

From: roger heyder
Sent: Thursday, November 22, 2018 7:33 AM
To: City Council <council@losaltosca.gov>; Jon Maginot <JMaginot@losaltosca.gov>; Chris Jordan <cjordan@losaltosca.gov>
Cc: Christopher Croudace
Subject: Re: Mohr Clock project - 4856 El Camino Real

Hello,

I would very much like my full letter (below) to be included in the public record for the 4856 El Camino Real Project Meeting. The item is currently scheduled as Item 7 on the 11/27 City Council Agenda.

regards -- Roger

From: roger heyder
To: City Council <council@losaltosca.gov>
Cc: Christopher Croudace
Sent: Monday, November 19, 2018 5:48 AM
Subject: Mohr Clock project - 4856 El Camino Real

Hello Council,

The Mohr Clock project, at 4856 El Camino Real, involves the merging of two parcels. Under the Subdivision Map Act, the city does not have the legal authority to merge these two parcels unless it has a valid and applicable lot merger ordinance. Mr. Maginot informed me that Los Altos does NOT have a lot merger ordinance.

The Map Act is clear, and consistent, about requiring a local merger ordinance. Without a local merger ordinance, the Map Act limits the city to merging only substandard parcels. The Mohr Clock parcels are not substandard.

Two sections of the Map Act cover mergers that do not involve substandard lots. One of these sections is Government Code section 66499.203/4. The first sentence of that section **requires a local ordinance** to merge parcels:

A city or county **may, by ordinance**, authorize the merger of contiguous parcels under common ownership . . .

The second section of the Map Act that could alternatively be used for mergers is Government Code section 66499.201/4, which also **requires a local ordinance** to implement its provisions:

A city or county **may, by ordinance**, authorize a parcel map to be filed under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. . . .

Therefore, a city seeking to adopt and use either section of the Map Act **must enact a local ordinance** allowing it to do so. At a bare minimum, such an ordinance should cover at least three things:

1. Whether mergers are allowed at all, and in what parts of the city. For example, a city might choose not to allow mergers at all, or to allow only mergers of two lots in certain parts of the city, or choose to allow a

different number of mergers in different parts of the city.

2. The Map Act requires that the local ordinance be consistent with the city's General Plan. In Los Altos' case, this means that any merger ordinance, no matter which Map Act provision authorizes it, needs to be consistent with the Los Altos general plan which states:

The identity of Los Altos is predicated upon its small-town atmosphere as a mature residential community with a historic Downtown and neighborhood commercial centers. Defining physical attributes include relatively flat terrain, mature landscape, low-density residential neighborhoods, predominantly single-story structures, historic architecture, and the pedestrian-oriented village setting of the Downtown core. The Community Design & Historic Resources Element focuses on the protection and enhancement of these important attributes to maintain the City's distinct character.

3. Finally, the local ordinance must specify the zoning rules that apply if the city allows mergers of lots in a given section of Los Altos. For example, the current zoning of the Los Altos Commercial Downtown District provides for a minimum depth of front yards of only two feet, no side yards except where a site abuts a public street or a public parking plaza, in which case the minimum width of a side yard is also only two feet, and a minimum rear yard of 15 feet for a structure above 15 feet in height, with certain exceptions. (Los Altos Municipal Code sections 14.44.060, 14.44.070 and 14.44.080) If the city were to allow mergers of lots in the Downtown, it needs to consider if these zoning rules would be adequate as applied to larger buildings that might be allowed on merged lots, or if different setbacks, heights and other zoning provisions would instead be required or preferable.

There appears to be significant proposed lot merger activity in Los Altos. It is only common sense that a local merger ordinance be written, to provide clear details to everyone concerned as to if and where lot mergers are allowed, the conditions under which they are allowed, and the zoning applicable to merged lots. A local merger ordinance is required by the Map Act if the city is to legally approve lot mergers, unless the lots are substandard, in which case the Map Act has different applicable provisions.

Prior to approving the Mohr Clock merger, or any other lot merger, the city must implement a lot merger ordinance consistent with its General Plan. It is the only legal way forward if lots are to be merged.

Regards,

Roger Heyder
Chris Croudace



**LEAGUE OF WOMEN VOTERS
of the Los Altos-Mountain View Area**

November 26, 2018

Mayor Jean Mordo and Members of the City Council
City of Los Altos
1 N.San Antonio Road
Los Altos, CA 94022

Re: Agenda Item #7, Council Meeting Nov. 27th – Proposed 52-Unit Building at 4856 El Camino Real

Dear Mayor Mordo and Members of the City Council:

As we wrote earlier, the LWV supports affordable housing, including inclusionary zoning, so we are pleased to see the 10 below-market-rate units (BMRs) being built as part of this complex. The League believes that dispersing BMRs within a larger complex has been shown to be a socioeconomic and political success in California.

We are pleased to see the modifications the developer has made to his earlier proposal. First, the mix of BMRs is more representative of the total project mix of bedrooms. We are willing to support the proposed mix for several reasons.

First, the developer is providing almost 20% of the units as BMRs, a significantly higher percentage than developers in Los Altos or the surrounding communities typically provide. Second, the developer has agreed to retain the very low-income (VLI) units as rental units. This is a very unusual concession for a developer to make in a for-sale project. We agree with Council that VLI units are ideally suited to the rental market, as often it is difficult for VLI homeowners to retain ownership when unusually high HOA assessments or other unforeseen circumstances arise. However, for the developer to agree to retain ownership and maintain these VLI units as rental units is a significant financial burden.

We support retaining the low and moderate-income units as ownership units. There is a significant need for this level of ownership units, particularly for teachers and City employees. According to the City's affordable housing policy, such households have priority for BMRs. We believe that with appropriate outreach, it is likely that teachers and/or City employees will buy the units. In the last for-sale project at 86 Third Street, there were so many applicants in the City's first priority that a lottery was required.

In summary, we believe that the developer's revised proposal is a reasonable response to the Council's direction as well as to the rationale behind the Council direction.

Sue Russell
Co-Chair, Housing Committee
LWV of the Los Altos-Mountain View Area

Cc: Chris Jordan Jon Biggs Zach Dahl