



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

March 20, 2019

Mayor Lee Eng 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 March 26th – Housing Element Annual Status Report

Dear Mayor Lee Eng and Members of the City Council:

The LWV Housing Committee urges the Council to proceed with more strategies to incent affordable housing. We applaud the Council for increasing the below-market-rate percentage in both ownership and rental housing to 15% and for liberalizing the Accessory Dwelling Unit (ADU) ordinance.

Nonetheless, the chart on page 3 demonstrates the failure of Los Altos to provide much lower-income housing at all, including moderate-income housing. The 30 units shown as low-income include 10 ADUs that may not be lower-income housing but may be rented at very high rents. We agree that ADUs are theoretically “affordable by design”, but we know of some in Los Altos that rent at very high rates.

We also urge the Council to proceed rapidly with finalizing the commercial development linkage fee referenced under Program 4.3.7. Until the fees are actually established, this is still a work in progress.

We are pleased to see that the City has contracted with a reputable nonprofit to administer its BMR program and that Palo Alto Housing is evaluating the priority ranking process, which we have questioned in the past.

Finally, we believe that this update should persuade the Council that affordable housing should continue to be a top priority for the City. There are numerous additional programs/strategies that could be pursued.

Thank you for considering our input.

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

Cc: Chris Jordan            Jon Biggs

CITY CLERK'S OFFICE

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March 25, 2019

CITY OF LOS ALTOS  
CALIFORNIA

Jon Biggs, City of Los Altos Community Development Director  
VIA: email [jbiggs@losaltosca.gov](mailto:jbiggs@losaltosca.gov)

Re: Review of Housing Element Annual Status Report (Report)

Dear Mr. Biggs:

I have reviewed the City staff's proposed Report to the Department of Housing and Community Development (HCD) due to be considered at the March 26, 2019 Los Altos City Council Meeting. I am concerned that the report to HCD neither demonstrates adequate progress toward fulfilling the housing and affordability goals required by the City's Regional Housing Needs Allocation, nor does it meet the goals of the 2015 Housing Element of the Los Altos General Plan (Housing Element). Additionally, the Housing Element Report also does not provide a clear path for the City of Los Altos to achieve its housing goals in the time remaining under the current RHNA cycle (2015 - 2023). I raise this issue because our firm is also working on a project in Los Altos' Downtown that has been rejected by city staff as complying with SB 35, even in light of the fact that the small project would provide two below market rate units in the City's downtown core.

The State of California is enduring a crisis of both housing availability and affordability. In 2017, finding that the state's "housing supply and affordability crisis" has reached "historic proportions...hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives," the Legislature reiterated its intent that State housing laws have long been intended to meaningfully and effectively curb the capability of local governments to deny, reduce the density for, or render infeasible housing development projects." Government Code section 65589.5(a)(2). Recognizing that "[t]hat intent has not been fulfilled," id., the Legislature adopted a comprehensive package of state housing laws to streamline the approval of housing developments. The proposed Report reflects the record of those efforts since the 2015 Housing Element was adopted. I am concerned that the Report is insufficient to meet the high standards of housing production being imposed by the legislature, as interpreted by HCD.

To satisfy the purposes of the Legislature, I propose that you redraft the report and that this new report should address the following issues:

1. Explain why every category of housing except "Above Moderate" shows almost no progress towards the RHNA goals. We are now more than 50% through this RHNA cycle

and three of the four categories (Above Moderate being excepted) are below 5% of the goal. Together, the four below market rate categories have achieved only 9% of the City's combined housing production goal. While the Above Moderate category shows that it has not only achieved, but surpassed its goals, this does nothing to address the other categories. What is the City's plan to address the lack of performance in these four categories through the remaining RHNA cycle? Under HCD's generous "halfway" housing production interpretation, there may be a penalty for jurisdictions underperforming in the below market categories.

2. The City's policy set forth in Program 4.3.3 is to consider lower parking requirements. What progress has been made? Parking is generally identified as a roadblock or even governmental constraint for multifamily housing production, especially in transit-friendly downtown cores like Los Altos'. A parking report prepared by a Citizens' Committee (Citizens' Parking Report) shows that it was not tasked with any issue relating to residential parking. Why not? Are there portions of the Citizens' Parking Report that can be used to benefit the goals of the Housing Element? If so, how? What progress is being made toward adoption of those goals as well as the reduced parking standards for housing promised in Program 4.3.3?
3. The City's policy set forth in Program 4.3.4 is to encourage maximum densities in the zones that allow multi-family housing. The Report states, "The City also codified a maximum density development requirement, which notes that the maximum density permitted shall be constructed..." Nonetheless, many approved projects appear to have excess parking. This indicates that parking requirement reductions have not been implemented and maximum density has not been achieved. In order to implement this strategy, the City could adopt a policy that every Staff Report, where a multi-family housing project is considered, should include an analysis of how maximum densities are being achieved. With significant new multi-family construction being undertaken in Los Altos, the City should be taking every step it can to assure maximum densities are achieved pursuant to Program 4.3.4. What is the City doing to assure implementation of Program 4.3.4?
4. For the Report, the City should provide an analysis of each housing or mixed use/housing project submitted or under consideration since the adoption of the 2015 Housing Element that includes the current disposition of each project and how long a process each required. The report should compare the projects submitted, approved, under consideration, and denied, with the stated goals and objectives of the 2015 Housing Element and the stated policies.
5. The 2015 Housing Element was adopted with the City having completed an up-zoning of properties on First Street. At the same time, a citizens' committee was in the process of preparing zoning amendments that were subsequently adopted that would reverse those upzonings. This downzoning occurred in 2016 without any apparent consideration

of the effect on the Housing Element. This appears to be in violation of Government Code section 65863(b)(1). The Report should explain this downzoning and, if the Housing Element was not considered, what the City is doing to ameliorate this action so that it has not reduced the overall density of the City of Los Altos consistent with other State of California statutory requirements. The report must include a description of that action, and its effects, and alternative considerations or the report is not complete.

Thank you for your attention to my letter. I believe that the proposed Los Altos Housing Element Annual Status Report should not be filed with HCD until after the City Staff has fully addressed the issues raised in this and any other letters the City may have received relevant to the lack of housing production identified in the report to HCD. Failure to do so could jeopardize the City's status with HCD with respect to its Housing Element certification. As you know this has even greater implications relevant to the state's effort to help local agencies like Los Altos produce more housing.

Very truly yours,



Mark A. Rhoades, AICP  
President/CEO

**Rhoades Planning Group**

C: City Clerk  
City Council

Los Altos, CA 94024

March 26, 2019

Mayor Lynette Lee Eng  
Members of the City Council of Los Altos

Re: Agenda Item #7, Council Meeting, March 26<sup>th</sup> – Housing Element Annual Status

Dear Mayor Lee Eng, Vice Mayor Jan Pepper, Council Members Jeanne Bruins, Neysa Fligor, and Anita Enander:

My husband, Darwin, and I strongly urge you to make construction of affordable housing the top priority of Los Altos. Requiring developers to include 15% of the total number of units to be affordable in all projects, would be a good start. The numbers on page 3 of the Housing Element Annual Status Report are shameful. For the “Extremely-Low” RHNA units, 84 are required, but ZERO are permitted and even for the “Moderate” units, only 2 of the 112 required are permitted. These numbers show a nearly total lack of concern for the housing needs of hundreds of people who work in our community, including our own firefighters, policemen, teachers, city staff members, store clerks, restaurant workers and those who care for many of our gardens and homes. WE CAN AND MUST DO BETTER!

On a positive note, we thank the Council for increasing the below-market-rate percentage of ownership and rental housing to 15% and making it easier to build ADU's in Los Altos. We are also excited that the City has contracted with Palo Alto Housing to evaluate the priority ranking process. We were impressed with the presentation of Randy Tsuda, the President and CEO of Palo Alto Housing, at the recent “Affordable Housing Forum” on January 31<sup>st</sup>. He showed with photographs of completed housing projects in Mountain View and Palo Alto, that they can be beautifully designed to fit the character of a neighborhood. Let's move forward and build our fair share.

Thank you for considering our input,

Donna and Darwin Poulos

 

26 March 2019

Chris Jordan, City Manager  
Jon Biggs, Community Development Director

Re: Comments about Item 7 on 26 March 2019 City Council Agenda about the  
Housing Element Annual Status Report

Dear Chris and Jon,

Thank you for making this document available for comment. These comments are my personal opinion and neither reflect nor represent any views I may have in my role on the Library Commission.

#### **Plan Compliance with State**

On page 1 of the report, you state "Los Altos has received written confirmation from HCD that the 2015 Los Altos Housing Element continues to comply with State Housing Element law."

If we have received written confirmation that our plan is in compliance, why are we worried about being targeted by the State of California and developers, and not concerned about legal action by residents?

If our plan is compliant, why fear the State of California?

#### **Traffic and Parking**

Not addressed in this document is the cumulative effect of traffic in the El Camino Corridor and the adjacent residential areas. Traffic is already challenged in the Casita Marich Distel neighborhood. The proposed El Camino Corridor developments (like the Bakke building at 745 Distel) only add to the urbanization of the area.

From my experience with the Planning Department, most traffic studies address traffic on or immediately adjacent to the property to be developed itself, not to the surrounding neighborhood.

Like the 500 foot notice radius, this is a norm which should be changed. We need to study the cumulative effects of traffic and parking in the impacted neighborhood.

#### **Learning from Past and Current Projects**

If you poll the residents, most clearly recognize the need for affordable housing and that the El Camino Corridor will be developed.

But as we move forward, we can learn from our immediate past. Look at 5100 El Camino. Look at 4880. What can we learn from these projects? The Colonnades? The Prometheus developments in Mountain View?

What is the history of the BMRs granted on 5100 El Camino? What is the progress at 4880? What about any lawsuits and developer / contractor performance?

In terms of the BMRs, beyond knowing that this task has been outsourced to an agency in

Palo Alto, we know little else. Can the City be more transparent (while addressing privacy) as to who is getting the BMRs and under what criteria BMRs are granted?

**Thank you**

Thanks for the opportunity to comment. Please see the attached where I have further comments on specific areas of the Report. I have highlighted my comments in **bold type**.

Sincerely,

Pierre Bedard

Los Altos, CA 94022

CC:

Los Altos City Council

Los Altos Planning Commission

Los Altos City Planning Office

## 2015-2023 Housing Element Program Review & Status

PROGRAM	STATUS
<b>PRESERVATION – CONSERVATION – REHABILITATION</b>	
<p><b><i>Program 1.2.1 – Support rezoning from office to medium-density multifamily.</i></b>            Support case-by-case review of property owner–initiated rezoning from Office to Medium-Density Multifamily in the Fremont-Giffin Office District.  <b>Responsible Body:</b> Community Development Department  <b>Funding Source:</b> Permit fees  <b>Time Frame:</b> Ongoing</p>	<p>Staff has not received any rezoning inquiries for the Fremont-Giffin Office District to date.</p> <p><b>This type of rezoning may be sought by a developer seeking to buy and develop the Bakke property (745 Distel). Residents of Casita Way adjacent to the property have been approached by the developer about building a three (3) story residential complex, tearing down what seems to be an iconic structure.</b>  <b>The City has granted extraordinary land use changes within the approvals it issues, showing a nimble ability to draft legal language. This is dangerous.</b>  <b>As an example, without casting blame on anyone or anything, the haste (and fear) in which 4880 was approved likely led to the elevator shaft error. Land use decisions made in haste can lead to much worse decisions than a missing elevator shaft.</b></p>
<p><b><i>Program 1.3.1 – Enforce neighborhood residential buffering.</i></b>            Enforce minimum standards for buffers between residential properties and commercial uses and public/quasi-public uses. Enforcement will occur through the development permit review process as provided in the Zoning Ordinance. Buffering will include a combination of landscaping, minimum setback, or yard requirements and stepped-back building heights.  <b>Responsible Body:</b> Community Development Department, Planning Commission  <b>Funding Source:</b> Permit fees  <b>Time Frame:</b> Ongoing</p>	<p>Staff, Commission and Council continue to implement. Recent discussions with the Planning Commission and City Council have stressed the need for appropriate buffering requirements, conditions of approval and maintenance of landscape buffers.</p> <p><b>Is “appropriate buffering” a statutory term or a concept open to resident interpretation? This declares victory, as if residents are shielded. If you build three story dwellings next to RI, the RI owner will lose privacy, which ultimately might be viewed as a taking under the Fifth Amendment.</b>  <b>To what level is the state or the city indemnifying the developer from lawsuits of this type? What liabilities will the city indemnify for post construction effects to the existing community? Have these been taken into account?</b></p>



<p><b>Program 1.4.2 – Evaluate design review process.</b>  Regularly review and adjust, if appropriate, criteria, objectives, and procedures for design review of residential construction to be compatible in terms of bulk and mass, lot coverage, and proportion with houses in the immediate vicinity. This program will set criteria under which development must be reviewed by City staff, the Design Review Commission, and/or the Planning Commission.  <b>Responsible Body:</b> Community Development Department, Design Review Commission, Planning Commission, City Council  <b>Funding Source:</b> Permit fees  <b>Time Frame:</b> Annually</p>	<p>Staff, Commissions, and Council continue to implement. The following have been implemented</p> <ul style="list-style-type: none"> <li>a) Requirement for story poles for multiple-family and commercial development;</li> <li>b) Requirement for additional three-dimensional, photorealistic renderings of project context; and</li> <li>c) Enhanced public notification such as larger on-site notice postings with graphics.</li> <li>d) Developed an electronic model of the Downtown into which proposed projects inserted for evaluation.</li> <li>e) For projects in the Downtown, an architectural consultant has been enlisted to develop an independent evaluation of new commercial and multi-family projects and these evaluations are provided to the applicant, decision makers and the public.</li> </ul> <p><b>Staff comment ignores that the 500-foot notice requirement needs to be changed. The City risks placing the burden of Notice on the residents, not following due process. Please change the notice provisions to go well beyond 500 feet.</b></p>
<p><b>Program 1.4.3 – Facilitate alternate modes of transportation in residential neighborhoods.</b>  Continue to implement zoning and development standards to facilitate walkable neighborhoods and the safe use of alternate modes of transportation such as bicycles.  <b>Responsible Body:</b> Community Development Department, Planning Commission, City Council  <b>Funding Source:</b> Permit fees  <b>Time Frame:</b> Ongoing</p>	<p>Staff, Commission and Council continue to implement during the development review process.</p> <p><b>What about Casita Marich Distel, where a major bicycle and car transit route exists? A right of way across the Mountain View border turns Marich into a bike thoroughfare. What can be done to alleviate this from a zoning perspective?</b></p>

<p><b><i>Program 1.4.4 – Accommodate the needs of children through design review and land use regulations, including open space, parks and recreation facilities, pathways, play yards, etc.</i></b>  <b>Responsible Body:</b> Community Development Department  <b>Funding Source:</b> Parkland dedication fees  <b>Time Frame:</b> Ongoing</p>	<p>Staff continues to implement. In 2017 an amendment to the CT regulations was adopted that requires minimum common and private open space areas for multiple-family residential and mixed-use projects.</p> <p><b>What's the point of open space if the requirement is waived by BMRs? There is no open space slated for the El Camino Corridor. We need a park.</b></p>
<p><b><i>Program 1.5.1 – Review compatibility of land divisions as part of the permit review and approval process.</i></b>  <b>Responsible Body:</b> Community Development Department, Planning Commission, City Council  <b>Funding Source:</b> Permit fees  <b>Time Frame:</b> Ongoing</p>	<p>Staff, Commission and Council continue to implement.</p> <p><b>This practice is dangerous, ad hoc, and prone to abuse. In my experience, drafting key ancillary terms into agreements is a tactic which should only be used in emergencies. Merging and dividing parcels as part of an overall permit seems to be legal thrill seeking.</b></p>
<p><b>AFFORDABILITY</b></p>	
<p><b><i>Program 4.3.3 –Consider reduced parking requirements for certain housing types and affordable housing units.</i></b>  For affordable housing units and small housing units including senior housing, studios and SROs, the City will consider allowing just one parking space per unit. The City will continue to monitor the underground parking requirement to ensure this requirement is not a constraint to the production of housing or a constraint to meeting maximum densities.  <b>Responsible Body:</b> Community Development Department  <b>Funding Source:</b> Permit fees  <b>Time Frame:</b> Ongoing</p>	<p>Staff continues to implement. The City Council has allowed mechanical parking lifts for parking spaces in a multiple- family project to facilitate the underground parking on a narrow building site on the El Camino Real.</p> <p><b>The City needs to maintain a consistent parking space per unit ratio across all developments. Inadequate parking will have an extreme effect on the El Camino Corridor and the 2,000 residents in its shadow.</b></p>