential Revenue Measures

Recommendation

Based on prior Council direction, staff recommends approval of the resolution requesting voter consideration of an increase in the transient occupancy tax and Council should provide further direction regarding a cannabis tax.

RESOLUTION NO. 2018-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF LOS ALTOS AN ORDINANCE/MEASURE INCREASING THE MAXIMUM RATE OF THE CITY'S TRANSIENT OCCUPANCY (HOTEL) TAX FROM 11% TO 14% AND ADDRESSING THIRD PARTY RENTAL AGENT BOOKINGS, AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, REQUESTING THE COUNTY OF SANTA CLARA TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE, AND SETTING RULES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST THE MEASURE

WHEREAS, pursuant to Section 9222 of the California Elections Code, the City Council has authority to place measures on the ballot to be considered at a Municipal Election; and

WHEREAS, pursuant to Chapter 3.36 of Title 3 of the Los Altos Municipal Code (L.A.M.C. §§3.36.010 through 3.36.110), the City currently imposes a Transient Occupancy Tax (Hotel) Tax ("TOT") at a maximum rate of eleven percent (11%) upon guests of hotels and other transient accommodations within the City; and

WHEREAS, the City Council desires to amend the Los Altos Municipal Code to increase the maximum rate of the TOT from eleven percent (11%) to fourteen percent (14%); and

WHEREAS, the City Council desires to clarify the Los Altos Municipal Code to ensure the collection of the TOT on the full rent paid by a guest for hotel occupancy, whether that occupancy is booked directly between the guest and hotel, or through online travel companies and other third parties which enable guests to purchase occupancy via the Internet, or by similar electronic means; and

WHEREAS, the TOT is a general tax the proceeds of which are deposited into the City's general fund. The general fund pays for important City services such as police protection, fire and paramedic services, street operations and maintenance, library services, parks and recreation services and general municipal services to the public; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIII C), an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, the amendments proposed in the attached ordinance which increase the rate of the TOT constitute a tax "increase" subject to Proposition 218; and

WHEREAS, pursuant to Proposition 218 (California Constitution Article XIII C, §2(b)), any election for the approval of an increase to a general tax must be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, by adoption of Resolution No. 2018-____, on _____, 2018 the City Council has called a General Municipal Election for the purpose of electing ____ members of the City Council, said Election to be consolidated with the Statewide General Election to be held on Tuesday, November 6, 2018; and

WHEREAS, pursuant to Proposition 62 (Government Code §53724), a two-thirds (2/3) vote of the City Council membership is required to place the measure on the November 6, 2018 ballot.

WHEREAS, the City Council also desires to request that the election for this ordinance/ballot measure be consolidated with the Statewide General Election to be held on November 6, 2018; and

WHEREAS, pursuant to California Elections Code Section 9285 and 9286, the City Council further desires to establish rules and regulations for the preparation, submittal and printing of arguments and rebuttals for and against the measure described herein; and

WHEREAS, the specific terms relating to the TOT amendment are provided for in the ordinance to be considered by the qualified voters, attached hereto as Exhibit "A" (the "Ordinance") and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALTOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City, pursuant to its right and authority as contained in California Propositions 62 and 218 and Elections Code section 9222, **by a two-thirds supermajority vote of its membership**, hereby orders the Ordinance attached hereto as Exhibit A" to be submitted to the qualified voters of the City at the General Municipal Election to be held and consolidated with the Statewide General Election on Tuesday, November 6, 2018. The proposed Ordinance shall be in the form attached hereto as Exhibit "A" to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Measure. The City Council, pursuant to its right and authority, does hereby order that the ballot measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the General Municipal Election to be consolidated with the Statewide General Election on Tuesday, November 6, 2018, in addition to any other matters required by law, there shall be printed substantially the following:

Los Altos Hotel Tax Rate Adjustment Measure. "Shall an ordinance be adopted increasing the maximum Transient Occupancy (Hotel) Tax rate from 11% to 14% of rent paid by a hotel guest for transient occupancy of any hotel/lodging, generating approximately \$700,000 annually for unrestricted general revenue purposes, until ended by voters?"	YES	
	NO	

SECTION 4. Election Procedures.

- A. The City Council consents to the consolidation of the election on this measure with all other elections being held in the same territory on November 6, 2018, and to hold and conduct the consolidated election in the manner prescribed in Elections Code Section 10418.
- B. The ballots to be used at the election shall be in the form and content as required by law.
- C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Santa Clara County is hereby requested to consent to having the Registrar of Voters render such election services to the City of Los Altos as may be requested by the City Clerk of said City, the County of Santa Clara to be reimbursed in full for such services as are performed.
- D. The election services which the City of Los Altos requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Los Altos; and the performance of such other election services as may be requested by the City Clerk.
- E. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- F. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
- G. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

- H. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J. The Santa Clara County Registrar of Voters is hereby authorized to canvass the returns of said election.
- K. The City Clerk of the City of Los Altos shall receive the canvass as it pertains to the election on the measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Direct Arguments and Impartial Analysis.

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written direct argument in favor of or against the City measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the direct argument until and including August 10, 2018 after which no direct arguments for or against the measure may be submitted to the City Clerk. Direct arguments in favor of or against the measure shall each not exceed 300 words in length. Each direct argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the direct argument.
- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the ballot measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of direct arguments as set forth in subsection (A) above. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or**

measure, please call the election official's office at (insert phone number) and a copy will be mailed at no cost to you."

SECTION 6. Rebuttals. That pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the direct arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send copies of the direct argument in favor of the measures to the authors of the direct argument against, and copies of the direct argument against to the authors of the direct argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than August 20, 2018. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 7. Placement on the Ballot. The full text of the Ordinance/measure shall be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this ordinance and/or ballot measure, at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ordinance attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of Santa Clara County and to the Registrar of Voters of Santa Clara County.

SECTION 9. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 10. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 11. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ___ day of ___, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

EXHIBIT "A"

ORDINANCE NO. ____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF LOS ALTOS, CALIFORNIA, ADDING SECTIONS 3.36.015, 3.36.025 AND 3.36.035 TO CHAPTER 3.36, AND AMENDING SECTIONS 3.36.010 AND 3.36.030 OF CHAPTER 3.36, OF TITLE 3 OF THE LOS ALTOS MUNICIPAL CODE INCREASING THE RATE OF THE CITY'S TRANSIENT OCCUPANCY (HOTEL) TAX FROM 11% TO 14% AND ADDRESSING THIRD PARTY RENTAL AGENT BOOKINGS.

(NOTE: Additions are highlighted in *bold italics* and deletions are highlighted in ~~strikeout~~)

NOW THEREFORE, THE PEOPLE OF THE CITY OF LOS ALTOS DO ORDAIN AS FOLLOWS:

SECTION 1. Subject to the approval of a majority of the voters of the City of Los Altos at the scheduled election so designated by the City Council in a resolution placing the proposal on the ballot for such election, Chapter 3.36 of Title 3 of the Los Altos Municipal Code is hereby amended by adding Sections 3.36.015, 3.36.025 and 3.36.035 and amending Sections 3.36.010 and 3.36.020 to read as follows:

"3.36.010 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. "Hotel" shall mean any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes and shall include any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome, or house trailer at a fixed location or other similar structure, or portion thereof.
- B. "Occupancy" shall mean the use or possession, or the right to the use or possession, of any room, or portion thereof, in any hotel for dwelling, lodging, or sleeping purposes.
- C. "Operator" shall mean the person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent, however, shall be considered to be compliance by both.

- D. "Person" shall mean any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- E. "Rent" shall mean the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property, and services of any kind or nature, without any deduction therefrom whatsoever.
- F. "Tax administrator" shall mean the finance director.
- G. "Transient" shall mean any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired.
- H. "Rental agent" shall mean any person other than an operator who collects rent from a transient for the transient's occupancy of a hotel.***

3.36.015 Purpose – General Fund Revenue.

All revenues generated by this tax shall be deposited into the City's general fund and may be spent for unrestricted general revenue purposes.

3.36.020 Tax imposed.

For the privilege of occupancy in any hotel each transient shall be subject to, and shall pay, a tax in the amount not to exceed ~~eleven (11)~~ **fourteen (14)** percent of the rent ~~charged by the operator~~ **payable by the transient in consideration of the transient's occupancy, whether paid to an operator or to a rental agent.** ~~The city council shall have the authority to set the rate at eleven (11) percent or any lesser rate as the council shall determine by resolution.~~ The tax shall constitute a debt owed by the transient to the city which tax shall be extinguished only by payment to the operator, **rental agent** or to the city. The transient shall pay the tax to the operator of the hotel **or to the rental agent**, at the time the rent is paid. If the rent is paid in installments, the proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel **or to the rental agent**, the tax administrator may require that such tax shall be paid directly to the tax administrator.

"3.36.025 – City Council Authorization to Adjust Tax Rate and/or Methodology.

This Chapter authorizes a maximum transient occupancy tax rate of fourteen percent (14%). The City Council may, by ordinance, upwardly or downwardly adjust the rate of the tax imposed by this Chapter and may otherwise repeal or amend this Chapter without a vote of the People. However, as required by California Constitution Article XIII C (Proposition 218), voter approval is required for any amendment that would increase the fourteen percent (14%) maximum rate or methodology of the tax levied pursuant to this Chapter. The People

of the City of Los Altos affirm that the following actions shall not constitute an increase of the maximum rate or methodology of the tax requiring subsequent voter approval:

- A. The upward adjustment of the tax rate, provided the rate does not exceed the fourteen percent (14%) maximum set forth by this voter-approved Chapter;*
- B. The restoration of the rate of the tax to a rate that is no higher than the fourteen percent (14%) maximum set by this voter-approved Chapter, if the City Council has previously acted to reduce the rate of the tax;*
- C. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter;*
- D. The establishment of a class of person or service that is exempt or excepted from the tax or the discontinuation of any such exemption or exception; and*
- E. Resuming collection of the tax imposed by this Chapter, even if the City had, for some period of time, either suspended collection of the tax or otherwise failed to collect the tax, in whole or in part.*

3.36.035 – Third party rental transactions.

- A. Any transient who pays rent to a rental agent shall, at the time the rent is paid, pay the tax to the rental agent in the manner required by section 3.36.020. If for any reason the tax is not paid to the rental agent, it shall be paid to the operator before the transient has ceased occupancy in the hotel or paid directly to the tax administrator pursuant to section 3.36.020. Any transient seeking a refund under section 3.36.100 of taxes paid to a rental agent must establish that the transient has been unable to obtain a refund from the rental agent who collected the tax.*
- B. Any rental agent who collects rent shall comply with all obligations of the operator set forth in sections 3.36.030 and 3.36.090 of this chapter. The rental agent shall remit all collected taxes to the operator before the deadline for the operator to remit the taxes to the tax administrator under section 3.36.050, and the rental agent shall provide the operator with copies of all records required to be maintained by the operator pursuant to section 3.36.090 of this chapter, including records necessary for the operator to comply with its obligations under this chapter.*
- C. If the tax administrator determines that a rental agent has failed to collect, remit, or report any tax, the tax administrator may take any action against the rental agent that he or she may take against an operator under sections 3.36.060 and 3.36.070 of this chapter subject to the requirements of those sections. If the tax administrator assesses unremitted taxes and penalties against the rental agent, the rental agent shall be subject to sections 3.36.070, 3.36.080, 3.36.100 and 3.36.110 of this chapter as if it were an operator. Nothing in this section shall*

prohibit the tax administrator from assessing the full amount of any unremitted taxes and penalties solely against the operator in lieu of assessing some or all of those taxes and penalties against the rental agent.”

SECTION 2. Pursuant to Article XIII B of the California Constitution, the appropriation limit for the City of Los Altos will be increased by the maximum projected aggregate collection authorized by the levy of this general tax, as indicated in Section 1, in each of the years covered by this Ordinance plus the amount, if any, by which the appropriation limit is decreased by law as a result of the levy of the general tax set forth in this Ordinance.

SECTION 3. If any portion of this Ordinance is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Ordinance that is not deemed invalid. The voters of the City hereby declare that they would have circulated for qualification and/or voted for the adoption of this Section, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

SECTION 4. This Section shall not be repealed or amended, except by a measure approved by a majority of the electors voting on the issue at a General Municipal Election, or at a special election called for that purpose.

SECTION 5. Pursuant to California Constitution Article XIII C §(2)(b) and California Elections Code §9217, this Ordinance shall take effect only if approved by a majority of the eligible voters of the City of Los Altos voting at a General Municipal Election to be held on November 6, 2018, and shall take effect ten (10) days after the City Council has certified the results of the General Municipal Election by resolution.

SECTION 6. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on November 6, 2018, by signing where indicated below.

I hereby certify that the foregoing Ordinance was **PASSED, APPROVED AND ADOPTED** by the people of the City of Los Altos on the 6th day of November, 2018.

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

Commercial Marijuana Businesses in Los Altos

To what extent, if any, should the City allow commercial marijuana businesses to operate in Los Altos?

Summary Of Responses

As of May 31, 2018, 11:42 AM, this forum had:




Attendees: 918
Responses: 739
Hours of Public Comment: 37.0

This topic started on May 21, 2018, 2:45 PM.




Should the City allow commercial marijuana distributors (storefronts where marijuana products can be purchased) to operate in Los Altos?

		%	Count
Yes		32.3%	239
No		67.7%	500

Should commercial distributors be allowed to operate in any retail commercial location, such as a shopping center?






		%	Count
Yes		24.2%	177
No		70.5%	515
Don't know / Unsure		5.2%	38

Which, if any, retail district should the City consider if commercial distributors are allowed to operate in Los Altos? (select all that apply)




		%	Count
Downtown		20.9%	151
Loyola Corners		19.1%	138
Rancho Shopping Center		20.1%	145

Commercial Marijuana Businesses in Los Altos





To what extent, if any, should the City allow commercial marijuana businesses to operate in Los Altos?

		%	Count
Village Court		18.6%	134
Woodland Plaza		17.0%	123
Foothill Crossing		19.0%	137
El Camino Real		39.2%	283
None		60.2%	435

Do you think the City should limit the number of commercial distributors?

		%	Count
Yes		70.1%	492
No		15.1%	106
Don't know / Unsure		14.8%	104

If you answered 'Yes' above, what is an appropriate limit to the number of commercial distributors?

		%	Count
1		18.9%	118
1 - 3		18.9%	118
3 - 5		7.2%	45
5 or more		0.8%	5
Not applicable		54.1%	337

Should the City allow delivery services of marijuana to operate in Los Altos? (Delivery services include deliveries originating or terminating within the Los Altos City limits.)







		%	Count
Yes		38.9%	284

Commercial Marijuana Businesses in Los Altos

To what extent, if any, should the City allow commercial marijuana businesses to operate in Los Altos?

		%	Count
No		53.3%	389
Don't know / Unsure		7.8%	57

Please indicate your primary concerns about the retail sales of cannabis products in Los Altos (select all that apply):

		%	Count
Illegal sales to those under 21		64.7%	462
Parking impacts on surrounding businesses		28.3%	202
Increased crime		54.8%	391
Unattractive signage or building façade		42.2%	301
Other		26.6%	190
Not applicable		9.1%	65

Do you have any additional comments about this issue?

Answered	248
Skipped	491

- alcohol all allow **altos** any business **cannabis** commercial
community do don drug from just **legal** let like **los marijuana**
 medical **more** need other **people s sales** so stores **t** than **they** think
 those **town** under **use want** where who



STUDY SESSION

Agenda Item # 16

AGENDA REPORT SUMMARY

Meeting Date: June 12, 2018

Subject: Draft Ordinances amending Chapter 14.74, Off-Street Parking and Loading

Prepared by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Draft Parking Ordinance – City Wide
2. Draft Parking Ordinance – Downtown
3. Planning Commission Resolution Recommending Adoption of Parking Code Amendments
4. Planning Commission Resolution Recommending Parking Enhancements
5. Comparison Table of Current and Proposed Off-Street Parking Requirements
6. Parking Standards from the Municipal Code

Initiated by:

City Council

Previous Council Consideration:

January 24, 2017

Fiscal Impact:

A significant fiscal impact is not anticipated

Environmental Review:

The proposed ordinance is exempt from CEQA review: (1) pursuant to CEQA Guidelines Section 15061(b)(3) because it does not authorize any direct or indirect changes to the physical environment and there is no possibility of a significant effect on the environment; (2) because it is not a “project” for purposes of CEQA and is exempt pursuant to State CEQA Guidelines sections 15378(b)(2) and 15378(b)(5) in that it will not allow any new or different land uses than are already permitted in the City’s Zoning Code., and, therefore, constitutes on-going administrative activities and will not result in any direct or indirect physical changes in the environment; (3) because it is not intended to apply to specifically identified development projects and as such it is speculative to evaluate any such future project now and, moreover, they will be subject to appropriate environmental review at such time as approvals for those projects are considered; and/or (4) because it is not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment of the ordinance’s requirements. Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

Policy Question(s) for Council Consideration:

- Are the proposed amendments to Chapter 14.74, off-street parking and loading, of Title 14, Zoning, of the Los Altos Municipal Code appropriate for the City of Los Altos?



Subject: Draft Ordinances amending Chapter 14.74, Off-Street Parking and Loading

- Do the proposed amendments further the Vision for Downtown Los Altos?

Summary:

The City Council and Planning Commission are meeting at a study session to review draft amendments to Chapter 14.74, off-street parking and loading of Los Altos Municipal Code. The proposed amendments accomplish, among other things, the following:

1. Clarify the parking space dimension and driveway requirements for single-family dwellings;
2. Amends the City's minimum standards or ratios for off-street parking requirements;
3. Identifies the "original parking district" and the "expanded parking district" and how its boundary can be amended;
4. Provides for reductions in off-street parking requirements;
5. Identifies a process for developing off-street parking standards for uses not listed (other uses);
6. Provides for a reduction in off-street parking standards for mixed use projects meeting certain criteria;
7. Establishes a parking in-lieu fee program;
8. Revises the parking stall dimension standards;
9. Further defines "net floor area" for purposes of determining required off-street parking;
10. Provides that the elimination of an off-street public parking space be replaced or that an "in-lieu" parking fee be paid; and
11. Adds a neighborhood center definition.

Staff Recommendation:

Discuss and direct staff to return to the City Council with draft ordinances that introduce the proposed amendments to Chapter 14.74, Off-Street Parking and Loading, of Title 14, Zoning of the Los Altos Municipal Code



Subject: Draft Ordinances amending Chapter 14.74, Off-Street Parking and Loading

Purpose

Update Title 14, Zoning, of the Los Altos Municipal Code to reflect parking requirements intended to address parking circumstances unique to the City of Los Altos.

Background

Over two years ago, the City Council formed the City-wide Parking Ad Hoc Committee (Committee). The Committee's charge was to review the City's existing parking ratios and their application across all business districts in Los Altos. They were also charged with reviewing calculations of development projects along with the adequacy of the current parking ratios in view of actual demands. As background information, the Committee reviewed parking studies and compared current Los Altos parking practices and rules with other cities. Based on this analysis and review, the Committee was to develop a set of recommendations to address its findings. The Committee, which has been disbanded, developed numerous recommendations intended to address parking circumstances and issues unique to the City of Los Altos.

Over this past year, the Planning Commission has diligently considered and debated the amendments to the parking regulations at five meetings (January 4, 2018; March 1, 2018; March 15, 2018; April 19, 2018; and May 3, 2018). It has reviewed the work of the Committee and considered the testimony of those providing input on the amendments under consideration. At the conclusion of its meeting in May, the Commission recommended approval of the amendments being reviewed at this study session.

Discussion / Analysis

Two Ordinances – City Wide and Downtown - The City Council and Planning Commission will note that this packet includes two separate ordinances. One ordinance reflects the amendments that apply City Wide and the second reflects ordinances that are specific to the Downtown. This is to allow fuller participation by members of the City Council on the proposed amendments due to some conflicts of interest related to the parking amendments specific to the Downtown.

The following discussion provides some highlights on the recommended amendments to the parking regulations. These are grouped under City Wide and Downtown headings and are listed, in order, by subsection.

CITY WIDE PARKING REGULATIONS

14.74.010 - R1 District requirements.

Although not part of the Committee's recommendations, staff suggested that the R-1 parking requirements be amended so that there is consistency between the single-family residential requirements and recommendations of the Committee. Staff also saw this as an opportunity to provide appropriate standards for driveways at single-family home sites and it is recommended that the width be reduced from 12 feet to 10 feet. Overall, a driveway that serves a single-family property does not



Subject: Draft Ordinances amending Chapter 14.74, Off-Street Parking and Loading

need to be as wide as a driveway that serves a parking lot and a 10-foot width is adequate for residential vehicle access.

14.74.080 – Minimum off-street parking space requirements for the CD, CN, CRS, CT, CD/R3, CRS/OAD, and OA districts

This section combines former sections 17.74.100 and 14.74.110 and puts the off-site parking requirements in table format and organized uses alphabetically for ease of identification and finding of the appropriate off-street parking requirements. In addition to placing the off-street parking requirements in table format, the ordinance includes numerous modifications to the off-street parking requirements, including a change to off-street parking requirements for office uses.

For comparison purposes, a table with the proposed and current parking requirements is provided with this agenda report as Attachment 5.

14.74.140 - Other uses

This section, amended slightly, provides standards by which the parking requirements for uses not specifically listed can be developed, considered and approved. The amendments give guidance in identifying appropriate reference sources or standards when an off-street parking requirement for an un-listed use is proposed. It also updates the language to appropriately reflect the sequence in the development, review, and approval of parking requirements of other uses. The recommended requirement is initially developed by the Community Development Director, considered by the Planning Commission for recommendation, and on to the City Council for approval.

14.74.170 A. 1.- Development standards for off-street parking and truck loading spaces

The amendment here modifies the parking space dimension from 9²-0” x 18²-0” to 8²-6” x 18²-0”. Staff points out that, if the ordinance is adopted, Parking Standards in the Municipal Code will need to be revised to reflect these new dimensions. (These parking standards are included with this agenda report as Exhibit 6.) Another amendment to this sub-section provides for the increased width of a parking space that is adjacent to an obstruction like a wall or fence. This is intended to make it easier to maneuver into and out of such parking spaces.

14.74.170 Q. & R.- Development standards for off-street parking and truck loading spaces

These two new sections provide for the area of a building, of a variety of uses, that are used to determine the required off-street parking. It relies on the *net* floor area of the building to determine the required parking and excludes areas such as elevator shafts, mechanical rooms, lobbies, and similar spaces. The intent here is to only count that area of a building that will provide space for the intended use because it is this space that typically generates the parking demand. This section also provides that exempt space, which is converted later, will be subject to parking requirements.



Subject: Draft Ordinances amending Chapter 14.74, Off-Street Parking and Loading

14.74.200 B. – Reduction of off-street parking and loading spaces

This subsection provides that an off-street parking space that is eliminated must be replaced or an in-lieu fee paid.

Addition of Neighborhood Center Definition to Chapter 14.02

The term “neighborhood center” is used at Section 14.74.150, Mixed-use development. Since Neighborhood Commercial is a designation on the Los Altos Land Use Policy Map, staff felt it would be appropriate to reference and include this in the definition since the General Plan Land Use Policy Map is the guiding document that identifies where these sites are located in the City.

DOWNTOWN PARKING REGULATIONS

14.74.090 - Original and expanded parking district

The draft ordinance contains a diagram that identifies the boundary of the original parking district and the boundary of the district as of March 2018, which serves as a basis for any future changes.

14.74.100 - Amending the expanded parking district boundary

This section outlines a process that would allow for additional properties to be added to the expanded parking district. Since a “parking district” does not exist, it was felt that the most appropriate way to account for future properties seeking to be afforded the opportunities that come with inclusion in the parking district, was to allow for an amendment to the district boundary. This section provides alternatives for amending the district boundaries.

14.74.110 - Reductions to minimum off-street parking space requirements

This section provides opportunities to further reduce parking requirements for mixed use projects and projects in specific areas like the Downtown. This is based on the concept of shared parking facilities, whether they be within the boundaries of an existing parking district or in a neighborhood commercial area such as those designated on the General Plan at Loyola Corners and the Woodside Commercial area. It also acknowledges the shared parking nature of a mixed-use building, which depending on the mix of uses in the building, have off-setting parking demand periods and parking can be utilized by the various uses in the project.

14.74.150 - Mixed use development

An array of different uses within a building or geographic area can have different parking demands and times at which the need for parking in the supply will be in demand. This section too has been updated, and provides standards where development meeting certain criteria can realize a reduction in the off-street parking requirements. It also introduces the term “neighborhood center” for which a definition has been developed and recommended for inclusion in the definitions section of the zoning code (discussed earlier in this document). This code amendment has been placed in the Downtown category because it does provide for a reduction (20%) in the required parking for a mixed use project specific to the Downtown.



Subject: Draft Ordinances amending Chapter 14.74, Off-Street Parking and Loading

14.74.160 - Downtown parking in-lieu fee program

This section establishes a parking in-lieu fee program within the Los Altos Downtown triangle. The fee amount, if this ordinance is adopted, will be set by resolution of the City Council and collected fees will go into a fund that will support enhancing or expanding the capacity of the public parking supply. The Commission did recommend that the fee should be progressive and set at an amount that furthers or enhances the adopted Downtown Vision and be part of any future parking management program. Commissioners noted that in-lieu parking:

- Is equitable for smaller lots that cannot provide required parking on site.
- Increases feasibility to revitalize smaller lots.
- Helps maintain and improve the pedestrian scale and walkability of areas like the downtown because it minimizes curb cuts and maintains the rhythm of buildings on downtown streets.
- Embraces the shared parking concept – park once and visit multiple destinations.
- Generates funds to expand and enhance the parking supply.

SECTIONS OF CHAPTER 14.74 NOT BEING AMENDED

The following sections of the parking regulations have not been amended, but they are being renumbered because of the addition of other subsections.

14.74.120 Community facilities;

14.74.130 – Plant nurseries;

14.74.170 – Development standards for off-street parking and truck loading spaces, subsections A.2., B. C. D. E. F. G. H. I. J. K. L. M. N. O. & P.;

14.74.180 – Common parking facilities;

14.74.190 – Off-street parking and loading spaces; and

14.74.200 – Reduction of off-street parking and loading spaces, subsection A.

OTHER PLANNING COMMISSION RECOMMENDATIONS

In addition to a review of the parking regulation amendment recommendations by the Committee, the Planning Commission felt there were some other steps that could be taken to enhance the parking supply in the Downtown – these include:

1. The Complete Streets Commission is the appropriate City body to evaluate, identify, and plan for bicycle parking facilities and enhancements in the City and should be assigned with completing these tasks.
2. That staff of appropriate City departments develop an inventory and map of the downtown on-street parking supply and evaluate how many on-street parking spaces that changes to the placement, size, and arrangement of existing on-street parking might yield.
3. That staff of appropriate City departments evaluate the loading zones and their associated time limits in the Downtown and whether opportunities, such as limiting the loading zone times, to enhance the supply of public parking spaces exist.



Subject: Draft Ordinances amending Chapter 14.74, Off-Street Parking and Loading

These recommendations are memorialized in the Resolution of the Planning Commission, which is included with this agenda report as Attachment 4

DOWNTOWN VISION

The recommendations of the Committee were provided to the Downtown Vision consultant team early in the process, along with other reports and studies on parking in the Downtown. The economist for the Downtown Vision team, who has experience assisting other communities achieve their goals and objectives for enhancing their downtown, has made the following recommendations with respect to parking:

- Require 2.0 to 2.5 parking spaces per 1,000 square feet of office, retail, restaurant, or personal service use with removal of per employee parking requirements, which takes away a development cost penalty against higher service restaurants.
- Require 0.8 to 1.0 parking spaces per hotel sleeping room.
- Institute a Parking in-Lieu fee of \$25,000 to \$30,000 per space, with collected in a Downtown Parking Fund to be used to construct additional parking in or near the Downtown in the future.

Although the Downtown Vision has not been adopted yet, these recommendations are intended to help the Community realize its vision for the Downtown and can be adopted.

INFORMATION SOURCES

In its review of parking regulations, the Planning Commission considered the work product of the Committee and other parking reports / studies conducted in the past. These are available for review at the following link www.losaltosca.gov/parking-files.

Options

- 1) Direct staff to return at a future City Council meeting with an ordinance that introduces amendments to Chapter 14.74, off-street parking and loading, of Title 14, Zoning, of the Los Altos Municipal Code

Advantages: Updates the parking regulations to address circumstances unique to Los Altos

Disadvantages: May introduce standards that will need to be adjusted in the future to address unforeseen circumstances

- 2) Decline to move forward with amendments to Chapter 14.74, off-street parking and loading, of Title 14, Zoning, of the Los Altos Municipal Code



Subject: Draft Ordinances amending Chapter 14.74, Off-Street Parking and Loading

Advantages: Maintains current parking regulations and signifies that they are adequately address parking circumstances and needs in Los Altos

Disadvantages: Existing codes may not adequately address on-going changes to land use patterns and driving habits

Recommendation

The staff recommends Option 1.

DRAFT

CITY WIDE PARKING CODES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 14.74, OFF-STREET PARKING AND LOADING, OF TITLE 14, ZONING, OF THE LOS ALTOS MUNICIPAL CODE AND ADOPTING CEQA EXEMPTION FINDINGS

WHEREAS, the Los Altos City Council initiated a process to review and amend the parking standards found at Title 14, Chapter 14.74, Off-Street Parking and Loading, of the Los Altos Municipal Code pertaining to the regulation of parking, both on-site and public, known as Zoning Code Amendment 17-CA-05, and referred herein as the “CA”; and

WHEREAS, the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because they clarify and provide standards that more appropriately represent parking needs across the City; and

WHEREAS, the amendments are in conformance with the City of Los Altos General Plan because they appropriately support the various goals, policies, and programs spread amongst all elements of the General Plan; and

WHEREAS, required public notices and public hearings were duly given and duly held in accordance with the applicable provisions of the California Government Code and Chapter 14.86 of the Los Altos Municipal Code; and

WHEREAS, this code amendment was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the Planning Commission held a duly noticed public hearings on the CA on January 4, 2018, March 1, 2018, March 15, 2018, April 19, 2018, and May 3, 2018 at which it recommended adoption of the draft ordinance; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on XXXXXXXXXX, 2018; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council’s decision are based in the Office of the City Clerk; and

WHEREAS, this Ordinance is exempt from environmental review under the California Environmental Quality Act, Cal. Pub. Res. Code sections 21000, *et seq.* and the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, *et seq.*, each as a separate and independent basis, for the reasons described in Section 6 of this Ordinance.

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

SECTION 1. FINDINGS. After considering the record before it, including but not limited to the agenda report, presentation of staff, public comment, and discussion, the City Council hereby finds that adoption of this Ordinance is in the best interest for protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare.

SECTION 2. AMENDMENT OF CODE: Chapter 14.74, Off-Street Parking and Loading, of Title 14, Zoning, of the Los Altos Municipal Code are hereby amended as follows:

14.74.010 - R1 District requirements.

- A. Not less than two parking spaces, one of which shall be covered, shall be required for each living single-family dwelling unit, including second living units developed under the provisions of Chapter 14.14 of this title.
- B. Parking space dimensions shall be as follows:
 - 1. Uncovered parking spaces and covered parking spaces in an existing garage or carport shall be at least nine (9) feet in width, eighteen (18) feet in depth and have a vertical clearance of at least seven (7) feet over the entire area.
 - 2. A driveway that provides access to required on-site parking shall have a minimum width of ten (10) feet.
- D. All required parking spaces shall be provided on-site.
- E. No commercial vehicle or trailer over a gross vehicle weight of six thousand (6,000) pounds shall be parked, stored, or otherwise left unattended at any place within the R-1 District, except while engaged in pickup or delivery activities, or during actual construction, alteration, or repair of structures in the immediate proximity, or unless kept entirely in an enclosed parking structure or behind a solid fence or wall not less than six feet in height.

SECTION 3. AMENDMENT OF CODE: Chapter 14.74, Off-Street Parking and Loading, of Title 14, Zoning, of the Los Altos Municipal Code are hereby amended as follows:

~~14.74.080 Residential uses in CN, CD, CD/R3, CRS/OAD, CRS and CT Districts:~~

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

- ~~A. There shall be two off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having two rooms or more in addition to the kitchens and bathrooms.~~
- ~~B. There shall be one and one half off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having less than two rooms in addition to the kitchens and bathrooms.~~

- ~~C. One on-site visitor space shall be required for every four multiple-family residential dwelling units or fraction thereof. Mixed use projects may substitute nonresidential parking spaces for visitor use in-lieu of providing dedicated visitor parking spaces, subject to approval of the commission and council.~~
- ~~D. For emergency shelters the following off-street parking shall be provided: 0.25 parking spaces per bed, 0.2 bike spaces per bed, one parking space per family room, and one parking space per employee on duty.~~

~~14.74.090 Reserved.~~

~~14.74.100 Office uses in CRS/OAD, OA, CN, CD, CD/R3, CRS and CT Districts:~~

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

~~14.74.110 Commercial uses in CRS/OAD, OA, CN, CD, CD/R3, CRS and CT Districts:~~

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

- ~~A. For intensive retail uses and personal services, not less than one parking space for each two hundred (200) square feet of net floor area;~~
- ~~B. For extensive retail uses, not less than one parking space for each five hundred (500) square feet of net floor area;~~
- ~~C. For business, professional and trade schools, one parking space for every three employees, including teachers and administrators, plus one additional space for every two students;~~
- ~~D. For bars, cafes, nightclubs, restaurants, and soda fountains, one parking space for every three employees, plus one space for every three seats provided for patrons, and such additional parking spaces as may be prescribed by the commission;~~
- ~~E. For bowling alleys, one parking space for every three employees, plus six additional parking spaces for each alley;~~
- ~~F. For pool halls, one parking space for every three employees, plus one additional parking space for each pool table;~~
- ~~G. For other types of commercial recreation establishments, one parking space for every three employees, plus such additional parking spaces as may be prescribed by the planning commission;~~
- ~~H. For hotels and motels, one parking space for every three employees, plus one additional space for each sleeping room or suite, and additional parking spaces as prescribed in subsection A of this section for any store, service establishment, shop, or studio located on the site, and additional parking spaces as prescribed in subsection C of this section for any bar, cafe, nightclub, restaurant, or soda fountain located on the site;~~

- ~~I. For mortuaries, one parking space for every three employees, and one additional space for each hearse and funeral car owned or hired by the mortuary, plus the number of spaces prescribed by the planning commission for visitors and persons attending funerals;~~
- ~~J. For theaters and auditoriums, one parking space for every four seats, plus one additional space for every three employees; and~~
- ~~K. For automobile display or salesrooms, bus depots, drive-in banks, drive-in restaurants, repair garages, and storage garages, one parking space for every three employees, plus such additional parking spaces as prescribed by the planning commission or city council.~~

~~14.74.120 – Community facilities:~~

~~Parking space requirements shall be as follows:~~

- ~~A. For public, parochial, and private schools and for nursery schools, church schools, and colleges, one parking space for every two employees, including teachers and administrators, plus sufficient space for the safe, convenient loading and unloading of students, and such additional area for student and visitor parking as may be prescribed by the commission;~~
- ~~B. For public playgrounds, parks, community centers, and other public buildings, structures, and facilities, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- ~~C. For day-care centers and private nonprofit recreation facilities, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- ~~D. For churches, not less than one parking space for every three and one-half seats in the main sanctuary, plus one additional space for each church official resident on the premises, and one additional space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- ~~E. For monasteries, convents, and other religious institutions, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- ~~F. For golf courses, country clubs, and private commercial clubs, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- ~~G. For private noncommercial clubs, other than country clubs, one parking space for every two employees, plus one parking space for every three members, or, in the alternative, such additional parking area for members as may be prescribed by the commission;~~
- ~~H. For libraries, museums, and noncommercial art galleries, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- ~~I. For institutions of an educational or philanthropic nature, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- ~~J. For public utility service structures or installations, one parking space for every two employees;~~

- ~~K. For hospitals, one parking space for every two patient beds, plus one additional space for each staff doctor and one space for every three employees, including nurses. Loading space for ambulances and similar vehicles shall not be included therein;~~
- ~~L. For nursing home and convalescent hospitals, one-half of one parking space for each bed, plus additional parking space as may be determined by the planning commission and city council;~~
- ~~M. For retirement homes, three-fourths of one parking space for each dwelling unit, plus additional parking spaces as may be determined by the planning commission and city council; and~~
- ~~N. For residential care homes for aged persons on sites containing ten thousand (10,000) to forty-three thousand five hundred sixty (43,560) square feet, not less than one garage or carport, plus one parking space; provided, however, in the event there are more than two vehicles, additional space shall be provided for each additional vehicle beyond the required front yard setback in accordance with plans approved by the commission. The occupants of the care home shall be prohibited from parking their vehicles off site.~~

~~14.74.130 – Plant nurseries.~~

~~Parking space requirements shall be as follows:~~

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

~~14.74.140 – Other uses.~~

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

~~14.74.150 – Mixed use development.~~

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

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

~~Loading spaces shall be provided on the site of each of the permitted uses in the CN, CN-T, CD, CT, Community Facilities, and Plant Nursery districts when found by the commission to require the receipt or distribution of materials by vehicles or when found to be necessary for the public safety or welfare. The number of spaces shall be determined on the basis of the number of anticipated truck movements.~~

~~14.74.170 – Common parking facilities:~~

- ~~A. – Parking space requirements prescribed in this chapter may be satisfied by the permanent allocation of the required area or number of spaces for each permitted use in a common parking facility, cooperatively established and operated, either under private auspices or a public assessment district, which includes the site of any use permitted under this chapter, provided the total number of spaces allocated shall be not less than the sum of the individual requirements, and provided also that the parking facility shall be within three hundred (300) feet of the site of the permitted use, and further provided that the parking facility meets the design standards set forth in this chapter.~~
- ~~B. – The Planning and Transportation Commission shall review and approve a common parking facility proposal to ensure that it meets the intent of this chapter.~~
- ~~C. – When a common parking facility is approved as prescribed per subsections A and B, appropriate legal documents, as approved by the City Attorney and the City Planner, shall be executed to insure permanent use of such spaces.~~

~~14.74.180 – Off-street parking and loading spaces:~~

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

~~14.74.190 – Reduction of off-street parking and loading spaces:~~

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

~~14.74.200 – Development standards for off-street parking and truck loading spaces:~~

- ~~A. – Off-street parking facilities shall conform to the following standards:~~
 - ~~1. – Perpendicular parking space size. Each standard parking space shall consist of an area not less than nine feet wide by eighteen (18) feet long, except as noted on the drawing labeled "Parking Standards Exhibit A" on file in the office of the planning department.~~
 - ~~2. – Handicapped persons perpendicular parking space size. Parking stalls for the use of the physically handicapped shall comply with the requirements set forth in Part 2 of Title 24 of the California Administrative Code and Chapter 9 of Division 11 of the Vehicle Code of the state.~~
 - ~~3. – Truck loading space size. Truck loading spaces shall not be less than ten (10) feet wide by twenty-five (25) feet long.~~
 - ~~4. – Clearance. Standard and compact parking spaces shall have a vertical clearance of at least seven feet over the entire area. In addition, the spaces shall be clear horizontally (for example, pillars in a basement or parking structure shall not be located in required parking spaces). Truck loading spaces shall have a vertical clearance of at least fourteen (14) feet.~~
- ~~B. – Each parking and loading space shall be accessible from a public street or alley.~~
- ~~C. – The parking and loading area shall be paved with an all-weather asphaltic concrete or portland cement concrete pavement and marked in accordance with the city engineering standards (not applicable for single family dwellings).~~

- ~~D.— Concrete bumper guards or wheel stops shall be provided for all parking spaces, except as provided in this section. The concrete curb around a perimeter landscaped area shall not be used as a bumper stop unless approved by the commission and the council. In such cases, the commission and the council may allow a parking space length to be reduced by two feet.~~
- ~~E.— Lighting shall be deflected downward and away from any residential property.~~
- ~~F.— No advertising or sign, other than identification or direction signs, shall be permitted in the parking or loading area.~~
- ~~G.— No repair or servicing of vehicles shall be permitted in the parking or loading area.~~
- ~~H.— No area which lies within the precise plan line for a public street or alley adopted by the council shall be computed as satisfying the parking and loading space requirements of this chapter.~~
- ~~I.— A parking area abutting on property in an R-District or across a street or an alley from property in an R-District shall be screened, subject to the approval of the planning department, by a solid fence or wall or a compact evergreen hedge or other screening not less than six feet high, subject to the provisions of Chapter 14.72 of this title regulating fences (not applicable for single-family dwellings).~~
- ~~J.— The minimum width of a one-way drive shall be twelve (12) feet.~~
- ~~K.— The minimum width of a two-way drive shall be eighteen (18) feet.~~
- ~~L.— Space for turning around on the site shall be provided for parking areas of three or more spaces so that no cars need back into the street (not applicable for single-family dwellings).~~
- ~~M.— Parallel and acute angle parking shall be designed for one-way traffic only, unless otherwise specified by the commission.~~
- ~~N.— The minimum standards for the design of off-street parking areas shall be in accordance with those shown on the drawing labeled "Parking Standards Exhibit A" on file in the office of the planning department.~~
- ~~O.— If found to be necessary or desirable by the city, the design standards set forth in this section may be waived for public and community facility uses or commercially operated public parking facilities in order to permit attended or supervised parking.~~
- ~~P.— District requirements resulting in one-half or greater parking space shall be deemed to require a full space.~~
- ~~Q.— For the purposes of this section, "net square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.~~

14.74.080 Minimum off-street parking space requirements for the CD, CN, CRS, CT, CD/R3, CRS/OAD, and OA districts.

Except as otherwise provided in this chapter, for every structure erected or enlarged and for any land or structure devoted to a new use, the indicated minimum number of off-street parking spaces located on the site of the use shall be provided.

<u>Use</u>	<u>Minimum Off-Street Parking Requirement</u>
<u>Auto and Vehicle Sales and Rentals</u>	<u>1 space per 300 square feet of net office floor area plus one space per 500 square feet of net parts, sales, and service floor area, plus one space per 2,000 square feet outdoor sales area</u>
<u>Automobile Repair</u>	<u>1 space per 500 square feet of net floor area</u>
<u>Auditorium / Theater</u>	<u>1 space per four seats</u>
<u>Bank</u>	<u>1 space per 300 square feet of net floor area or 3.3 spaces per 1,000 square feet of net floor area</u>
<u>Bowling Alley</u>	<u>6 spaces per each bowling lane</u>
<u>Bus Depot</u>	<u>1 space per 300 square feet of net floor area plus one space per 2,000 square feet of outdoor staging area</u>
<u>Medical Office</u>	<u>1 space per 400 square feet of net floor area or 2.5 spaces per 1,000 square feet of net floor area</u>
<u>Dental Office</u>	<u>1 space per 200 square feet of net floor area or 5.0 per 1,000 net square feet of net floor area</u>
<u>Emergency Shelter</u>	<u>0.25 spaces per bed</u>
<u>Food and Beverage Establishments / Restaurants / Bars</u>	<u>1.0 space per 111 square feet of net floor area or 9.0 spaces per 1,000 square feet of net floor area</u> <u>Outdoor seating located on the property is exempt up to a maximum of 50% of the parking requirement based on the above ratio.</u> <u>Outdoor seating in the public right-of-way, for which an encroachment permit has been issued by the City of Los Altos, is exempt up to 25% of the parking requirement based on the above ratio.</u>
<u>Grocery</u>	<u>1.0 space per 286 square feet of net floor area or 3.5 spaces per 1,000 square feet of net floor area</u>
<u>Hotel / Motel</u>	<u>1 space per sleeping room</u>
<u>Medical Clinic</u>	<u>1 space per 200 square feet of net floor area or 5.0 per 1,000 net square feet of net floor area</u>

<u>Mortuaries</u>	<u>1 space per each hearse and funeral car owned or leased by the mortuary plus the number of spaces recommended by the Planning Commission and approved by the City Council for visitors and persons attending funerals</u>
<u>Multi-Family Dwelling</u>	<u>1.5 spaces for each unit having less than 2 bedrooms 2.0 spaces for each unit having 2 or more bedrooms 1.0 visitor space for every four units or fraction thereof</u>
<u>Office</u>	<u>1 space per 400 square feet of net floor area or 2.5 spaces per 1,000 square feet of net floor area</u>
<u>Other Commercial Recreation Establishments</u>	<u>1 space per 300 square feet of net floor area or 3.3 spaces per 1,000 square feet of net floor area</u>
<u>Personal Service</u>	<u>1.0 space per 333 square feet of net floor area or 3.0 space per 1,000 square feet of net floor area</u>
<u>Pool Hall</u>	<u>2 spaces per table</u>
<u>Retail - Extensive</u>	<u>1.0 space per 333 square feet of net floor area or 3.0 space per 1,000 square feet of net floor area</u>
<u>Retail - Intensive</u>	<u>1.0 space per 267 square feet of net floor area or 3.75 spaces per 1,000 square feet of net floor area</u>
<u>Storage – Personal Storage Facility)</u>	<u>1 space per 300 square feet of net floor office area and common indoor facilities and 1 space for every five storage units that do not have direct drive-up vehicle access</u>
<u>Trade School – Business or Professional</u>	<u>1 space for every 2 students</u>

14.74.120 - Community facilities.

Parking space requirements shall be as follows:

- A. For public, parochial, and private schools and for nursery schools, church schools, and colleges, one parking space for every two employees, including teachers and administrators, plus sufficient space for the safe, convenient loading and unloading of students, and such additional area for student and visitor parking as may be prescribed by the commission;
- B. For public playgrounds, parks, community centers, and other public buildings, structures, and facilities, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;

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

14.74.130 - Plant nurseries.

Parking space requirements shall be as follows:

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

- B. One parking space for every three employees, plus such additional parking spaces as may be prescribed by the commission.

14.74.140 – Other uses.

- A. Other uses not specifically set forth in the foregoing sections of this chapter shall meet the off-street parking requirement as prescribed by the Community Development Director, and recommended by the Planning Commission and approved by the City Council. The Community Development Director will apply best practices and use the resources such as those of the Metropolitan Transportation Commission (MTC), the Urban Land Institute (ULI), the Institute of Transportation Engineers (ITE) or other qualified parking or transportation organizations.
- B. An applicant may propose an alternate off-street parking requirement for a development or change of use project by having a parking study conducted by a licensed parking or traffic consultant or engineer. The alternate off-street parking requirement recommendations must be approved by the City Council.

14.74.170 – Development standards for off-street parking and truck loading spaces.

- A. Off-street parking facilities shall conform to the following standards:
 - 1. Parking space size. Each standard perpendicular parking space shall have minimum dimensions that are eight feet six inches (8'6") wide, by eighteen (18'0") feet long, except as noted on the drawing labeled "Parking Standards Exhibit A" on file in the office of the Planning Department. Parking stalls shall be designated by using double striping that is one foot in width and sixteen feet (16'0") long. Space width shall be increased by one (1) foot to nine and one-half (9.5) feet if adjacent on one (1) side to a wall, fence, hedge, or structure; and by two (2) feet to ten and one-half (10.5) feet if adjacent on both sides to such walls, fences, hedges, or structures.
 - 2. Handicapped persons parking space size. Parking stalls for the use of the physically handicapped shall comply with the requirements set forth in Part 2 of Title 24 of the California Administrative Code and Chapter 9 of Division 11 of the Vehicle Code of the state.
 - 3. Truck loading space size. Truck loading spaces shall not be less than ten (10) feet wide by twenty-five (25) feet long.
 - 4. Clearance. All parking spaces shall have a vertical clearance of at least seven feet over the entire area. In addition, the spaces shall be clear horizontally (for example, pillars in a basement or parking structure shall not be located in required parking spaces). Truck loading spaces shall have a vertical clearance of at least fourteen (14) feet.
- B. Each parking and loading space shall be accessible from a public street, alley, or public parking plaza.
- C. The parking and loading area shall be paved with an all-weather asphaltic concrete or portland cement concrete pavement and marked in accordance with the city engineering standards (not applicable for single-family dwellings).
- D. Bumper guards or wheel stops shall be provided for all parking spaces, except as provided in this section. The concrete curb around a perimeter landscaped area shall not be used as a bumper stop unless approved by the planning commission and the

- council. In such cases, the commission and the city council may allow a parking space length to be reduced by two feet.
- E. Lighting shall be deflected downward and away from any residential property.
 - F. No advertising or sign, other than identification or direction signs, shall be permitted in the parking or loading area.
 - G. No repair or servicing of vehicles shall be permitted in the parking or loading area.
 - H. No area which lies within the precise plan line for a public street or alley adopted by the council shall be computed as satisfying the parking and loading space requirements of this chapter.
 - I. A parking area abutting on property in an R District or across a street or an alley from property in an R District shall be screened, subject to the approval of the Community Development Director, by a solid fence or wall or a compact evergreen hedge or other screening not less than six feet high, subject to the provisions of Chapter 14.72 of this title regulating fences (not applicable for single-family dwellings).
 - J. The minimum width of a one-way drive shall be twelve (12) feet.
 - K. The minimum width of a two-way drive shall be eighteen (18) feet.
 - L. Space for turning around on the site shall be provided for parking areas of three or more spaces so that no cars need to back into the street (not applicable for single-family dwellings).
 - M. Parallel and acute angle parking shall be designed for one-way traffic only, unless otherwise specified by the commission.
 - N. The minimum standards for the design of off-street parking areas shall be in accordance with those shown on the drawing labeled "Parking Standards Exhibit A" on file in the office of the Planning Department.
 - O. If found to be necessary or desirable by the city, the design standards set forth in this section may be waived for public and community facility uses or commercially operated public parking facilities in order to permit attended or supervised parking.
 - P. District requirements resulting in one-half or greater parking space shall be deemed to require a full space.
 - Q. For purposes of calculating parking requirements for uses other than office, hotel or motel the "net floor area" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of, stairwells, elevators, fire rated elevator lobbies, mechanical/electrical rooms, mechanical shaft enclosures, and restrooms. Exterior wall widths greater than ten (10) inches are also excluded if used for creating architectural features. Any space initially exempt from parking calculations that is later converted to area that would increase parking requirements is subject to parking requirements.
 - R. For purposes of calculating parking requirements for office, hotel, and motel uses, "net floor area," shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of, stairwells, elevators, fire rated elevator lobbies, mechanical/electrical rooms, mechanical shaft enclosures, restrooms, and up to 250 square feet ground floor public entries/lobbies. Larger lobby areas and other architectural features that enhance the building without increasing parking requirements may be excluded from parking calculations if recommended by the Planning Commission. Exterior wall widths greater than ten (10) inches are also excluded if used for creating architectural features. Any space

initially exempt from parking calculations that is later converted to area that would increase parking requirements is subject to parking requirements.

14.74.180 - Common parking facilities.

- A. Parking space requirements prescribed in this chapter may be satisfied by the permanent allocation of the required area or number of spaces for each permitted use in a common parking facility, cooperatively established and operated, either under private auspices or a public assessment district, which includes the site of any use permitted under this chapter, provided the total number of spaces allocated shall be not less than the sum of the individual requirements, and provided also that the parking facility shall be within three hundred (300) feet of the site of the permitted use, and further provided that the parking facility meets the design standards set forth in this chapter.
- B. The Planning Commission shall review and approve a common parking facility proposal to ensure that it meets the intent of this chapter.
- C. When a common parking facility is approved as prescribed per subsections A and B, appropriate legal documents, as approved by the City Attorney and the Community Development Director, shall be executed to insure permanent use of such spaces.

14.74.190 - Off-street parking and loading spaces.

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

14.74.200 - Reduction of off-street parking and loading spaces.

- A. No parking space or truck loading space provided for a structure or use in compliance with the regulations for the district in which it is located shall be reduced in area or capacity without sufficient additional area or capacity being provided to comply with the district regulations.
- B. Elimination of a public space will require replacement of that space or payment of an in-lieu parking fee.

SECTION 4. The following definitions are added to Chapter 14.02, General Provisions and Definitions of Title 14, Zoning, of the Los Altos Municipal Code

Neighborhood Commercial shall be those sites so designated on the City of Los Altos General Plan Land Use Policy Map.

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

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase

thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 7. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based on all the evidence presented in the administrative record, including but not limited to the staff report for the proposed ordinance, the City Council hereby finds and determines that the proposed ordinance is exempt from CEQA review (1) pursuant to CEQA Guidelines Section 15061(b)(3) because it does not authorize any direct or indirect changes to the physical environment and there is no possibility of a significant effect on the environment; (2) because it is not a “project” for purposes of CEQA and is exempt pursuant to State CEQA Guidelines sections 15378(b)(2) and 15378(b)(5) in that it will not allow any new or different land uses than are already permitted in the City’s Zoning Code., and, therefore, constitutes ongoing administrative activities and will not result in any direct or indirect physical changes in the environment; (3) because it is not intended to apply to specifically identified development projects and as such it is speculative to evaluate any such future project now and, moreover, they will be subject to appropriate environmental review at such time as approvals for those projects are considered; and/or (4) because it is not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment of the ordinance’s requirements. Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 8. NOTICE OF EXEMPTION. The City Council hereby directs City staff to prepare and file a Notice of Exemption with the County, County Clerk within five working days of the adoption of this ordinance.

SECTION 9. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 10. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on XXXXXXXX XX, 2018 and was thereafter, at a regular meeting held on XXXXXXXX XX, 2018 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

DRAFT

DOWNTOWN PARKING CODES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 14.74, OFF-STREET PARKING AND LOADING, OF TITLE 14, ZONING, OF THE LOS ALTOS MUNICIPAL CODE AND ADOPTING CEQA EXEMPTION FINDINGS

WHEREAS, the Los Altos City Council initiated a process to review and amend the parking standards found at Title 14, Chapter 14.74, Off-Street Parking and Loading, of the Los Altos Municipal Code pertaining to the regulation of parking, both on-site and public, known as Zoning Code Amendment 17-CA-05, and referred herein as the “CA”; and

WHEREAS, the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because they clarify and provide standards that more appropriately represent parking needs across the City; and

WHEREAS, the amendments are in conformance with the City of Los Altos General Plan because they appropriately support the various goals, policies, and programs spread amongst all elements of the General Plan; and

WHEREAS, required public notices and public hearings were duly given and duly held in accordance with the applicable provisions of the California Government Code and Chapter 14.86 of the Los Altos Municipal Code; and

WHEREAS, this code amendment was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the Planning Commission held a duly noticed public hearings on the CA on January 4, 2018, March 1, 2018, March 15, 2018, April 19, 2018, and May 3, 2018 at which it recommended adoption of the draft ordinance; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on XXXXXXXX XX, 2018; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council’s decision are based in the Office of the City Clerk; and

WHEREAS, this Ordinance is exempt from environmental review under the California Environmental Quality Act, Cal. Pub. Res. Code sections 21000, *et seq.* and the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, *et seq.*, each as a separate and independent basis, for the reasons described in Section 6 of this Ordinance.

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

SECTION 1. FINDINGS. After considering the record before it, including but not limited to the agenda report, presentation of staff, public comment, and discussion, the City Council hereby finds that adoption of this Ordinance is in the best interest for protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare.

SECTION 2. AMENDMENT OF CODE: Chapter 14.74, Off-Street Parking and Loading, of Title 14, Zoning, of the Los Altos Municipal Code are hereby amended as follows:

~~14.74.080 – Residential uses in CN, CD, CD/R3, CRS/OAD, CRS and CT Districts:~~

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

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

~~14.74.090 – Reserved.~~

~~14.74.100 – Office uses in CRS/OAD, OA, CN, CD, CD/R3, CRS and CT Districts:~~

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

~~14.74.110 – Commercial uses in CRS/OAD, OA, CN, CD, CD/R3, CRS and CT Districts:~~

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

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

~~14.74.120 - Community facilities.~~

~~Parking space requirements shall be as follows:~~

- ~~A. For public, parochial, and private schools and for nursery schools, church schools, and colleges, one parking space for every two employees, including teachers and administrators, plus sufficient space for the safe, convenient loading and unloading of students, and such additional area for student and visitor parking as may be prescribed by the commission;~~
- ~~B. For public playgrounds, parks, community centers, and other public buildings, structures, and facilities, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~
- ~~C. For day-care centers and private nonprofit recreation facilities, one parking space for every two employees, plus such additional parking area as may be prescribed by the commission;~~

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

14.74.130 - Plant nurseries:

Parking space requirements shall be as follows:

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

~~14.74.140 – Other uses.~~

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

~~14.74.150 – Mixed use development.~~

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

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

~~Loading spaces shall be provided on the site of each of the permitted uses in the CN, CN-T, CD, CT, Community Facilities, and Plant Nursery districts when found by the commission to require the receipt or distribution of materials by vehicles or when found to be necessary for the public safety or welfare. The number of spaces shall be determined on the basis of the number of anticipated truck movements.~~

~~14.74.170 – Common parking facilities.~~

- ~~A. – Parking space requirements prescribed in this chapter may be satisfied by the permanent allocation of the required area or number of spaces for each permitted use in a common parking facility, cooperatively established and operated, either under private auspices or a public assessment district, which includes the site of any use permitted under this chapter, provided the total number of spaces allocated shall be not less than the sum of the individual requirements, and provided also that the parking facility shall be within three hundred (300) feet of the site of the permitted use, and further provided that the parking facility meets the design standards set forth in this chapter.~~
- ~~B. – The Planning and Transportation Commission shall review and approve a common parking facility proposal to ensure that it meets the intent of this chapter.~~
- ~~C. – When a common parking facility is approved as prescribed per subsections A and B, appropriate legal documents, as approved by the City Attorney and the City Planner, shall be executed to insure permanent use of such spaces.~~

~~14.74.180 – Off-street parking and loading spaces.~~

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

~~14.74.190 – Reduction of off-street parking and loading spaces.~~

~~No parking space or truck loading space provided for a structure or use in compliance with the regulations for the district in which it is located shall be reduced in area or capacity~~

~~without sufficient additional area or capacity being provided to comply with the district regulations:~~

~~14.74.200 Development standards for off-street parking and truck loading spaces:~~

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

- ~~1. Perpendicular parking space size. Each standard parking space shall consist of an area not less than nine feet wide by eighteen (18) feet long, except as noted on the drawing labeled "Parking Standards Exhibit A" on file in the office of the planning department.~~
- ~~2. Handicapped persons perpendicular parking space size. Parking stalls for the use of the physically handicapped shall comply with the requirements set forth in Part 2 of Title 24 of the California Administrative Code and Chapter 9 of Division 11 of the Vehicle Code of the state.~~
- ~~3. Truck loading space size. Truck loading spaces shall not be less than ten (10) feet wide by twenty-five (25) feet long.~~
- ~~4. Clearance. Standard and compact parking spaces shall have a vertical clearance of at least seven feet over the entire area. In addition, the spaces shall be clear horizontally (for example, pillars in a basement or parking structure shall not be located in required parking spaces). Truck loading spaces shall have a vertical clearance of at least fourteen (14) feet.~~

~~B. Each parking and loading space shall be accessible from a public street or alley.~~

~~C. The parking and loading area shall be paved with an all-weather asphaltic concrete or portland cement concrete pavement and marked in accordance with the city engineering standards (not applicable for single-family dwellings).~~

~~D. Concrete bumper guards or wheel stops shall be provided for all parking spaces, except as provided in this section. The concrete curb around a perimeter landscaped area shall not be used as a bumper stop unless approved by the commission and the council. In such cases, the commission and the council may allow a parking space length to be reduced by two feet.~~

~~E. Lighting shall be deflected downward and away from any residential property.~~

~~F. No advertising or sign, other than identification or direction signs, shall be permitted in the parking or loading area.~~

~~G. No repair or servicing of vehicles shall be permitted in the parking or loading area.~~

~~H. No area which lies within the precise plan line for a public street or alley adopted by the council shall be computed as satisfying the parking and loading space requirements of this chapter.~~

~~I. A parking area abutting on property in an R-District or across a street or an alley from property in an R-District shall be screened, subject to the approval of the planning department, by a solid fence or wall or a compact evergreen hedge or other screening not less than six feet high, subject to the provisions of Chapter 14.72 of this title regulating fences (not applicable for single-family dwellings).~~

~~J. The minimum width of a one-way drive shall be twelve (12) feet.~~

~~K. The minimum width of a two-way drive shall be eighteen (18) feet.~~

~~L. Space for turning around on the site shall be provided for parking areas of three or more spaces so that no cars need back into the street (not applicable for single-family dwellings).~~

~~M. Parallel and acute angle parking shall be designed for one-way traffic only, unless otherwise specified by the commission.~~

- N. ~~The minimum standards for the design of off-street parking areas shall be in accordance with those shown on the drawing labeled "Parking Standards Exhibit A" on file in the office of the planning department.~~
- O. ~~If found to be necessary or desirable by the city, the design standards set forth in this section may be waived for public and community facility uses or commercially operated public parking facilities in order to permit attended or supervised parking.~~
- P. ~~District requirements resulting in one-half or greater parking space shall be deemed to require a full space.~~
- Q. ~~For the purposes of this section, "net square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.~~

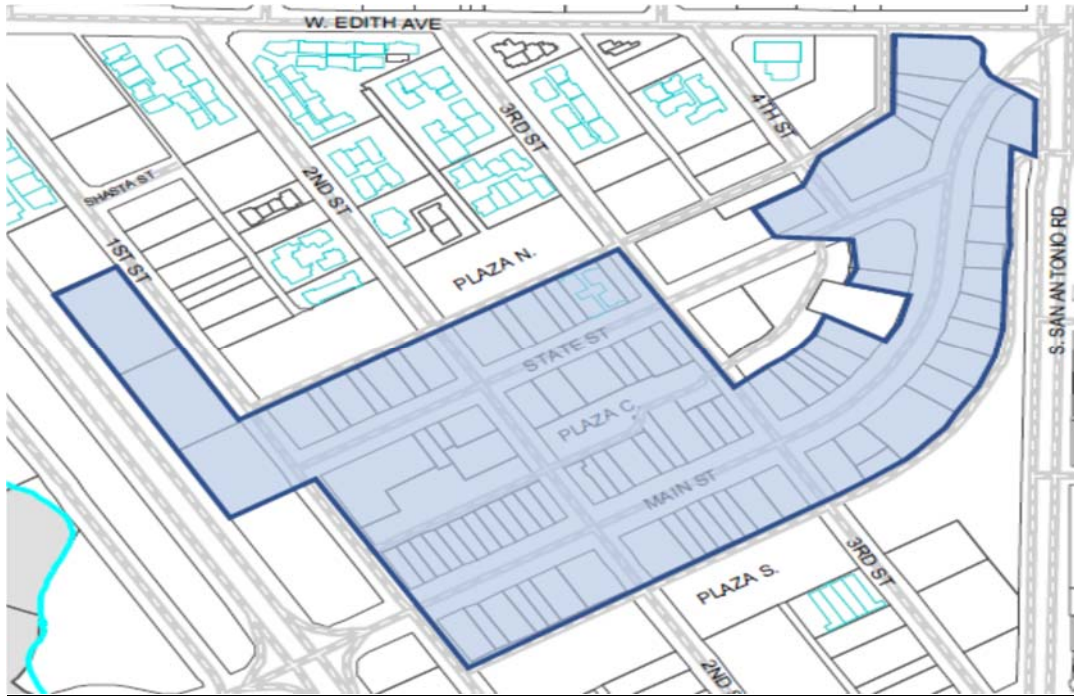
14.74.090 Original and expanded parking district

For purposes of this Chapter, the Original Parking District Boundary and the Expanded Parking District Boundary as of March 2018, which can be amended in accordance with subsection 14.74.100, are depicted in Figures One and Two below:

Figure One – Original Parking District Boundary



Figure Two – Expanded Parking District Boundary, as of March 2018



14.74.100 - Amending expanded parking district boundary.

Properties located in the downtown triangle that were not members of the Original Parking District can elect to amend and include their properties within the boundaries of the expanded Parking District by:

- A. Paying the established in-lieu parking fee at a factor of 2.86 in-lieu parking fees per every one thousand square feet of lot area of the subject property; or
- B. Contributing in perpetuity 2.86 parking spaces for every one thousand square feet of lot area to the public parking supply in the Downtown Triangle; or
- C. A combination of a contribution(s) to the public parking supply and paying the established in-lieu parking fee at a factor of 2.86 stalls for every thousand square feet of lot area.

14.74.110 - Reductions to minimum off-street parking space requirements.

- A. For properties that are within the boundaries of the expanded parking district, the minimum off-street parking requirements may be reduced in the following ways:
 - 1. Total parking requirement shall be reduced by 20% prior to other applicable parking reductions being applied.
 - 2. No parking shall be required for the net floor area of a building that is equal to 100% or less of the lot area.
 - 3. Application of a credit equaling 3.5 spaces for every 1,000 square feet of land towards the total off-street parking requirement for the project.
 - 4. Participate in an in-lieu fee program as may be established by resolution of the City Council
 - 5. The following equate to the parking space, or portion thereof, indicated:

- i. Removal of any curb cut that produces an on-street parking space is equivalent to one (1) on-site parking space,
 - ii. An on-site parking space made available to the public without restriction reduces the required on-site parking for the use on a one-to-one ratio,
 - iii. Any parking space personally designated is equivalent to 0.25 on-site parking spaces,
 - iv. Any restricted, but not personally designated, parking space personally is equivalent to 0.50 on-site parking spaces,
 - v. A restricted parking space made available to the public after 5:00 pm is equivalent to 0.75 on-site parking spaces,
- B. Mixed use projects may substitute non-residential parking spaces for visitor use in-lieu of providing dedicated visitor parking spaces, subject to approval of the City Council on a recommendation by the Planning Commission.
- C. For properties and uses designated neighborhood commercial, the total parking requirement shall be reduced by 10%.

14.74.150 – Mixed-use development.

Where multiple uses are included in one building on a single parcel, a neighborhood commercial area, or identified group of buildings and are sharing a common parking facility, where one use requires more than 15% of the total parking supply, then a 10% reduction is allowed from the total parking requirements of all uses combined. For uses located in the downtown triangle, a 20% reduction is allowed from the total parking requirements of all uses combined.

14.74.160 – Downtown parking in-lieu fee program.

Pursuant to this section, required off-street parking for properties in the downtown triangle (bounded by Foothill Expressway, San Antonio Road, and Edith Avenue) can be satisfied, with limitations, by payment of an in-lieu parking fee.

The in-lieu parking fee program shall include the following elements:

- A. The in-lieu parking fee shall be set by a resolution of the City Council at an amount determined by criteria of the City Council. The City Council may adjust the fee at their discretion and as frequently as is deemed necessary.
- B. In-lieu fees can be paid:
 - 1. In one lump sum prior to the issuance of a building permit for the project.
 - 2. If no building permit is required, in one lump sum prior to a date established by City staff
 - 3. Over time on a payment schedule, the terms of which shall be established by City staff.
- C. The in-lieu parking fee shall be non-refundable and considered full satisfaction of the off-street parking requirement for which the fee was paid.
- D. In-lieu fees shall be deposited into the parking fund.

- E. Properties located within the original Parking District boundary have unrestricted use of the in-lieu parking fee to satisfy their parking requirements.
- F. Properties having 15,000 square feet or less that are not part of the original Parking District and have joined the Expanded Parking District, shall have unrestricted use of the in-lieu parking fees to satisfy their parking requirements.
- G. Properties having more than 15,000 square feet that are not part of the Original Parking District and have joined the expanded Parking District, can use the in-lieu parking fees to satisfy a portion of their off-street parking requirement, subject to the following:
 - 1. 100% of the first 50 off-street parking spaces required;
 - 2. 50% of all additional off-street parking spaces beyond the first 50 that are required;
- H. Effect of Payment. In-Lieu Parking Fees shall be used exclusively to expand the capacity of Downtown Public Parking resources, which may include:
 - 1. Restriping and enhancements to parking areas, both on-street and off-street;
 - 2. Construction of a garage;
 - 3. Leasing of private stalls;
 - 4. Shuttles to nearby parking or mass transit;
- I. Payment of In-Lieu Parking Fees does not guarantee the construction of parking spaces at any location in the downtown triangle or within any period. In-Lieu Parking Fees are solely an alternative means of satisfying the applicant's obligation to provide off-street parking. The In-Lieu Parking Fee does not guarantee any rights or privileges. The location, type, and configuration of any parking spaces funded by In-Lieu Parking Fees are at the City's sole discretion.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of any of the remaining portions of this code.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based on all the evidence presented in the administrative record, including but not limited to the staff report for the proposed ordinance, the City Council hereby finds and determines that the proposed ordinance is exempt from CEQA review (1) pursuant to CEQA Guidelines Section 15061(b)(3) because it does not authorize any direct or indirect changes to the physical environment and there is no possibility of a significant effect on the environment; (2) because it is not a “project” for purposes of CEQA and is exempt pursuant to State CEQA Guidelines sections 15378(b)(2) and 15378(b)(5) in that it will not allow any

new or different land uses than are already permitted in the City's Zoning Code., and, therefore, constitutes ongoing administrative activities and will not result in any direct or indirect physical changes in the environment; (3) because it is not intended to apply to specifically identified development projects and as such it is speculative to evaluate any such future project now and, moreover, they will be subject to appropriate environmental review at such time as approvals for those projects are considered; and/or (4) because it is not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment of the ordinance's requirements. Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 6. NOTICE OF EXEMPTION. The City Council hereby directs City staff to prepare and file a Notice of Exemption with the County, County Clerk within five working days of the adoption of this ordinance.

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

SECTION 8. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on XXXXXXXX XX, 2018 and was thereafter, at a regular meeting held on XXXXXXXX XX, 2018 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

RESOLUTION NO. PC 2018-03

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LOS ALTOS RECOMMENDING AMENDMENTS TO
CHAPTER 14.74, OFF-STREET PARKING AND LOADING, OF THE LOS
ALTOS MUNICIPAL CODE**

WHEREAS, the City Council established a City-Wide Parking Committee (Committee) whose purpose was to review the City's existing parking ratios and their application across all business districts and with reviewing calculations of all recent development projects along with the adequacy of the current parking ratios in view of actual demands; and

WHEREAS, the Committee prior to being disbanded developed several recommendations concerning the supply and regulation of parking, both public and private; and

WHEREAS, the recommendations of the Committee were reviewed by Walker Parking Consultants (Consultants), whose findings were presented to the City Council at its regular meeting of January 24, 2017; and

WHEREAS, after considering the findings of the consultant, the City Council directed that staff move forward with a review of the City-Wide Parking Committee recommendations including determining which items to move forward to Planning and Transportation Commission; and

WHEREAS, the Planning Commission has met on numerous occasions to review the Committee's recommendations and has developed its own recommendation on a draft ordinance to amend Chapter 14.74, Off-Street Parking and Loading, to the City Council.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Los Altos hereby recommends the following to the Los Altos City Council:

1. That the City Council adopt the Draft Amendments to Chapter 14.74, Off-Street Parking and Loading, of the Los Altos Municipal Code as depicted in the attached Ordinance.

Passed at a regular meeting of the Planning Commission of the City of Los Altos held on May 3, 2018 by the following vote:

AYES: Bressack, Bodner, McTighe, and Meadows

NOES: Enander

ABSENT: Samek

ABSTAIN: Lee

RESOLUTION NO. PC 2018-02

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LOS ALTOS LISTING RECOMMENDATIONS INTENDED
TO ENHANCE THE SUPPLY OF PUBLIC PARKING IN THE DOWNTOWN**

WHEREAS, the City Council established a City-Wide Parking Committee (Committee) whose purpose was to review the City's existing parking ratios and their application across all business districts and with reviewing calculations of all recent development projects along with the adequacy of the current parking ratios in view of actual demands; and

WHEREAS, the Committee prior to being disbanded developed several recommendations concerning the supply and regulation of parking, both public and private; and

WHEREAS, the recommendations of the Committee were reviewed by Walker Parking Consultants (Consultants), whose findings were presented to the City Council at its regular meeting of January 24, 2017; and

WHEREAS, after considering the findings of the consultant, the City Council directed that staff move forward with a review of the City-Wide Parking Committee recommendations including determining those items to move forward to the Planning and Transportation Commission for review and recommendation; and

WHEREAS, the Planning Commission has met on numerous occasions to review the Committee's recommendations and developed a number of recommendations to the City Council.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Los Altos hereby recommends the following to the Los Altos City Council:

1. The Complete Streets Commission is the appropriate City body to evaluate, identify, and plan for bicycle parking facilities and enhancements in the City and should be assigned with completing these tasks.
2. That staff of appropriate City Departments develop an inventory and map of the downtown on-street parking supply and evaluate how many on-street parking spaces that changes to the placement, size, and arrangement of existing on-street parking might yield.
3. That staff of appropriate City Departments evaluate the loading zones and their associated time limits in the Downtown and whether opportunities, such as limiting the loading zone times, to enhance the supply of public parking spaces exist.

Passed at a regular meeting of the Planning Commission of the City of Los Altos held on March 15, 2018 by the following vote:

AYES: Bressack, Samek, Bodner, Enander, Meadows, McTighe,

NOES:None

ABSENT:None

ABSTAIN:None

COMPARISON TABLE – PROPOSED AND EXISTING PARKING RATIOS

Use	Proposed Minimum Off-Street Parking Requirement	Existing
<u>Auto and Vehicle Sales and Rentals</u>	<u>1 space per 300 square feet of net office floor area plus one space per 500 square feet of net parts, sales, and service floor area, plus one space per 2,000 square feet outdoor sales area</u>	For automobile display or salesrooms, bus depots, drive-in banks, drive-in restaurants, repair garages, and storage garages, one parking space for every three employees, plus such additional parking spaces as prescribed by the planning commission or city council.
<u>Automobile Repair</u>	<u>1 space per 500 square feet of net floor area</u>	For automobile display or salesrooms, bus depots, drive-in banks, drive-in restaurants, repair garages , and storage garages, one parking space for every three employees, plus such additional parking spaces as prescribed by the planning commission or city council
<u>Auditorium / Theater</u>	<u>1 space per four seats</u>	For theaters and auditoriums, one parking space for every four seats, plus one additional space for every three employees
<u>Bank</u>	<u>1 space per 300 square feet of net floor area or 3.3 spaces per 1,000 square feet of net floor area</u>	Other uses not specifically set forth in the foregoing sections of this chapter shall furnish parking as prescribed by the commission. In determining the off-street parking requirements for such uses, the commission shall use the foregoing requirements as a general guide and shall determine the minimum number of parking spaces necessary to avoid undue interference with the public use of streets and alleys.
<u>Bowling Alley</u>	<u>6 spaces per each bowling lane</u>	For bowling alleys, one parking space for every three employees, plus six additional parking spaces for each alley
<u>Bus Depot</u>	<u>1 space per 300 square feet of net floor area plus one space per 2,000 square feet of outdoor staging area</u>	For automobile display or salesrooms, bus depots , drive-in banks, drive-in restaurants, repair garages, and storage garages, one parking space for every three employees, plus such additional parking spaces as prescribed by the planning commission or city council

<u>Medical Office</u>	<u>1 space per 400 square feet of net floor area or 2.5 spaces per 1,000 square feet of net floor area</u>	For those properties which participated in a public parking district, no parking shall be required for the net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required for any net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district and shall be not less than one parking space for each three hundred (300) square feet of net floor area
<u>Dental Office</u>	<u>1 space per 200 square feet of net floor area or 5.0 per 1,000 net square feet of net floor area</u>	For those properties which participated in a public parking district, no parking shall be required for the net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required for any net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district and shall be not less than one parking space for each three hundred (300) square feet of net floor area
<u>Emergency Shelter</u>	<u>0.25 spaces per bed</u>	For emergency shelters the following off-street parking shall be provided: 0.25 parking spaces per bed, 0.2 bike spaces per bed, one parking space per family room, and one parking space per employee on duty.
<u>Food and Beverage Establishments / Restaurants / Bars</u>	<u>1.0 space per 111 square feet of net floor area or 9.0 spaces per 1,000 square feet of net floor area</u> <u>Outdoor seating located on the property is exempt up to a maximum of 50% of the parking requirement based on the above ratio.</u> <u>Outdoor seating in the public right-of-way, for which an encroachment permit has been issued by the City of Los Altos, is exempt up to 25% of the parking requirement based on the above ratio.</u>	For bars, cafes, nightclubs, restaurants, and soda fountains, one parking space for every three employees, plus one space for every three seats provided for patrons, and such additional parking spaces as may be prescribed by the commission
<u>Grocery</u>	<u>1.0 space per 286 square feet of net floor area or 3.5 spaces per 1,000 square feet of net floor area</u>	For intensive retail uses and personal services, not less than one parking space for each two hundred (200) square feet of net floor area

<u>Hotel / Motel</u>	<u>1 space per sleeping room</u>	For hotels and motels, one parking space for every three employees, plus one additional space for each sleeping room or suite, and additional parking spaces as prescribed in subsection A of this section for any store, service establishment, shop, or studio located on the site, and additional parking spaces as prescribed in subsection C of this section for any bar, cafe, nightclub, restaurant, or soda fountain located on the site
<u>Medical Clinic</u>	<u>1 space per 200 square feet of net floor area or 5.0 per 1,000 net square feet of net floor area</u>	For those properties which participated in a public parking district, no parking shall be required for the net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required for any net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district and shall be not less than one parking space for each three hundred (300) square feet of net floor area
<u>Mortuaries</u>	<u>1 space per each hearse and funeral car owned or leased by the mortuary plus the number of spaces recommended by the Planning Commission and approved by the City Council for visitors and persons attending funerals</u>	For mortuaries, one parking space for every three employees, and one additional space for each hearse and funeral car owned or hired by the mortuary, plus the number of spaces prescribed by the planning commission for visitors and persons attending funerals
<u>Multi-Family Dwelling</u>	<u>1.5 spaces for each unit having less than 2 bedrooms</u> <u>2.0 spaces for each unit having 2 or more bedrooms</u> <u>1.0 visitor space for every four units or fraction thereof</u>	<p>A. There shall be two off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having two rooms or more in addition to the kitchens and bathrooms.</p> <p>B. There shall be one and one-half off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having less than two rooms in addition to the kitchens and bathrooms.</p> <p>C. One on-site visitor space shall be required for every four multiple-family residential dwelling units or fraction thereof. Mixed use projects may substitute nonresidential parking spaces for visitor use in-lieu of providing dedicated visitor parking spaces, subject to approval of the commission and council.</p>

<u>Office</u>	<u>1 space per 400 square feet of net floor area or 2.5 spaces per 1,000 square feet of net floor area</u>	For those properties which participated in a public parking district, no parking shall be required for the net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required for any net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district and shall be not less than one parking space for each three hundred (300) square feet of net floor area
<u>Other Commercial Recreation Establishments</u>	<u>1 space per 300 square feet of net floor area or 3.3 spaces per 1,000 square feet of net floor area</u>	For other types of commercial recreation establishments, one parking space for every three employees, plus such additional parking spaces as may be prescribed by the planning commission
<u>Personal Service</u>	<u>1.0 space per 333 square feet of net floor area or 3.0 space per 1,000 square feet of net floor area</u>	For intensive retail uses and personal services, not less than one parking space for each two hundred (200) square feet of net floor area
<u>Pool Hall</u>	<u>2 spaces per table</u>	For pool halls, one parking space for every three employees, plus one additional parking space for each pool table
<u>Retail - Extensive</u>	<u>1.0 space per 333 square feet of net floor area or 3.0 space per 1,000 square feet of net floor area</u>	For extensive retail uses, not less than one parking space for each five hundred (500) square feet of net floor area
<u>Retail - Intensive</u>	<u>1.0 space per 267 square feet of net floor area or 3.75 spaces per 1,000 square feet of net floor area</u>	For intensive retail uses and personal services, not less than one parking space for each two hundred (200) square feet of net floor area
<u>Storage – Personal Storage Facility)</u>	<u>1 space per 300 square feet of net floor office area and common indoor facilities and 1 space for every five storage units that do not have direct drive-up vehicle access</u>	For automobile display or salesrooms, bus depots, drive-in banks, drive-in restaurants, repair garages, and storage garages , one parking space for every three employees, plus such additional parking spaces as prescribed by the planning commission or city council
<u>Trade School – Business or Professional</u>	<u>1 space for every 2 students</u>	For business, professional and trade schools, one parking space for every three employees, including teachers and administrators, plus one additional space for every two students

Parking Standards

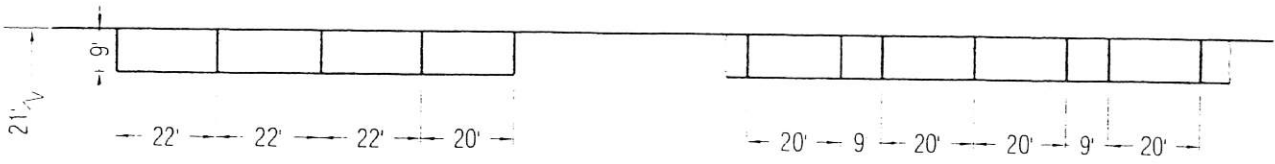
Exhibit A



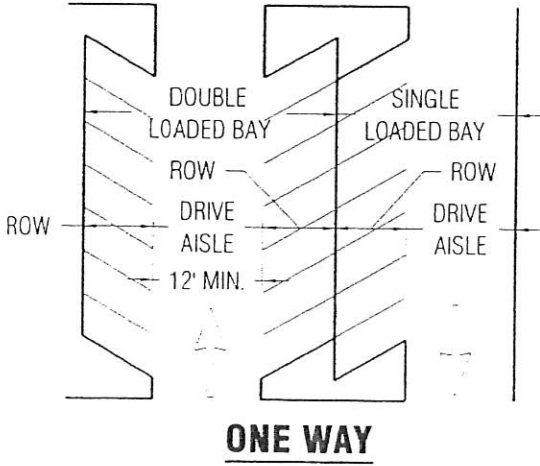
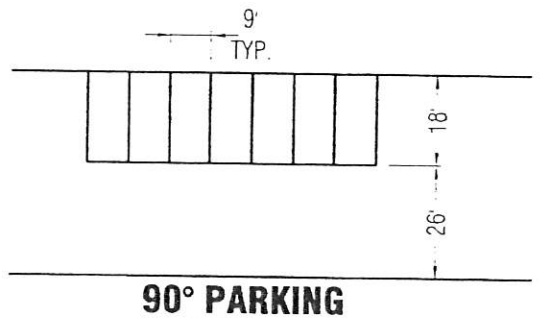
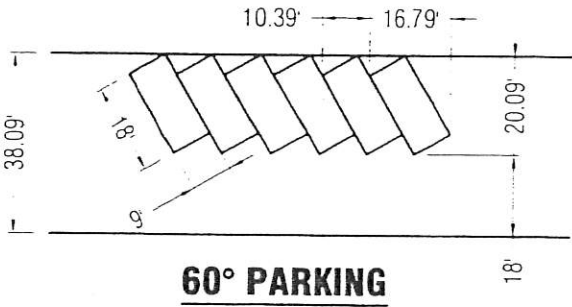
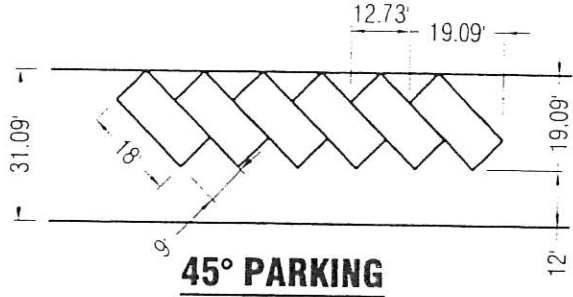
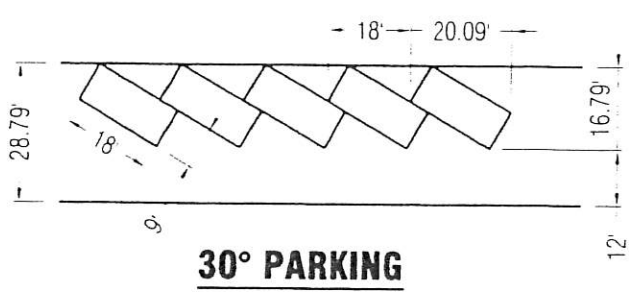
CITY OF LOS ALTOS

COMMUNITY DEVELOPMENT
DEPARTMENT

March 2001



PARALLEL PARKING ALTERNATES



Approved: _____ Date _____
 City Engineer



REVISION	
Description	Date

DEPARTMENT OF PUBLIC WORKS	
STANDARD PARKING STALL DETAILS	SU-17

STANDARD PLANS 2007