



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

## MEMORANDUM

**DATE:** 2/22/22

**TO:** Councilmembers

**FROM:** City Manager

**SUBJECT: COUNCIL Q&A FOR THE FEB 22, 22 CITY COUNCIL REGULAR MEETING**

### Minutes:

- Page 1, establishing quorum: Either all or none of the councilmembers should be identified with their first name.
- Page 2, Very first line at the top: The word “thank” should be “thank~~ed~~” before “Mr. Guy.”
- Page 2, third-to-last paragraph at the bottom of the page: “J Potts” should have a period after the “J.”
- Page, third paragraph from the top: Is J. Potts the applicant?
- Page 3, item 6 description: In the third line of the paragraph, the “T” is bolded in the word “The.”

Noted.

### Agenda Item 2 (CalRecycle grant application):

- On page 3 of the staff report, the discussion section of the report describes how staff “initially intends” to use the money. Does this mean that staff is not convinced that this is the best use of the money? Are there other plans on how to use the money?

The initial intended use of the grant includes hiring a consultant to perform site visits to commercial generators required to participate in the organics collection program. These site visits would consist of training, right-sizing, advice on placing containers, and inspection for contamination as applicable. Staff believes this is the best use of the grant funds at this time. However, staff may choose to change what the grant can be used for if a better opportunity arises as long as it meets one of the approved uses to implement regulatory requirements associated with SB 1383. Please refer to the options listed under the staff report’s background section.

### Agenda Item 3 (Dog Parks):

- See corrections to typos in the pdf eMailed with this list of questions.

Noted.

- Are rules posted on the dog park signage and not listed in the ordinance citable/enforceable by police or animal control officers? E.g. - limiting the number of dogs (9 dogs)

Yes, the ordinance will be enforced through section 5.04.030 of the Municipal Code. Violations of the Code will be infractions and can be enforced by the Los Altos Police Department and Palo Alto Animal Services.

- What penalties are attached to violations to avoid repeated abuse if individuals choose to ignore rules?

Violations of the ordinance are infractions. The City Code reads as follows: “Any person convicted of violating any provisions of Sections 5.12.010, 5.08.010 or 5.08.040 shall be deemed guilty of an infraction. Each day such violation occurs shall constitute a separate infraction. Upon conviction, the violator shall be fined as provided by law. A bail forfeiture shall be deemed to be a conviction for purposes of this section.

- Should Section 3 of the ordinance clearly state that violations may result in a fine?

The ordinance only amends “off-leash” locations. It does not amend 5.04.030 which states the infraction and enforcement.

- Who is responsible for the oversight of the dog park once established? Animal Control or Code/law enforcement?

The Municipal Code allows for Animal Control to enforce laws surrounding animal violations. The typical services that they provide to the City of Los Altos include leash law violations, patrols of city parks, picking up stray animals and the investigation of dog bite cases to both humans and other animals. Both the City of Los Altos Code Enforcement and Palo Alto Animal Services will continue to proactively patrol parks for Municipal Code violations and will respond to in-progress violations reported by members of the public.

#### Agenda Item 4 (Code Revisions):

- On page 2 of attachment 1, § 14.28010.E.: At the beginning of the subsection, the word “Income” should be replaced with “Extremely low.”

No, that’s incorrect. The term is “Income, very low, low or moderate”; i.e., it includes very low-income, low-income, and moderate-income. This term is taken from the existing ordinance and has only been moved. Very low- and low-income include extremely low income, so it is not necessary to list separately, particularly since the City does not have an ELI inclusionary requirement. However, if the Council requests, we can change the term to “Income, extremely low, very low, low or moderate,” to be more precise.

- Can Council require a pro forma or financial analysis as part of an application for BMR?

No.

- Can we increase the total affordable units from 15% to 20%?

Yes, but it is strongly encouraged that the Council do a feasibility study first.

- Would it be under our inclusionary housing ordinance include a section where we state that all BMRs remain BMRs in perpetuity?

If that is the Council's desire. We would recommend a maximum of 99 years, however. There is a degree of likelihood that housing development projects built now will no longer exist in a century, and the City Council should weight the potential consequences of placing a cloud on title in perpetuity.

- Why do we want to insist that the majority of affordable units be designated for moderate income household? Because in our RHNA numbers we have more difficulty providing units that are very low income. Can we have percentages designating Low and very low units as well?

Because that is the current policy, and because for-sale units are ideally suited for meeting the City's moderate income RHNA targets.

The language proposed would create de facto low/very low percentages. However, reference is made to the "remainder" of the 15% after subtracting 7.5% moderate because rounding rules in the ordinance could require in excess of 15% affordable for some projects if separate percentages are listed at each income level.

- 14.02.055 - When something is deemed a nuisance, what is the process and when do fines or corrective action associated with a nuisance kick in?

If something is deemed a nuisance, then the City's full gamut of nuisance abatement powers kick in. These include issuing citations, referring matters to hearing, administrative nuisance abatement and, in extreme cases, civil litigation or criminal misdemeanor charges.

#### Agenda Item 5 (Legislative Subcommittee):

- If the legislative subcommittee is confirmed as a standing subcommittee, what staff resources will be needed to support the subcommittee? Who would be its staff liaison? How much time would need to be allocated to the subcommittee?

If the legislative subcommittee is confirmed as a standing subcommittee, the Clerk's Office would ensure accurate and appropriate posting as required under the Brown Act. This would not require additional staff resources.

Depending on the scope of the subcommittee staff resources could be minimal or comprehensive, the liaison would be determined by the type of support needed for the Subcommittee to function as effectively as possible.

#### Agenda Item 6 (ALTA Housing):

- If ALTA has stopped adding names to their interest list, does that effectively mean that no one who has not already subscribed can express an interest in BMR housing in Los Altos?

No. Households still have the opportunity to submit application packets when units become available, and marketing is initiated.

- How does ALTA reach out to members of the community with no eMail or internet access?

By mail. We only reach out to BMR owners and renters of the community for recertifications, owner occupancy or as necessary, for BMR situations.

- Which “school district” does ALTA reach out to? We have four that serve the City. Alta's initial email along with the link to the application packet is emailed to Erin Green, Director of Student and staff services who forwards info to [LASDstaff@lasdschools.org](mailto:LASDstaff@lasdschools.org).

- Does ALTA reach out to City staff when a BMR housing opportunity is presented? Alta is notifying the CD Director and Planning Manager when For Sale units would become available.

- What happens when the owner of a BMR unit goes into default on their loan? What if there is a foreclosure?

Thus far Alta has not encountered a situation of default or foreclosure with the Los Altos BMR. Based on experience with other city BMR programs administered by Alta... pursuant to the Notice of Default recorded with the BMR purchase documents, the lender notifies the City of default, City staff forward the information to Alta and Alta works closely with City staff, owner and lender to encourage the owner to seek assistance, refinance at a lower interest and/or sell their unit in order to prevent foreclosure.

- What is ALTA’s criteria for ranking multiple candidates for BMR housing?

The priority ranking is determined by the City of Los Altos. If multiple applicants with the same priority ranking submit completed applications by or before the deadline, candidates are ranked and processed based on date and time of receipt of completed application packet.

- How many BMR units do we have in Los Altos?

There are 54 Ownership units, 51 Rental units.

- How many are Alta overseeing?

105 units total.

- Does Alta oversee any ADU BMR rentals?

No.