

**Evidence of staff's misrepresentations, fabrications, deceit, bad faith
to Council, Planning Commission, residents**

Jon Biggs May 3 2018 represented to the Planning Commission and later City Council the following re: ADUs:

1. "*State Law requires ADUs regardless of lot size*" [Bullet 1 under Summary on Page 1]

State Law imposes NO such requirement. To the contrary it says "Cities MAY introduce new ordinances for ADUS...and IMPOSE their own standards re: lot coverage, setbacks, lot size...".

On Pg 3 he contradicts himself stating "State Law **permits** ADUs regardless of lot size".

2. *Side setback is eliminated in one section, required to be 3' in another, and required to be 5' in yet another.*

Self-contradictory, internally inconsistent. Also **violates** the State's requirement "side and rear setbacks sufficient for fire safety" (AB 494, SB 229) which is no less than 5'.

3. "*No setbacks for garages converted to ADUs*"

Violates State Law requirement of "minimum side and rear setbacks for fire safety" (AB 494, SB 229).

Zach Dahl represented to Planning Commission/City Council the following re: Accessory Structures [Nov 16, 2017; Feb 1, 2018; May 3, 2018]

1. "*14.66.060 allows even the expansion of existing nonconforming accessory structures.*"

Contradicted by the text of 14.66.060. **Contradicted** by Zach's own statements on record saying 14.66.060 prohibits changes to existing nonconforming accessory structures and the term "residential" in 14.66.060 refers to "none other than single family house structure". **Contradicted** by City's own records confirming the only existing nonconforming structures allowed to alter, per 14.66.060, were none other than the primary dwelling structures, the residences.

2. *Specifies rear setbacks for accessory structures but eliminates side setbacks..*

3. *Side setback for accessory structures replaced with setback between accessory and main structure.*

These **violate** the State's requirements for "side **and** rear setback for fire safety, public safety and health."

4. Requires fences "*at least as tall as structure*" to screen accessory structures from adjacent properties.

Imagine 12 foot tall accessory structures on the side property line with fences that are at least 12 feet tall!

Chris Jordan, Mayor Mordo on Feb 27, 2018, Mar 12, 2018 and June 13, 2018 represented the following:

1. "*State Law has tied our hands...we have no option...*" as basis for eliminating the City's requirements for ADUs: minimum lot size, parking, owner occupancy, side setback for accessory structures and ADUs.

Contradicted by State Law which imposes **NO** such requirement as claimed by Mayor Mordo and Chris Jordan. This is further confirmed by the fact that numerous other CA cities, near and far, amended their ADU ordinances to require: min lot size, side and rear setbacks of 6' or more, parking requirements (e.g., 1 car per ADU bedroom), owner occupancy. Examples of such cities: Palo Alto, Hayward, Fremont, Burbank, Long Beach, Santa Barbara, etc.

Following AB 494 and SB 229 cities only amended their ADU ordinances. Virtually none amended their Accessory Structures ordinances. Why did Los Altos alone, citing State Law changes as pretext, amend the Accessory Structures ordinance?

To sum it up: Los Altos (staff, Mayor) misled, misrepresented—on multiple occasions—to the Council and public the State required changes to the Building Code. Those representations are false and mere pretext, a ruse, to accomplish staff's and the Mayor's hidden agenda. We demand an independent investigation that would result in transparency and accountability on these matters.

Additional instances of staff misrepresenting to Council and the public, all on record, available on request.