



## CITY COUNCIL MEETING

### AGENDA

TUESDAY, NOVEMBER 9, 2021 – 7:00 P.M.

**Please Note: Per California Executive Order N-29-20, the City Council will meet via Telephone/Video Conference only.**

*Members of the Public may join and participate in the Council meeting at <https://webinar.ringcentral.com/j/1485220770>*

**TO PARTICIPATE VIA THE LINK ABOVE** - Members of the public will need to have a working microphone on their device and **must have the latest version of Ringcentral available at this link <http://www.ringcentral.com/download.html>**. To request to speak please use the “Raise hand” feature located at the bottom of the screen.

**TO PARTICIPATE VIA TELEPHONE** - Members of the public may also participate via telephone by calling 1-650-242-4929 (Meeting ID: 148 522 0770). Press \* 9 on your telephone to indicate a desire to speak.

Public testimony will be taken at the direction of the Mayor and members of the public may only comment during times allotted for public comments. Once called to speak, speakers will be asked to state their name and place of residence. Providing this information is optional.

**TO SUBMIT WRITTEN COMMENTS**, prior to the meeting, on matters listed on the agenda email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov) with the subject line in the following format:  
PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE.

Emails sent to the above email address are sent to/received immediately by the City Council.

Correspondence submitted in hard copy/paper must be received by 2:00 p.m. on the day of the meeting to ensure it can be distributed prior to the meeting. Correspondence received prior to the meeting will be included in the public record.

**[Please follow this link for more information on submitting written comments.](#)**

**CALL MEETING TO ORDER**

**ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**REPORT ON CLOSED SESSION**

**CHANGES TO THE ORDER OF THE AGENDA**

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**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. 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. City Council Minutes: Approve the Minutes of the October 26, 2021, Regular Meeting and November 2, 2021 Special Meeting (A. Chelemengos)
2. Ordinance Nos. 2021-482 and 2021-483 California Senate Bill 1383: 1.) Adopt, as read by title only, Ordinance No. 2021- 482 amending Chapter 6.12 - Solid Waste Collection, Removal, Disposal, Processing and Recycling; and 2.) Adopt, as read by title only, Ordinance No. 2021- 483 adding Chapter 6.13 Edible Food Recovery Ordinance. (E. Ancheta)
3. Contract Amendment: Authorize the City Manager to execute a contract amendment to the existing on-call engineering service agreement with BKF Engineers, Inc., which adds \$170,784.56 for a total not-to-exceed project budget of \$240,784.56. (G. Watanabe)
4. Emergency Declaration Resolution: Adopt Resolution No. 2021-55 Extending the declaration of a local emergency due to the COVID-19 Pandemic (J. Maginot)

### **PUBLIC HEARINGS**

5. Park in-Lieu Fee Update: Adopt a Resolution of the City Council of the City of Los Altos modifying Park in-Lieu Fee on the FY 2021/22 Fee Schedule for the City of Los Altos  
**To Be Continued To The Meeting of November 30, 2021.**

### **DISCUSSION ITEMS**

6. Senate Bill 9 (SB 9) Implementation: Receive and discuss informational memorandum to the City Council regarding the adoption of single family residential objective zoning standards (J. Liu, E. Ramakrishnan).
7. Ordinance No. 2021-477 Restriction On The City-Owned Property Commonly Known As The Los Altos Community Center Site: Introduce and hold first reading, as read by title only and waive further readings of An Ordinance of the City Council of the City of Los Altos adding a new Chapter, 11.13 , Entitled "Restriction on the City-Owned Property commonly known as the Los Altos Community Center Site" to Title 11 , Miscellaneous Property Regulations, of the Los Altos Municipal Code that will prohibit: (1) the sale or transfer of title of Hillview Los Altos Center Site without voter approval (J. Biggs)

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8. Los Altos Theatre Working Group Presentation: Provide update on work and actions the group has taken since the Council voted to support the formation of the Theater Working Group and present any formal requests that involve the use of City-owned land and/or resources. (V. Reeder)
  
  9. Reconsideration of Council Action D20-0008 - Packard Foundation - 374 Second Street Consider Council Members' request for Motion for Reconsideration of Council action on October 26, 2021, to adopt Resolution No. 2021-53 approving Design Review Application D20-0008 - Packard Foundation - 374 Second Street subject to the recommended findings and conditions; Motion for Reconsideration to immediately follow if request is approved. If a motion for reconsideration is made and approved, the rehearing shall be scheduled for consideration at the November 30, 2021 City Council meeting. (Council Member Weinberg)
  
  10. Lehigh Stevens Creek Quarry Subcommittee Update: Receive and discuss update from City Council Lehigh Subcommittee. (Council Members Lee Eng and Meadows)

#### **INFORMATIONAL ITEMS ONLY**

- Tentative Council Calendar (A. Chelemengos)

#### **COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS**

#### **ADJOURNMENT**

(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)

#### 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) 947-2610.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>.

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. 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.



## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

The following is public comment received by the City Clerk's Office. Members of the public may bring to the Council's attention any item that is not on the agenda. Please be advised that, according to State law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period.

Individual contact information has been redacted for privacy.

**From:** [Bill Hough](#)  
**To:** [City Council](#); [Public Comment](#)  
**Cc:** [Andrea Chelemengos](#)  
**Subject:** public comment on items not on the November 9 agenda  
**Date:** Sunday, November 7, 2021 6:58:38 PM

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Renaming the Censure Policy the "Accountability Policy" is an attempt to put lipstick on a pig. This policy is just a thinly-veiled excuse for continuing your anti-Asian jihad against Council Member Lee Eng. We all know this came about because Lee Eng had her phone on due to a family emergency. Someone sent her some racist tweets that became a six-month soap opera until the City council passed Resolution 2021-24 which was a shameful attempt to appease the woke mob by throwing Council Member Lee Eng under the proverbial bus.

If the council took its Resolution 2021-17, which condemned intimidation, aggression and violence against Asian-Americans, seriously, this would not have happened. There was no need to revise the Los Altos City Council norms and procedures. I doubt the anti-bias training described in section 6.7 will do anything to fix the damage done by this. These new policies will simply allow council to check a box to make it harder to sue the city.

You fail to realize that Resolution 2021-24 continues to spread misstatements and disingenuous statements, and these procedures won't do anything about it. Council Member Lee Eng did not allege that anyone threatened her or mention anybody by name. However, she had every right to be concerned by the texts that were sent to her. Although the final text in the series reads, "I just want to be clear, this is in no way a threat of any kind. This is me expressing my disappointment," one has to ask why this statement was necessary if the texts in question were unambiguously NOT a threat? Considering recent events around the country, it is reasonable to fear doxxing, vandalism or physical harm. Last year, this happened to the mayors of San Jose and Oakland.

A censure policy is sure to invite lawsuits. There is a pending Supreme Court case addressing First Amendment Freedom of Speech vs. Censure Policies. (Wilson vs. Houston Community College System: <https://tinyurl.com/wilsonVhouston>.) This case will decide what speech by a Council Member is subject to censure.

Bill Hough  
Los Altos



**MINUTES OF THE REGULAR MEETING OF  
THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
7:00 P.M., TUESDAY, OCTOBER 26, 2021**

Held Via Video/Teleconference Per California Executive Order N-29-20.

**MEETING CALLED TO ORDER**

At 7:06 p.m., Mayor Fligor called the meeting to order.

**ESTABLISH QUORUM**

**Present:** Mayor Fligor, Vice Mayor Enander, Council Members Lee Eng, Meadows, and Weinberg

**Absent:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Council Member Lee Eng led the Council in the Pledge of Allegiance.

**REPORT ON CLOSED SESSION**

1. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: *40 Main Street Offices LLC v. City of Los Altos, et al.*  
Superior Court of the State of California, County of Santa Clara Case No. 19CV349845
2. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: *California Renters Legal Advocacy and Education Fund, San Francisco Bay Area Renters Federation, Victoria Fierce, and Sonja Trauss v. City of Los Altos, et al.* Superior Court of the State of California, County of Santa Clara Case No. 19CV350422

Mayor Fligor reported that the Council held a Closed Session earlier in the evening and the Council directed the City Manager to schedule a Special Meeting of the Los Altos City Council for 7:00 p.m., Tuesday November 2, 2021, to consider a settlement agreement between the City of Los Altos and the 40 Main LLC for the City to consider for approval. The Mayor further started that the agenda, and the settlement agreement, would be posted for the public the following morning, Wednesday, October 27, 2021.

**CHANGES TO THE ORDER OF THE AGENDA**

There were no changes made.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Roberts Phillips provided comments.

## CONSENT CALENDAR

1. City Council Minutes: Approve the Minutes of the October 12, 2021, Regular Meeting, as corrected.
2. Resolution No. 2021-52 Notice of Completion – Los Altos Community Center: Adopt Resolution No. 2021-52 accepting completion of the Los Altos Community Center Project, CF-01002; and authorize the Engineering Services Director to record a Notice of Completion as required by law.

Council Member Weinberg moved to approve the Consent Calendar. The motion was seconded by Council Member Meadows.

Engineering Services Director Sandoval answered questions from the Council relative to Consent Calendar agenda Item #2.

The motion passed 5-0 with the following roll call vote:

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander, and Mayor Fligor.  
NOES: None  
ABSENT: None  
ABSTAIN: None

## PUBLIC HEARINGS

3. D20-0008 - Packard Foundation - 374 Second Street: Adopt Resolution No. 2021-53 approving Design Review Application D20-0008 subject to the recommended findings and conditions. The project proposes to merge and reconfigure the existing parking lot areas. The project proposes to create two-way drive aisles accessible from Second Street and eliminate the existing ingress/egress to the public alley. A carport structure with photovoltaic panels is proposed to cover a portion of the parking stalls.

Senior Planner Golden provided a staff report and answered questions from the Council.

City Attorney Houston also commented and answered questions from the Council.

Craig Neyman, representing the applicant, provided information on the proposal, and answered questions as did Dale Leda.

Gary Hedden representing GreenTown Los Altos answered questions regarding the trees proposed.

Mayor Fligor opened the Public Hearing and invited members of the public to speak. The following individuals commented: Frank Martin, Roberta Phillips, Janet Corrigan, and Teresa Morris.

Following Council discussion, Mayor Fligor moved to adopt Resolution No. 2021-53 approving Design Review Application D20-0008, Option A, subject to the recommended findings and conditions. The motion was seconded by Council Member Meadows and the motion passed 3-2 with the following roll call vote:

AYES: Council Members Meadows, Weinberg, and Mayor Fligor.  
NOES: Council Members Lee Eng and Vice Mayor Enander  
ABSENT: None  
ABSTAIN: None

At 9:27 Mayor Fligor, with the concurrence of the subcommittee, announced that due to the hour and number of agenda items to cover, Agenda Item # 7 Lehigh Stevens Creek Quarry Subcommittee Update would be deferred to the November 9<sup>th</sup> agenda. Mayor Fligor called for a brief recess. At 9:35 p.m., the meeting was reconvened.

Mayor Fligor announced that the review of the Tentative Council Calendar, Agenda Item #8 would also be deferred.

## DISCUSSION ITEMS

4. Ordinance Nos. 2021-482 and 2021-483 California Senate Bill 1383: 1.) Introduce, as read by title only, and hold first reading of Ordinance No. 2021- 482 amending Chapter 6.12 - Solid Waste Collection, Removal, Disposal, Processing and Recycling; and 2.) Introduce, as read by title only, and hold first reading of Ordinance No. 2021- 483 adding Chapter 6.13 Edible Food Recovery Ordinance and direct staff to place the Ordinances on the Consent Calendar for adoption at the November 9, 2021, meeting.

Los Altos Sustainability Coordinator Ancheta along with City Consultant Rose Radford, of R3 Consulting provide a report and presentation and answered questions from the Council

There were no members of the public wishing to comment.

Council Member Lee Eng moved that the Council introduce, as read by title only, and hold first reading of Ordinance No. 2021- 482 amending Chapter 6.12 - Solid Waste Collection, Removal, Disposal, Processing and Recycling. The motion was seconded by Council Member Weinberg and the motion carried 5-0 with the following roll call vote:

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander, and Mayor Fligor.  
NOES: None  
ABSENT: None



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ABSTAIN: None

Council Member Lee Eng moved that the Council Introduce, as read by title only, and hold first reading of Ordinance No. 2021- 483 adding Chapter 6.13 Edible Food Recovery Ordinance. The motion was seconded by Mayor Fligor and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander, and Mayor Fligor.  
NOES: None  
ABSENT: None  
ABSTAIN: None

5. Off-Leash Pilot Program Review and Recommendations: Receive report and staff recommendation to City Council discontinue the off-leash program at the Hillview Baseball Field and direct staff and the Parks and Recreation Commission (PARC) to explore additional fenced-in options for dogs in Los Altos.

Recreation Director Legge provided a report and answered questions from the Council along with Maintenance Services Director Hernandez and Parks and Recreations Commissioners Morris and Corrigan, members of the Off Leash Pilot Program Subcommittee.

The following members of the public commented: Wes, Jim Sweeney, Zainab, Bibi Millet, Gene Feroglia, Scott Spielman, Cheryl, Elizabeth Ward, Joe Beninato, Dan Beyer, Marta T., Larry Baron, Nancy, Ted Kokenak, Mehmet D. (with time ceded from Allen, Danielle Schmitz, Linda and Steve Folkman, Steve Houtchens and Jeff Beckman) Lisa Deegan (with time ceded from David Stiff, Anna Chien, Alon and Marit Amit, Ziv, Bette Houtchens), and Jeanine Valadez (with time ceded from Reynette) Frank Martin and Mike T.

Following Council discussion, Mayor Fligor directed staff to work toward identifying possible locations for fenced in off leash/dog park options in Los Altos and to bring the possible locations and proposals to the Council in January 2022. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote.

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander, and Mayor Fligor.  
NOES: None  
ABSENT: None  
ABSTAIN: None

At 11:38 p.m. Mayor Fligor called for a brief recess. The meeting was reconvened at 11:43 p.m.

6. Fiscal Year 2021/22 City Fee Schedule: Adopt Resolution No. 2021-54 setting the FY 2021/22 Fee Schedule for the City of Los Altos.

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Deputy City Manager Maginot provided a staff report and answered questions from the Council as did City Manager Engeland and Recreation Supervisor Chew.

Council discussion commenced.

Council Member Weinberg moved to adopt Resolution No. 2021-54 setting the FY 2021/22 Fee Schedule for the City of Los Altos. The motion was seconded by Council member Meadows and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander, and Mayor Fligor.  
NOES: None  
ABSENT: None  
ABSTAIN: None

#### **INFORMATIONAL ITEMS ONLY**

- None

#### **COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS**

Council Member Weinberg, with support from Council Member Meadows and Lee Eng requested that an item be placed on a future Council agenda to discuss the formation of a Council Subcommittee to explore the possibility of the construction of a new Police Station.

There was unanimous support for placement of an agenda item in each of the future 2021 Council agendas to address forthcoming housing mandates and SB 9.

There was brief discussion regarding SB10 and understanding its implications and impacts to the City. The City Attorney was directed to issue a memo covering SB10, its impacts to the City, and any opt out options.

Council Member Lee Eng inquired about the use of closed captioning with the Council meeting broadcasting and video. Staff reported that the feasibility of closed captions would be explored.

#### **ADJOURNMENT**

At 12:37 p.m., Mayor Fligor adjourned the meeting.

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Neysa Fligor, MAYOR

ATTEST:

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Andrea M. Chelemengos MMC, CITY CLERK



**MINUTES OF THE SPECIAL MEETING OF  
THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
7:00 P.M., TUESDAY, NOVEMBER 2, 2021**

Held Via Video/Teleconference Per California Executive Order N-29-20.

**MEETING CALLED TO ORDER**

At 7:35 p.m., Mayor Fligor called the meeting to order.

**ESTABLISH QUORUM**

**Present:** Mayor Fligor, Vice Mayor Enander, Council Members Lee Eng, Meadows, and Weinberg

**Absent:** None

**PUBLIC COMMENTS ON AGENDA ITEM**

Joe Beninato and Jeanine Valadez provided comments.

**DISCUSSION ITEM**

1. Proposed Settlement Agreement Between 40 Main Street Offices, LLC, and the City of Los Altos: Consider and approve the proposed settlement agreement.

Arthur Friedman, Special City Legal Counsel, introduced the matter and offered to answer questions from the Council.

Council Member Weinberg moved that the City Council approve and authorize the City Manager to execute the proposed settlement agreement between 40 Main Street Offices, LLC, and the City of Los Altos. The motion was seconded by Council Member Meadows and the motion passed 5-0 with the following roll call vote:

**AYES:** Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander, and Mayor Fligor.

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**ADJOURNMENT**

At 7:42 p.m., Mayor Fligor adjourned the meeting.

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Neysa Fligor, MAYOR

ATTEST:

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Andrea M. Chelemengos MMC, CITY CLERK

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**CONSENT CALENDAR**

**Agenda Item # 2**

**AGENDA REPORT SUMMARY**

**Meeting Date:** November 9, 2021

**Subject:** Adopt Ordinance No. 2021-482 and No. 2021-483 Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

**Prepared by:** Emiko Ancheta, Sustainability Coordinator

**Reviewed by:** Aida Fairman, Engineering Services Manager

**Approved by:** Gabriel Engeland, City Manager

**Attachments:**

1. Ordinance No. 2021-482 – Amending the Los Altos Municipal Code, by Amending Chapter 6.12 Solid Waste Collection, Removal, Disposal, Processing, and Recycling
2. Ordinance No. 2021-483 – Amending the Los Altos Municipal Code by Adding Chapter 6.13 Edible Food Recovery Ordinance

**Initiated by:**  
Staff

**Previous Council Consideration:**  
October 26, 2021

**Fiscal Impact:**

There is minimal to no current fiscal impact to the City to adopt the amended ordinance Chapter 6.12 Solid Waste Collection, Removal, Disposal, Processing, and Recycling and add new Chapter 6.13 Edible Food Recovery Ordinance. Adopting these ordinances will not increase Solid Waste collection rates as the current franchise agreement includes the collection of organics at no additional charge.

**Environmental Review:**

Approval of the Ordinances is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations section 15308 as an action/project that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate.

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City Manager

*GE*

**Reviewed By:**

City Attorney

*JH*

Finance Director

*JE*

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**Subject:** Adopt Ordinance No. 2021-482 and No. 2021-483 Amending the Los Altos Municipal Code No. 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

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**Summary:**

- In September 2016, Governor Jerry Brown signed into law SB 1383 organic waste diversion regulations.
- In November 2020, the California Department of Resources Recycling and Recovery (CalRecycle) finalized SB 1383 regulations.
- SB 1383 requires the City to adopt an enforceable ordinance that requires businesses and residents to recycle their organic waste and comply with other regulation requirements.
- The City of Los Altos Municipal Code update must include requirements to comply with the State’s goal of reducing organic waste disposal by 75% by 2025.
- The City of Los Altos Municipal Code update must include an ordinance to recover edible food to comply with the State’s goal of reducing edible food disposal by 20% by 2025.

**Staff Recommendation:**

Adopt Ordinance No. 2021-482 and No. 2021-483 Amending Ordinance No. 2015-417, Amending Chapter 6.12 - Solid Waste Collection, Removal, Disposal, Processing, and Recycling and Adding Chapter 6.13 - Edible Food Recovery Ordinance



**Subject:** Adopt Ordinance No. 2021-482 and No. 2021-483 Amending the Los Altos Municipal Code No. 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

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**Purpose**

Adopt Ordinance No. 2021-482 and No. 2021-483 Amending Ordinance No. 2015-417, Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

**Background**

On October 26, 2021, by motion Council introduced Ordinance No. 2021-482 and No. 2021-483 amending the Los Altos Municipal Code No. 2015-417 by amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and adding Chapter 6.13 – Edible Food Recovery Ordinance and waived its reading. No changes have been made since the introduction of the ordinance.

**Discussion/Analysis**

On October 26, 2021, by motion Council introduced Ordinance No. 2021-482 and No. 2021-483, amending the Los Altos Municipal Code No. 2015-417 by amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing, and Recycling and adding Chapter 6.13 – Edible Food Recovery Ordinance and waived its reading. No changes have been made since the introduction of the ordinance, and we recommend its adoption.

**Recommendation**

Staff recommends that the City Council adopt Ordinance No. 2021-482 and No. 2021-483, amending the Los Altos Municipal Code No. 2015-417 by amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and adding Chapter 6.13 – Edible Food Recovery Ordinance.

**ORDINANCE NO. 2021-482**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 6, HEALTH AND SAFETY, ARTICLE 12, ENTITLED “SOLID WASTE COLLECTION, REMOVAL, DISPOSAL, PROCESSING AND RECYCLING”**

**WHEREAS**, the City Council of the City of Los Altos (“City”) finds that the State of California, through its California Waste Management Act of 1989 (AB 939) and Alternative Compliance Act of 2008 (SB 1016) requires each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis; and

**WHEREAS**, the City Council finds that every city and county in California, including the City, could face fines up to \$10,000 a day for not meeting the above mandated goal; and

**WHEREAS**, the City Council finds that the State of California, through its California Global Warming Solutions Act of 2006 (AB 32), requires commercial generators statewide to participate in recycling programs; and

**WHEREAS**, the City Council finds that the State of California, through the 2011 passage of AB 341, adopted a goal that 75% of solid waste generated statewide be diverted from landfills by the year 2020. Furthermore, AB 341 requires that each commercial solid waste generator, including multi-family dwellings of five or more units, provide for recycling programs, and each city or county implement recycling programs for commercial solid waste generators, including multi-family dwellings of five or more units; and

**WHEREAS**, the City Council finds that the State of California, through the 2014 passage of AB 1826 adopted requirements for each commercial solid waste generator, including multi-family dwellings of five or more units, to provide for organics recycling programs and for each city or county to implement organics recycling programs for commercial solid waste generators, including multi-family dwellings of five or more units by April 1, 2016; and

**WHEREAS**, the City Council finds that the State of California, through the 2014 passage of AB 1594, disallows cities and counties from receiving landfill diversion credit from green waste being used as alternative daily cover effective January 1, 2020; and

**WHEREAS**, SB 1383, the Short-Lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to divert organics from landfills as they are a source of methane. These SB 1383 regulations place requirements on jurisdictions including the City, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support the achievement of statewide organic waste disposal reduction targets; and



**WHEREAS**, the City continues to make progress in maintaining the disposal reduction requirements of AB 939, but additional efforts made by SB 1383, particularly in the recycling of recyclable materials and organic materials generated by businesses and multi-family dwellings, will assist the City in maintaining and exceeding the goal of diverting waste from landfill disposal. The City desires to implement a program to require the diversion of materials from landfill and transformation facilities, to ensure that resources are used to their highest potential, and to reduce upstream waste and reduce the City's ecological footprint; and

**WHEREAS**, the City Council finds that organic waste that is buried in the anaerobic conditions of landfills creates methane gas and leachate that may impact air and water quality. Reductions or capture of methane are critical as methane gas from the decomposition of waste is a source of renewable energy, but if not collected and controlled, is at least twenty-one (21) times as potent as carbon dioxide in contributing to climate change; and

**WHEREAS**, the City Council finds that reductions in greenhouse gas emissions from solid waste management can be realized by recovering recyclable materials and organic materials from the waste stream; and

**WHEREAS**, the services required by this Ordinance are currently provided by Mission Trail Waste Systems and are available to all Los Altos residential and commercial solid waste generators; and

**WHEREAS**, the SB 1383 Regulations require the City to adopt and enforce an ordinance to implement provisions of the SB 1383 Regulations; and

**WHEREAS**, this Ordinance is intended to promulgate rules and regulations to implement the requirements of the Collection Services Agreement, the State requirements of AB 939, SB 1016, AB 32, AB 341, AB 1826, AB 1594, SB 1383 and other State mandates; and

**WHEREAS**, the Council finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) as an action taken by a regulatory agency to protect the environment (CEQA Guidelines Section 15308).

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

**SECTION 1. AMENDMENT OF CODE:**

Los Altos Municipal Code, Title 6, Health and Safety, Chapter 6.12, entitled "Solid Waste Collection, Removal, Disposal, Processing, and Recycling" is hereby amended to read as follows:

**CHAPTER 6.12 - SOLID WASTE COLLECTION, REMOVAL, DISPOSAL,  
PROCESSING, AND RECYCLING**

**6.12.010 - 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. "Act" means the California Integrated Waste Management Act of 1989 (sometimes referred to as "AB 939"), Public Resources Code § 40000 and following as it may be amended, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.
- B. "Alternative daily cover (ADC)" means cover material other than earthen material placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.
- C. "City Manager" means the city manager of the City, or his/her designee, including City employees or entities hired by the City to implement the requirements of this chapter.
- D. "City Council" means the city council of the City.
- E. "Commercial business" means all retail, professional, office, wholesale and industrial facilities, and other commercial enterprises offering goods or services to the public and multi-family dwelling units located within the boundaries of the City.
- F. "Commercial generator" means a commercial business which generates garbage, organics, or recyclable materials as a result of its business, commercial or property activity. Commercial generator also means any multi-family residential property of five or more units. Commercial generator may also include tenants, property managers for facilities with leased space, employees, and contractors of commercial generator. Commercial generator also includes the City, its facilities, its non-residential properties, and special events, its sponsors or co-sponsors, as well as mobile food vendors and the responsible party for any special event.
- G. "Construction and demolition debris" means commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastics, roofing material, cardboard, carpeting, cinder blocks, concrete, copper, electrical wire, fiberglass, formica, granite, iron, lead, linoleum, marble, plaster, plant debris, pressboard, porcelain, steel, stucco, tile, vinyl, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavement, houses, commercial buildings, and other structures. Construction and demolition debris does not include exempt waste.

- H. "Container" means any heavy plastic or galvanized metal box, can, cart, barrel, bin or similar type container used for the accumulation of garbage, recyclable materials, organic materials, or construction and demolition debris.
- I. "Debris box" means any ten (10) to forty (40) cubic yard container, or any compactor provided by a solid waste generator, placed in the public right-of-way, on city property, private property, or elsewhere in the service area, which is procured by a solid waste generator for their use in the collection of their solid waste. Debris boxes are serviced by means of lifting the entire container, including all contents, onto a designated collection vehicle.
- J. "Delinquent" means a failure of the recipient of solid waste collection service, or of the property owner, to pay when due all charges owed to the franchised hauler for solid waste collection service rendered or to be rendered.
- K. "E-waste" means discarded electronics equipment such as cell phones, personal digital assistants (PDA), computers, monitors, televisions, and other items containing cathode ray tubes (CRTs), LCD, LED, or plasma screens and monitors.
- L. "Exempt waste" means hazardous waste, sludge, automobiles (including motorcycles and motor scooters), automobile parts, boats, boat parts, boat trailers, internal combustion engines, and those wastes under the control of the Nuclear Regulatory Commission.
- M. "Food waste" means food scraps and trimmings and other putrescible waste that result from food production, preparation, cooking, storage, consumption, or handling. Food waste includes but is not limited to: meat, fish, and dairy waste, fruit and vegetable waste, and grain waste. Food waste does not include exempt waste.
- N. "Franchised hauler" means a hauler holding a franchise, contract, license, or permit issued by the City which authorizes the exclusive or non-exclusive right to provide solid waste handling services within all or part of the jurisdictional boundaries of the City.
- O. "Garbage" means all non-recyclable packaging and other waste attributed to normal activities of a service unit. Garbage must be generated by and at the service unit wherein the garbage is collected. Garbage does not include recyclable materials, organic materials, construction, and demolition debris, large items, e-waste, universal waste, hazardous waste, household hazardous waste, or exempt waste.
- P. "Generator" means any commercial generator or residential generator of solid waste.
- Q. "Hazardous waste" means any material which is defined as a hazardous waste under California or United States law or any regulations promulgated pursuant to such law, as such as local, state, or federal law or regulations may be amended from time to time.
- R. "Household hazardous waste" means dry cell household batteries; used motor oil; used oil filters when contained in a sealed plastic bag; cooking oil; compact fluorescent light bulbs contained in a sealed plastic bag; cleaning products, pesticides, herbicides, insecticides, painting supplies, automotive products, solvents, and adhesives, auto batteries; and universal waste.

- S. "Large items" means furniture, carpets, mattresses, white and brown goods (household appliances), e-waste, clothing, tires without rims, and green waste attributed to the normal activities of a service unit.
- T. "Occupied premises" are occupied when a person or persons take or hold possession of the premises for permanent or temporary use. For the purposes of determining whether a premises is occupied during periods when solid waste collection service is made available to such premises, occupancy shall be presumed unless evidence is presented that gas, electric, telephone, and water utility services were not being provided to the premises during such periods.
- U. "Organic materials" and "organics" mean food scraps and trimmings from food preparation, including but not limited to: meat, fish and dairy waste, fruit and vegetable waste, grain waste, stable matter, and acceptable food packaging items such as pizza boxes, paper towels, waxed cardboard, food-contaminated paper products, plant debris, such as palm, yucca and cactus, ivy, grass clippings, leaves, pruning, weeds, branches, brush, and holiday trees.
- V. "Organic material generator" means a person or entity that is responsible for the initial creation of organic materials, or as otherwise defined in 14 CCR Section 18982(a)(48).
- W. "Prohibited container contaminants" means: (i) discarded materials placed in the designated recycling container that are not identified as acceptable source separated recyclable materials for the City's designated recycling container (ii) discarded materials placed in the designated organics materials container that are not identified as acceptable source separated organics materials for the City's designated organics materials container; and (iii) discarded materials placed in the garbage container that are acceptable source separated recyclable materials and/or source separated organic materials to be placed in City's designated organics materials container and/or designated recycling container.
- X. "Recyclable materials" or "recyclables" mean those materials separated from garbage by the generator which are capable of being recycled and which would otherwise be processed or disposed of as garbage.
- Y. "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become garbage and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place. Recycling does not include transformation as defined in Public Resources Code § 40201.
- Z. "Residential generator" means an owner, tenant, or resident of any residential property which generates garbage, organics, or recyclable materials as a result of occupancy or property activity, including all generators not otherwise meeting the definition of commercial generator.
- AA. "Responsible party" means the individual or entity responsible for the generator's management of solid waste at the generator's commercial business, business, residential property, or special event.

- BB. "Self-haul" means when a generator collects solid waste at their premises or place of business for the purpose of hauling those materials in their own vehicles to a permitted solid waste facility in compliance with the requirements of this chapter.
- CC. "Service unit" means any City facility or City property, any single-family or multi-family dwelling unit, or any retail, professional, office, wholesale or industrial facility located within the incorporated boundaries of the City that utilizes a solid waste cart, bin, compactor, or debris box for the accumulation and set-out of solid waste.
- DD. "Sharps" means needles, scalpels, blades, broken medical glass, broken capillary tubes, and ends of dental wires.
- EE. "Solid waste" means garbage, recyclable materials, organic materials, construction and demolition debris, large items, e-waste, universal waste or exempt waste.
- FF. "Source separate" means the process of removing recyclable materials from garbage at the place of discard generation, prior to collection, into separate containers that are separately designated from recyclable materials, organic materials, or garbage for the purposes of recycling.
- GG. "Special event" means a community, public, commercial, recreational or social event as further defined in chapter 9.25 of the Los Altos Municipal Code.
- HH. "Sludge" means the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances or any other such waste having similar characteristics or effects.
- II. "Tenant" means any person or persons, other than the owner, occupying or in possession of a premises.
- JJ. "Universal waste" means e-waste, fluorescent lamps, cathode ray tubes, non-empty aerosol cans, instruments, and switches that contain mercury, and dry cell batteries containing cadmium copper or mercury.

### **6.12.020 - General Provisions.**

#### **A. Subscription Required.**

The property owner or tenant of each occupied premises shall subscribe to and pay for at least the minimum level of solid waste collection service made available to that premises by the franchised hauler, as specified in the franchise agreement between the City and the franchised hauler. The charges for solid waste collection service rendered or made available shall be paid for all periods of time during which the premises are occupied, regardless of whether or not the owner or tenant has any solid waste to be collected on any particular collection date during such occupancy. Nothing in this section is intended to prevent an arrangement, or the continuance of an arrangement, under which payments for solid waste collection service are made by a tenant or tenants, or any agent or other person, on behalf of

the owner. However, any such arrangement will not affect the property owner's obligation to pay for solid waste collection service as provided herein.

**B. Commencement of Solid Waste Collection Service.**

The property owner or tenant shall commence solid waste collection service within seven (7) days after occupancy of a premises, or portion thereof. In the event service is not initiated within such period of time, the City Manager may give written notice to the owner or tenant that solid waste collection service is required. If service is not initiated by the property owner or tenant within seven (7) days after the date of mailing the notice, the City Manager shall authorize the franchised hauler to begin and continue providing the minimum level of solid waste collection service to such premises and the service shall be deemed to have been made available as of the date of such authorization.

**C. Charge for Solid Waste Collection Service.**

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.

**D. Failure to Pay for Solid Waste Collection Service.**

The franchised hauler shall be entitled to payment from the property owner, tenant or any other subscribing person on behalf of the property owner for any services rendered or to be rendered. Upon failure to make such payment, the means of collecting delinquent charges shall be in accordance with the procedures set forth in this Chapter. Solid waste collection service shall not be discontinued by reason of any failure to pay the charges for such service.

**E. Notification of Delinquency.**

If a bill for solid waste collection service remains delinquent for sixty (60) days, the franchised hauler shall send or deliver notice of any delinquency to the property owner, tenant or any other subscribing person on behalf of the property owner, indicating the amount owed for solid waste collection service. The City is not obligated to use its police power to collect delinquent, overdue, or unpaid bills for solid waste collection service.

**F. Containers Must Be Covered and Kept Clean.**

All solid waste set out by generators on the street or other designated location for collection by the franchised hauler shall be placed in covered containers. No container shall be loaded beyond its capacity. It shall be the responsible parties' responsibility to keep the containers used for the storage and collection of solid waste material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No solid waste shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection.

**G. City Manager May Restrict Self-Haul.**

Nothing in this section is intended to prevent generators that subscribe and pay for solid waste services with the franchised hauler from self-hauling extra solid waste to permitted solid waste facilities, as may be necessary from time-to-time. However, the City Manager may restrict or prohibit self-hauling by individual generators if the City Manager

determines, after providing notice and an opportunity for a hearing, that the generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.

**H. Exclusive Provider of Debris Boxes.**

No person, other than the franchised hauler shall provide or service (haul) debris boxes for the collection of construction and demolition debris, garbage, recycling, organic materials, and large items, and it is a violation of this code to obtain a debris box from any person other than the franchised hauler or to engage the services of any person other than the franchised hauler to provide debris box service. This includes any and all debris boxes placed in the public right-of-way, on City property, private property, or elsewhere in the service area, for collection of construction and demolition debris, garbage, recycling, organic materials, and large items and subsequent delivery to a permitted solid waste facility. Collection utilizing debris boxes may be on a temporary or permanent basis, in accordance with the terms of the franchise agreement between the City and the franchised hauler.

**I. Organics Prohibited from Use as Alternative Daily Cover.**

Pursuant to the provisions of Assembly Bill 1594 (AB 1594) the franchised hauler, and any commercial or residential generators who self-haul organics, may not direct their organic materials for use as alternative daily cover (ADC). If the City Manager determines that the franchised hauler or any other generator has directed any organic materials for use as ADC, the City Manager will notify the franchised hauler or generator of the requirements of this provision. Repeated instances of directing organic materials for use as ADC may result in enforcement action as per Section 6.12.120.

**J. Organic Materials Subscription.**

All organic materials generators shall subscribe to City's organic waste collection services for all organic waste generated, and shall participate in the City's organic waste collection service by placing materials in designated containers and not placing any prohibited container contaminants in those containers. Generators may additionally manage their organic materials by preventing or reducing their organic materials, managing organic materials on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

**6.12.030 - Storage.**

**A. Sufficient Container Capacity and Storage of Containers.**

All persons occupying or maintaining any premises within the City where garbage, organic materials, and recyclable materials are created, produced, or accumulated shall maintain sufficient standard containers for receiving and holding all garbage, organic materials and/or recyclable materials which are produced, created or accumulated on such premises. No containers or roll-off bins shall be allowed to be stored in the public streets, alleys, or rights-of-way. In commercial areas of the City that have limited space for the placement of containers, upon written request of the property owner or occupant, the City may allow the

bins or carts as provided by the franchised hauler to be placed in public parking lots expressly for the purpose of normal weekly collection by the franchised hauler.

**B. Design Review.**

The design of any new, substantially remodeled or expanded building or other facility shall provide for proper storage of garbage, organic materials and recyclable materials and which will allow for efficient and safe waste removal or collection. The design shall be submitted for approval to the City Manager and shall meet all applicable regulations.

**C. Ownership of Recyclable Materials.**

All recyclable materials placed in containers designated for recyclable materials provided by any franchised hauler shall be considered owned by and be the responsibility of the franchised hauler. Without permission of the franchised hauler, no person shall remove recyclable materials placed in such containers. All recyclable materials placed in recyclable materials containers provided or owned by the generator, shall be considered owned by and be the responsibility of that generator until the material is placed at a franchised hauler's designated point of collection and in containers described in Section 6.12.030.A. It shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organize or direct the collection, removal, or transportation of recyclable materials without being a franchised hauler or meeting the self-haul requirements of Section 6.12.100C.

**6.12.040 - Nuisance and Littering.**

**A. Nuisance Prohibited.**

No person shall accumulate solid waste in any amount that creates a nuisance. If accumulation of solid waste creates a nuisance, the City Manager may require a more frequent collection schedule and/or removal of the accumulated solid waste. Furthermore:

1. Putrescible solid waste, including garbage and organic materials, shall not be allowed to remain on the premises for more than seven days.
2. The occupant of any property may not dispose of solid waste on their property (with the exception of organic materials that are composted on-site via backyard composting).
3. No person shall throw or deposit, or cause to be thrown or deposited, any solid waste upon any premises whatsoever except at a permitted solid waste facility.
4. It is unlawful for any person to burn, or cause to be burned, any solid waste within the City.
5. It is unlawful for any person to dispose of any burning ash or embers in solid waste containers.

**B. Littering of Streets Prohibited.**

It shall be unlawful for any person to cause the accumulation or deposit of dirt, mud, sand, rocks, gravel, or debris on the surface of any street of the City by the tracking of motor or horse drawn vehicles or in any other way.



**C. Hauling and Transport.**

No generator, self-hauler or franchised hauler shall transport solid waste over any public street, alley, right-of-way or parking plaza unless solid waste is contained and covered in such a manner as to prevent the dropping or spilling of any solid waste, litter, or liquid upon the public street, alley, right-of-way or parking plaza.

**6.12.050 - Mandatory Commercial & Multi-Family Recycling and Organic Recycling.**

**A. Commercial Generators Responsible for Compliance.**

Each commercial generator, as defined in Section 6.12.010.E., shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter, including all multi-family dwellings of five units or more.

**B. Commercial Recycling and Organics Collection Required.**

Each commercial generator shall subscribe to a level of service with the franchised hauler that is sufficient to handle the volume of recyclable materials and organic materials generated or accumulated on the premises. Additionally, each commercial generator shall ensure the proper separation of solid waste, as established by the franchised hauler, by placing each type of material in designated receptacles or containers, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on-site conduct proper separation of solid waste. Commercial organic materials generators shall comply with the following requirements and all applicable regulatory requirements under the Act or be subject to enforcement action, as determined by the City Manager and/or designee. Generators that are commercial generators, including multi-family residential dwellings, shall:

1. Subscribe to the City's three-container collection services and comply with requirements of those services as described below, except commercial generators that meet the self-hauler requirements in Section 6.12.050.C of this ordinance. The City and or Franchise Hauler shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and commercial generators shall adjust their service level for their collection services as requested by the City.
2. Except for commercial generators that meet the self-hauler requirements in Section 6.12.050.C of this ordinance, participate in the City's organic materials collection service(s) by placing designated materials in designated containers as described below.
  - a. Generator shall place source separated green container organic materials, including food waste, in the designated organic materials container; source separated recyclable materials in the designated recycling container; and garbage in the designated garbage. Generators shall not place materials designated for the garbage container into the organic materials container or recycling container.

3. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with requirements described below) for employees, contractors, tenants, and customers, consistent with the City's collection service or, if self-hauling, per the Commercial generators' instructions to support its compliance with its self-haul program, in accordance with Section 6.12.050.C.
4. Excluding multi-family residential dwellings, provide containers for the collection of source separated green container organic materials and source separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial generator does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
  - a. A body that is gray or black for garbage, blue for recycling, and green for organics. A commercial generator is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - b. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
5. Multi-family residential dwellings are not required to comply with container placement requirements or labeling requirements in this section pursuant to 14 CCR Section 18984.9(b).
6. To the extent practical through education, training, inspection, and/or other measures, excluding Multi-family residential dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's collection service or, if self-hauling, per the commercial generators' instructions to support its compliance with its self-haul program, in accordance with Section 6.12.050.C.
7. Excluding multi-family residential dwellings, periodically inspect organic materials, recycling, and garbage containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

8. Annually provide information to employees, contractors, tenants, and customers about organic materials recovery requirements and about proper sorting of source separated organic materials and source separated recyclable materials.
9. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated organic materials and source separated recyclable materials separate from garbage (when applicable) and the location of containers and the rules governing their use at each property.
10. Provide or arrange access for the City or its representative to their properties during all inspections conducted in accordance with Section 6.12.80 of this ordinance to confirm compliance with the requirements of this ordinance.
11. Accommodate and cooperate with the collector's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, to evaluate generator's compliance.
12. If a commercial generator wants to self-haul, the commercial generator shall meet the self-hauler requirements in Section 6.12.050.C of this ordinance.
13. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic materials on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).
14. Commercial generators that are commercial edible food generators, as defined in Chapter 6.13, shall comply with food recovery requirements, pursuant to Chapter 6.13 of the City's municipal code.

### **C. Commercial Business Self-Haul.**

Nothing in this chapter shall preclude any commercial business from self-hauling recyclable materials or organic materials generated by that commercial business to a recycling or organics processing facility, provided that the responsible parties source separate all recyclable materials and organic materials (materials that the City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from solid waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2.

Source separated organic materials must be hauled to a solid waste facility, operation, activity, or property that processes or recovers source separated organic materials. Alternatively, self-haulers may haul organic materials to a high diversion organic materials processing facility.

Self-Haulers that are commercial businesses (including multi-family residential dwellings) shall keep a record of the amount of organic materials delivered to each solid waste facility, operation, activity, or property that processes or recovers organic materials; this record shall be subject to inspection by the City. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the generator to each entity.
3. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this chapter or any other applicable law or regulation. A copy of such form shall be completed and remitted annually to the City Manager.

If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic materials.

**D. Exemptions to Mandatory Commercial Recycling and Organics.**

Pursuant to 14 CCR Section 18984.11, the City may grant waivers to generators for physical space limitations and/or de minimis volumes; commercial business seeking an exemption shall submit their request for waiver in a form specified by the City Manager, if one exists. After reviewing the waiver request, and after an on-site review, if applicable, the City Manager may either approve or deny the waiver request.

1. De Minimis Waivers: The City may waive a commercial business' obligation (including multi-family residential dwellings) to comply with some or all of the organic materials requirements of this ordinance if the commercial business provides documentation that the business generates below a certain amount of organic materials material as described in below. Commercial businesses requesting a de minimis waiver shall:
  - a. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted below.
  - b. Provide documentation that either:
    - i. The commercial business' total solid waste collection service is two cubic yards or more per week and disposed organic materials comprises less than 20 gallons per week per applicable container of the business' total waste; or,
    - ii. The commercial business' total solid waste collection service is less than two cubic yards per week and disposed organic materials comprises less than 10 gallons per week per applicable container of the business' total waste.
    - iii. For the purpose of subsections (i) and (ii) above, total solid waste collection shall be the sum of weekly garbage collection container volume, recyclable material collection container volume and organic materials collection container volume, measured in cubic yards.

- c. Notify the City if circumstances change such that commercial business' organic materials exceeds threshold required for waiver, in which case waiver will be rescinded.
    - d. Provide written verification of eligibility for de minimis waiver every 5 years if the City has approved de minimis waiver.
  2. Physical Space Waivers: The City may waive a commercial generator's or property owner's obligations (including multi-family residential dwellings) to comply with some or all of the recyclable materials and/or organic materials collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic materials collection requirements. A commercial generator or property owner may request a physical space waiver through the following process:
    - a. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
    - b. Provide documentation that the premises lacks adequate space for the designated recycling containers and designated organic materials containers including documentation from its hauler, licensed architect, or licensed engineer.
    - c. Provide written verification to the City that it is still eligible for physical space waiver every five years, if the City has approved application for a physical space waiver.
  3. The state, a special district or other local public agency other than the City, as defined, or any employee thereof, when collecting or transporting recyclable materials produced by operation or system of the entities described above.
  4. Municipal corporations and governmental agencies other than city using their own vehicles and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the City.

### **E. Implementation.**

Each commercial generator shall use containers to collect and store recyclable materials and organic materials, and shall designate areas to collect and/or store these materials. Each commercial generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable materials and organic materials are collected and/or stored that specify the materials to be recycled and how to recycle such material. The City shall notify and instruct commercial generators in writing of applicable recycling and organics requirements. Upon request by commercial generators, the City will also provide outreach and training to commercial generator employees and tenants regarding what materials are required to be recycled and how to recycle such material. Additionally:

1. The City Manager shall annually work with the franchised hauler to identify commercial generators subject to the requirements in this chapter.

2. The City Manager shall review franchised hauler data to confirm whether all commercial generators are compliant with the requirements of this chapter by reviewing subscription levels of garbage, organics and recycling collection services. Those commercial generators who do not subscribe to the required collection services with the franchised hauler will be notified of the requirement to subscribe or self-haul organics and recyclables. Those commercial generators who do not subscribe to the required services with the franchised hauler but who can produce evidence of legitimate self-haul of organics and recyclables will be deemed compliant with this chapter, whereas those who cannot will be deemed non-compliant.
3. The City Manager shall work with the franchised hauler to conduct site visits with select commercial generators each year, covering all commercial generators every five years, in order to document whether commercial generators participate in the required recycling and organics collection programs (not just subscribe) and are therefore in compliance with the requirements of this chapter.
4. The City Manager shall annually work with any non-compliant commercial generators in order to bring them into compliance with the requirements of this chapter by providing outreach, education, and technical assistance to facilitate compliance.
5. Commercial generators shall be responsible for ensuring and demonstrating compliance with the requirements of this chapter within thirty (30) days of notification of non-compliance. Failure to demonstrate compliance with the requirements of this chapter shall be cause for enforcement.

### **6.12.060 - Special Events.**

#### **A. Special Event Recycling and Organics Collection Required.**

For a special event, in addition to any other conditions the City requires as part of the special event permit, the responsible party shall either arrange for commingled or source separated collection and processing of garbage, recycling and organics with the franchised hauler or shall arrange for and provide recycling and organics containers throughout the event location to make source separation of recyclable materials, organic materials and garbage convenient for the employees, volunteers, contractors, customers of the food vendors and attendees of the event. This includes arranging for collection and appropriate processing of all garbage, organics and recycling collected during the special event. Requirements for special events not utilizing commingled or source separated collection services provided by the franchised hauler include:

1. The minimum number of recycling and organic containers shall equal or exceed the number of garbage containers. Containers for garbage, organics and recyclables shall be collocated throughout the event location in order to provide equally convenient access to users.

2. All of the containers must have appropriate signage and be color coded to identify the type of materials to be deposited and meet any additional design criteria established by the City by regulation.
3. Food vendors must have at least one separate container each for recyclable materials, organic materials and garbage for use by customers and visitors. Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate number, size, and placement of containers for recyclable materials, organic materials and garbage for convenient use by customers or visitors or have common access to such a container which shall be located within a reasonable proximity of the vendors.
4. The types of recyclable materials suitable for deposit into each container shall include, at a minimum; plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, and cans. Each recycling container shall be clearly identified as a recycling container and shall display a list of types of recyclable materials which may be deposited into the recycling container.
5. Mobile food vendors subject to Chapter 8.34.140 of the Municipal Code shall comply with this Chapter 6.12.110.

**6.12.070 - Enforcement.****A. City Manager Authorization.**

The City Manager is authorized to administer and enforce the provisions of this chapter. The City Manager, or anyone designated by the City Manager to be an enforcement officer, may exercise such enforcement powers. If the City Manager determines that a solid waste generator is in violation of this chapter or of any rule or regulation adopted pursuant to this chapter, the City Manager may begin enforcement proceedings. Public nuisance proceedings and/or code enforcement proceedings under the City's code shall apply, in addition to the administrative penalties approved by resolution of the City Council, as modified from time to time. Enforcement proceedings may include issuing notices of violation, requiring changes in subscription service levels or assessing administrative fines.

**B. Administrative Citations and Orders.**

If the City Manager determines that a solid waste generator is in violation of this chapter, the City Manager may issue administrative citations or orders pursuant to the Los Altos Municipal Code Chapter 1.30, for violations of this chapter or of any rule or regulation adopted pursuant to this chapter, except as otherwise provided in this chapter. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety and shall govern the imposition, enforcement, collection and review of administrative citations or orders issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, provided, however, that the City Manager may adopt regulations providing for lesser penalty amounts. The City Manager has the authority to impose administrative penalties for the notices of violations.

**C. Additional Remedies.**

The City Attorney may seek injunctive relief or civil penalties in the superior court in addition to the above remedies and penalties. All administrative civil penalties collected from actions pursuant to this section shall be paid to the City and shall be deposited into a solid waste administrative account that is available to fund activities to implement the applicable provisions of this section. Any remedy provided under this section is cumulative to any other remedy provided in equity or at law. Nothing in this chapter shall be deemed to limit the right of the City or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by the City or its authorized collection agent(s). The fees and penalties imposed under this chapter shall constitute a civil debt and liability owing to the City from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law. Nothing in this chapter shall be deemed to impose any liability upon the City or upon any of its officers or employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). This chapter does not do any of the following:

1. Otherwise affect the authority of the City Manager to take any other action authorized by any other provision of law.



2. Restrict the power of a City Attorney, district attorney or the attorney general to bring in the name of the people of the state, any criminal proceeding otherwise authorized by law.
3. Prevent the City Manager from cooperating with, or participating in, a proceeding specified in Section 6.12.120.
4. Affect in any way existing contractual arrangements, including franchises, permits, or licenses, previously granted or entered into between the franchised hauler and the City.

**6.12.80 - Inspections and Investigations by the City.**

- A. The City's representatives and/or its designated entity, including designees, are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this ordinance by organic materials generators, commercial generators (including multi-family residential dwellings), property owners, commercial edible food generators (as defined in Chapter 6.13), haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow the City to enter the interior of a private residential property for inspection. For the purposes of inspecting commercial generator containers for compliance with this ordinance, jurisdiction may conduct container inspections for prohibited container contaminants using remote monitoring, and all generators shall accommodate and cooperate with the remote monitoring.
- B. Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities (as further described in Chapter 6.13), records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- C. Any records obtained by the City during its inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. City representatives, its designated entity, and/or designee are authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

**6.12.090 - Forms, Regulations, and Guidelines.**

The City Manager may adopt necessary forms, rules, regulations, and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this chapter. The City may provide information on its website regarding what materials are accepted as recyclable materials, organic materials, and garbage under this chapter.

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

**SECTION 4. 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 \_\_\_\_\_, 2021 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2021 passed and adopted by the following vote:

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

\_\_\_\_\_  
Neysa Fligor, MAYOR

Attest:

\_\_\_\_\_  
Andrea Chelemengos, CMC, CITY CLERK

**ORDINANCE NO. 2021-483**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS  
ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 6  
HEALTH AND SAFETY, ARTICLE 13, TO ADD CHAPTER 6.13  
ENTITLED “EDIBLE FOOD RECOVERY”**

**WHEREAS**, Pursuant to Senate Bill 1383, the Short-Lived Climate Pollutant Reduction Act of 2016, the California Department of Resources Recycling and Recovery (CalRecycle) developed regulations to reduce organics in landfills as a source of methane. The regulations place new requirements on cities, counties, residential households, businesses, waste haulers, and food recovery organizations to support the achievement of statewide organic waste disposal reduction targets; and

**WHEREAS**, CalRecycle’s regulations direct cities and counties to develop edible food recovery programs and require certain businesses to arrange for the donation of edible food that would otherwise go to waste. In addition to targeting methane emissions, these programs will help address food insecurity in California; and

**WHEREAS**, Pursuant to 14 CCR Section 18981.2, jurisdictions may delegate certain responsibilities for implementing, monitoring, and enforcing their edible food recovery programs to public or private entities; and

**WHEREAS**, the Council finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) as an action taken by a regulatory agency to protect the environment (CEQA Guidelines Section 15308).

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

**SECTION 1. AMENDMENT OF CODE:**

Los Altos Municipal Code, Title 6, Health and Safety, is hereby amended to add new Chapter 6.13 to read as follows:

**CHAPTER 6.13 – EDIBLE FOOD RECOVERY**

**6.13.010 - 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. “City” means the City of Los Altos.
- B. “Department” means any department of the City, the County of Santa Clara, or any other public agency designated by the City to enforce or administer this Chapter, as authorized in 14 CCR Section 18981.2.
- C. “Designee” means any private entity that the City contracts with or otherwise arranges to carry out any responsibilities of this Chapter, as authorized in 14 CCR Section 18981.2.
- D. “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter, “Edible Food” is not solid waste if it is recovered and not discarded. Nothing in this Chapter requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.
- E. “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- F. “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- G. “Food Recovery” means actions to collect and distribute food for human consumption which otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- H. “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities. “Food Recovery Organization” includes, but is not limited to:
  - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
  - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,
  - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a commercial edible food generator for the purposes of this Chapter pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Chapter.

- I. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a commercial edible food generator to a Food Recovery Organization or other

entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator.

- J. “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- K. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- L. “Health Facility” has the same meaning as in Section 1250 of the Health and Safety Code.
- M. “Hotel” has the same meaning as in Section 17210 of the Business and Professions code.
- N. “Inspection” means a Department or Designee’s electronic or onsite review of records, containers, and an entity’s collection, handling, recycling, or landfill disposal of organic waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).
- O. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price or is operated by a local agency and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Chapter.
- P. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. A venue facility includes, but is not limited to, a public, non-profit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Chapter.
- Q. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- R. “Non-Local Entity” means an entity that is an organic waste generator but is not subject to the control of a jurisdiction’s regulations related to solid waste. These entities may include but are not limited to, special districts, federal facilities, prisons, facilities operated by the state parks system, public universities, including community colleges, county fairgrounds, and state agencies.

- S. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- T. “Share Table” has the same meaning as in Section 114079 of the Health and Safety Code.
- U. “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- V. “Tier One Commercial Edible Food Generator” means the following:
- (1) Supermarkets, as defined above.
  - (2) Grocery Stores, as defined above, with a total facility size equal to or greater than 10,000 square feet.
  - (3) Food Service Providers, as defined above.
  - (4) Food Distributors, as defined above.
  - (5) Wholesale Food Vendors, as defined below.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Chapter.

For the purposes of this Chapter, Food Recovery Organizations and Food Recovery Services are not commercial edible food generators.

- W. “Tier Two Commercial Edible Food Generator” means the following:
- (1) Restaurants, as defined above, with 250 or more seats or a total facility size equal to or greater than 5,000 square feet.
  - (2) Hotels, as defined above, with an on-site Food Facility and 200 or more rooms.
  - (3) Health facilities, as defined above, with an on-site Food Facility and 100 or more beds.
  - (4) Large Venues, as defined above.
  - (5) Large Events, as defined above.
  - (6) State agencies with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
  - (7) Local Education Agency facilities, as defined above, with on-site Food Facilities, as defined above.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this Chapter. Non-local entities that operate a facility that meets this definition are Tier Two Commercial Edible Food Generators.

For the purposes of this Chapter, food recovery organizations and food recovery services are not commercial edible food generators.

- X. “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

**6.13.020 – Requirements for Commercial Edible Food Generators**

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- C. Tier One and Tier Two Commercial Edible Food Generators shall comply with the following requirements:
  - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
  - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  - (4) Allow the Department or Designee to access the premises, conduct Inspections, and review electronic and hard copy records pursuant to 14 CCR Section 18991.4.
  - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
    - (A) A list of each Food Recovery Service or Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
    - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
    - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
      - (i) The name, address, and contact information of the Food Recovery Service or Food Recovery Organization.
      - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

- (iii) The established frequency that food will be collected or self-hauled.
  - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- D. Tier One Commercial Edible Food Generators shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:
  - (1) On or before August 1, 2022, Tier One Commercial Edible Food Generators shall submit a Food Recovery Report for the period of January 1, 2022, through June 30, 2022.
  - (2) On or before May 1, 2023, and on or before May 1st each year thereafter, Tier One Commercial Edible Food Generators shall submit a Food Recovery Report for the period covering the entire previous calendar year.
- E. Tier Two Commercial Edible Food Generators shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:
  - (1) On or before May 1, 2025, and on or before May 1st each year thereafter, Tier Two Commercial Edible Food Generators shall submit a Food Recovery Report for the period covering the entire previous calendar year.
- F. Food Recovery Reports submitted by Tier One and Tier Two Commercial Edible Food Generators shall include the following information:
  - (1) The name and address of the Commercial Edible Food Generator;
  - (2) The name of the person responsible for the Commercial Edible Food Generator's edible food recovery program;
  - (3) A list of all contracted Food Recovery Services or Food Recovery Organizations that collect Edible Food from the Commercial Edible Food Generator;
  - (4) The total number of pounds of Edible Food, per year, donated through a contracted Food Recovery Organization or Food Recovery Service.
- G. Nothing in this Chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance issued by the California Department of Education pursuant to Senate Bill 557 (2017).



**6.13.030 – Requirements for Food Recovery Organizations and Services.**

- A. Food Recovery Services collecting, receiving, or coordinating the collection of Edible Food directly from Tier One or Tier Two Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
  - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the Service collects Edible Food.
  - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
  - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
  - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
  
- B. Food Recovery Organizations collecting, receiving, or coordinating the collection of Edible Food directly from Tier One or Tier Two Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
  - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the Organization receives Edible Food.
  - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
  - (3) The name, address, and contact information for each Food Recovery Service that the Organization receives Edible Food from for Food Recovery.
  
- C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Tier One or Tier Two Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:
  - (1) On or before August 1, 2022, Food Recovery Organizations and Food Recovery Services shall submit a Food Recovery Report for the period of January 1, 2022 through June 30, 2022;
  - (2) On or before May 1, 2023, and on or before May 1st each year thereafter, Food Recovery Organizations and Food Recovery Services shall submit a Food Recovery Report for the period covering the entire previous calendar year.

- D. Food Recovery reports submitted by Food Recovery Services or Organizations shall include the following information:
- (1) Total pounds of Edible Food recovered in the previous calendar year from Tier One and Tier Two Edible Food Generators with whom the reporting entity has a contract or written agreement pursuant to 14 CCR Section 18991.3(b).
  - (2) Total pounds of Edible Food recovered in the previous calendar year from Tier One and Tier Two Edible Food Generators within Santa Clara County with whom the reporting entity has a contract or written agreement pursuant to 14 CCR Section 18991.3(b).
- E. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County of Santa Clara, the City, or their Designees, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, Designee, or Department, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Tier One and Tier Two Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City, the Department, or Designee shall respond to such request for information within 60 days unless a shorter timeframe is specified.

**6.13.040 – Edible Food Recovery Inspections and Investigations by Department or Designee.**

- A. The Department and/or Designee are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators to confirm compliance with this Chapter by Tier One and Tier Two Commercial Edible Food Generators, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the Department or Designee to enter the interior of a private residential property for inspection.
- B. Regulated entities shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the Department's or Designee's employees during such Inspections and investigations. Such Inspections and investigations may include in-person or electronic review of Edible Food Recovery activities, records, or any other requirement of this Chapter described herein. Failure to provide or arrange for access to an entity's premises or access to records for any Inspection or investigation is a violation of this Chapter and may result in penalties described.

- C. Any records obtained by the Department or Designee during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- D. Representatives of the Department and/or Designee are authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.
- E. Department shall receive written complaints, including anonymous complaints, regarding entities that may be in violation of this Chapter. Complaints shall include the name and contact information of the complainant, if the complainant is not anonymous; the identity of the alleged violator, if known; a description of the alleged violation including location(s) and all other relevant facts known to the complainant; any relevant photographic or documentary evidence to support the allegations in the complaint; and the identity of any witnesses, if known.

**6.13.050 - Enforcement.**

- A. *Administrative Fine.* Violation of any provision of this Chapter shall constitute grounds for issuance of a Notice of Violation and assessment of an administrative fine by the Department. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Department shall commence an action to impose penalties, via an administrative citation and fine.
- B. *Notice of Violation.* Before assessing an administrative fine, the Department shall issue a Notice of Violation requiring compliance within sixty days of issuance of the Notice. The Notice shall include: (1) the name(s) of each person or entity to whom it is directed, (2) a factual description of the violations, including the regulatory section(s) being violated, (3) a compliance date by which the respondent is to take specified action(s), and (4) the penalty for not complying before the specified deadline.
- C. *Extensions to Compliance Deadlines.* The Department may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
  - (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;

(2) Delays in obtaining discretionary permits or other government agency approvals;

(3) Deficiencies in Edible Food Recovery capacity and the existence of a corrective action plan imposed by CalRecycle pursuant to 14 CCR Section 18996.2 due to those

deficiencies; or,

(4) Any other circumstance in which the Department Director, in their sole discretion, finds good cause to extend the compliance deadlines.

D. *Administrative Citations.* If the respondent fails to correct the violation by the compliance date, the Department shall issue an administrative citation and fine. The citation shall include a description of the administrative citation appeal process, including the designated hearing officer, the time within which the administrative citation may be contested, and instructions for requesting a hearing.

E. *Amount of Fine.* The amount of the administrative fine for each violation of this Chapter shall be as follows:

(1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.

(2) For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.

(3) For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

F. *Factors Considered in Determining Penalty Amount.* The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty range:

(1) The nature, circumstances, and severity of the violation(s).

(2) The violator's ability to pay.

(3) The willfulness of the violator's misconduct.

(4) Whether the violator took measures to avoid or mitigate violations of this Chapter.

(5) Evidence of any economic benefit resulting from the violation(s).

(6) The deterrent effect of the penalty on the violator.

(7) Whether the violation(s) were due to conditions outside the control of the violator.

G. *Appeals.* Persons receiving an administrative citation for an uncorrected violation may request a hearing to appeal the citation. The City will designate a hearing officer who shall conduct the hearing and issue a final written order. The hearing officer may be a City official or another public agency designated by the City. The

hearing officer shall be identified in the administrative citation. A hearing will be held only if it is requested within fifteen days from the date of the notice of the administrative citation.

- H. *Other Remedies.* Other remedies allowed by law may be used to enforce this Chapter, including civil action or criminal prosecution as misdemeanor or infraction. The Department and/or City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The Department and/or City may choose to delay court action until such time as court action is a reasonable use of staff and resources.
- I. *Education Period for Non-Compliance.* Beginning January 1, 2022, and through December 31, 2023, the Department and/or Designee will conduct Inspections and compliance reviews. If the Department and/or Designee determines that a Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Chapter and a notice that compliance is required. It shall also provide notice that violations may be subject to administrative civil penalties starting on January 1, 2024.

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

**SECTION 4. 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 \_\_\_\_\_, 2021 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2021 passed and adopted by the following vote:

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

\_\_\_\_\_  
Neysa Fligor, MAYOR

Attest:

\_\_\_\_\_  
Andrea Chelemengos, CMC, CITY CLERK



**CONSENT CALENDAR**

**Agenda Item # 3**

**AGENDA REPORT SUMMARY**

**Meeting Date:** November 9, 2021

**Subject:** Amendment to On-call Engineering service agreement with BKF Engineers

**Prepared by:** Gaku Watanabe, Assistant Engineer

**Reviewed by:** Jim Sandoval, Engineering Services Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):** None

**Initiated by:**

City Council CIP Project TS-01056

**Previous Council Consideration:**

- July 11, 2017, July 9, 2019 and June 22, 2021

**Fiscal Impact:**

BKF Engineers is contracted with the City of Los Altos to provide on-call professional engineering services for various engineering tasks. The existing agreement was executed in April 2020 with a not-to-exceed amount of \$70,000 from the Engineering Services Department operating budget. Staff is proposing to add \$170,784.56 to the existing on-call agreement for a total of \$240,784.56 to hire BKF Engineers to provide full-time construction management service for the Fremont Avenue Pavement Rehabilitation Project. The need for construction management services on this project is due to the federal funding associated with the project and the requirements specific to federal grants.

- City of Los Altos has an existing agreement with BKF Engineers for on-call engineering services with approved purchase order of \$70,000.
- Fremont Avenue Pavement Rehabilitation Project TS-01056 will add \$170,784.56 to the existing on-call contract to fully fund the proposed construction management service.

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City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JE

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**Subject:** Amendment to On-call Engineering service agreement with BKF Engineer

**Fremont Avenue Pavement Rehabilitation, Project TS-01056**

<b>Project Item</b>	<b>Project Budget</b>
Design	\$170,000.00
Construction	\$ 1,173,476.35
Construction Contingency (15%)	\$ 176,021.45
Inspection	\$ 185,193.00
Printing/Advertising/Mailing/Misc.	\$ 10,000.00
Construction Management Service (new)	\$ 240,784.56
<b>Estimated Total Cost</b>	<b>\$ 1,955,475.36</b>
<b>Breakdown of Funds to be used</b>	
One Bay Area Grant (OBAG)	\$ 336,000
CIP Funds	\$ 1,750,000
Engineering Operating Budget	\$ 70,000
<b>Total Project Budget</b>	<b>\$ 2,156,000.00</b>

- Amount already included in approved budget: Y
- Amount above budget requested: 0
- No fund transfer requested.

**Environmental Review:**

Categorically Exempt pursuant to CEQA Section 15301(c) consisting of the operation, repair and maintenance of existing facilities such as streets and involves negligible or no expansion of existing or former use.

**Policy Question(s) for Council Consideration:**

None

**Summary:**

- On February 25, 2021, the Authorization to Proceed for construction was received from the California Department of Transportation (Caltrans) for the OBAG fund (Federal project number: STPL-5309(019)).
- The City contracted Interstate Grading & Paving as primary contractor for the Fremont Avenue Pavement Rehabilitation project in July 2021.



**Subject:** Amendment to On-call Engineering service agreement with BKF Engineer

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**Staff Recommendation:**

Approve the amendment to add \$170,784.56 to the existing on-call engineering service agreement with BKF Engineers to provide construction management service for the Fremont Avenue Pavement Rehabilitation Project.

**Background**

Fremont Avenue Pavement Rehabilitation, Project TS-01056, is dedicated to resurfacing Fremont Avenue with asphalt concrete (AC) from Grant Road to the City Limit near Stevens Creek. This project is partially funded by a federal grant, One Bay Area Grant (OBAG), in the amount of \$336,000. In February 2021, the City received the Authorization to Proceed with the construction phase from the California Department of Transportation (Caltrans) that oversees the release of the federal grant. The City has a contract agreement with Interstate Grading & Paving, the primary contractor, and an agreement with 4Leaf Inc. for full time inspection has been executed with the price indicated in the fiscal impact section of this report.

**Discussion/Analysis**

City staff determined there is insufficient staff resources within the Transportation Division to manage the construction phase of Fremont Avenue Pavement Rehabilitation Project, scheduled for construction from November 2021 thru February 2022. Due to the OBAG funding, this project will also require preparation of federal documents for submittal to Caltrans throughout the project. Current Transportation Division staff does not have previous experience with managing federally funded CIPs. BKF Engineers' construction management support will cover construction oversight as well as communication with Caltrans Local Assistance office for federally required submittals.

**Recommendation**

Authorize the City Manager to execute a contract amendment to the existing on-call engineering service agreement with BKF Engineers, Inc., which adds \$170,784.56 for a total not-to-exceed project budget of \$240,784.56.





CONSENT CALENDAR

Agenda Item # 4

**AGENDA REPORT SUMMARY**

**Meeting Date:** November 9, 2021

**Subject:** Emergency Declaration Resolution

**Prepared by:** Jon Maginot, Deputy City Manager

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Resolution No. 2021-55

**Initiated by:**

Staff

**Previous Council Consideration:**

March 12, 2020 (Declaration of Emergency); March 17, 2020; August 24, 2021; October 12, 2021

**Fiscal Impact:**

None. However, a local emergency declaration is a prerequisite for requesting state or federal assistance.

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to renew its existing declaration by adopting a resolution declaring a local emergency to emphasize the need for continued adherence to public health guidance?

**Summary:**

- Resolution No. 2021-46 directs staff to report back on the state of the local emergency within 60 days of adoption
- AB 361 requires the City to adopt a resolution every 30 days extending a local emergency declaration to continue to allow legislative bodies to meet virtually

**Staff Recommendation:**

Adopt Resolution No. 2021-55 extending the declaration of a local emergency due to the COVID-19 pandemic

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JM

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**Subject:** Emergency Declaration Resolution

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**Purpose**

To adopt a resolution extending the existing declaration of emergency

**Background**

On March 12, 2020, the City Manager issued an Emergency Declaration in response to the COVID-19 pandemic. On March 17, 2020, the City Council adopted Resolution No. 2020-08 ratifying the Emergency Proclamation. On August 24, 2021 and October 12, 2021, the City Council adopted resolutions continuing the declaration of the existence of a local emergency due to the COVID-19 pandemic.

The threat posed by COVID-19 continues to pose a serious risk to the public health and safety of the City of Los Altos.

**Discussion/Analysis**

Resolution No. 2021-46 states that the Director of Emergency Services (City Manager) is to report to the City Council within sixty (60) days on the need for further continuing the local emergency.

AB 361, signed into law on September 15, 2021, allows a public agency to continue to hold virtual City Council and Commission meetings while under a declaration of emergency without complying with certain elements of the Ralph M. Brown Act. The bill requires that a legislative body renew the declaration of emergency every 30 days in order to continue meeting in this matter. AB 361 applies to local agencies until January 1, 2024.

**Recommendation**

The staff recommends Council adopt the attached resolution extending the declaration of emergency due to the COVID-19 pandemic.

**RESOLUTION NO. 2021-55**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO  
THE COVID-19 PANDEMIC**

**WHEREAS**, on March 4, 2020, the Governor issued a proclamation of a state of emergency relating to the respiratory illness known as COVID-19, which is caused by the novel corona virus SARS-CoV-2; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the existence of a pandemic due to the global spread of COVID-19; and

**WHEREAS**, on March 12, 2020, the Los Altos City Manager, in his capacity as the City’s Director of Emergency Services, proclaimed a local emergency in response to the escalation of COVID-19 to a pandemic, and on March 17, 2020, the City Council adopted Resolution 2020-08 ratifying and continuing the proclamation of local emergency; and

**WHEREAS**, on March 16, 2020, the Santa Clara County Health Officer issued the first of successive orders requiring all individuals residing in the County to shelter in their places of residence as specified, to socially distance, and to take other measures to prevent community spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor issued a statewide shelter-in-place order; and on August 28, 2020, the Governor announced a “Blueprint for a Safer Economy,” which provided protocols for slowly reopening the state’s economy following the initial shelter-in-place mandate; and

**WHEREAS**, on August 24, 2021 and October 12, 2021, the City Council adopted Resolution No. 2021-46 and Resolution No. 2021-51 respectively extending the declaration of a local emergency; and

**WHEREAS**, by the beginning of October 2021, over 1,775 Santa Clara County residents had died of COVID-19; and

**WHEREAS**, due to the diligence of Los Altos residents in complying with health guidance Los Altos has one of the lowest rates of reported incidence of COVID-19 infection in Santa Clara County; and

**WHEREAS**, vaccines provide proven protection against COVID-19; and

**WHEREAS**, by the beginning of October 2021, approximately 84 percent of Santa Clara County residents over the age of 12 had been vaccinated, and statewide vaccination rates were higher than the national average; and

**WHEREAS**, the Governor lifted the Blueprint for a Safer Economy on June 15, 2021, and local health restrictions have also been lifted due to sharp declines in COVID-19 case counts since vaccines first became available; and

**WHEREAS**, despite progress in addressing the pandemic, not all eligible individuals are fully vaccinated, and new, more virulent variants of the SARS-CoV-2 virus are spreading in California and throughout the world; and

**WHEREAS**, according to the California Department of Public Health, by July 21, 2021, nearly 85 percent of new COVID-19 cases in California were caused by the highly contagious “delta” variant; and

**WHEREAS**, although breakthrough infections are rare for fully vaccinated individuals, available COVID-19 vaccines have proven less effective against the delta variant than against prior strains of the SARS-CoV-2 virus; and

**WHEREAS**, due to the spread of the delta variant and because not all eligible persons are vaccinated yet, the incidence of COVID-19 infection is again on the rise in Santa Clara County; and

**WHEREAS**, according to the Santa Clara County Health Department, by July 1, 2021, the 7-day average of new COVID-19 cases reported in Santa Clara County was down to 37 cases per day, but three weeks later on July 22, 2021, the 7-day average was up to 188 cases per day; and

**WHEREAS**, as a result of rising case counts, on August 2, 2021, the Santa Clara County Health Officer issued a new health order requiring the use of face coverings indoors by all persons; and

**WHEREAS**, despite significant progress, COVID-19 remains a threat to public health and safety in the Los Altos community; and

**WHEREAS**, throughout the pandemic, the City of Los Altos has taken steps to address the health crisis, for example, by facilitating outdoor dining within the City; and

**WHEREAS**, AB 361 requires the City Council make findings every thirty (30) days reaffirming the existence of a local emergency; and

**WHEREAS**, in view of the ongoing health crisis, the City Council now desires to affirm its existing declaration of local emergency.

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

1. The City Council has reviewed the need for continuing the declaration of local emergency and finds, based on substantial evidence, that the foregoing recitals are

true and correct and that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.

2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Los Altos.
3. The Director of Emergency Services is hereby directed to report to the City Council within thirty (30) days on the need for further continuing the local emergency and, if deemed appropriate, the City Council may take further action.

**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 9<sup>th</sup> day of November, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Neysa Fligor, MAYOR

Attest:

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Andrea Chelemengos, MMC, CITY CLERK



**PUBLIC HEARING**  
**AGENDA ITEM # 5**

## **AGENDA REPORT SUMMARY**

**Meeting Date:** November 9, 2021

**Subject:** Agenda Item # 5 - To be continued to November 30, 2021

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## **ITEM TO BE CONTINUED TO MEETING OF NOVEMBER 30, 2021**

5. Park in-Lieu Fee Update: Adopt a Resolution of the City Council of the City of Los Altos modifying Park in-Lieu Fee on the FY 2021/22 Fee Schedule for the City of Los Altos

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City Manager

*CJ*

**Reviewed By:**

City Attorney

*JH*

Finance Director

*SE*

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**DISCUSSION ITEM**

**Agenda Item # 6**

**AGENDA REPORT SUMMARY**

**Meeting Date:** November 9, 2021

**Subject:** City Council Resolution establishing objective residential site development and design standards pursuant to recent changes to state law.

**Prepared by:** Guido F. Persicone, Planning Services Manager, AICP  
Jon Biggs, Community Development Director

**Reviewed by:** Gabriel Engeland, City Manager

**Attachment(s):**  
None

**Initiated by:**  
The City Council due to recent changes to state law.

**Previous Council Consideration:**  
October 26, 2021

**Fiscal Impact:**  
No fiscal impact. The initial effort will be undertaken by city staff. Additional single-family objective standards could require assistance of consultants, which will have an undetermined fiscal impact.

**Environmental Review:**  
None

**Summary:**

- Recent changes to state law require immediate attention prior to January 1<sup>st</sup>, so that the City has in place appropriate site development and design standards new state legislation governing the review of land division and certain residential development proposals can be appropriately managed.

**Staff Recommendation:**

No recommendation currently as this is just an information memo to update the City Council on the Single-Family Objective Zoning Standards project.

**Background**

On September 16, 2021 Governor Newsom signed Senate Bills 8, 9 and 10 and several other housing related pieces of legislation. While all of the legislation will impact the development of property in Los Altos, SB 9 will have an immediate implication as it requires after January 1, 2021 that single family



**Subject:** Single Family Objective Site Development and Design Standards

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residential development project be approved ministerially. Since more than 75% of Los Altos is zoned for single-family residential use, this will have an immediate impact on the review of design review applications by the Community Development Department. After adoption of the immediate standards by the City Council, a more detailed set of regulations can be prepared in 2022 to enhance the criteria Los Altos uses to review single family homes. The schedule to accomplish this is as follows:

### **Phase I Project Schedule**

On November 3rd, the Deputy City Attorney (Erik Ramakrishna) gave an SB 8 and SB 9 presentation to the Design Review Commission (DRC). At this meeting city staff asked for a DRC Ad Hoc Subcommittee composed of two members be formed so input can be given on the design standards.

On November 10<sup>th</sup>, City staff will meet with the DRC Ad Hoc Subcommittee to discuss the draft single-family objective standards, and the results of this effort will be presented to the City Council at its meeting of November 30<sup>th</sup> for consideration.

### **Phase II Project Schedule**

**January-March 2022**-City staff will contract with a consultant firm to prepare detailed graphics and charts to enhance the standards adopted in December.

**March 2022-June 2023**-City staff will engage community members and the City Council in a more detailed and thorough project review similar to what occurred for the Multi Family/Mixed Use Objective Standards Project.





## **PUBLIC CORRESPONDENCE**

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)



## LOS ALTOS RESIDENTS

November 7, 2021

Dear Mayor Fligor, Vice Mayor Enander, Councilmembers Lee Eng, Meadows, and Weinberg:

The State Legislature recently passed a housing bill, SB9, which allows a single-family home lot to be split into two lots. SB9 allows two housing units to be built on each of the lots created by the split for a total of four (4) housing units where one single-family home stood. Notably SB9, which will go into effect January 1, 2022, does not mandate any affordable housing.

In addition to the increase in density, SB9 does not require developers to pay for the impact the increase in density will have on neighborhood schools, roads, sewers, public safety resources and other infrastructure. Neighbors are not entitled to notification and have no say in the matter. But there are measures that each local government can choose to enact to mitigate the negative impacts of SB9. **We are asking the City Council to enact a resolution prior to December 31, 2021, to address the negative impacts of SB9 on Los Altos.** The resolution must be enacted by the end of this year to have effect.

First and foremost, let us address the issue of affordable housing. Many organizations in Los Altos have expressed support for SB9 because they are in favor of any legislation that would increase the supply of affordable housing. The members of Los Altos Residents support measures that will actually produce affordable housing.

Los Altos faces a real challenge with respect to its RHNA housing allotment. If you act prior to December 31, Council has a rare opportunity to enact measures to increase the number of affordable housing units in Los Altos and these housing units will count towards fulfilling our mandated RHNA housing allotment. **Council can enact a resolution that will ensure that a portion of the SB9 housing units created as a result of a lot split is deed restricted for low-income to moderate-income levels for a specified period of time.**

We have provided a list below of the measures that we urge you to include in such a resolution enacted no later than December 31, 2021, to mitigate SB9's negative impacts on the residents of Los Altos. These measures address affordable housing, privacy, density, parking, infrastructure, schools, parks, public safety, and transparency/notification of neighbors.

**Affordable Covenant.** There is at present an urgent Statewide and City concern about the provision of affordable housing. Every SB 9 project in the City shall require that a thirty-year affordable covenant for at least moderate-income level must be applied to two of the units and listed on the HCID registry of affordable units. [Emphasis added]

**Maximum of Four Units and Two Lots.** SB 9 obligates the City to allow two units per lot, and one lot split, for a total of four units and a total of two lots (parcels). The City is not required and shall not allow any additional units or structures (such as ADUs), nor any further lot splits, on any parcel that has been split once and on which four units have been approved. [Emphasis added]

**Parking.** The Bill allows the City to choose to require parking consistent with the terms of the Bill. Accordingly, the City shall require off-street parking of one space per unit, unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code or there is a car share vehicle located within one block of the parcel. [Emphasis added]

**Impact/Development Fees.** The City shall require the payment of impact or development fees related to the specific impact that will be imposed on a community by the creation of a SB 9 second lot and additional units. Impact fees can be related to a variety of impacts including but not limited to infrastructure, construction impacts, recreation, libraries, and public art. [Emphasis added]

**Notification Requirements.** Every SB 9 filing shall require the City to notify those property owners and tenants within a 1000-foot radius from the proposed project site that a parcel map has been filed with the City.

**Objective Zoning/Subdivision/Design Standards.** The Bill authorizes the City to impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to structures and parcels created by an urban lot split that do not conflict (with SB 9) or preclude the construction of two 800 square foot minimum housing units. Accordingly, all such existing objective City standards shall apply to SB 9 projects, in addition to any additional objective standards that the City may adopt. [Emphasis added]

**Setbacks.** SB 9 allows the City to choose to require setbacks consistent with the terms of the Bill. Accordingly, the City shall require setbacks of up to four feet from the side and rear lot lines in all SB 9 projects and circumstances that are not expressly exempted from such a requirement by the Bill. [Emphasis added]

**Applicant Residency.** The Bill requires every SB 9 applicant to provide an affidavit confirming that the applicant intends to reside in one of the SB 9 units for three years. To fulfill this obligation, the City shall require the applicant to sign and record an affidavit placing a covenant that will run with the land to confirm that the applicant will reside in one of the SB 9 units for three years from the City's grant of the application where a unit already exists, or, if no unit then exists, for three years from the City's issuance of the unit's Certificate of Occupancy. [Emphasis added]

**Special District Exemptions.** SB 9 exempts historic districts and structures from its terms, and also retains the protections of the California Coastal Act. Findings of unavoidable adverse impact shall be made pursuant to SB 9 if and as required, for these areas. These districts shall be exempt and protected from SB 9 development. [Emphasis added]

**Unavoidable Adverse Impacts.** The Bill authorizes the City to deny an SB 9 project upon written findings, based on a preponderance of evidence, that the project will have a specific, adverse impact upon public health and safety or the physical environment for which there is no feasible method to mitigate or avoid. The City shall assess every SB 9 application for such unavoidable adverse impacts, shall provide its written assessment to the applicable City Council Office, and shall deny a project if an unavoidable adverse impact is identified. [Emphasis added]

Findings of unavoidable adverse impact shall be made pursuant to SB 9 if and as required, for these areas. These districts as identified above and others as appropriate shall be exempt and protected from SB 9 development.

Councilmembers this is an urgent matter that requires your immediate attention. We request that you take up this matter and pass a resolution to enact these measures prior to December 31, 2021. We are providing you with a draft resolution based on a resolution proposed for Los Angeles with the hope that it will provide a basis for you to act quickly.

Sincerely,

Freddie Wheeler  
Steering Committee  
Los Altos Residents  
[www.LosAltosResidents.org](http://www.LosAltosResidents.org)

Draft Resolution attached below

## RESOLUTION

WHEREAS, Senate Bill 9 (Atkins) (the “Bill” or “SB 9”), entitled the California Home Act, was signed into law by the Governor on September 19, 2021, and becomes effective on January 1, 2022; and

WHEREAS, the Bill amends Government Code Section 66452.6, and adds two new Government Code Sections 65852.1 and 66411.7; and

WHEREAS, the Bill will require cities and counties, including charter cities, to provide for the ministerial (or “by right”) approval of a housing development containing two residential units of at least 800 square feet in floor area (“duplex”) and a parcel map dividing one existing lot into two equal parts (“lot split”) within a single-family residential zone for residential use; and

WHEREAS, SB 9 eliminates discretionary review and public oversight of this proposed subdivision of one lot into two parcels by removing public notice and hearings by the Planning Department, by requiring only administrative review of the project, and by providing ministerial approval of a lot split, and also offers several opportunities to extend the time, up to 10 years, for the use of an approved or conditionally approved Tentative Parcel Map; and

WHEREAS, the Bill exempts SB 9 projects from environmental review as required by the California Environmental Quality Act (CEQA), by establishing a ministerial review process without discretionary review or a public hearing, thereby undermining community participation and appropriate environmental impact vetting by local legislative bodies; and

WHEREAS, SB 9 further stipulates that a city or county cannot require a duplex project to comply with any standard that would prevent two units from being built on each resultant lot, and would prohibit a local agency from imposing regulations that require dedications of rights-of way or the construction of offsite and onsite improvements for parcels created through a lot split; and

WHEREAS, in addition to various constraints on SB 9 developments as set forth in SB 9, the Bill also authorizes cities and counties to enact local SB 9 implementation ordinances and guidelines that are objective and that are not inconsistent with its mandatory provisions; and

WHEREAS, it is important that the City of Los Altos begin immediately developing a local SB 9 implementation ordinance with associated guidelines; and

WHEREAS, due to the Bill’s enactment on September 12, 2021 and its effective date of January 1, 2022, there is not sufficient time for a publicly-considered implementation ordinance to be developed, publicly reviewed, and adopted by January 1, 2022; however, in the short-term, the City can and must develop a memorandum of understanding to obligate all City Departments and agencies to abide by interim rules and requirements to implement SB 9 locally until such time as the permanent ordinance is adopted; and

WHEREAS, the City must also establish a minimum threshold by which certain SB 9 projects cannot be ministerial and must be subject to greater scrutiny in terms of a public hearing process and heightened environmental review; and

WHEREAS, there remains significant unanswered questions about legal, ownership, county- city, and interdepartmental responsibility pursuant to SB 9 implementation that need to be resolved; and

WHEREAS, it is important that both the short-term memorandum and long-term ordinance establish basic precepts applicable to all SB 9 projects, including, but not limited to:

1) **Objective Zoning/Subdivision/Design Standards.** The Bill authorizes the City to impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to structures and parcels created by an urban lot split that do not conflict with this section; or preclude the construction of two 800 square foot minimum housing units. Accordingly, all such existing objective City standards shall apply to SB 9 projects, in addition to any additional objective standards that the City may adopt.

2) **Maximum of Four Units and Two Lots.** SB 9 obligates the City to allow two units per lot, and one lot split, for a total of four units and a total of two lots (parcels). The City is not required and shall not allow any additional units or structures (such as ADUs), nor any further lot splits, on any parcel that has been split once and on which four units have been approved.

3) **Parking.** The Bill allows the City to choose to require parking consistent with the terms of the Bill. Accordingly, the City shall require off-street parking of one space per unit, unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code or there is a car share vehicle located within one block of the parcel.

4) **Setbacks.** SB 9 allows the City to choose to require setbacks consistent with the terms of the Bill. Accordingly, the City shall require setbacks of up to four feet from the side and rear lot lines in all SB 9 projects and circumstances that are not expressly exempted from such a requirement by the Bill.

5) **Applicant Residency.** The Bill requires every SB 9 applicant to provide an affidavit confirming that the applicant intends to reside in one of the SB 9 units for three years. To fulfill this obligation, the City shall require the applicant to sign and record an affidavit placing a covenant that will run with the land to confirm that the applicant will reside in one of the SB 9 units for three years from the City's grant of the application where a unit already exists, or, if no unit then exists, for three years from the City's issuance of the unit's Certificate of Occupancy.

6) **Affordable Covenant.** There is at present an urgent Statewide and City concern about the provision of affordable housing. Every SB 9 project in the City shall require that a thirty-year affordable covenant for at least moderate-income level must be applied to two of the units and listed on the HCID registry of affordable units.

7) **Impact/Development Fees.** The City shall require the payment of impact or development fees related to the specific impact that will be imposed on a community by the creation of a SB 9 second lot and additional units. Impact fees can be related to a variety of impacts including but not limited to infrastructure, construction impacts, recreation, libraries, and public art.

8) **Unavoidable Adverse Impacts.** The Bill authorizes the City to deny an SB 9 project upon written findings, based on a preponderance of evidence, that the project will have a specific, adverse impact upon public health and safety or the physical environment for which there is no feasible method to mitigate or avoid. The City shall assess every SB 9 application for such unavoidable adverse impacts, shall provide its written assessment to the applicable City Council Office, and shall deny a project if an unavoidable adverse impact is identified.

Findings of unavoidable adverse impact shall be made pursuant to SB 9 if and as required, for these areas. These districts as identified above and others as appropriate shall be exempt and protected from SB 9 development.

9) **Notification Requirements.** Every SB 9 filing shall require the City to notify those property owners and tenants within a 1000-foot radius from the proposed project site that a parcel map has been filed with the City.

**I THEREFORE MOVE** that the Planning Department, with the assistance of the City Attorney, prepare a memorandum of understanding prior to December 31, 2021, that is consistent with this Resolution and that shall be used by all Departments until such time as a local implementation ordinance is adopted.

**I FURTHER MOVE** that the City Planning Department, with the assistance of the City Attorney, begin developing a work program for the preparation of the permanent ordinance for the implementation of SB 9.



**DISCUSSION ITEM**

**Agenda Item # 7**

**AGENDA REPORT SUMMARY**

**Meeting Date:** November 9, 2021

**Subject:** Restrictions on the City Owned Property Commonly Known as the Los Altos Community Center Site

**Prepared by:** Jon Biggs, Community Development Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Draft Ordinance Adding a New Chapter 11.13, Entitled “Restrictions on the City-Owned Property Commonly Known as the Los Altos Community Center Site”
2. Aerial Image of Los Altos Community Center Site

**Initiated by:**

City Council

**Previous Council Consideration**

September 8, 2020, November 10, 2020, and September 21, 2021

**Fiscal Impact:**

No fiscal impact is anticipated as work on ordinance is being developed using existing resources.

**Environmental Review:**

Based on all the evidence presented in the administrative record, including but not limited to the staff reports, the proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act (“CEQA”) CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment.

**Policy Question for Consideration:**

Shall the Los Altos Municipal Code be amended by the addition of regulations that will put in place a Voter approval requirement for the sale, transfer of title, or subdivision of all or portions of the Los Altos Community Center site, unless this ordinance is repealed by a future City Council?

**Summary:**

The addition Chapter 11.13, entitled “Restrictions on the City-Owned properties collectively referred to as the Los Altos Community Center site, to Title 11, Miscellaneous Property Regulations puts in place a requirement for voter approval of the sale, transfer of title or





**Subject:** Restrictions on the City Owned Property Commonly Known as the Los Altos Community Center Site

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subdivision of all or a portion of the site, unless the ordinance is repealed or amended by a future City Council.

**Recommendation:**

Staff recommends introduction of this Ordinance.

**Purpose**

The City Council has expressed an interest in enacting rules that would limit the City’s ability to sell, transfer title, or subdivide the Los Altos Community Center site, including the portion of the site known as Hillview Park.

**Background**

At its meeting on September 21, 2021, the City Council considered an ordinance, the Public Land Preservation Ordinance (PLP), that would require voter approval for the sale, transfer of fee ownership, or zoning re-designation of all or portions of the City owned property to which the PLP overlay designation is applied. Following public comment and its discussion, direction was given to staff to bring back an Ordinance that provides protections that apply to only the Los Altos Community Center site.

Attached with this agenda report is a draft Ordinance that adds Chapter 11.13, entitled “Restrictions on the City-Owned properties collectively referred to as the Los Altos Community Center site, to Title 11, Miscellaneous Property Regulations, that puts in place a requirement for voter approval of the sale, transfer of title, or subdivision of all or a portion of the Community Center site, unless the ordinance is repealed or amended by a future City Council.

The Los Altos Community Center Site is zoned as Public and Community Facilities (PCF), and these zoning regulations provide for a wide range of uses, which are reflected in the many uses and activities that take place across the site.

**Discussion**

Staff’s understanding of the City Council direction was that an ordinance specific to the Los Altos Community Center site was desired. With this direction, staff has drafted the ordinance that is under consideration.

This new chapter places restriction on the Los Altos Community Center site that will require voter approval for the sale, transfer of title, or subdivision of any portion of this property except that voter approval shall not be required for leases (including ground leases), licenses and/or any other instruments which do not convey fee title interest.



**Subject:** Restrictions on the City Owned Property Commonly Known as the Los Altos Community Center Site

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Unlike the PLP regulations, which were an addition to Title 14, Zoning, Chapter 11.13 is an addition to Title 11, Miscellaneous Property Regulations, and because this is not an amendment to the zoning code, a recommendation from the Planning Commission is not required.

Staff notes that this ordinance, like previous ordinances that provide protections in a similar manner, can be repealed or amended by simple vote of a majority of the City Council at any time in the future.

This ordinance is specific to Los Altos Community Center site and is not applicable to other properties the City owns. To further demonstrate Chapter 11.13 applies only the Los Altos Community Center site, an exhibit that includes a diagram of all portions of the Los Altos Community Center site is included as part of the ordinance. For this reason, staff believes the draft ordinance accomplishes the direction of the City Council and puts in place protections for this important City owned property.

**Staff Recommendation**

For the reasons noted in the staff analysis section of this agenda report, staff recommends introduction of this ordinance.

ORDINANCE NO. 2021-477

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ADDING A NEW CHAPTER, 11.13, ENTITLED “RESTRICTION ON THE  
LOS ALTOS COMMUNITY CENTER SITE” TO TITLE 11,  
MISCELLANEOUS PROPERTY REGULATIONS, OF THE LOS ALTOS  
MUNICIPAL CODE THAT WILL PROHIBIT: (1) THE SALE, TRANSFER  
OF TITLE OR SUBDIVISION OF THE LOS ALTOS COMMUNITY CENTER  
SITE WITHOUT VOTER APPROVAL**

**WHEREAS**, the City of Los Altos (City) has a unique arrangement of land uses that require regulations and standards that are important to preserve the character of the Los Altos community and provide for compatibility of adjacent uses; and

**WHEREAS**, pursuant to the California Constitution, article XI, § 7, the City may make and enforce such laws and regulations that promote the public health, morals, safety or general welfare of the community and adopt such other ordinances and regulations not in conflict with general law, and

**WHEREAS**, since incorporation of the City, the City-owned property commonly known as the Los Altos Community Center Site was designed and used to provide for public parks, open space and public facilities and services that ensure a high quality of living for residents of and visitors to Los Altos; and

**WHEREAS**, the Los Altos Community Center Site has a variety of uses, available to the public, that may change over time including, government service buildings, recreation areas, open space area, meeting spaces, sports fields, and their various ancillary uses; and

**WHEREAS**, these various uses include a City Hall and City Council Chambers where the civic business of the City and its City meetings, such as those of the City Council, are held; and

**WHEREAS**, a police department is located on the Los Altos Community Center Site where the day to day functions of the city police department take place and provide for the safety and protection of the citizens of Los Altos and its visitors; and

**WHEREAS**, a newly constructed community center on the site provides a variety of recreational, educational, and extracurricular activities for all segments of the community; and

**WHEREAS**, a history museum has been built and maintained on the site where the history and past events of importance in Los Altos are recognized, can be observed, and experienced; and

**WHEREAS**, a working historic orchard demonstrating and showcasing the city’s and region’s historic agricultural roots and heritage is maintained and kept productive; and

**WHEREAS**, a library, in partnership with other agencies, has been developed on the site and provides a depository for literature and media in all its various forms for the community to enjoy and spaces for meetings along with areas where one can enjoy quiet contemplation and respite; and

**WHEREAS**, a community theater has been established on the site that provides a venue for thespians and all those that enjoy artistic expressions displayed in a live setting; and

**WHEREAS**, the City Council desires to amend the City of Los Altos Municipal Code to prohibit the sale, transfer of title, or subdivision of the collected parcels known as the Los Altos Community Center Site without voter approval, except that voter approval shall not be required for leases (including ground leases), licenses and/or any other instruments which do not convey fee title interest; and

**WHEREAS**, by adding a new Chapter 11.13, entitled a “Restriction on the Los Altos Community Center Site,” would require voter approval of the sale, transfer of title, or subdivision of any portion of the property, except that voter approval shall not be required for leases (including ground leases), licenses and/or any other instruments which do not convey fee title interest.

**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 will help protect and promote public health, safety, comfort, convenience, prosperity and welfare by adding this Chapter 11.12 to the City’s existing regulations.

**SECTION 2. AMENDMENT OF CODE.** The following new Chapter 11.12, “Restriction on the Los Altos Community Center Site” is hereby added to Title 11, Miscellaneous Property Regulations, of the Los Altos Municipal Code, is amended to read as follows:

11.13.010. The purpose of this Chapter is to place a “Restriction on the Los Altos Community Center Site,” that will require voter approval for the sale, transfer of title, or subdivision of any portion of this property except that voter approval shall not be required for leases (including ground leases), licenses and/or any other instruments which do not convey fee title interest.

11.13.020. The restriction set forth in this Chapter shall only apply to the Los Altos Community Center Site as described in the map, attached hereto as Exhibit “A”, and incorporated by this reference.

11.13.030. For purposes of this Chapter 11.12, voter approval is accomplished when a City measure is placed on the ballot at a general or special election as authorized by the California Elections Code, and a majority of the voters voting on the measure vote in favor of it.

11.13.040. The voter approval requirement may be waived by the City Council at a duly noticed public hearing and when it is necessary to comply with State or Federal law governing the provision of housing, including but not limited to affordable housing requirements.

**SECTION 3. 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 4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.** Based on all the evidence presented in the administrative record, including but not limited to the staff reports, the proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act (“CEQA”) CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment

**SECTION 5. CUSTODIAN OF RECORDS.** The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council’s findings and determinations are based are located at Los Altos City Hall, One North San Antonio Road, Los Altos, California. The City Clerk is the custodian of the record of proceedings.

**SECTION 6. NOTICE OF EXEMPTION.** The City Council hereby directs City staff to prepare and file a Notice of Exemption with the Santa Clara County Clerk.

**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 XXXXXX and was thereafter, at a regular meeting held on XXXXXX passed and adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Neysa Fligor, MAYOR

Attest:

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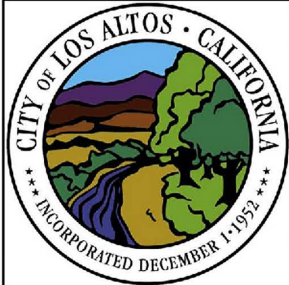
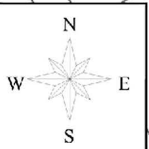
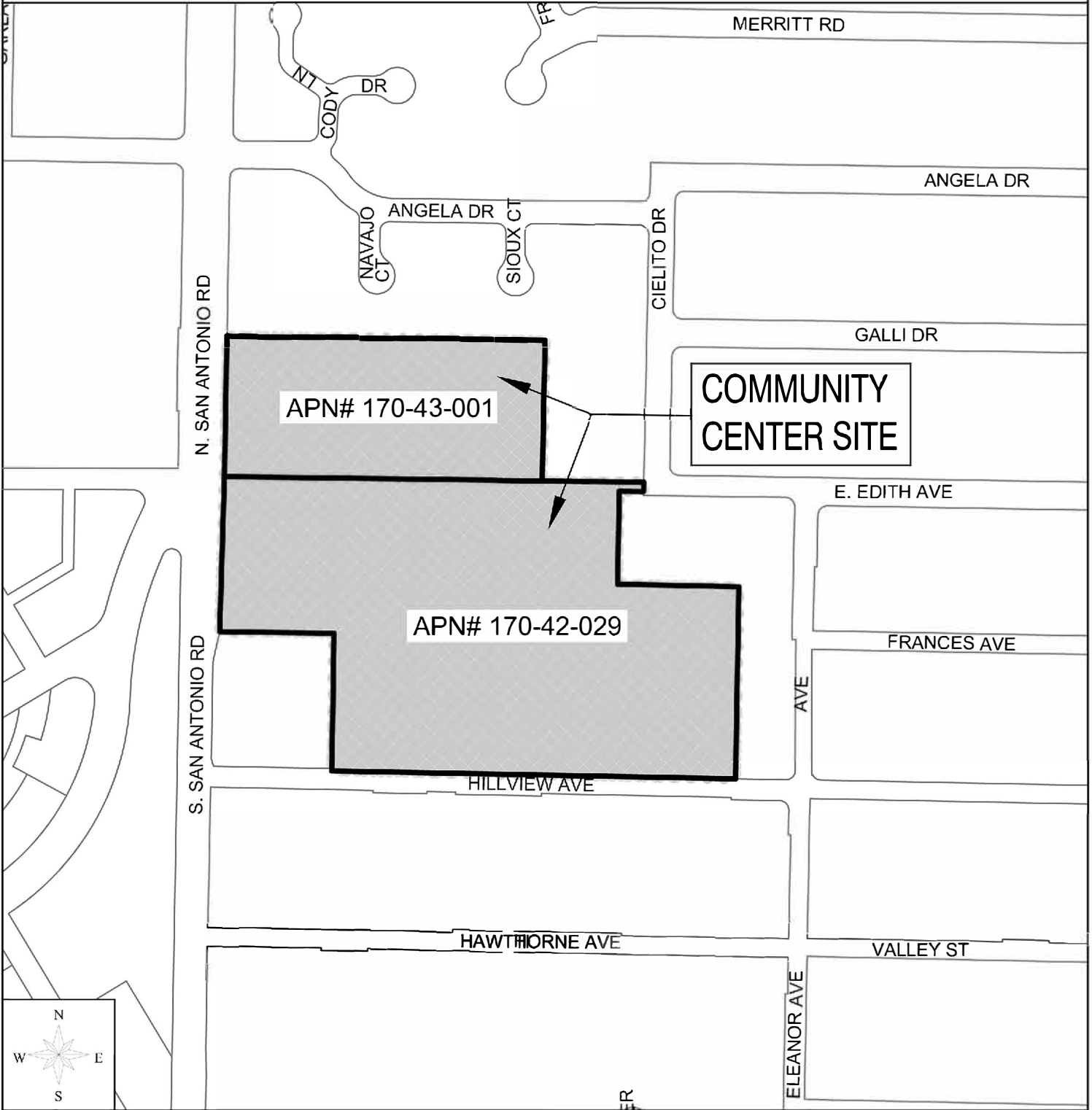
Andrea Chelemengos, MMC, CITY CLERK

EXHIBIT "A"

CIVIC CENTER PROPERTY SITE

# COMMUNITY CENTER SITE

## EXHIBIT "A" TO ORDINANCE NO. 2021-477



DRAWN	VW
CHECKED	JB
APPROVED	JB
DATE	10/25/2021
SCALE	1" = 300'
DWG NO.	

<b>PLANNING DIVISION</b>	
CITY OF LOS ALTOS	SANTA CLARA COUNTY, CALIFORNIA
<u>APN</u>	<u>ZONING</u>
170-42-029	PCF
170-43-001	PCF

LOS ALTOS COMMUNITY CENTER SITE – AERIAL IMAGE





## **A NEW DOWNTOWN THEATER FOR LOS ALTOS**

### **GOALS**

- To increase the vibrancy of Los Altos' downtown business district by building a performing arts venue that will present cultural activities and programs
  
- To utilize Los Altos' existing and longstanding community-based theater arts and youth theater education programs to provide programming and management for the venue
  
- To increase the local cultural participation of and engagement by Los Altos residents by expanding education and community access opportunities in the new venue
  
- To attract residents of surrounding communities to Los Altos' downtown business district for expanded and varied nighttime programs.

### **THEATER PROGRAMMING**

- Theatrical performances of plays and musicals
- Youth theater family productions
- Performing arts classes for youth and adults
- Film series programming
- Lectures and public programs
- Community access and rental programs

### **BACKGROUND**

A 16-person group of residents was tasked by the City Council with developing a proposal for placing a 125-to-180-seat community theater in downtown Los Altos. This action was recommended by the 2018 Downtown Vision adopted by the City Council; the Vision specifies placing this theater on a city-owned parking plaza. (Refer to the City Council minutes of 3-23-21 for details.)

The Working Group supports this new theater becoming the home of the Los Altos Youth Theater (a city project operated by Los Altos Stage) and Los Altos Stage Company. It would be managed by Los Altos Stage Company and constructed in a way to make it available as often as possible for films, lectures, rentals, and other community uses.

The current Bus Barn Theater on the Civic Center campus is poorly placed, old and in need of major additions (lobby, restrooms, offices) and renovations/demolition/rebuilding. The building was placed on the current City property back in the 1940's when the property was owned by the Los Altos School District; it was used as a school bus barn. It was converted to a theater by a group of private citizens in 1976, with City permission. In 1993, the City purchased the property of the Los Altos Conservatory Theatre (L'ACT) which included costumes, props, and the interior of the theater (lighting, stage, seats, dressing rooms). This action retired the debt of L'ACT and provided an opportunity for a new theater

**DISCUSSION ITEM**  
**Agenda Item #8**  
**City Council Meeting: November 9, 2021**

company to occupy the building: Bus Barn Stage Company, now doing business (successfully) as Los Altos Stage Company. For its 27-years of existence, LASC has remained solvent, and this year received a Small Business Association grant plus two PPP loans which were converted to grants.

The Los Altos Youth Theater has provided classes and productions for the community for over 45 years. Approximately 125 children ages 6-18 participate in LAYT each year. Los Altos Stage Company presents 5 quality productions each year to the greater Los Altos Community and employs 100 actors, technicians, directors and serves over 10,000 patrons yearly.

**OPPORTUNITY SITES AND PROPOSALS FROM THE DOWNTOWN VISION**

“Early on in the visioning process, the existing parking plazas were identified as opportunity sites that could accommodate new development within Downtown. These opportunity sites have the potential to be the catalysts for enhancing the overall economic vitality and vibrancy of Downtown. The City is well-positioned to help spur reinvestment and attract key uses to the Downtown by utilizing these city owned parking plazas.” (Downtown Vision p. 26)

The Downtown Vision, adopted in 2018 by the City Council, cites *the economic advantages of a live theater bringing vitality to Los Altos, especially in the evenings* which will lead to more patrons choosing to park once, then dine and shop downtown. The New Theater Working Group also proposes *creating an outdoor plaza adjacent to the theater* for the community’s use.

The Downtown Vision recommends locating the theater on the City’s parking plaza behind Main Street, the plaza closest to Walgreens, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets (location #12 on the Downtown Vision map, page 3). They suggest an alternative location as the parking plaza next to Los Altos Grill, between 3<sup>rd</sup> Street and San Antonio Road.

**WHAT IS THE ASK OF THE CITY?**

*The City would provide a MOU (Memorandum of Understanding) which includes a lease of the land* to the non-profit (Los Altos Stage Company) managing this new building for mutually agreed number of years at a mutually agreed minimal rate.

*Once Council approves the MOU, it will be necessary for a team of experts to take this project to the next stage: a feasibility study* that includes architectural drawings and estimates, and capital campaign consultants to create a fund-raising plan. We anticipate costs of such a study to be \$150,000-200,000 and *request that the City contribute one-fourth of these costs, approximately \$50,000. Some of these costs could be in-kind staff time for the City to undertake the engineering feasibility portion of the study. The remaining funds will be raised through grants and donations.*

We request that the council act on this proposal at their November 23, 2021, council meeting.

**THE BIGGER PICTURE**

*The Vision further suggests the construction of a parking structure (or underground parking) adjoining a potential condo/apartment complex on the 2<sup>nd</sup> Street end of this plaza. Senior housing in this location would be an ideal complement to the theater project.*

It would be feasible to create one large construction project overseen by one developer, with different design teams for each project, but one mutual goal of completely revitalizing an entire plaza. It is the desire of the Theater Working Group to raise private funds for the design and construction of the new theater. Housing advocates or developers would be needed to create a housing plan for this plaza.

*The map identifies structure #12 as the best site for a new theater.*

**DISCUSSION ITEM**  
**Agenda Item #8**  
**City Council Meeting: November 9, 2021**



According to Bill Lee, Econ Land Group\*, the Downtown Vision estimates that increasing the seating capacity in a new theater from 100 to 190 will have the net effect of:

--70% of attendees patronizing downtown vs. 50% at the existing theater.

--An increase in attendance from 10,800 to 30,000.

--A theater patron sales impact *increase to \$1,170,400* from the current estimate of \$270,000.

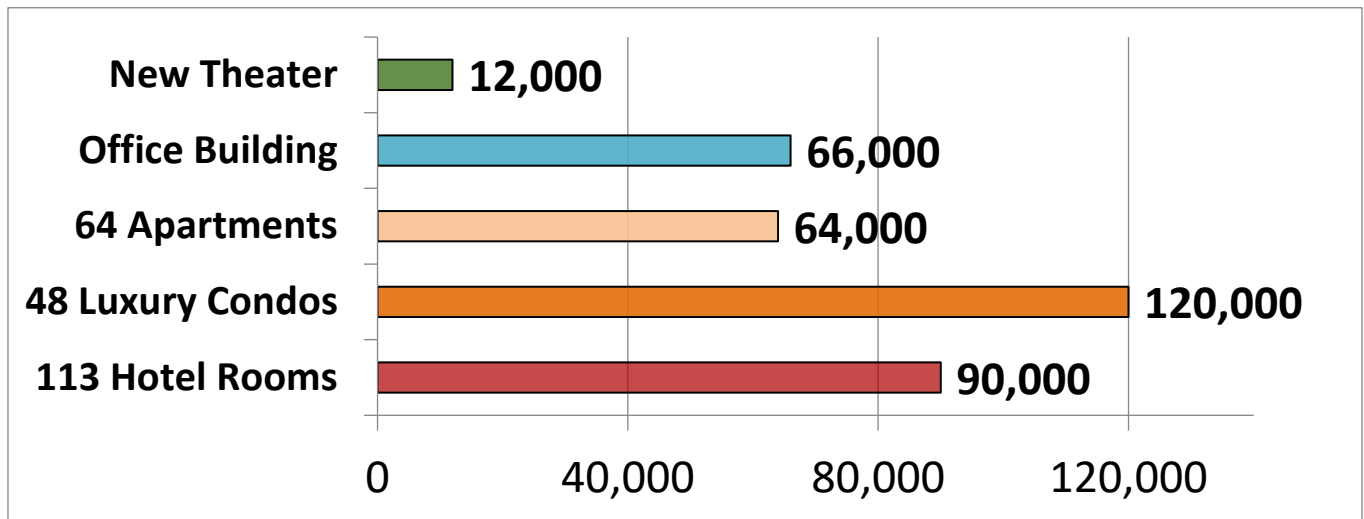
--A 10% increase in downtown sales from performers and staff

**Creating a Gain in Downtown Sales Due to New Theater Patrons/Performers/Staff of \$990,440**

*\*Data from the 2018 Downtown Vision Appendix.*

From Downtown Vision Consultant Bill Lee:

**Estimated Amount of Building SF Needed to Add One Million Dollars in Downtown Sales:**



**WHY IS IT CHALLENGING FOR A THEATER TO BE FLEXIBLE AND MULTI-USE?**

Theater spaces—auditoriums, rehearsal rooms, etc., --are “in use” many days and nights even when there are no performances scheduled. Time is required to load in and build each set and then time is required for the cast to rehearse on the set. Meanwhile, in the rehearsal room, another cast is working on the next play. Striking (tearing down) a set also involves a significant block of time. All these issues can be mitigated by adding moveable walls in front of the stage, making meeting spaces acoustically separated, designing a larger lobby area to use as an additional meeting space. These innovations will add some cost to the project but also add to its capacity for multiple uses.

**PARKING SOLUTIONS PROPOSED BY DOWNTOWN VISION**

“In contrast to Los Altos’ goal of providing convenient parking everywhere, many smaller cities that have vibrant downtowns *promote a philosophy of parking once and visiting multiple destinations by walking*. For example, a person who visits an office, a bank, a coffee shop, a drug store and a restaurant in a small downtown needs only one parking space rather than the four or five in accordance with suburban style requirements. *In mixed-use downtowns, where*

**DISCUSSION ITEM**  
**Agenda Item #8**  
**City Council Meeting: November 9, 2021**

*many short trips are shifted from driving to walking, the district-wide parking demand is greatly reduced.*

- Overhaul Downtown Parking Requirements  
Los Altos can learn from downtowns with the level of pedestrian vitality desired such as Burlingame, Los Gatos, San Luis Obispo and Santa Barbara.  
Suggest 2.0 to 2.5 parking spaces per 1,000 square feet of office, retail, restaurant, or personal service use. The single standard facilitates re-leasing of vacant space to maintain vitality. Eliminating per employee requirements removes the development cost penalty for higher service restaurants.
- Suggest 0.8 to 1.0 parking spaces per hotel room. Employees can purchase annual permits at nominal cost. Eliminating employee requirements removes the development cost penalty for higher quality and higher service hotels.
- Institute a Parking In-Lieu Fee at \$25,000 to \$30,000 per space. The In-lieu Fees allows smaller properties to develop or redevelop. The money collected would accumulate in a Downtown Parking Fund and be used later to construct addition parking in or near the downtown as such parking is needed.
- As parking demand grows in the downtown core, use permits, pricing, and enforcement to shift employee parking to the areas less convenient for shoppers and restaurant patrons.”

**“Downtown Vision Conclusion: Move Forward with New Downtown Theater**

Relative to the amount of new building mass added the proposed new theater has very strong sales impact on restaurants in the downtown.

- Since a large majority of its patronage is in the evenings or on weekends, when parking downtown is not constrained, ***we suggest that the parking requirements for the new theater be waived.*** *Having theater patrons park throughout the downtown has a greater impact on pedestrian vitality than having them drive in and out of a dedicated parking garage.*
- Proceed with detailed feasibility study if needed. *It is common for municipal performing arts centers to require an annual operating subsidy to help cover maintenance and utilities.* This issue should be addressed in the feasibility study.
- Initiate a fund-raising campaign. Given the affluence of the community, we expect the entire project development cost to be covered by private donations raised through a well-conceived fund raising campaign.”

**OUTREACH BY THE NEW THEATER WORKING GROUP:**

Members of the Working Group met with representatives of:

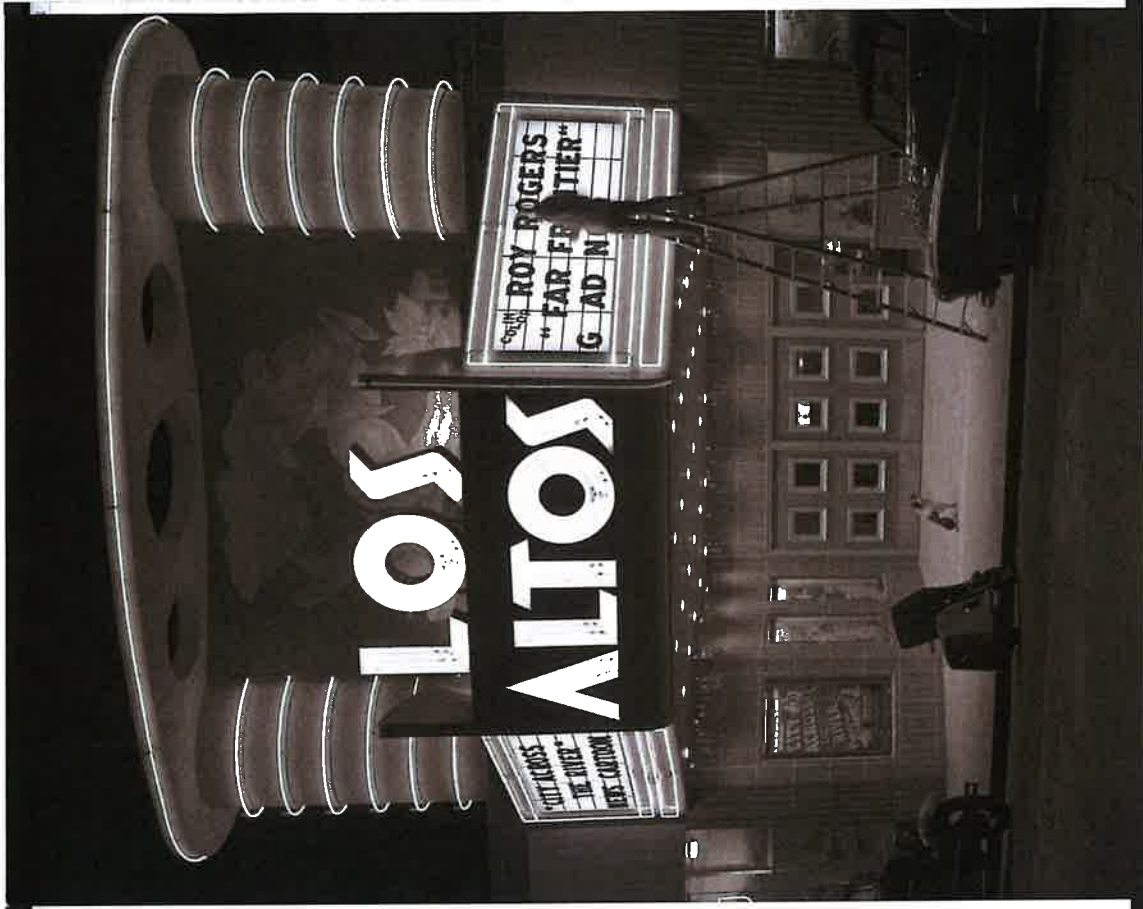
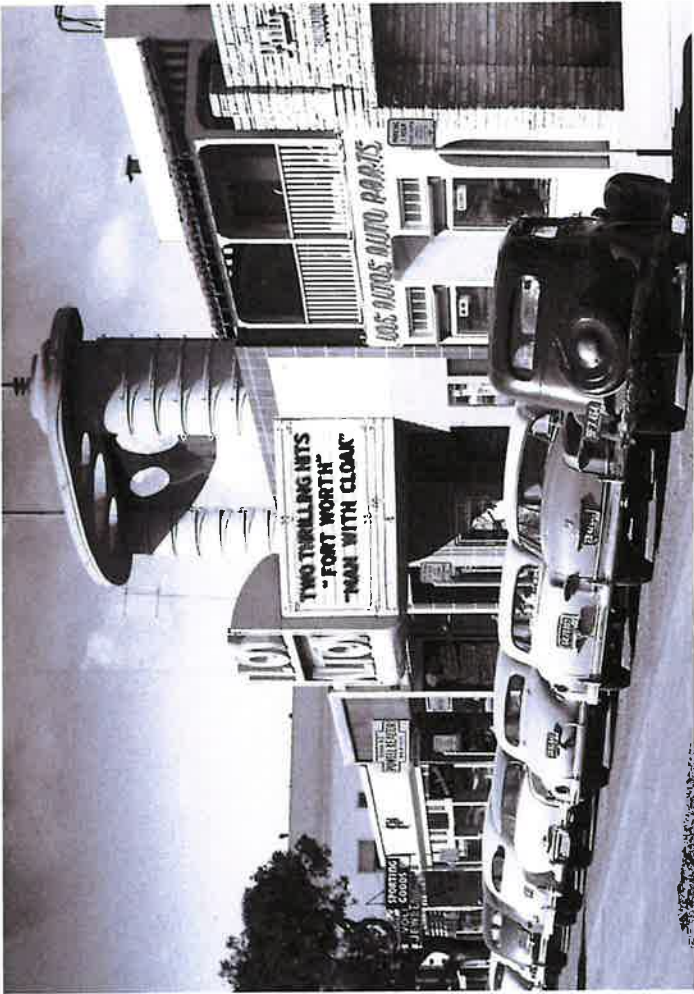
**DISCUSSION ITEM**  
**Agenda Item #8**  
**City Council Meeting: November 9, 2021**

Arts Los Altos  
Elevation Architects  
Friends of Los Altos  
Land Econ Group  
Los Altos Affordable Housing Alliance  
Los Altos Arts Commission  
Los Altos Chamber of Commerce Governmental Affairs  
Los Altos City Council Members and City Manager  
Los Altos Financial Commission  
Los Altos Mountain View Community Foundation  
Los Altos Community Investments  
Los Altos Community Voices  
Los Altos Property Owners Downtown  
Los Altos History Museum  
Los Altos Library Commission  
Los Altos School District  
Los Altos Village Association  
Los Altos Women's Caucus  
Mountain View Center for the Performing Arts  
Menlo-Atherton Performing Arts Theater  
RRM Consultants  
San Luis Obispo Repertory Theater

**MEMBERS OF THE NEW THEATER WORKING GROUP:**

Archana Appanna, Claudia Coleman, Pete Dailey, Anne Hambly  
Scott Hunter, Jyoti Lamba, Petrita Lipkin, Mike Kasperzak  
Michele Kirsch, Sandesh Mouli, Kavita Nayar, Mark Rogge  
Julie Rose, Richard Sewell, Michele Sharkey, Dennis Young  
Vicki Reeder, Chair

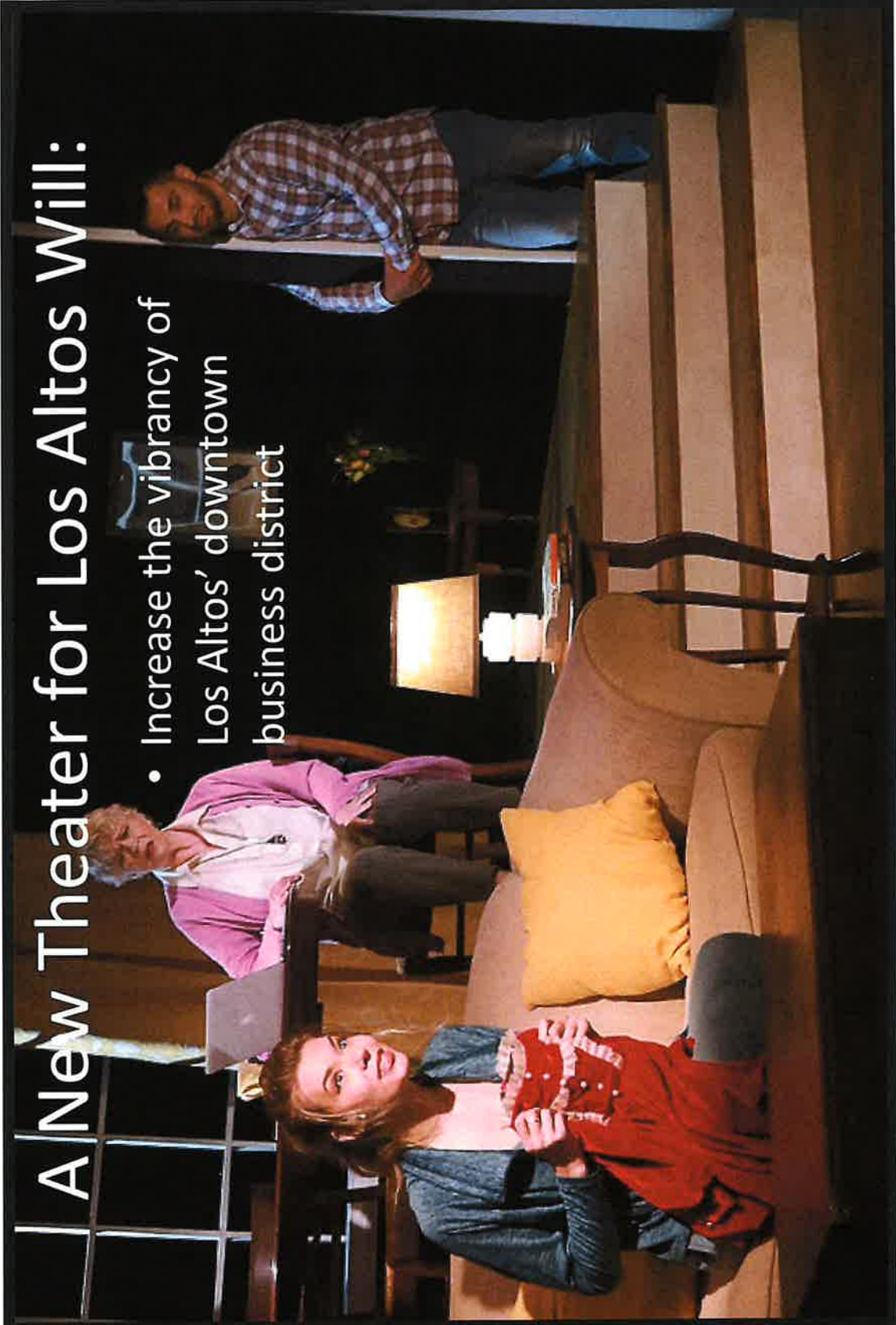
A downtown theater  
is not a new idea!





# A New Theater for Los Altos Will:

- Increase the vibrancy of Los Altos' downtown business district



# A New Theater for Los Altos Will:



- Utilize Los Altos' existing community-based theater arts and youth theater education programs to provide programming and management for the venue. Attract young families to move here.

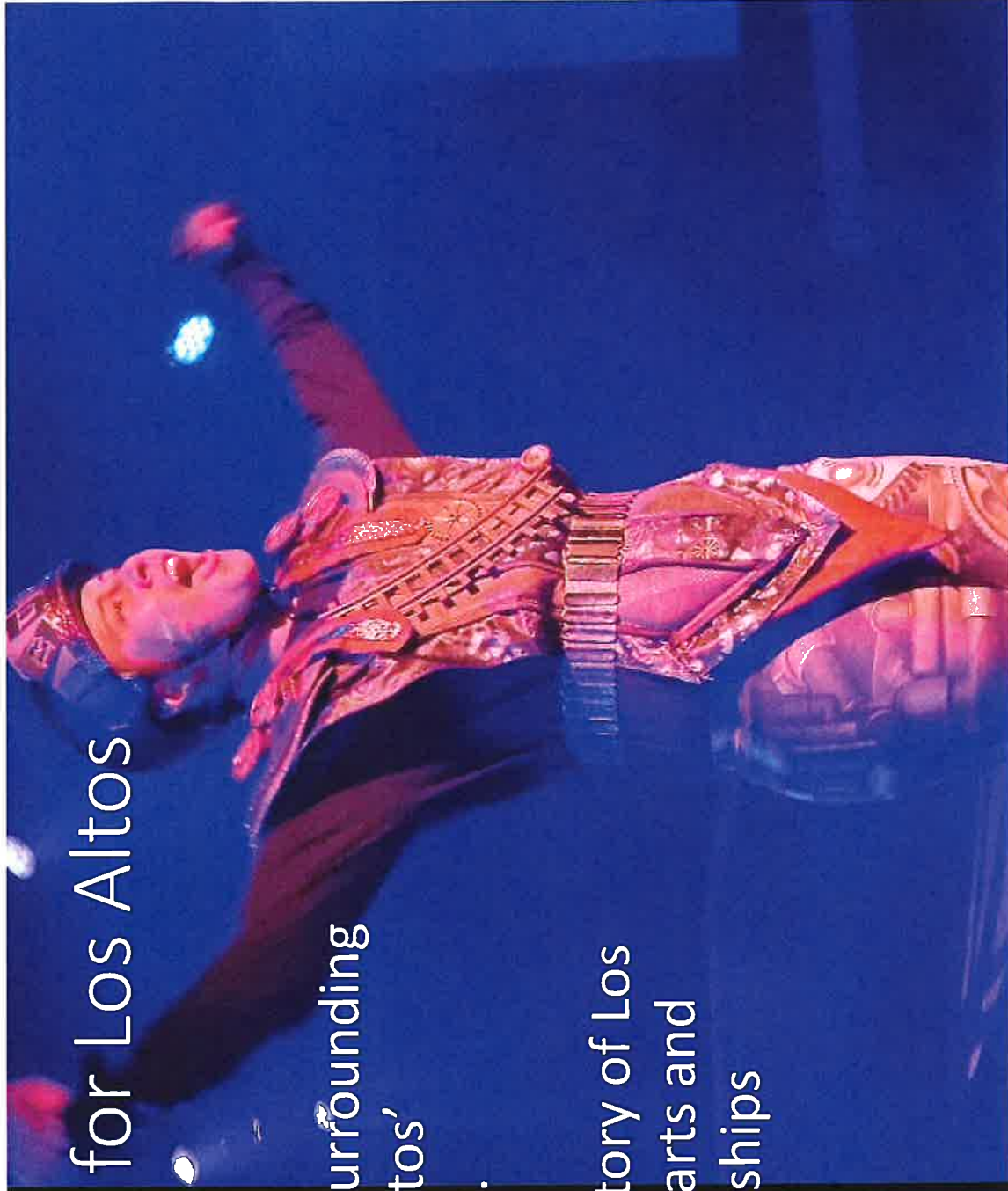
# A New Theater for Los Altos Will:

- Increase the local cultural participation of and engagement by Los Altos residents



# A New Theater for Los Altos Will:

- Attract residents of surrounding communities to Los Altos' downtown businesses.
- Build on the long history of Los Altos' support for the arts and public/private partnerships



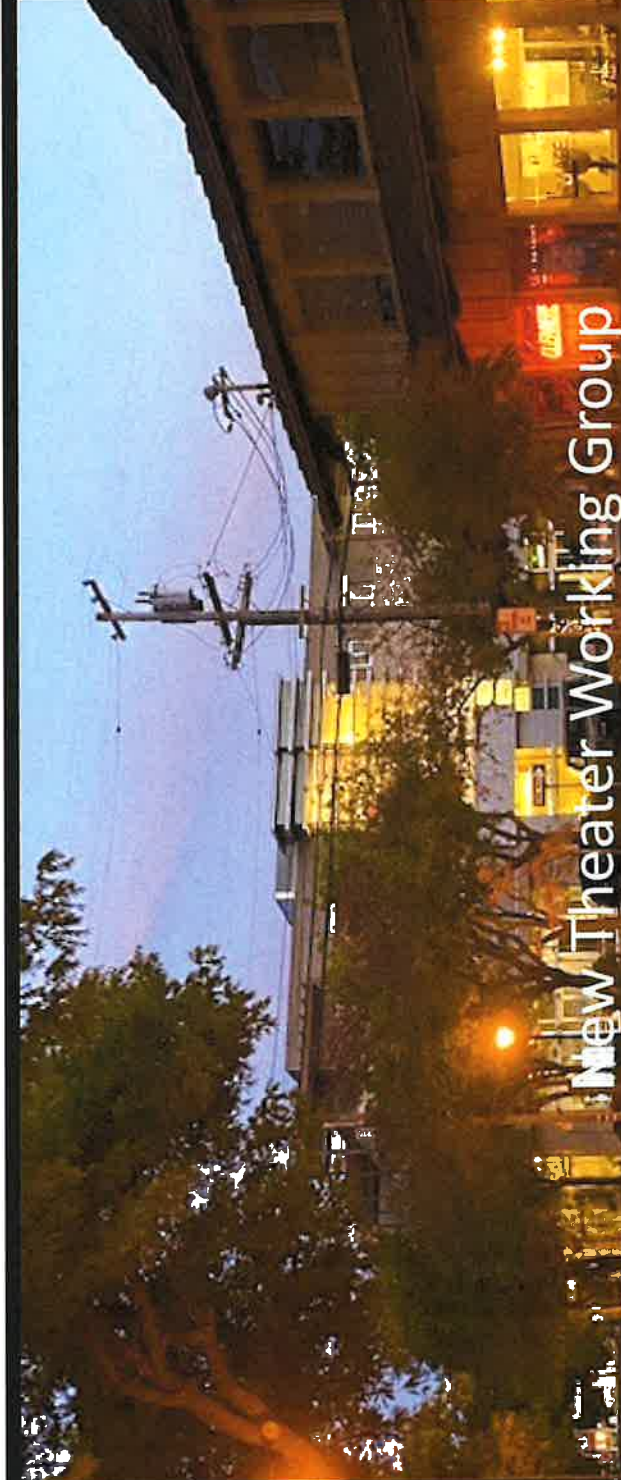
# Let's make the 2018 Downtown Vision a Reality!

- The Downtown Vision states that *locating a live theater on a City parking plaza brings vitality to Los Altos, especially in the evenings.*
- The New Theater Working Group proposes creating an outdoor plaza adjacent to the theater for the community's use.



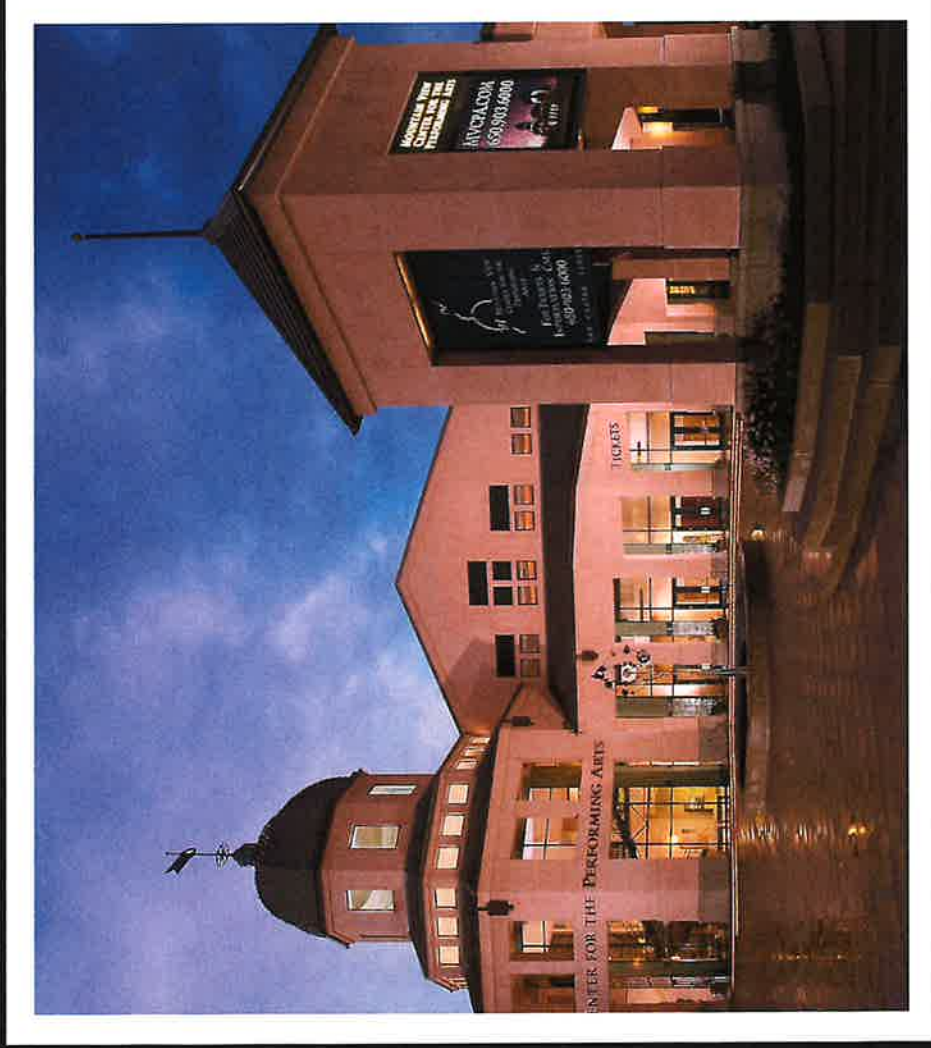


- Conceptual Plans: based on the Elevation Architect's Model of 2014
- Capital Costs: estimated at \$15-20 million
- Operating Models: public/private partnership is preferred, e.g., Los Altos History Museum (city land & private management)
- Critical Success Factors: build on the 40-year history of live theater in Los Altos
- Sales tax increase of \$1M/year



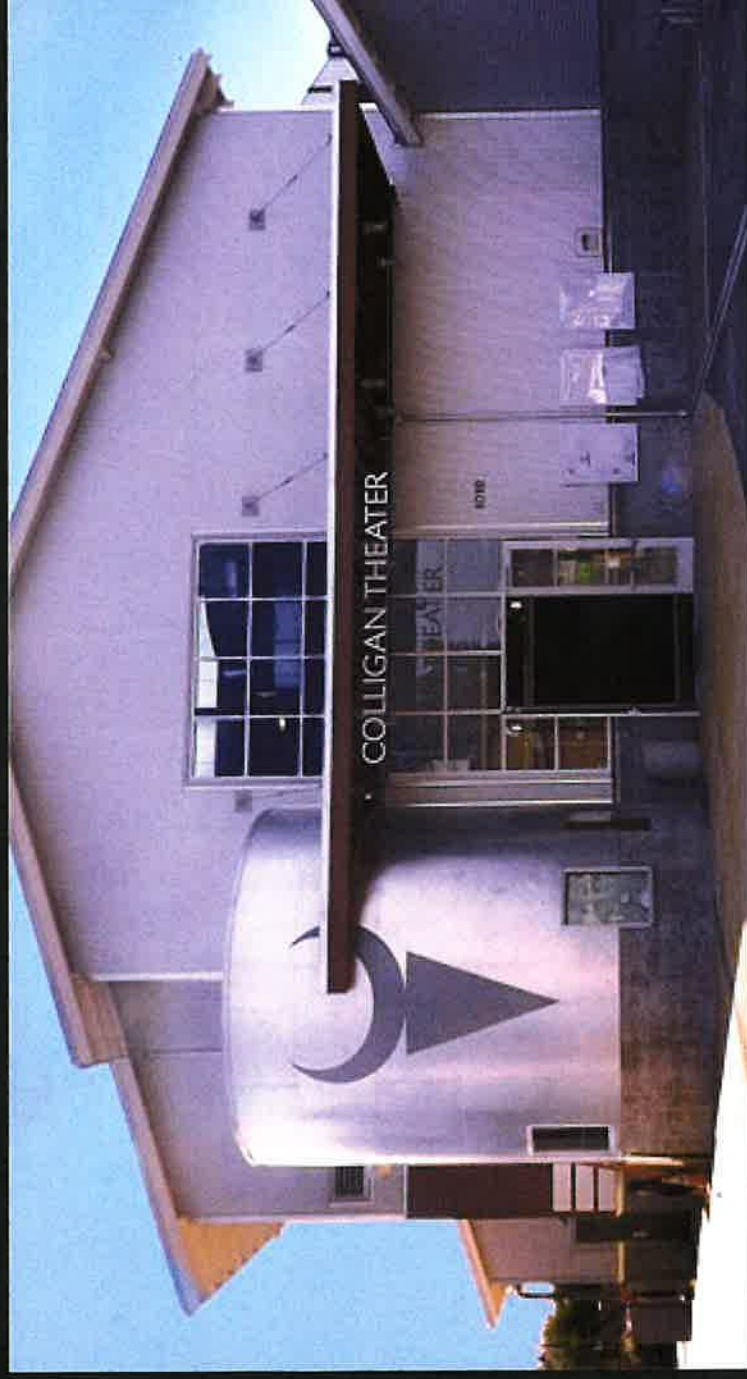
New Theater Working Group  
Archana Appana, Claudia Coleman, Pete Dailey,  
Anne Hambly, Scott Hunter, Jyoti Lamba,  
Petrita Lipkin, Mike Kasperzak, Michele Kirsch,  
Sandesh Mouli, Kavita Nayar, Mark Rogge,  
Julie Rose, Richard Sewell, Michele Sharkey,  
Dennis Young.

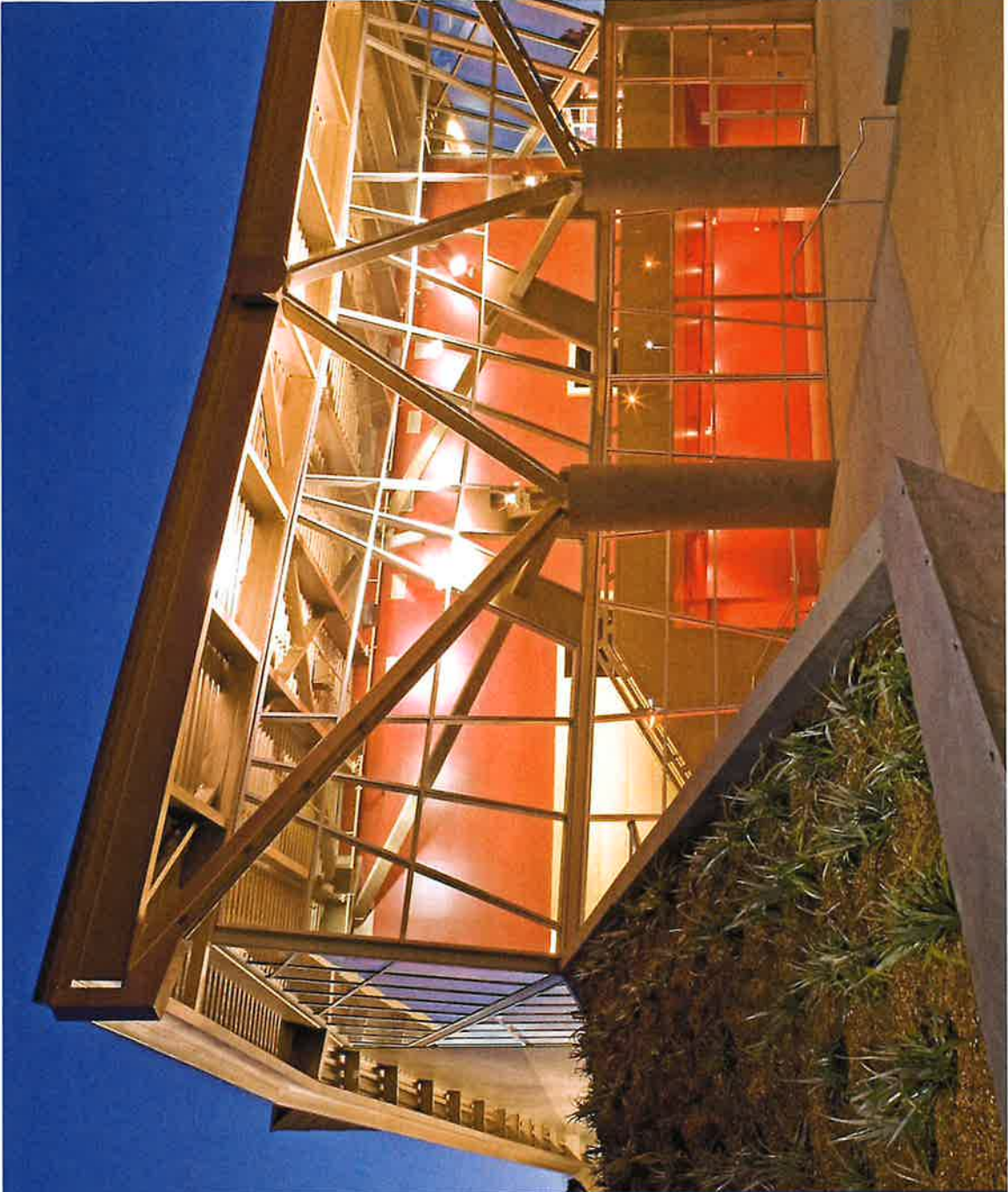
# Mountain View Center for the Performing Arts, 1991





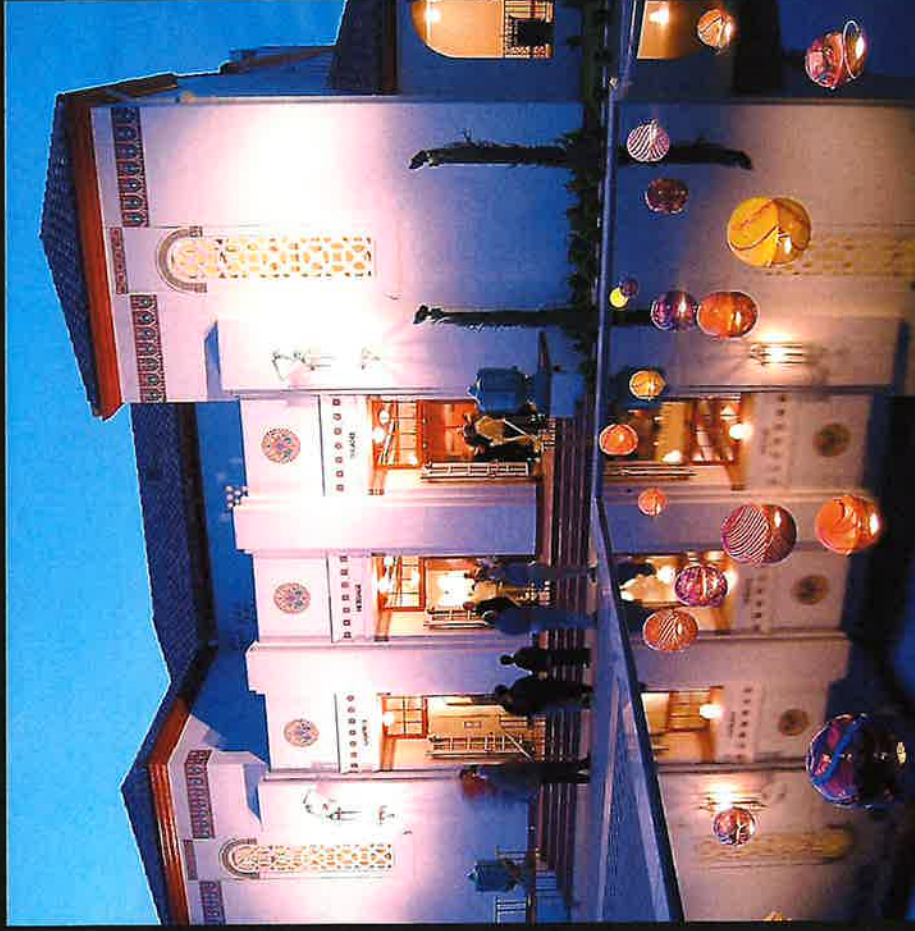
# Colligan Theater, Santa Cruz, 2015





Menlo Park  
Performing  
Arts Center,  
2009

# Heritage Theater, Campbell 2004 (renovation)





Lohman  
Theater,  
Foothill  
College,  
2007



Bus Barn Theater, Los Altos,  
Building, 1940  
Theater, 1976

100+ productions

100s of artists & volunteers

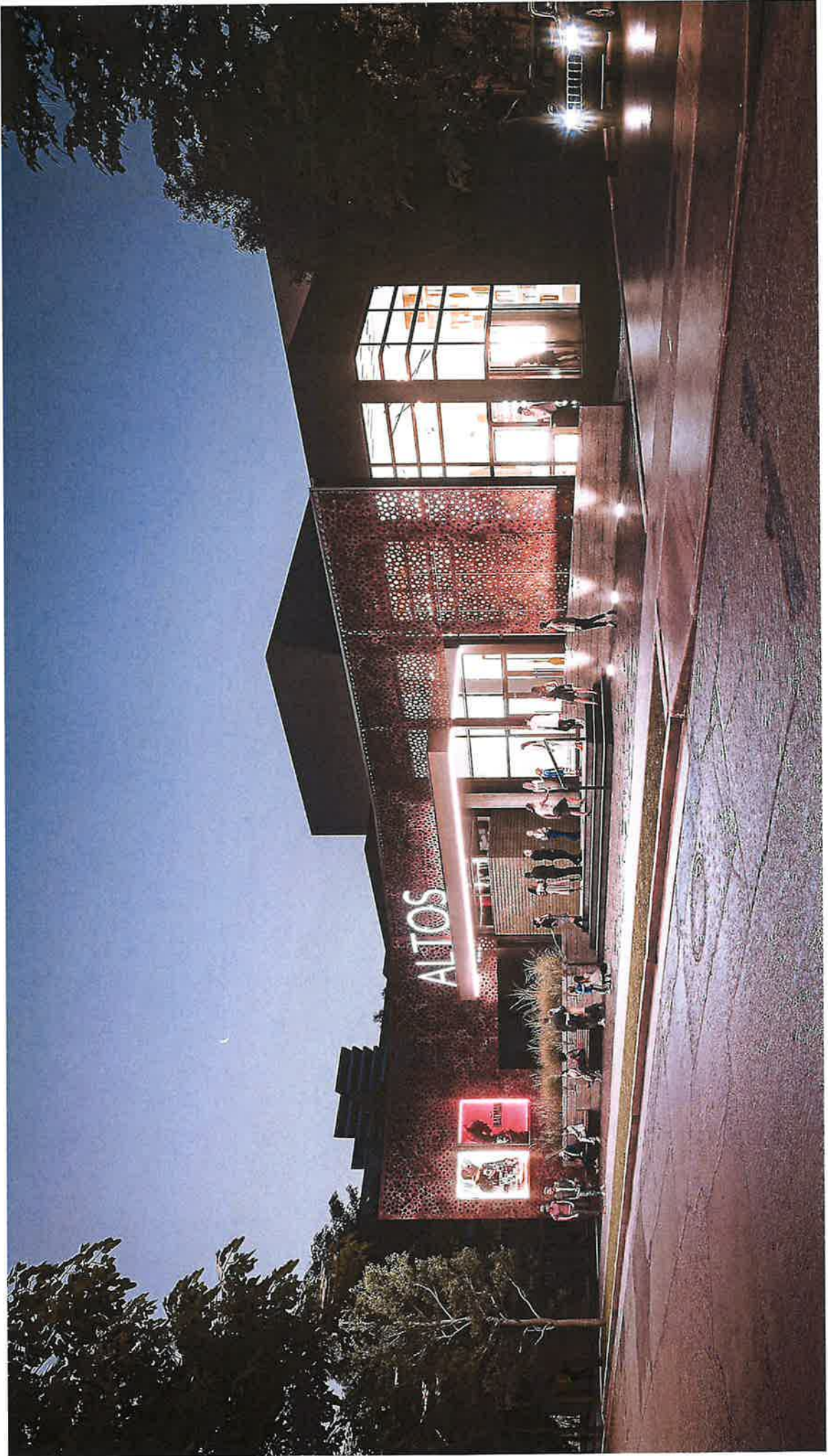
39 current & former bd mems

# 2014 Theater Concept Rendering

Figure 22: Concept Illustration for New Downtown Theater



Source: A Theater and parking Garage for Downtown, Presentation to City Council June 10, 2011



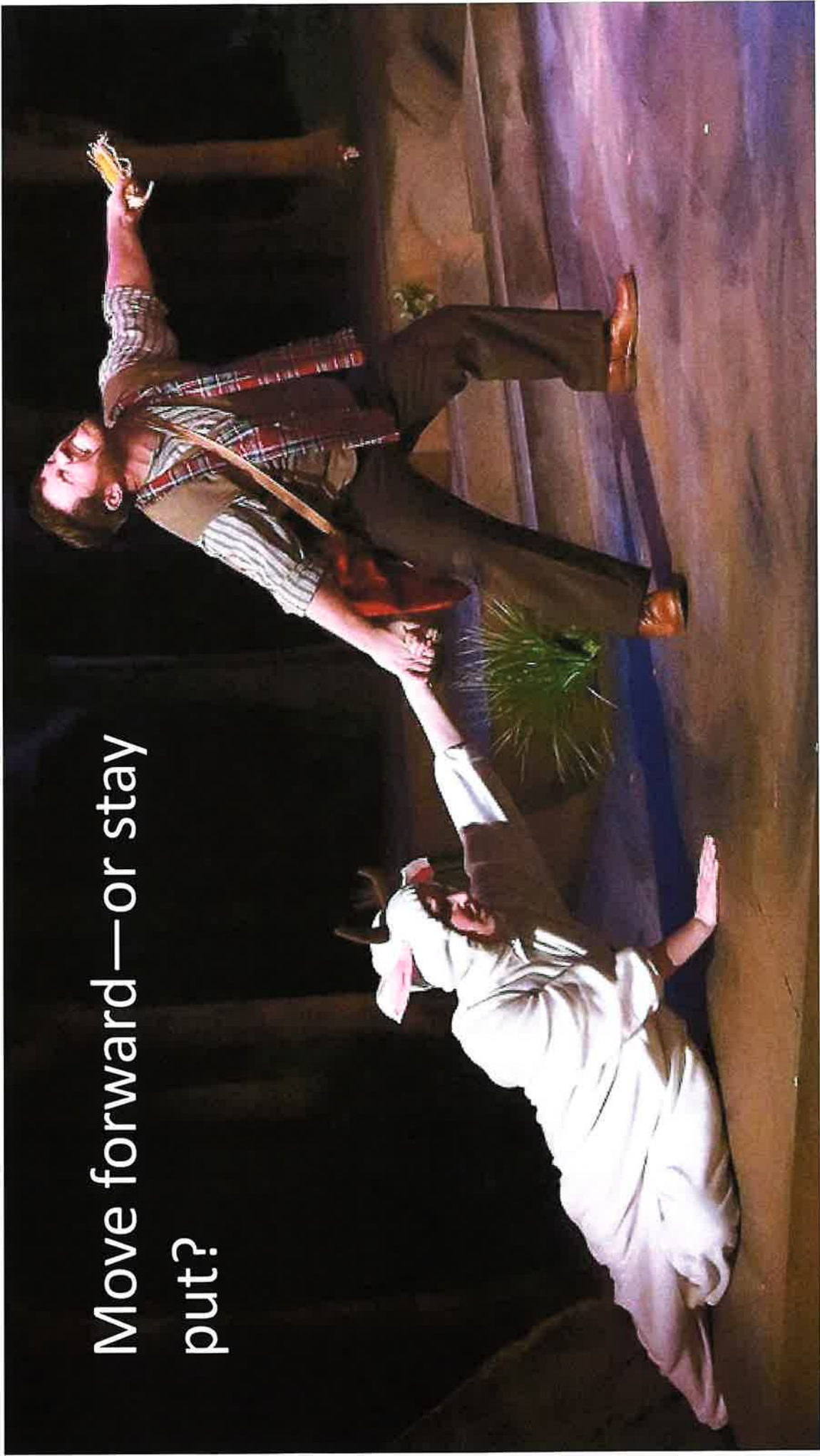
## Advantages of a New Theater:

- Enrichment for our youth
  - More camps, more productions, more kids
- Park once; dine & see a show
- Enhances downtown vitality
  - More patrons=more dining & shopping
- State-of-the-art ventilation; solar powered
  - A welcoming, comfortable, safe, beautiful facility
- Multi-use for other community programs
  - Films, lectures, and more
- Plaza available for community events/outdoor performances
  - First Fridays, movie nights, live music



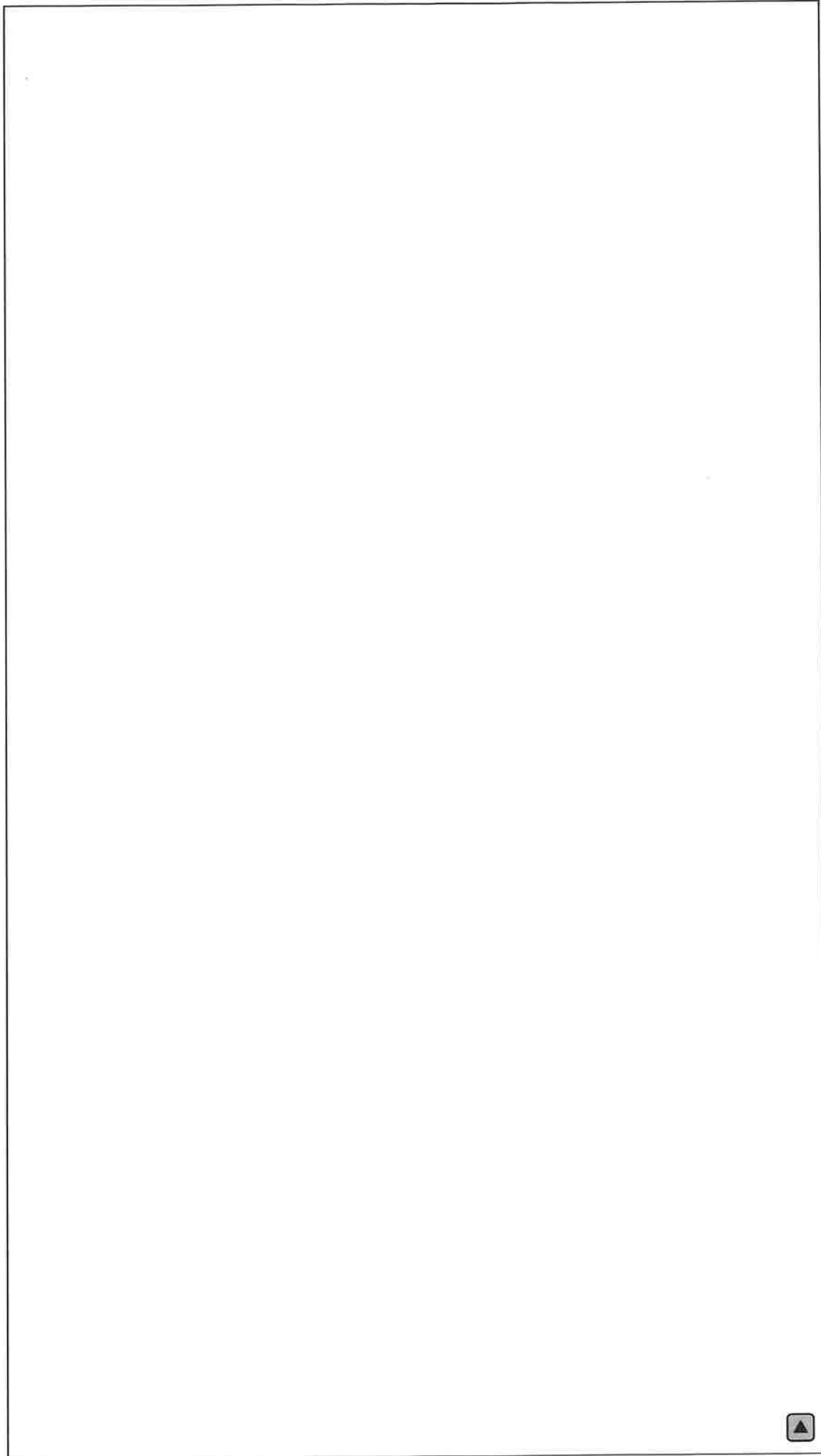


Move forward—or stay  
put?



# Recommendations:

1. Draft a MOU between Los Altos Stage Co. and City of Los Altos that designates the specific plaza and a 4-5-year feasibility study period that allows the Los Altos Stage Company to secure pledges and contributions to support construction of a new theater
  - Feasibility study to consider parking, state-of-the-art structure, ongoing maintenance requirements and costs, indoor-outdoor multi-use community space, operating model commitment from the City.
2. Fund the feasibility study through donations and grants, plus 25% from the City, which can include in-kind staff time.
3. Form a Citizen's Oversight Task Force that reports to the City and Los Altos Stage Company on a mutually-agreed upon regular basis.



Dear Mayor Fligor and Council Members, we ask that you adopt this proposal for an MOU at your November 23 meeting.

## Recommendations:

1. Draft a MOU between Los Altos Stage Co. and City of Los Altos that designates the specific plaza and a 4-5-year feasibility study period that allows the Los Altos Stage Company to secure pledges and contributions to support construction of a new theater
  - Feasibility study to consider parking, state-of-the-art structure, ongoing maintenance requirements and costs, indoor-outdoor multi-use community space, operating model commitment from the City.
2. Fund the feasibility study through donations and grants, plus 25% from the City, which can include in-kind staff time.
3. Form a Citizen's Oversight Task Force that reports to the City and Los Altos Stage Company on a mutually-agreed upon regular basis.



Memo to: Los Altos City Council members  
Date: November 4, 2021  
Re: New Theater Working Committee Proposal

Los Altos Property Owners Downtown (LAPOD) is the only group whose total focus is on representing commercial downtown property owners. Our goal is to keep a healthy, vibrant downtown.

We believe a new downtown theater could provide many benefits to the entire community, including bringing vitality to downtown Los Altos, especially in the evenings, which will lead to more patrons choosing to park once, then dine and shop downtown.

Los Altos Property Owners Downtown (LAPOD) supports the New Theater Working Committee's efforts to advance creation of a new theater in downtown Los Altos while maintaining the present number of parking spaces and urge the Los Altos City Council to support this effort.

Sincerely,

LAPOD board of directors  
Kim Cranston (chair), Robert Hindman, Mel Kahn, Emeric McDonald, Bart Nelson, Kent Nelson, Liz Nyberg



## **PUBLIC CORRESPONDENCE**

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Abhambly](#)  
**To:** [Public Comment](#)  
**Subject:** Public Comment, Agenda item #8, Nov. 9 meeting  
**Date:** Monday, November 8, 2021 11:58:58 AM

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Four years ago, the city paid over \$300,000 to complete a 10 year Downtown Vision Plan. Many citizens weighed in on their preferences. Building a downtown theater was included in that Vision Plan. I think it's time for the city to proceed with further study. The Working Theater Group has spent many hours of research and discussions with a variety of experts and community members. Please listen carefully to their comments and study the report.

Please consider their request to allow more time for further research, including a feasibility study.

Thank you,  
Anne Hambly  
Los Altos resident

**From:** [Pat Marriot](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT Item 8 November 9, 2021 Downtown Theater, comment 2  
**Date:** Sunday, November 7, 2021 12:15:50 PM

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Council Members:

**Regardless of who pays for it, a theater feasibility study requires you to give away one of our parking plazas. That's public land that belongs to Los Altos residents.**

Regardless of whether the Theater Working Group can raise money to build, operate and maintain a theater, there will still be a need for more parking to replace the building and support the theater and downtown businesses.

Regardless of assumptions that a theater would be financially successful, e.g., performances will pay for themselves, organizations will want to rent the space, some percentage of attendees will stay in town for dinner, it is all wishful thinking. The 2017 economic study showed a 190-seat theater – with parking – would only increase restaurant sales by an estimated 2.7% and other downtown retail sales by an estimated 0.7%.

Regardless of what FOLA or LAVA or the Women's Caucus or individual commissioners might think about a theater – or what your personal feelings might be – you were elected by and have a fiduciary responsibility to the residents of Los Altos. Our land is not yours to give away.

Regardless of any estimated benefit a theater might bring to downtown businesses, Los Altos is under pressure from the state to meet its RHNA goals. There are now consequences for falling short: *"Attorney General Rob Bonta announced Wednesday a new housing strike force within the California Department of Justice, a 12-member team that he said would address the state's affordability crisis by enforcing development and tenant rights laws. That could include more lawsuits against local governments that state officials believe are not making a genuine effort to plan for and approve enough housing to accommodate future growth."*  
<https://www.sfchronicle.com/politics/article/State-strike-force-proposed-ballot-measure-16590411.php>

If we must give up a parking plaza, I urge you to weigh your state-mandated responsibilities – as well as the human need for more housing – vs. a small theater. I know which is more important to me.

Thank you,  
Pat Marriott



**From:** [Pat Marriot](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT Item 8 November 9, 2021 Downtown Theater  
**Date:** Friday, November 5, 2021 5:28:19 PM

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Council Members:

Having been present during startups' presentations to VCs, I know it takes a lot of convincing to get funding. The theater group's "presentation" wouldn't get their foot in the door, let alone funding consideration.

After six months of meetings, they have provided nothing concrete that justifies money or staff time from Los Altos taxpayers. I had expected them to come to this meeting with a feasibility study, not asking residents to pay for one.

- *"A 16-person group of residents was tasked by the City Council with developing a proposal for placing a 125-to-180-seat community theater in downtown Los Altos."*

Council did not "task" residents to develop a proposal. At the January 2021 council retreat, Mayor Fligor pushed relentlessly for an objective "to form a working group for exploring a theater for our community." Other council members objected with concerns about staff time, land use and city assets. The mayor changed her wording to "support a working group ..." insisting that this objective be placed on the council's list, while assuring us there would be no staff time and no funding provided. Since then, she has been a proponent of the theater in newspaper articles and Chamber of Commerce meetings. Contrary to her assurances, we are now being asked for time and money.

While I understand that any public official may have personal interests in projects, IMO Mayor Fligor has crossed the line of objectivity, starting with her insistence to "support" the theater working group in January and championing it every step of the way to tonight's presentation. According to the city's ethics training, "If a decision-maker prejudices a matter, the decision-maker could be disqualified from participating in the decision."

- *"Goal: To attract residents of surrounding communities to Los Altos' downtown business district for expanded and varied nighttime programs."*

How many out-of-towners are likely to come to a small theater to see a little-known acting company when they can go to Mt. View Center for the Performing Arts or Lucie Stern in Palo Alto (425 seats) to see TheatreWorks productions? Or to the Oshman JCC Cultural Arts Hall (381 seats), which also rents space for films, lectures, meetings? Or to any of the theaters in San Jose? How many major drama, dance, or other companies would be interested in performing for such a small audience when there are so many better venues?

- *"Bus Barn Stage Company, now doing business (successfully) as Los Altos Stage Company ..."*

Where are the financial statements to prove success?

- *"Los Altos Stage Company presents 5 quality productions each year to the greater Los Altos Community and employs 100 actors, technicians, directors and serves over 10,000 patrons yearly."*

Again, where are the numbers? 5 shows/year \* x nights/show \* 100 seats = 10,000 attendees? How many of those are "friends of the family" who go to every show vs. 10,000 unique attendees? How many come from out-of-town?

- *"The Vision further suggests the construction of a parking structure (or underground parking) adjoining a potential condo/apartment complex on the 2nd Street end of this plaza. ... it is the desire of the Theater Working Group to raise private funds for the design and construction of the new theater."*

The Downtown Vision assumes parking is an integral part of the theater plan. Page 64: "Exempt live theater from all parking requirements. The location of the live theater is adjacent to and over a proposed parking structure."

The Working Group hopes to raise private funds for a theater, but not for the required garage.

- *"OPPORTUNITY SITES AND PROPOSALS FROM THE DOWNTOWN VISION"*

The Working Group uses the Downtown Vision as the cornerstone of its arguments. It's actually King Lear's 2014 theater proposal that is contained in the Vision. He provided much more detail in his plan than what is in the current presentation and also stated, "The theater program funding should include the cost of parking the theater."

The following pages are from "Economic Vitality Strategy Options for Downtown Los Altos" at [https://www.losaltosca.gov/sites/default/files/fileattachments/community\\_development/page/40281/los\\_altos\\_econ\\_report\\_final\\_2.28.2017.pdf](https://www.losaltosca.gov/sites/default/files/fileattachments/community_development/page/40281/los_altos_econ_report_final_2.28.2017.pdf)

### New Performing Art Theater Downtown

The Los Altos Stage Company was incorporated in 1995 and has been producing live theater performances in town since that date. Its performances are held in old school maintenance building in the civic center campus that is in poor exterior condition. The theater has 100 seats and stages approximately 135 event-days/evenings per year. At an assumed average attendance to be 80 percent of capacity, 50 percent of the attendees visiting the downtown for meals or drinks associated with the theater event, and an average expenditure of \$50, the current theater patrons generates an estimated \$270,000 in mostly restaurant and food service sales in the downtown. If an additional ten percent is

added for the sales of performers, theater staff and volunteers, the current theater impact on downtown sales would be approximately \$297,000.

In 2014, a group of community leaders proposed a new theater of approximately 190 seats with a 12,000 square feet overall size to be located in the downtown (Figure 22). With the excitement generated by a new building, we assume that the number of event-days/evenings would increase to 200 per year. At an assumed average attendance of 80 percent of capacity, 70 percent of the attendees visiting the downtown for meals or drinks, an average expenditure of \$55 per attendee, and including the impact of performers and staff, the new theater would generate an estimated \$1.29 million in downtown sales. The net gain mostly during the evening hours would be approximately \$1 million (Table 8).

Figure 22: Concept Illustration for New Downtown Theater



Source: A Theater and parking Garage for Downtown, Presentation to City Council June 10, 2014

The Working Group quotes the economic benefits of going from a 100-seat theater to a 190-seat theater, though they are proposing only 125 to 180 seats, which is quite a difference in terms of financial feasibility. This table shows estimates from the 2017 economic analysis. Note the small percentage increase in sales to restaurants and even smaller increase to retail shops.

Table 8: Estimated New Downtown Theater Impact on Downtown Sales

	Existing Theater	New Theater
Seating Capacity	100	190
Estimated Event Days/Evenings	135	200
Estimated Attendance @ 80% of Capacity	10,800	30,400
Estimated Percentage of Attendees Patronizing Downtown	50%	70%
Average Spending for Meals/Drinking/Incidentals	\$50	\$55
Theater Patron Sales Impact on Downtown	\$270,000	\$1,170,400
Add 10% for Performer and Staff Impact	\$297,000	\$1,287,440
<b>Gain in Downtown Sales Due to New Theater Patrons/Performers/Staff</b>		<b>\$990,440</b>

Source: LEG estimates based upon interview with Executive Director of Stage Company

This new 12,000 square feet theater will generate approximately \$1 million in addition downtown sales, almost entirely in restaurants, bars and coffee shops. This \$1 million in new sales represents a 2.7 percent increase in downtown restaurant sales and only a 0.7 percent increase in total downtown retail sales.



- "Members of the Working Group met with representatives of: ..."

A long list of commissions and organizations follows, but there's no information about what transpired. Did group members give a sales pitch? Did they request support? What response did they get? We all know commissioners can only speak as individuals, not for the commission, so why engage them? Without details, this list is meaningless. It also indicates the group did no outreach to the community at large.

The Working Group's presentation does not warrant support from the city or from residents. We cannot afford to donate time or money or land. We face tough financial times, with our new city manager still trying to get a handle on the budget. We also have the daunting task of allocating space for state-mandated housing. A parking plaza could be a good place to meet those goals – and bring more people to our downtown.

I urge you to vote a firm and final NO on any financial, land or staff commitments to the theater group.

Pat Marriott

November 5, 2021

Dear Mayor Fligor, Vice Mayor Enander, and Councilmembers Lee Eng, Meadows, and Weinberg,

The Los Altos Theater Working Group is coming before you on Tuesday, November 9<sup>th</sup> to request financial support for a feasibility study of a live performance theater located in our downtown. To the best of my knowledge there has been no outreach by the city or the Working Group to the community at large to determine the level of support for such a theater.

A group of residents of Los Altos created a survey, the Downtown Theater Survey. They endeavored to create a balanced survey that would gauge the level of support by residents of Los Altos for a live performance theater located on a downtown parking plaza. The survey also gauges the level of support for the city funding the construction and ongoing maintenance and operations of a theater.

Los Altos Residents (LAR) is an organization comprised of members of the community whose mission is to increase community engagement so that the voices of all Los Altos residents are heard by the Council and the City Staff. Accordingly, LAR assisted with the dissemination of the Downtown Theater Survey.

We believe the Council should make every effort to understand the level of support in Los Altos for such a theater particularly in comparison to the many other superseding priorities. We hope the City Council will carefully weigh the input from over 400+ residents who took the time to participate in the Downtown Theater Survey knowing that their input was for the purpose of providing helpful guidance to you as their representatives. We are providing Council with two documents: 1) the aggregated results of the survey; and 2) the comments provided by respondents. We would be happy to answer any questions the Council may have about the survey, the methodology and the results.

Thank you for your consideration of this information.

Sincerely,

Freddie Wheeler

# Survey of Residents of Los Altos Regarding Downtown Theater

November 1, 2021

# Executive Summary

- 444 Los Altos residents responded
- 43% would like a theater downtown; 39% would not
- 52% do not want a theater to replace a parking plaza
- 51% do not want city to contribute to construction
- 53% do not want city to contribute to operations & maintenance
- 50% want to vote on whether city land is used for a theater
- 53% want to vote on whether city contributes to construction
- 53% want to vote on whether city contributes to operations & maintenance

# Objective & Methodology

- Objective
  - Gather resident opinions to present to Council for consideration during discussion of downtown theatre proposal
- Methodology
  - Survey link posted on Nextdoor, emailed to approximately 1500 fellow residents
- Duration
  - Two weeks

# Survey email from Los Altos Residents

**CALL TO ACTION:**

**PLEASE TAKE THIS DOWNTOWN THEATER SURVEY**

The purpose of this anonymous survey is to solicit your thoughts about a live performance theater in downtown Los Altos. As you may have read in the Town Crier, a New Theater Working Group has been formed and will soon seek approval from the City Council to build the theater on one of the downtown parking plazas.

The aggregated data from this survey will be provided to the City Council when this topic is scheduled to go before them.

We welcome your thoughts and opinions. To make your voice heard, please [click on this link](#).

**THANK YOU!**

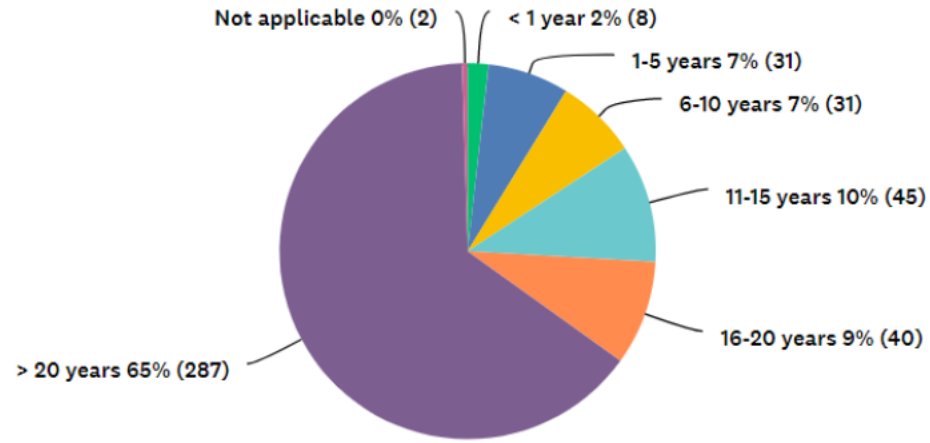


# Resident Responses

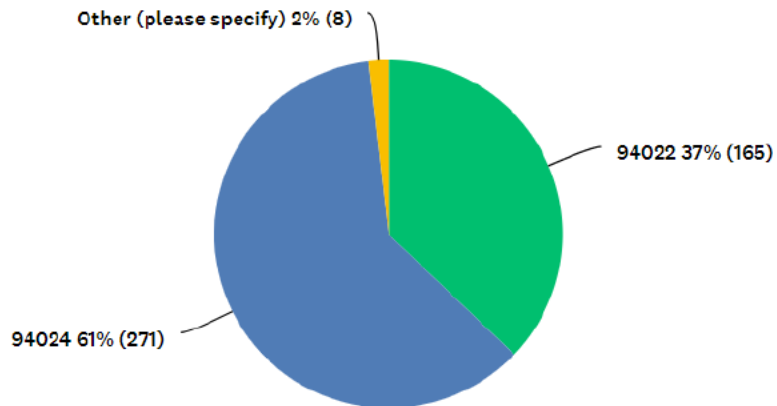
Aggregated data for respondents who identified as residents

# Demographics

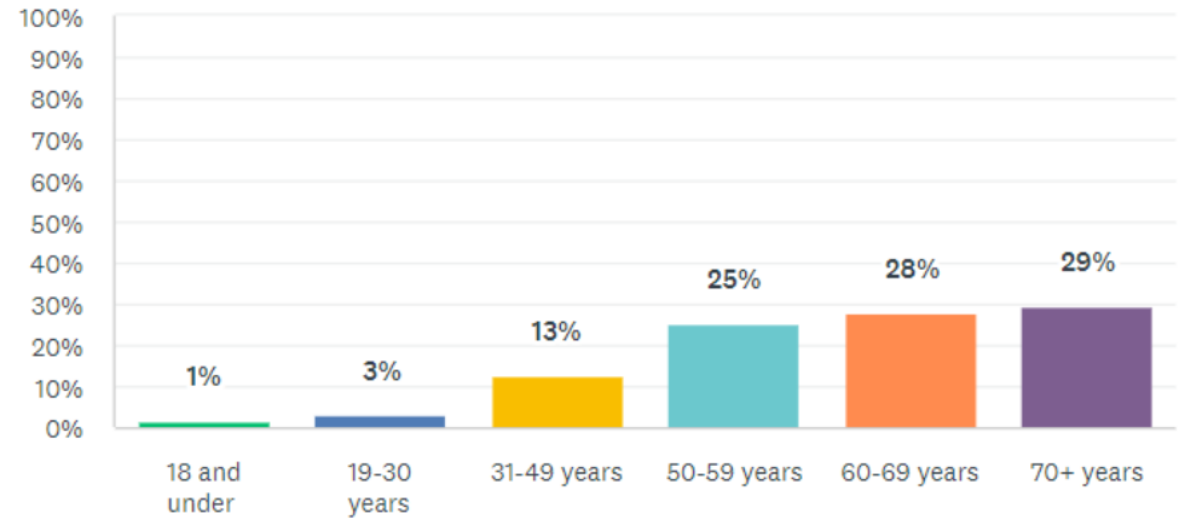
- Q2: How long have you lived in Los Altos?



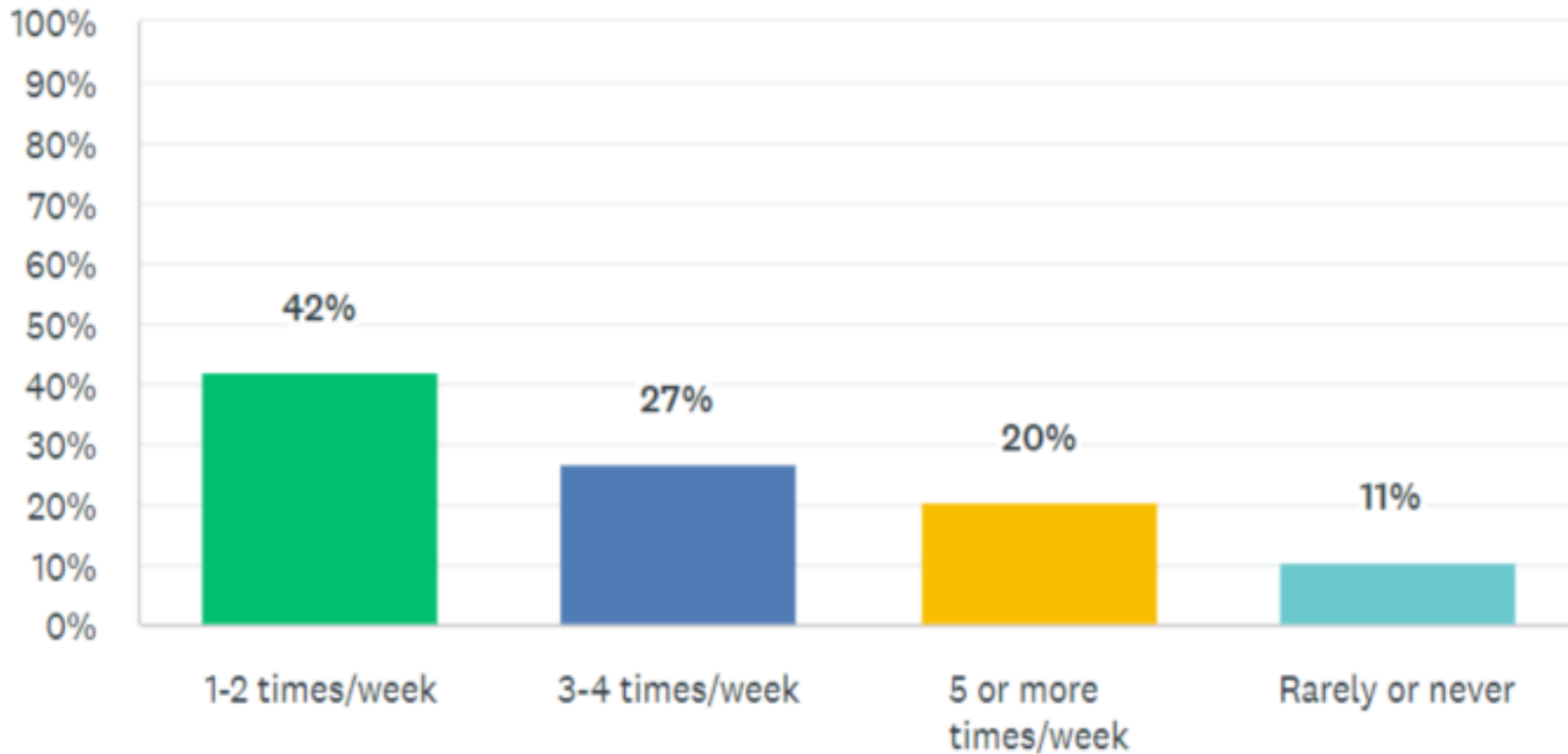
- Q3: My zip code is?



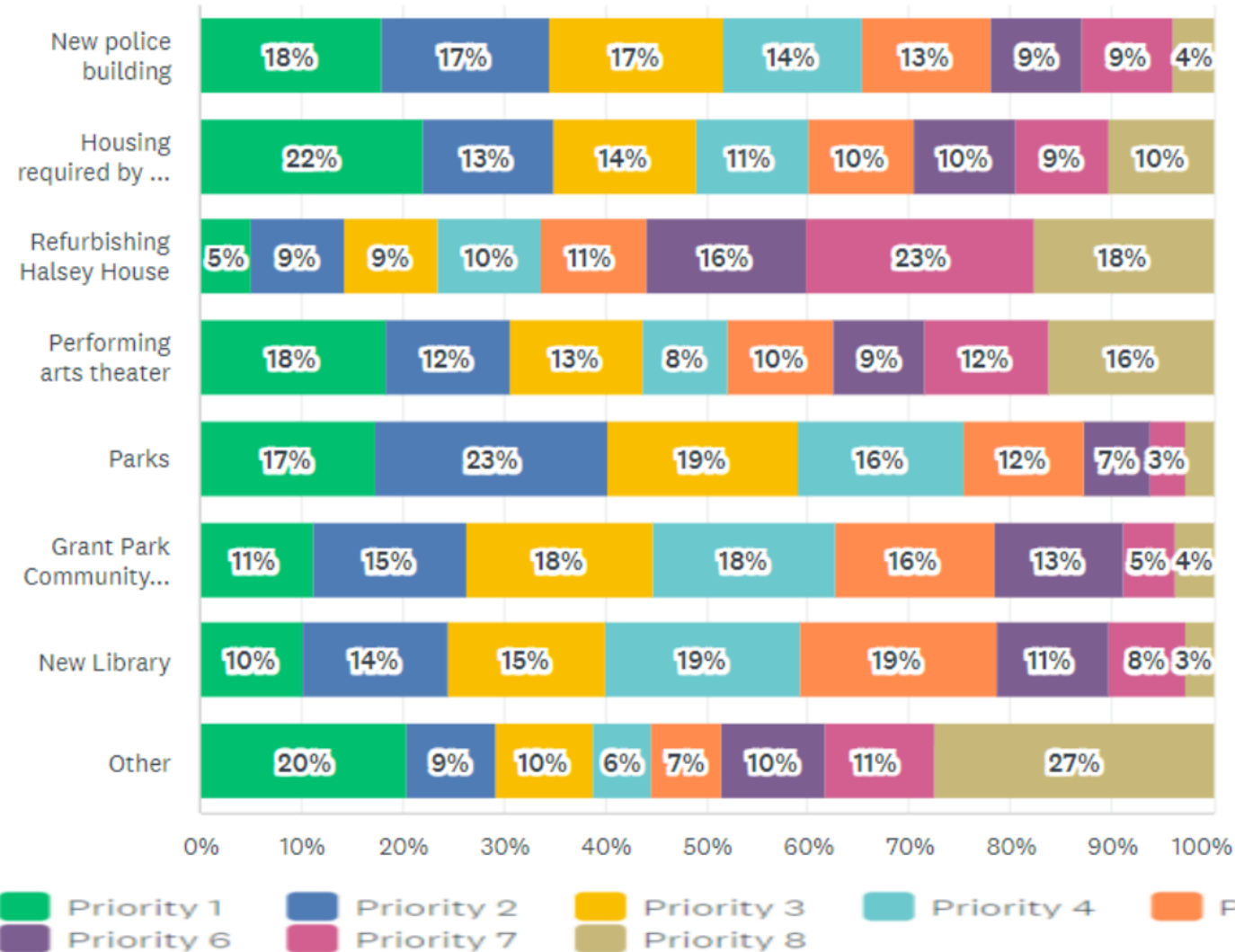
- Q4: My age group is:



## Q5: I visit downtown Los Altos



# Q6: Please rate the following in terms of where the city should spend city funds and resources:



# Q6: Tallying priorities 1, 2, 3 tells us residents want to spend money on

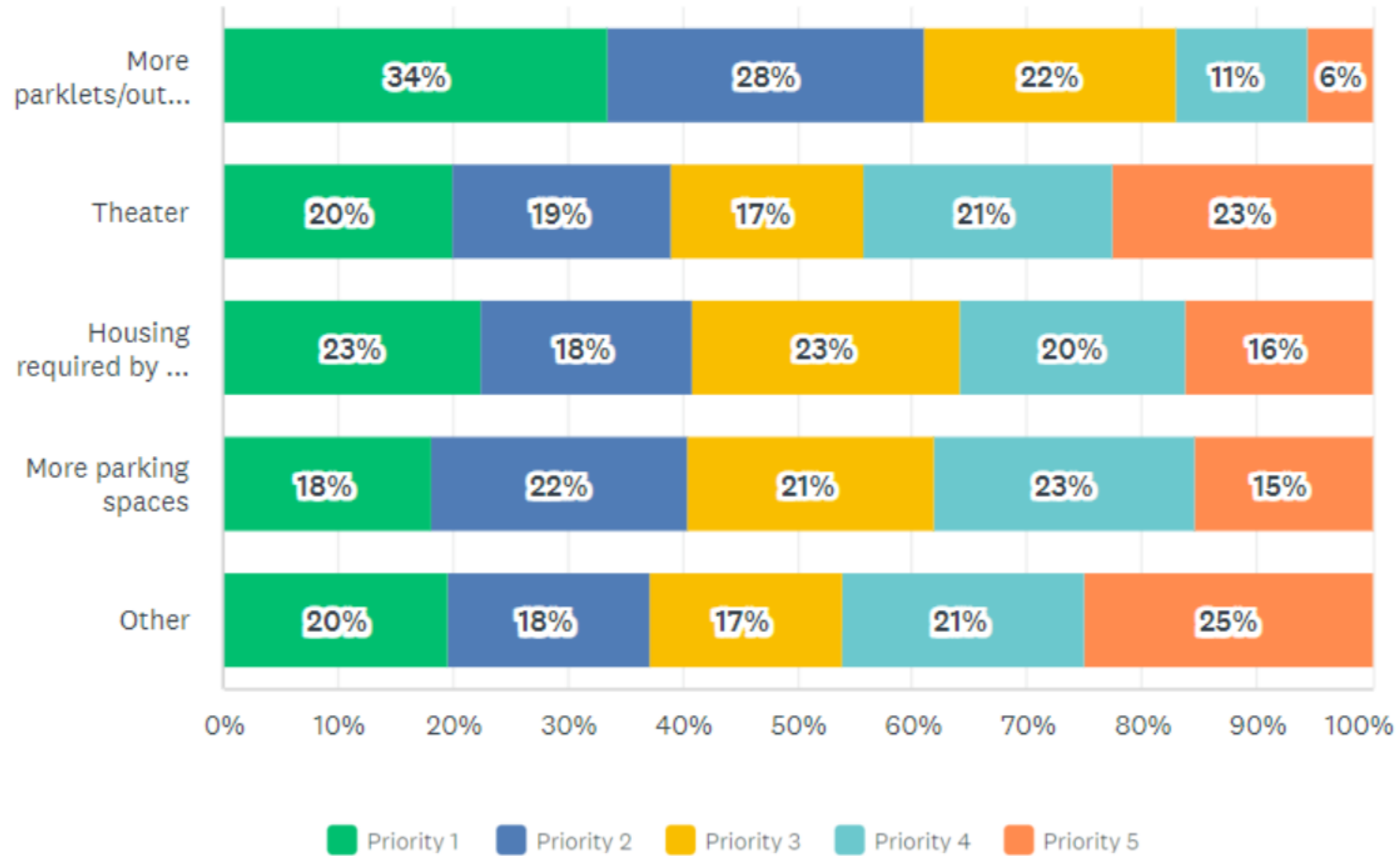
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#1 Parks	59%
#2 New police building	52%
#3 Housing	49%
#4 Grant Park	44%
#5 Theater	43%
#6 Library	39%
Other*	39%
#7 Halsey House	23%

---

\* Includes 152 random comments, e.g., pool, parks, more parking. See attachment.

# Q7: Please rate the following in terms of land use in downtown Los Altos:



## Q7: Tallying priorities 1, 2, 3 tells us residents prioritize land use as follows:

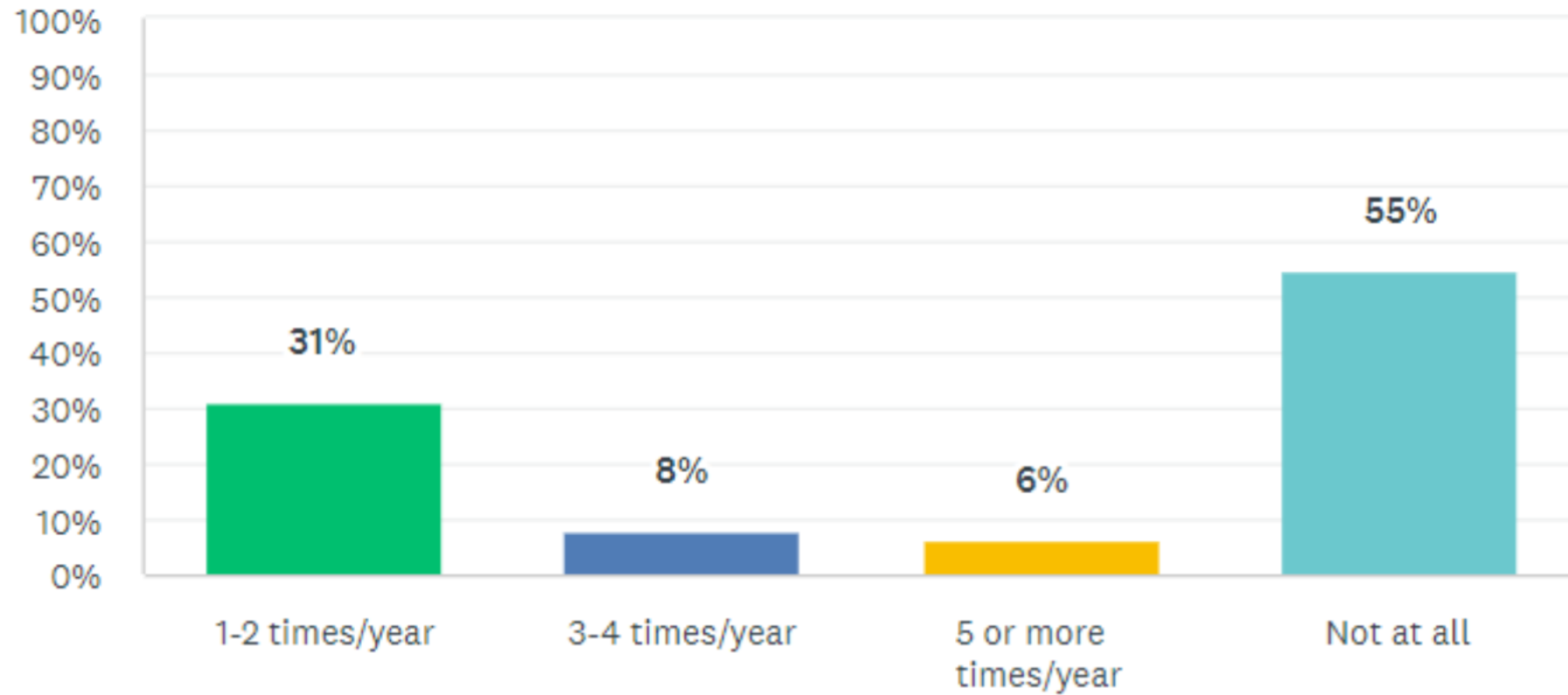
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#1	More parklets	84%
#2	Housing	64%
#3	More parking	61%
#4	Theater	56%
#5	Other*	55%

---

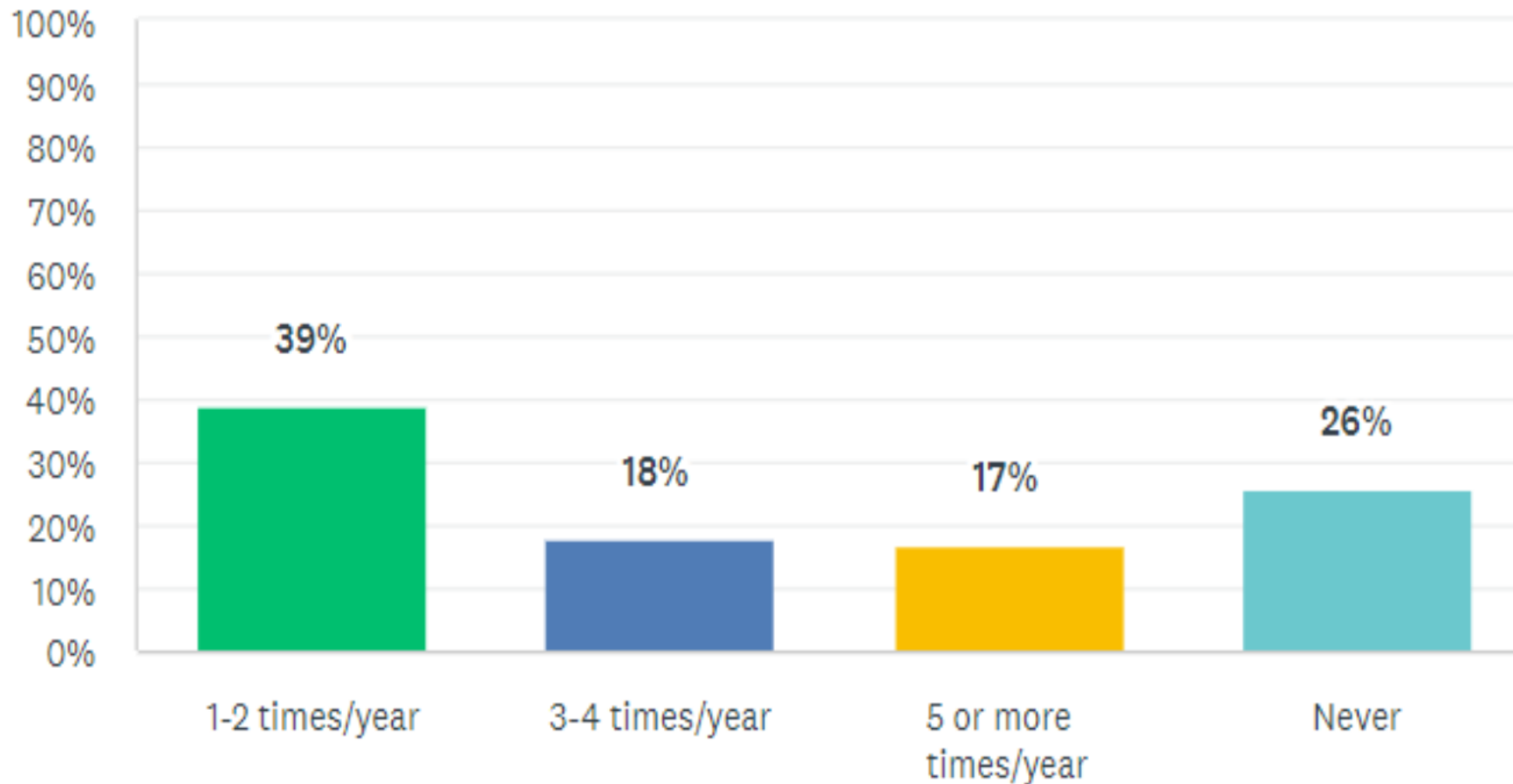
\* Includes 112 random comments, e.g., pool, dog parks, more parking. See attachment.

## Q8: Pre-COVID, I attended live performances at Bus Barn Theater

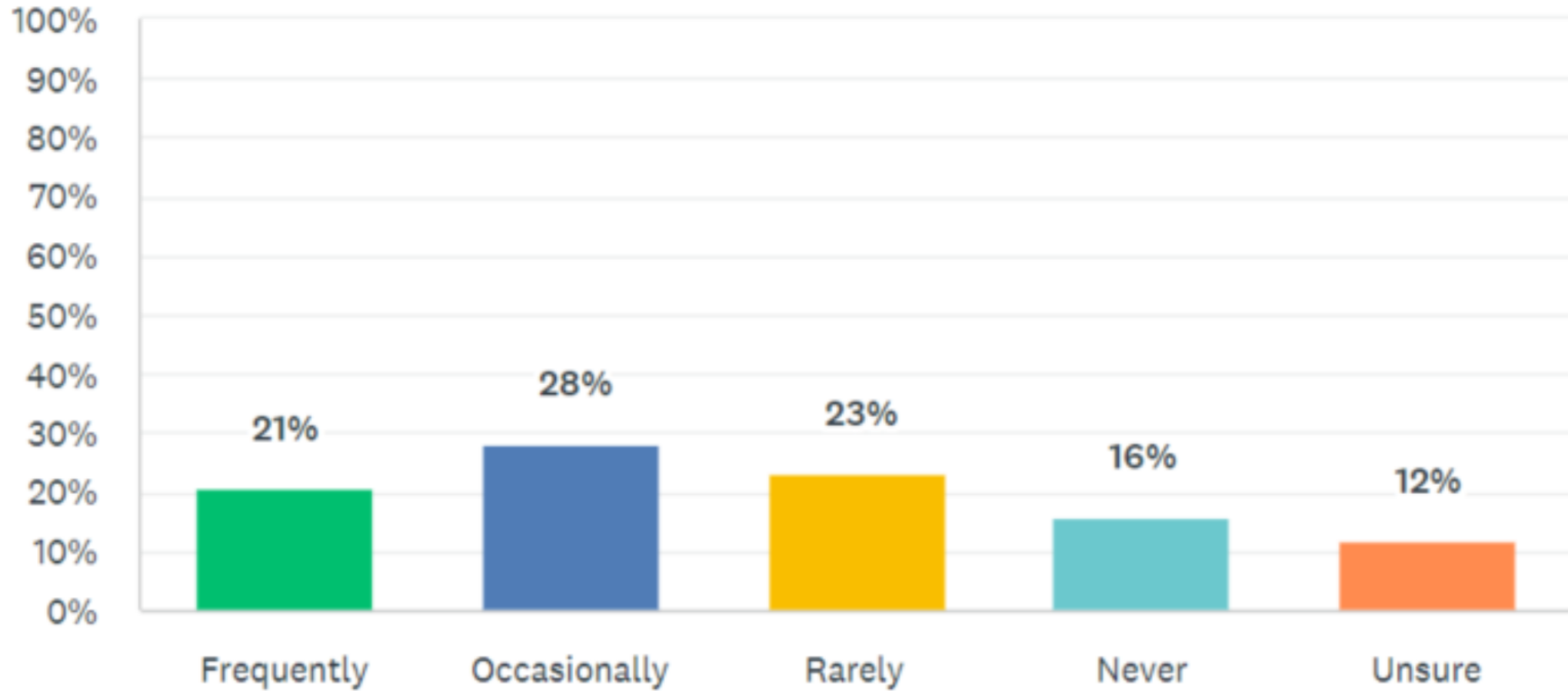




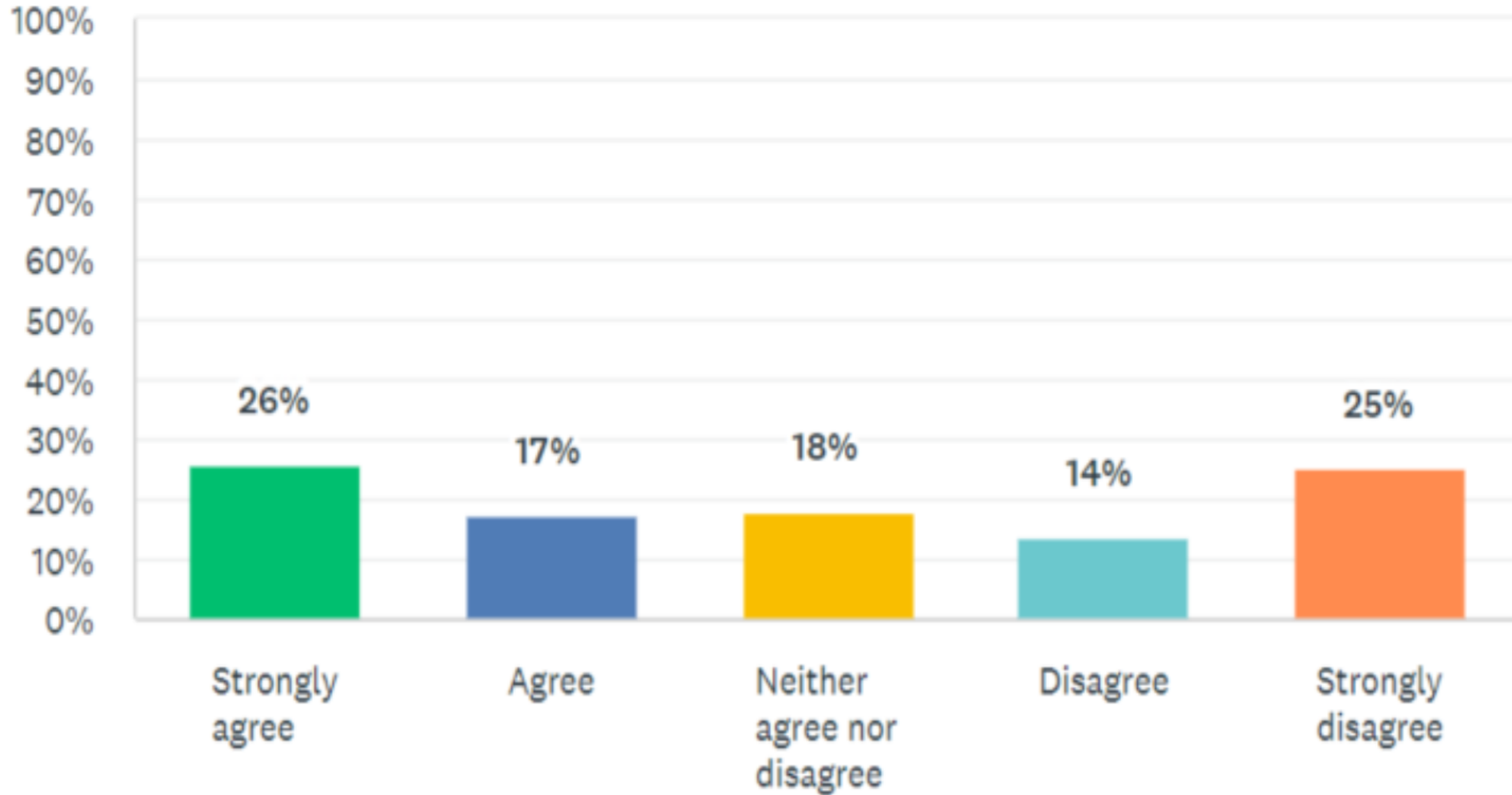
Q9. Pre-COVID, I attended live performances at live theaters such as Mt. View Center, Oshman JCC, Hillbarn, Lucie Stern, etc.



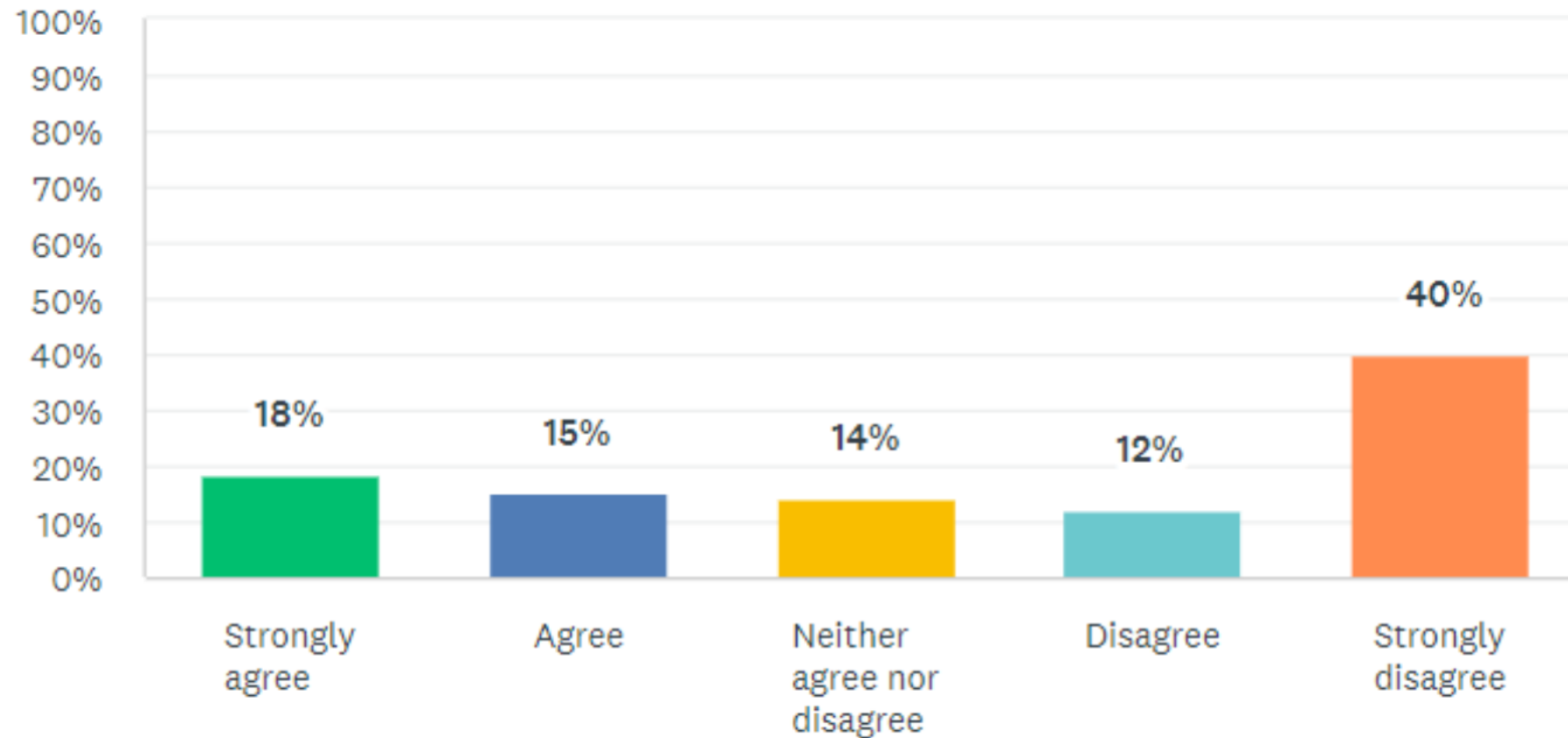
# Q10: I would attend live performances at a theater in downtown Los Altos.



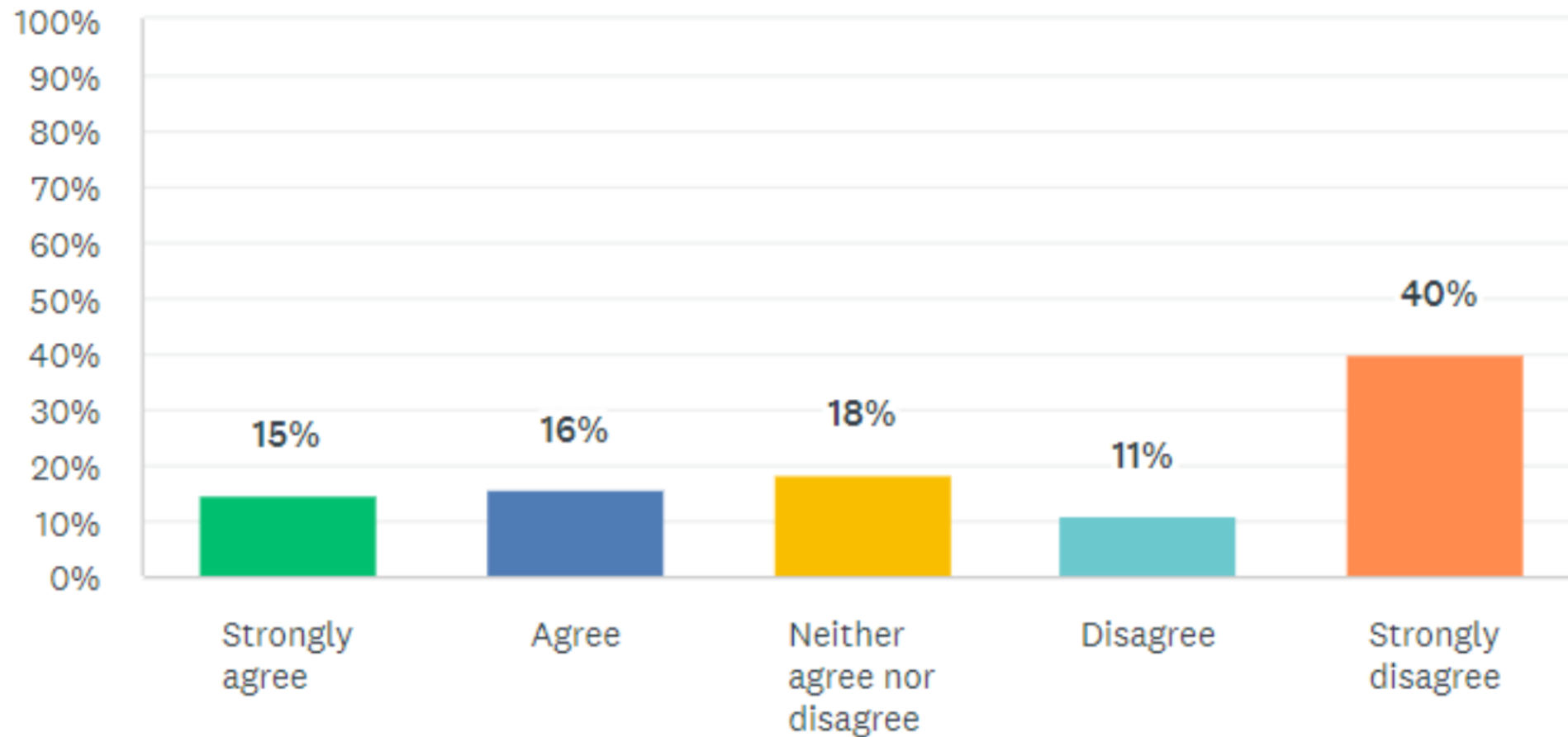
# Q11: I would like to have a live performance theater downtown.



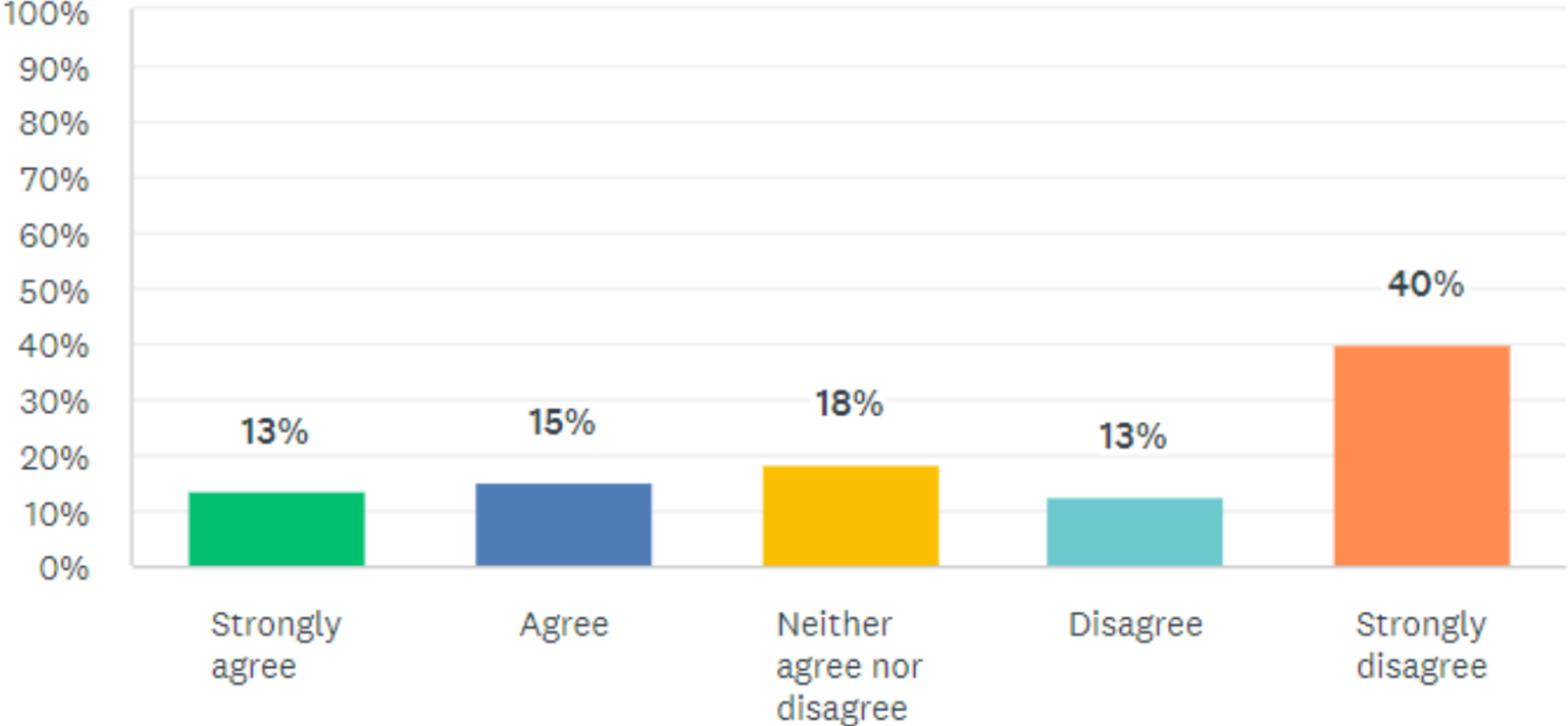
Q12: I want the city to allow a theater to replace a downtown parking plaza (for example, Plaza #2 behind the Main Street Post Office).



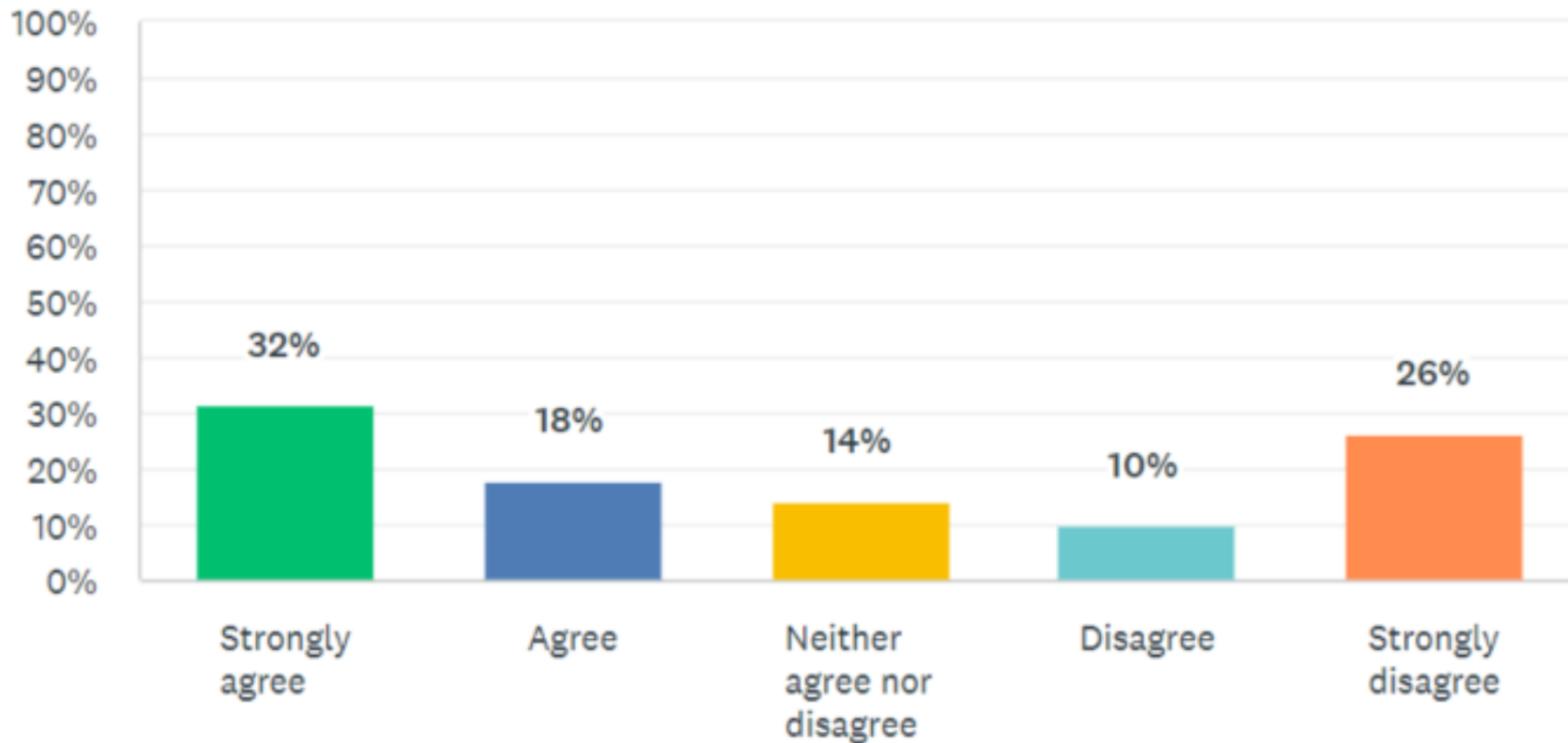
Q13: I want the city to provide funding from the city budget toward the cost of construction of a downtown theater.



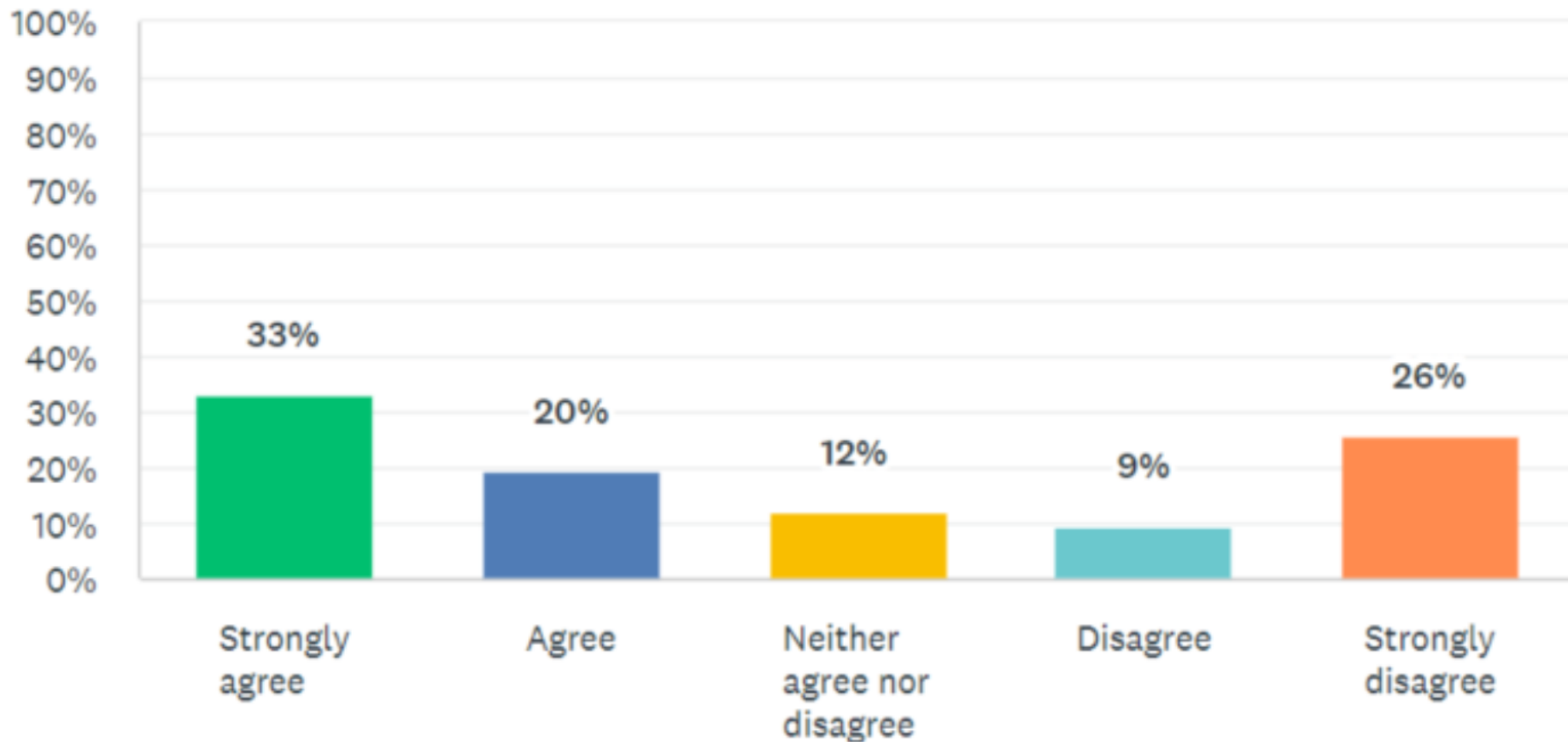
Q14: I want the city to provide funding from the city budget toward the ongoing maintenance and operating expenses of a downtown theater.



Q15: I want to vote in a citywide election on whether to use city-owned land (for example, Parking Plaza #2 behind the Main Street Post Office) for a theater.

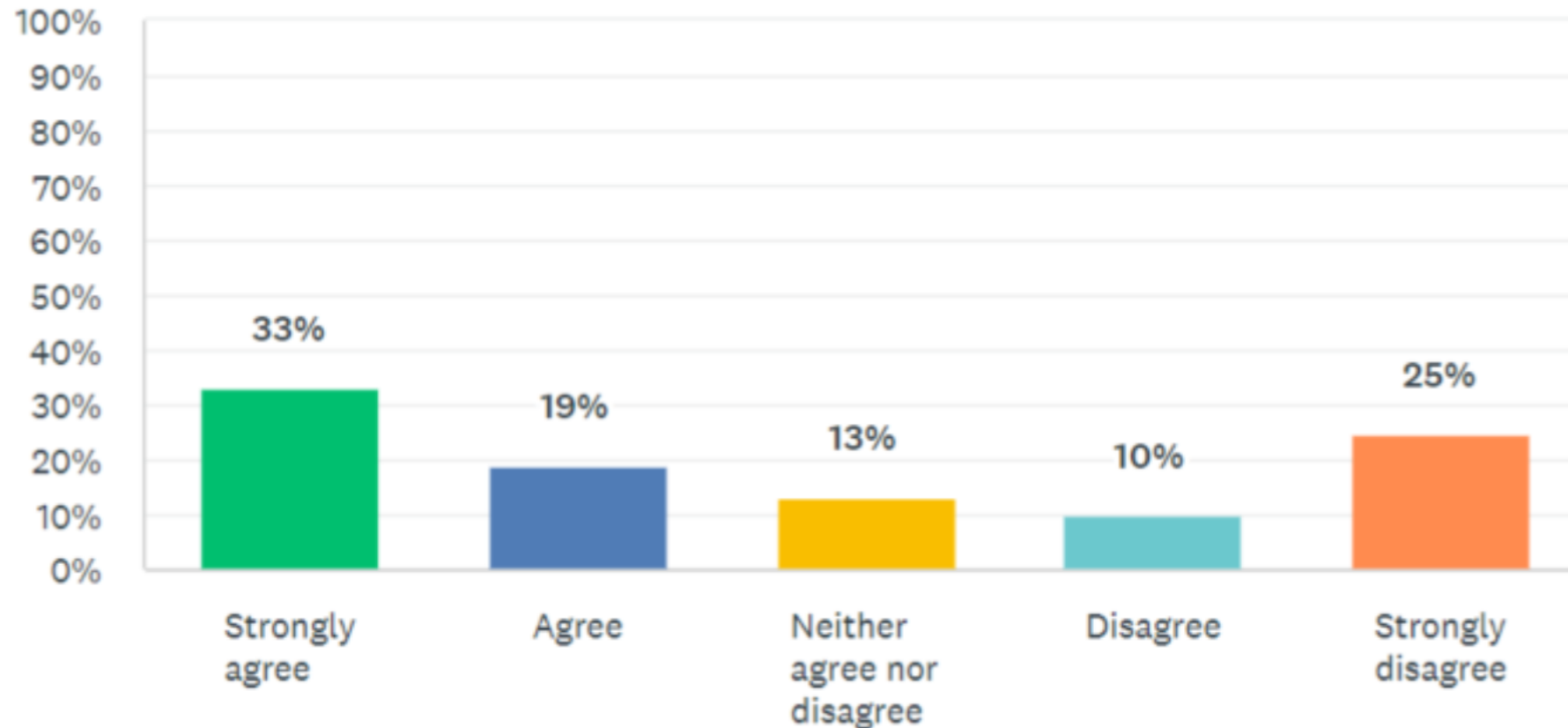


Q16: I want to vote in a citywide election on whether the city should provide any funding from the city budget toward the cost of construction of a downtown theater.





Q17: I want to vote in a citywide election on whether to provide any funding from the city budget for the ongoing maintenance and operating expenses of a downtown theater.



## Survey of Residents of Los Altos Theater in Downtown Los Altos - Open Ended Responses

Q3. My zip code is:

Answer Choices

94022

94024

Other (please specify)

Respondents	Other (please specify)
1	why does this matter?
2	Zip code is not relevant to this survey

Q5. I visit downtown Los Altos

Answer Choices

1-2 times/week

3-4 times/week

5 or more times/week

Rarely or never

Please feel free to elaborate on your response here:

Respondents	Please feel free to elaborate on your response here:
1	I visit downtown probably 2 -3 times per MONTH.
2	Once every 2 months Since the post office moved to Main Street, and parklets were added, parking is hard to find on Main Street. I normally park BEHIND the post office, risking life and limb, and competing with delivery trucks, because there is nowhere to PARK and SHOP on Main Street. Parking lots and parks in Los Altos seem to be at risk of special interests who see them as free real estate created for their own best interests. Leave the parks alone, unless it is to improve them. Repave and improve upon the safety of parking lots in Los Altos so
3	customers will want to shop there. I am 3 miles south of the city. In good weather, I bike about 2 times a week for shopping at stores and for fresh produce and for restaurant take-out and every week the Farmers' Market is operational. The Winter curbs my travel
4	somewhat.
5	I visit downtown Los Altos almost every day. One reason I don't often go is that it isn't that interesting and vibrant. I've gone when the farmers market takes place. It's fun to have streets closed
6	and many people walking around as well as food to eat. I lived previously in Los Altos an additional 10 years and was closer to downtown. Plus my Kids were younger. At that time, we were downtown a lot,
7	probably 3-5 times a week.

8 I attend a weekly yoga class and go to lunch afterwards  
I visit downtown about twice per month. Pre-Covid, I visited 3 or 4 times per  
month. My husband visits more often--and rides his bike to downtown  
probably 3 to 4 times per week. I'm no longer able to ride a bike--so I only  
visit downtown on days/times when I can be fairly sure that parking will be  
9 available.

10 There are several shops I frequent and sometimes the restaurants.  
11 We go primarily for restaurants. Rarely for anything called shopping.  
12 lack. of parking with access.  
Downtown is a great place to walk to, hangout with friends, or have drinks or  
13 food with friends.

14 I live two blocks from downtown and usually walk from home.  
usually bike with my daughters (10 and 11 year old) to downtown for brunch,  
15 desert, or tea  
16 possibly 2 or 3 times a month  
Pre-covid frequency; hope to resume when not as restricted by covid  
17 concerns.

I like the cuteness of downtown. If you keep making it generic (like 1st street,  
like where Cetrella is) then I have less incentive to go downtown because I  
18 can get generic anywhere else (downtown MV, Sunnyvale, Palo Alto etc.)  
19 I do not want a downtown theatre. We have other more important priorities.  
I visit downtown to go shopping for various items. Parking availability is  
20 important to me.

21 Why not fix the old bus barn theater?  
I haven't gone out much since Covid. I answered this question based on how  
22 often I visited downtown prior to Covid.

23 Visit the coffee shops, restaurants, and live downtown  
I do go there to visit the restaurants, bank and other businesses, but not  
24 every week.

25 I usually go to the library and then head downtown for a coffee or lunch  
I love that I can park once and do all my errands - groceries, drug store, dry  
cleaning, coffee, etc. I volunteer at the Los Altos History museum and visit  
the library regularly as well. We almost never go out to dinner anywhere  
other than Los Altos, bringing friends and family along with us. I've never  
26 loved living anywhere as much as I love living in Los Altos.  
We often have dinner downtown once or twice a week, and sometimes a  
weekend breakfast, and there's the relatively new Amandine! We also  
grocery shop in downtown Los Altos and sometimes do other errands (e.g.,  
27 tailoring at Paris Tailor or shoe repair at European Cobbler).

28 Typically dinner. Sometimes weekend morning coffee and pastry.  
Occasionally to eat. We need pickleball courts in Los Altos. Mountain View  
has pickleball courts so it is easier to go to restaurants in Mountain View after  
29 playing pickleball

30 Hard to find parking

31 occasionally go to downtown Los Altos to shop, but mainly go there to eat out. Honestly, our favorite place downtown is State of Mind pizzeria. Good food, good beer, good atmosphere for families & sports fans, and a fun arcade.

32 Modern, approachable and appeals to multiple types of people.

33 I live in the area and work downtown.

We need more downtown parking so that the center pedestrian areas can eventually become car free. Find another place for a theater.

34 As a frugal citizen and resident I believe that there are more important matters for the city to think about than a live theatre. We used to have a cinema on Main St. which my family and neighbors attended frequently. I realize that live theatre is not the same. This area has, imo, sufficient venues for live theatre in neighboring communities and the small Los Altos venue seems to serve its purpose nicely enough. Foothill college presents high quality and a variety of performances for example. Personally I prefer opera and symphony instead of amateurish live plays.

35 Once a month

36 On e every 2 weeks.

38 I try to shop in Los Altos whenever possible, to support the local shop owners. I walk to Los Altos and around LA daily. Walk to all community events in Los Altos.

39 Usually every day

When COVID is over we will again be hurt for parking. Taking a parking plaza for non parking would be a major mistake. Yes the old costume bank building. My wife and I are regular visitors/shoppers in downtown Los Altos. Pre-Covid19 we had a more attractive city WITHOUT the dining park-lets. These obstruct pedestrian/shoppers and clutter the sidewalks and parking spaces.

42 There is nothing attractive about them and they take away available parking. In a town the size of Los Altos, I am wondering why the zip code is a factor. The North/South Divide???

Though I live in "south" Los Altos, I visit downtown a minimum of 4x a week. I have worked there in the past and have been shopping there since junior high (early 1960s).

43 Downtown Los Altos could be so much better! The continued opposition to improving it hurts the quality of life here.

44 Live near 280/foothill, therefore rarely go that way. Would go that way for good reasons.

45 I primarily go to town for the restaurants or the library. We live in the south part of town, so I do most errands closer to my home (grocery, drugstore, post office, gift shopping).

46

47 I typically walk or drive to downtown every other day for food, coffee, or  
picking something up at Los Altos Hardware.

48 Finding parking is an issue.

49 I am always in DT & have raised 3 kids here  
I go grocery shopping, I go to the bank, I got a Starbucks, etc. I am born and  
50 raised in Los Altos.

I would like to but we are at the other end of town. I wish more services and  
programs were more centrally located. I used to come more often but the  
parking is not set up for those with mobility issues. The merchants did not  
want to make any handicapp spaces as they take up more space to they  
51 don't want us there.

52 I walk downtown every day on my way up into Los Altos Hills.

53 There's not much going on downtown to attract me there

54 We have always wanted a theatre. It is the hub in Los Gatos  
Busy with 4 kids and sports and COvid. Maybe prior to Covid - 1-2x per  
55 week to pick up take out. Do not do much down town

56 1 or 2 times per month

I visit less at this juncture due to the continuance of COVID and people who  
57 are not vaccinated nor wear masks indoors.

Why are only now three responses-out of 8 below being recorded? This  
58 question is broken.

59 I try to shop locally whenever possible.

I mostly visit the Los Altos library, De Martini's and on occasion Linden Tree  
60 books and Uncommon Threads. Other than that I rarely shop downtown.

61 1-2 times per month

62 do banking and lunch/dinners/ bike or drive

63 We walk downtown almost every day for exercise.

64 I don't think this is best use if city space and funds.

65 post office, bank, walgreens, safeway, occassionally to a restaurant

We walk into town most days, and often twice a day. Both for shopping,  
66 exercising, and enjoying the downtown.

I walk to town almost daily to shop or eat. To have a theatre nearby would be  
67 fabulous.

68 I support our local businesses

69 So far, you have not asked any question needing a more detailed response.

70 More likely once a week

71 usually just the arts fairs

72 I live near downtown and walk there every day  
I live in South Los Altos and shopping is easier rather than going downtown.

73 Restaurants in Mountain View are better.

74 About once per month.

75 Mostly bakery, library, & dog park.

I probably visited once a week before Covid but rarely now except that rare  
76 means bi-weekly

**Q6. Please rate the following in terms of where the city should spend city funds and resources:**

- New police building
  - Housing required by the state to meet regional mandates
  - Refurbishing Halsey House
  - Performing arts theater
  - Parks
  - Grant Park Community Center improvements
  - New Library
  - Other
- Please feel free to elaborate on your response here:

Respondents	Please feel free to elaborate on your response here:
1	New or improved sidewalks; bike lanes; road safety like cross-walk signage; etc.
2	All are the preceding are 8's with the exception of park improvements where I believe the city is long overdue in helping the mid to high school kid. Like Mt. View and Menlo Park a skateboard park would be nice. The benefits speak for themselves.
3	why do we need to spend all of our money?
4	reducing taxes
5	I can't support building anything new in Los Altos—including state-mandated housing--until we have adequate water, roads, upgraded parks, parking lots and overflowing coffers of cash. A new theatre the taxpayers would pay for and maintain? Are you kidding?? This community is too small to support a theatre and too run-down to put the cost of it on the backs of its constituents. We now have a lovely community center without classrooms—and nothing to do there! Please use common sense!!
6	traffic safety/improvements
7	Community pool
8	Removing the PG and E lines so that they stay under the ground. They started a fire in my neighbors house and are a fire hazard.
9	It would be helpful to know the background on some of these items - ie why specifically do we need a new police building. Is the old building too small, lacking in vital high tech features etc. What are the issues at Grant Park? I would assume most people in south Los Altos would prioritize improving the G.P. community center, while those of us in North Los Alto may be unfamiliar with its shortcomings.
10	I can't answer this without understanding the state of each of these items and the costs.
11	I'm of the group that really thought there should have been a community pool. Probably an idea that has come and gone.

- 12 I don't have strong feelings on improvements but would like to see the maintenance of parks.
- 13 Other: Traffic Calming projects. I feel that libraries are extremely important, especially for children/students. However, I was not aware that the current library was not sufficient to meet the needs. If the current library is not sufficient, than I would give it a higher priority.
- 14 Performing arts venues are important. We need more of them, not bigger ones. Modifying large public rooms, gymnasias at schools, even out door venues, which could to accommodate audiences of 75-150 would be helpful.
- 15 Parking, as always, is another problem.
- 16 The use of priorities inherently means there is an assumption that Los Altos cannot do all of them. That is a false assumption, and the assumption is not even stated. The introduction falsely implies that the city would pay for a theater, and this priority list falsely implies that the city would pay for everything on the list.
- 17 not familiar with police station
- 18 Other: Residential underground power grid.. perhaps incentives for streets of neighbors who agree to pay for lines from the center of street or from back fence line to their individual homes. This is long, long overdue.
- 19 Parking
- 20 Parking is still a problem
- 21 Improve stores downtown
- 22 More park space, especially in North Los Altos
- 23 More restaurants
- 24 I feel library and parks, and police building can benefit more LA residents. Performance arts is kind niche so fewer get benefit. Of course housing mandate is due to state, doesn't benefit LA residents.
- 25 Please turn 999 Fremont into a plaza as specified in the Loyola Corners Specific Plan. This is LONG OVERDUE! There is not enough parking in Los Altos as it is and turning a parking lot into a performing arts theatre should be a low priority.
- 26 These are important issues and I would need to think about and have more information to rank them. For instance, what is needed by our police to require a new building?Is there a state requirement that we spend money on regional mandates for housing? What is Halsey House? What would be done for our parks, and why do we need a new library? Since I know Grant Park Community Cent has long been neglected I am placing that as Priority 1.
- 27
- 28 Number one priority should be bike/ped safety improvements, especially near schools and including air quality. Get rid of gas-powered machines, ban leaf blowers (including electric ones which stir up harmful dust that contains heavy metals and bacteria) and ban wood burning. It is not safe to bike or walk in Los Altos because we are always breathing in toxic fumes from leaf blowers and wood smoke from chimneys in the winter.

My comment here is that city funds should support the needed feasibility study, now. Private funds should finance the theater building on a parking plaza. It will become a city owned building.

27 All other capital items, such as police department, will happen when designed.

28 I assume that #5 is high priority.

29 Pave roads and increase police services for community

30 Pave the roads

31 Movie theater for downtown

Making downtown a place people want to go, not just a place with a few restaurants and 50 hair salons (it's gotten better in the past 5 years but could still improve)

32 A performing arts theatre in one of the park settings might be very nice. That would be preferred over a parking lot setting.

33 I am basing my ranking on the Performing Arts theater with the assumption that the building would be used for other public functions as well.

34 Buying back properties from Ann Wojcicki's foundation so that she stops re-creating downtown Los Altos the way she specifically wants it to be.

35 Is 1 higher or lower? My answer assumes 1 is high and 8 is low.

36 Our civic buildings are outdated with lack of cutting edge technology. Living in a place like Los Altos, I expect better buildings and infrastructure. Hopefully it won't take as long as it took to get a decent community center. I wish we had a community pool. Once Covington's pool was removed, there is no local pool. Performing arts center sounds great but if it comes at the expense of parking space (one of the parking plazas) it is more damage than benefit since parking in down-town is getting tougher.

Making downtown harder to park in is not something I look forward to.

38 We have two great/nice libraries: no need to have another.

39 All plans should take parking into account. E.g. theater should not take away parking space!

I wonder if the Bus Barn could be refurbished. Seems like a lot of money and valuable parking space would be used for a new theater.

For "other" I'd like Los Altos to have some resources for helping with unhomed individuals. We need someone who can case manage and can help with other supports.

40 Also for "other" I would like to see some improvement at Loyola Corners, particularly creating a bike lane and intersection alignment at Fremont and "A" Street to encourage walking/biking, and for the safety of students commuting to school. I would like to see 999 Fremont become a community plaza or park.



41 I do not support using precious City funds and resources to refurbish Halsey  
House. The City has many other needs that should receive a higher priority.

42 Parking

We are required to spend money on housing. But I would suggest saving funds which might really be needed in the future.

43

The Los Altos Library was begun around 1916, long before the city was incorporated. For that reason, it is a county library. That said, the city did a great disservice several years ago when Friends of the Los Altos Library lost the use of Hillview for sorting and selling books. The fancy new community center did not replace that important civic function.

44 permanent dog park in portion of Grant Park.

45 The Los Altos theater is testimony to our residents belief in the performing arts as mindful recreation, a multi-cultural platform to present the worlds beyond our ken. Intelligent entertainment inspires all ages. A new theater in proximity to the State Street market could rival the Berkeley rep in drawing people throughout the Bay Area to visit Los Altos. I prioritize resources for a community theater, in this increasingly depersonalized society, live theater is a joy and can bring economic benefits to downtown.

46 Parking

47 More bike paths

Los Altos down town should be protected - too many shops have already moved out and now are already empty.

49 I am assuming 1 is the highest priority

Rankings are based on what items affect the most residents and for me that is the library (highly used), housing, Grant community center (affects many of our seniors) and then the police building.

50 Housing is a regional crisis. I feel that should be addressed before other amenities.

51 PARKS PARKS PARKS. As housing mandates are cutting lot sizes and increasing density, thereby reducing private outdoor space, the city MUST make public parks and outdoor green spaces the top priority. As our housing becomes more like Palo Alto and Mountain View, there should be a proportional increase in public parks.

52 Housing should be private money. Library and theater can be used by everyone for all types of activities!

53 Hard to rate when I don't know current state of library or police station so not sure which is needed more. Also, I don't know Halsey House? The housing issue is important as our city has mandates to meet so should be addressed first.

54

These items are not all equivalent, and thus the question can't be answered as asked. For example, while the City permits housing, developers build it (though, of course, the City could provide public land). The County operates our libraries, so may be willing to fund part or all of a new building. Public-private partnerships are certainly a strong possibility for several of these items as well. Nor does potential return on investment factored into the question.

55  
56 Providing more activities for the senior community of Los Altos.

Are these the only budget items the city plans to spend funds on? Road safety, park maintenance, full police/safety services funding are the priorities I would make. How about giving property taxes back to the residents? ie. finding a way to take less in the first place. Everything else is gravy, and

57 should be funded by private or outside sources.

At this point Halsey House should be torn down.

Don't think we necessarily need a new police building.

Housing required by state/regional mandates will have to be done so could be thought of as #1 or even #0 since we'll have to do that.

58 Think a downtown theater would be great for community!

59 Other: down town parking

Top priority should be to add pickleball courts which is the number one

60 growing sport in America

I didn't know which was higher, priority One or priority. So I went with priority

61 One. It also only let me pick a few or one.

The only thing the City should spend money on is the library. The police have a cushy job with crimes low, not sure why they need better accommodations.

Halsey House should be mothballed. The City shouldn't spend money on low

income housing, zone so it is desirable for developers to build it on major

traffic corridors. Grant Park is a LAR shining example of where they want

money spent that benefits a few, so no, we don't need two senior centers

62 and no on spending money on the facility.

Nothing wrong with the current library should spend \$\$\$ on some pickleball

63 courts

64 Other: schools and children/family resources

We need affordable housing and a thriving downtown with shops and

65 restaurants, And we have a new rec building - where is that in this ??

We should be remodeling or building new construction of the Bus Barn right

66 where it is

67 Oyster shell Bocci courts for Grant Park

The most important is housing; the city should offer sites for affordable

housing. Parks are important; one of the parking plazas should become a

park. A theater would be nice. Police, new library, Grant Park: yeah

whatever. Other: well, more housing, I guess. The city should spend \$0 on

68 refurbishing Halsey House, because it should be torn down.

69 Nothing other than housing is a priority issue

Grant Park Senior Center should be greatly improved. My rare experience at the Los Altos Senior Center has been, to say the least, somewhat unsatisfactory. I have taken group exercises at the Mountain View facility which was more desirable.

70 which was more desirable.

71 a decent dog park. the current one is awful..

72 Other: recreation dept. classes and programing for residents

There is community theatre in MW and Palo Alto. We do not need it. Here as well. There are plenty of tickets. We need housing.

73 There is not enough detail to rank. Why a new police building? Is it in disrepair? What kind of theatre? We have bus barn and Shoreline and MV arts and Flint Center all within reach. The main library? Why?

74 Grant park yes because I know it's old and needs work.

I cannot answer this as I lack information as to why improvements in existing facilities are needed.

I do think that a theater could be a draw for the community - but finding out how much people would actually us it, and what for, would be important. However, with the closing of the CineArts at Palo Alto Square, and the Flint Center at DeAnza, there may be an opening.

75 The city paid over \$300K for the Downtown Vision study. We all want a vibrant downtown. The theater was rated as most important to a vital downtown

76 I am not in favor of using parking space to build a theater in downtown. Perhaps we should use that available space to build the low-cost housing required. Los Altos could do like Stanford; sell the small houses but lease the land. Please study this idea.

77 don't feel comfortable offering opinions as i don't have any information on needs and justification.

78 There would be huge benefits to building a new performing arts theater. The residents would benefit by having a local entertainment center, the restaurants in Los Altos would benefit from having more customers since often people like to eat out before a performance, the entire downtown shopping area would benefit from people in neighboring communities coming to visit. The theater could share live performances that mostly attract older audiences with movies that attract a younger audience. Matinee and evening performances of live shows and movies could keep the performing arts center open all day, every day and make Los Altos more vibrant.

79 This is a poor question. Several of these projects deserve equal ranking

80 Don't know what Halsey house is.

81 Bike boulevards, sidewalks, and proper bike lanes to and around all of Los Altos making roads safer for people not to drive. Traffic calming

82

Parks and housing are equally important. Choosing where we put dense housing is imperative, otherwise we'll end up with ADUs and 4 plexes everywhere, making traffic even more of a nightmare than it is. Putting dense buildings with a big percentage of AFFORDABLE units would mean the state could not force us to add housing where we don't want it. As you add people, you need to also add green space. Otherwise, we will all end up

83 feeling like rats in a cage.

84 Swimming pool and dog park.

I am not clear on whether funding for the theater or a new library would come from the city. My understanding is that funds for a new library would come from the County, and funds for the theater would come from private donations or foundations.

I believe that city resources should be spent on housing, but to my knowledge the city does not have funding for new housing unless they waive

85 fees, like they did with 330 Distel.

86 Fenced in dog park, swimming pool

87 Traffic calming like speed bumps on busy residential streets.

I believe the City should spend it's money to provide more community amenities like a performing arts theater, swimming pool, more amenities for

88 kids and especially teens and a dog park with amenities.

89 Other = keeping outdoor dining on downtown streets. Make it permanent  
Please don't build on the parking plaza until I'm too old to drive.

A theater would be number 1 on my priority list if it was to be built anywhere

90 else.

Halsey House should be steadily improved with grant money available from the County and historical trust funds. With the Community Center nearing completion, the south end of town's public spaces need investment to lessen

91 the inequality between the two sides of town.

A simple relatively inexpensive undertaking would be to have our downtown sidewalks regularly cleaned/pressure washed -- "at least" once a month.

Too many dogs leaving there urine all over downtown; at every corner, bench, flower pot, street lamp pole, etc., disgraceful!

The outdoor eating adds to the attractiveness of our downtown and the added

92 spilled food/drink messes.

Parks should be a priority, especially since we are required to build more housing by the state. Those living in condos and apartments especially and those living in dwellings on sub-standard lots need green space to enjoy. We already have fewer parks per thousand residents than surrounding communities.

Halsey House is a hidden gem that should never have been allowed to deteriorate.

If the police dept. needs repairs/updating then it should be a top priority; certainly before a Performing Arts Theater. There is a Performing Arts Theater in Mtn. View as well as the Pear Theater both of which we have enjoyed, There is a Children's theater in Palo Alto. There are theaters in San Jose. Plenty of theaters in close proximity to Los Altos. There is no need for a

93 performing arts theater in every town!

94 Roundabout at San Antonio/Main/Edith/new entrance into Library area

95 Repave roads.

Don't use Grant Park so really can't comment. But if South LA residents use it a lot then of course upgrade. However the new Community Center should be

96 for all of LA

I consider policing to be of the highest priority. And mandating SB 9 and SB10 is a terrible idea that will lower quality of life in Los Altos.

I do not want a live performance theater built in downtown Los Altos. Small theater companies are going broke and as a taxpayer I do not want to

98 subsidize a theater.

99 Add community pool to grant pro community center

Refurbishing the existing theater could be a lower cost option. Also a business plan for a downtown theater showing that it would have enough events to support the theater operating costs. Current revenues of the theater group don't indicate that they can support a theater. An event coordinator would be needed. Also parks, and nature centers etc. Seem to benefit more people in

100 the community

101 Priority 1 is high, priority 8 is low

The question is misleading. There are priorities for what should happen, and there are separate priorities for where the city should spend its money to

102 make them happen. These are NOT the same thing.

103 Bicycle lane improvements

104 Could not vote all items because priorities are exclusive.

Let's provide housing for diverse residents.

Our Performing Arts Theater is woefully behind Mtn. View, Palo Alto, Sunnyvale, and Saratoga.

105 Parks are a key, outdoor, shared resource, particularly with COVID.

This project would likely be a public/private partnership so this question suggests that it's unclear how a theater ranks among other city needs.

Feasibility and terms need to be developed first. Also moving a theater would free up land for a New Library or other needs. Without knowing what is

106 entailed realistic tradeoffs can not be identified.

We need to have off-leash hours for dogs at several city parks, that are accessible from the spectrum of neighborhoods, north to south. Definitely would love this and use it at Grant Park, near my home, rather than driving to Mt. View, Cupertino, Sunnyvale, top let my dog chase a ball (legally)! PLEASE don't waste the 10-years of "exploration" done by the Dog Park

107 Subcommittee of PARC!

108 Creating design guidelines to protect neighbors form encroachment as buildings become larger and more encroaching.

I think library comes from other funds. Also, parks should generally come from park in-lieu fees so this doesn't seem an appropriate use of general fund typically. Similarly, although I think affordable housing is a priority, generally City funds are not used to fund this. As a result, I don't think this question is well worded.

109 Paving our roads is most important

110 Other = Lighting and finalize downtown planning includiing KEEPING parklets for dining as an integral part of the overall plan.

111 I don't think housing requires much in terms of funds, just changing regulations to allow more housing. The library is fully utilized and expanded facilities are needed, especially as more people stay in the area during the day rather than commuting to offices. I also think the city should create a public pool.

112 We need a theatre like we need a hole in the head, get real. Los Altos doesn't need it's own of everything- support Theatreworks Stanford and MVCPA.

113 Want local theatre- do theatre in the parks.

114 I don't support losing another parking lot and especially not for live theater.

The city shouldn't spend money on housing and isn't required to. Not sure why that would be on this list. I think the city divides plans between operational and capital needs. This ranking mixes in the two together. The city is very small and has little resources for capital improvements. Unfortunately I don't think we can afford a new library. As I understand it, this theater proposal is self-funding and would increase the parking downtown. So it may be that the development could be funded from property owners who would benefit from the new parking. Hmmm?

115 "Other" category should be whatever will benefit the largest number of residents. This should be determined by a professionally conducted survey by the City. I prefer off leash dog areas throughout Los Altos. I believe recent statistics show that at least 35 percent of Los Altos households have dogs and the number is increasing. We don't have a single off leash dog area with recent cessation of the trial park at Hillview.

116

117 Don't waste money on Grant Park or Halsey House!

We need a dog park. A dedicated fenced in dog park. I'd be curious to know how many Los Altos residents own one or more dogs. If improvements to parks are to be made, I see no reason why a dedicated fenced in area for dogs can't be built in several of them. Every city surrounding Los Altos welcomes dogs in their parks. However, Los Altos; a city that has an annual pet parade, can't seem to even have just one dog park. Not to mention that the recent pilot program at Hillview, was destined to fail from the beginning and now it has.

What will become of the bus barn theater If a performing arts center is built? Who are the advisers for this performing arts center?

118 If the police station is remodeled, will it include jail/holding cells? If so, how many?

I was shocked to learn we have no pool yet in our town. I thought it was going to be at civic center. If they build on it should be centrally located. For theater they could maybe use mountain view center for performing arts.

120 I believe a new downtown theater will add so much vibrancy to our downtown. These things don't all require city funds, so this question is comparing apples and oranges. The theater and the library would likely be built with money from other sources. Housing mandates don't require the city to fund the housing, only to authorize it.

121 Downtown needs some cultural attraction to bring some social interaction to the city.

123 Pool, pool, and pool!!! Did I say this city needs a community pool?

I am concerned about losing a parking plaza in downtown Los Altos. I am unable to bike there from South Los Altos and there is no public transportation to downtown. Not everyone in Los Altos lives close enough to walk

124 downtown.  
125 Road Repairs

Quite honestly I wish they would build a combined Performing Arts and a Innovation lab where kids, seniors and adults could support creativity and building for kids. I tried to suggest this years ago, k-8 could use it for school trips, maybe even the high school kids could fulfill volunteer hours teaching kids coding, CAD, design, robotics and seniors could be involved...That was my vision. I think it would be used more than Performing Arts on a daily basis. So if Performing Arts - how will it be used on a daily basis?

126 Doesn't say if level 1 or level 8 is highest. Please fix this.

127 Parks, Grant Park Community Center improvements, and a new police building are a tie for # 3 priority but your survey doesn't allow that.

128 New satellite community center for SOUTH Los Altos on par with the design values of the new NORTH Los Altos community center.  
129

I believe there should be a community swimming pool, replacement of broken sidewalks, and repaving of streets with potholes before there are any more expensive projects started.

I am supportive of a theater in theory, especially is equipped to show films too.

130 I don't have enough information about the items listed to prioritize them.

This question mechanics is broken. I can;t rate each 8 options.

131

132 Swim center

I feel like housing should be built with private money, not city funds. A performing arts theater is something that our city desperately needs. The current theater is inadequate and unsafe.

133

Halsey House should be torn down. It's a long ignored blight to which now would be a waste of money expensive renovation. Tear down both the

134 houses down there and create a lovely atrium or nature center new.

The city should spend more funds and resources to educate the public on what they must do to avoid disasters due to human induced climate change.

They should also spend funds to ensure that Los Altos remains a rural

135 suburb and not become more like a city.

Off leash hours at most parks - especially Marymeafe and Grant park I can walk to.

136

Would much rather have a movie theater downtown instead of a performing arts theater!

137

The city should NOT be in the entertainment business. If people feel strongly about a theater, sell the land to a developer or the Stage Company, with the provision LA gets first choice on use of the property. What would the theater be used for when no shows are scheduled? A private group using it for their practices and so forth- this sounds like some private group wanting to get the city to pay to build this thing so they can use it for their special, exclusive use under the guise of a community theater.

138

139 Priority 1 is high, 7 is low



Other - I very much support infrastructure maintenance, and meeting city legal commitments (Halsey House). Think roads, sewers, parks, sidewalks, etc. Things residents use every day. I am not talking about the minimum effort possible to check the box, like now - I am talking about a quality, durable job.

I do not think projects should be funded, or even planned, where there is undemonstrated CLEAR need, if it replicates existing facilities or capability, or violates the existing city plan approved by residents. With the new community center, which has not even opened, it is unclear how any expansion of the library or a theater can even be considered. I have not heard of overcrowded crowds at the Bus Barn, or if the High School has a theater facility that can be shared. I have not heard any compelling, genuine argument as to why the police department needs to be expanded, but I am more open to that (if demonstrated) than the prior 2. I would rather spend money fighting the state mandates that conflict with the Los Altos city plan, rather than build the housing. It would be fine if that money came from any initiative to build a theater or a new library.

140

These are not either/or decisions. You rank 5 and give 6 choices. Grant

141

Park needs upgrading. We need a new library. Badly done survey

142

Other: reduce expenses.

143

There are enough performing arts centers in nearby Mt. View, Cupertino and Palo Alto. I do not see any severe need for one in Los Altos. Local thespians can utilize the existing facility or find another one nearby.

144

Make downtown more vibrant.

145

Other: Maintaining roads

146

increasing visibility of more stop signs and stop lights. The neon orange tape outlining signs and lights that have been completed really makes them stand out

147

better outdoor dining and walking streets for downtown. Let's turn this into a walking, open European best-in-class location. We had a good start with the parklets but we can do even better

148

Mandates have to come first. Policing is critical. These are non-negotiable and actual role of governments. Then Parks and then all the rest that is wasteful spending of taxpayers' hard earned money.

149

Loyola Corners Triangle Property needs to be developed per the LCSP. We need a neighborhood mini-park/plaza as an entrance to the shopping area.

150

Dog or skate park

Creating off-leash hours M-F for one hour each morning between 8-10 am window and every afternoon 4-6 pm year round to account for daylight saving changes and keep hours the same at each park if possible.

151

I do not believe a small 125 person theatre is needed because we have many nearby venues and do not own enough city land to justify.

152

save money for the rainy day that is coming

**Q7. Please rate the following in terms of land use in downtown Los Altos:**

- More parklets/outdoor eating
  - Theater
  - Housing required by the state to meet regional mandates
  - More parking spaces
  - Other
- Please feel free to elaborate on your response here:

Respondents	Please feel free to elaborate on your response here:
1	New or improved sidewalks; bike lanes; road safety like cross-walk signage; etc.
2	Structured parking like M.V. Park improvements. Better maintenance of streets and existing parking in Los Altos. No parking garages, please. Parklets were meant to be temporary.
3	Get rid of them. They reduce already limited parking!
4	green space A nice tree lined street with shade and may be a duck pond that weaves through downtown Los Altos. More parks, and walking trails on flat land for seniors and children and others that is relatively car free.
5	I think the main parking issue is lack of spaces near key places for seniors, and those with mobility issues but do not qualify for handicapped placards. I would love to see some short-term parking spaces for seniors. It would be difficult to enforce and probably rely on the honor system, but our small town it could work.
6	Again, this is overly simplified. We need to provide housing, but is the best place downtown? Maybe so if downtown becomes more vibrant. But it isn't easily connected to public transportation which means more cars. Does the city pay for this or private builders? We shouldn't take up more room for cars, but perhaps a parking garage might help--depending on costs. These are complex questions that can't be answered by a simple survey. Do you simply want to know what I like? Lots of parks, theater, and food. Does that mean we build it? I don't think so.
7	Planting trees wherever possible and maintaining trees
8	I would support using a portion of public land for housing projects for essential workers such as school district employees and city employees (including emergency employees). This is far more important than a theater, and would help us meet the regional housing requirements. It almost seems unbelievable that a sub-group would be pushing for something so expensive at a time when the budget has had to be cut.
9	I have really enjoyed the increased art work. The Bears were a great idea. A new theme every 2 years or yearly would add to the charm of downtown.
10	

11 Businesses suffer from unreal rents. What does the business community  
12 think is necessary.  
13 where to put theater. can we not use existing facilities?  
14 Summer block closeure for restaurants  
15 It is very difficult to find parking downtown  
16 More green spaces, playgrounds, parks, gardens  
17 I think outdoor eating is great, not only for the pandemic. We are lucky in this  
18 mild climate, it feels good to be able to eat outside weather permitting, even  
19 w/o pandemic.  
20 Keep the outdoor dining at least seasonally and therefore keep the other  
21 parking spaces as parking spaces. I do not think we have enough non used  
22 space to provide city builit housing downtown. All of this should be part of a  
23 bigger thoughtful plan.  
24 This is a collection of false choices. So long as covid remains a threat to  
25 indoor gathering, more outdoor eating is a hopefully temporary priority. To  
26 the extent that indoor gathering remains an ongoing threat, an enclosed  
27 theatre building is not a wise use of resources. Older and disabled residents  
need more accessible parking, regardless of the vicissitudes of covid. The  
city of Los Altos stupidly sold prime downtown real estate at well below  
market rates only to end up with a commercial building that creates a canyon  
and serves very few residents. For this older people should give up  
convenient parking for the rest of our lives? The city has no obligation to  
provide land for housing mandates. There are plenty of private owners and  
developers who will address this. What the city needs to do is make lower  
income housing a serious requirement of any of these developments. The  
state, county, and city need to change the incentives away from offices to  
housing.  
Increased parking would be provided by restriping to have slightly smaller  
spaces - but not as small as spaces in Palo Alto parking structures.  
"Other" = greater variety of restaurants and shops. The new food court is a  
good start.  
Going to the theatre is a niche hobby that only caters to a small percentage of  
the population. It tends to attract audiences that are white and elderly. There  
is no need for a theater in downtown.  
Please do not give away more parking spaces, particularly for older people  
who can't walk to downtown from their home.  
Movie theater  
Keep and maintain all parking plazas, no high rise or underground parking  
structures.  
Assumes 1 is high and 5 is low.  
I think it would be great of Los Altos had a decent theater. Again, having live  
performances in a metal shed is below Los Altos standards.  
Theater should NOT take away parking space

Go to the expense and put in underground parking under any new structures downtown, like the theatre. Make Main Street a permanent pedestrian mall with parking structures or underground parking on current parking plazas as needed. Have a dedicated bike lane and make Downtown much more friendly to bike and pedestrian traffic. Put below market and mixed residential use on existing parking plazas with underground parking like Palo Alto did on High Street. During day, there is parking space for shoppers in underground

28 parking while residents and diners use it at night.

This is a SMALL downtown. There is no reason to use every inch of it for more buildings,

29 Theaters, or parking spaces.

parking garage would allow street use for outdoor dining while maintaining

30 parking.

31 restaurants

32 Permanent walking only streets.

I favor underground parking if we want to develop on top of the parking

33 plazas.

In order to move towards a more vibrant downtown, all of the above should be considered and planned for. As far as parking, I'd like to see parking integrated into the plans. If we have an increase in parking spaces, this

34 should be done in a way that maximizes land use (such as parking garages).

I was unable to click on BOTH parklets/outdoor dining AND theatre. BOTH Priority 1 for our age and our teen children (who have nowhere to hang out). ANOTHER Priority 1 is a place for schools kids to hang out together that is

35 not Safeway & Walgreens.

36 Better optimization for pedestrian and bike traffic.

37 Safer biking routes.

It is very rare that I visit downtown and cannot find a parking space within a block of my destination. That seems reasonable to me. If the city can find a

38 way to have more parking, I'm for that.

39 Reduce speed limit on Magdalena ave.

We should consider blocking off traffic from 1st for to 3rd on Main St. for

40 pedestrian mall. Pandemic has shown how popular this has become.

41 Pickleball courts

42 Install pickleball courts like mt view and Sunnyvale offer

I think the priority of outdoor spaces far exceeds the priority of other land use

43 options.

44 More green grass

45 Other: Turn a downtown parking plaza into a lovely park with trees and shade.

On my rare trips into town I have never found parking to be a problem. Now if you ask me about the rudeness and arrogance of some drivers that would

46 be another story.

47 Other=greenery, trees, plantings, arbors, etc.  
Community space; space for recreation dept. classes and programing for  
48 residents  
49 I would close Main St to traffic, and have it be more of a pedestrian mall.  
50 see above  
Who doesn't want a vibrant downtown. The theater would be of maximum  
51 benefit to that goal  
Build Theater where the current theater is located. Parking can be shared  
with the new Community Center..  
Do not take more downtown parking for this purpose.  
As more high rise apartments are built, some with limited parking there will be  
less available.  
52 Do not create a worse problem.  
53 Plaza area for gatherings, concerts, etc.  
54 See above comment  
We need a real garage. Every nearby town except for Los Altos has a  
garage and some have several. It needs to be multi story and at a  
convenient location so people can park, leave their car and walk to town to do  
business, run errands, shop, eat at the restaurants, enjoy the theater LIKE A  
REAL TOWN not a sleepy relic of the past. We need to bite the bullet and  
build a 3 story garage, one level below ground, one ground level, and one or  
two levels above ground. Just do it. A convenient small bus could shuttle  
people from the garage to State and Main Streets and then back to the  
55 garage to get their cars, running at night after the show gets out.  
56 Outdoor dining is a good thing. Not necessarily in parklets  
57 Walkability/bike ability, more green spaces.  
We definitely do not need more parking spaces.  
58  
59 Better restaurant and retail stores  
60 Dog playground, more chain retail stores like Lululemon  
61 Other=spruced up landscaping for existing parking lots  
OTHER: Underground garage with retail on first floor and low income/ market  
62 rate housing on the four stories above.  
"More park-lets/outdoor eating":  
I am NOT RATING because they are too low on my list to rate? They should  
be done away with; getting back to dining inside, i.e. pre-covid19. NONE,  
NOT MORE.  
"More parking Spaces":  
We have plenty of parking IF the park-lets for outdoor eating are eventually  
removed AND our council and committees preserve our city owned parking  
63 plazas.

I don't know that we need more parking but we certainly don't need less parking. Parklets are hurting retail. The parklets make it difficult to even see the retail stores from a car. I know the shops like the back of my hand but for those less familiar, they can't see what businesses are here with all the paraphernalia in front (signs, barrels, plants, heaters, umbrellas). The sidewalks are dirtier than ever and almost impassable in certain areas. This  
64 creates hazards for pedestrians.

pedestrian bridges (2) from Lincoln park into 1st street with closing of pedestrian traffic across Foothill expressway at both Main and Edith. The two bridges would be on either side of Main in the middle of the blocks on 1st street. This would also include a roundabout on San Antonio/Edith/Main/entrance into Library area an no pedestrian crossing at  
65 Cuesta/1st street/San Antonio

66 I do not want land in downtown Los Altos used for a theater.

67 Community pool

If parklets are added which I think are desirable then the city should add  
68 parking to the downtown area to make up for the loss.

The question is misleading and wrongly implies that such things as more parking would take up land. We could add parking while using LESS land if we  
69 do what most cities do, which is to build parking structures.

70 Ride share drop off locations

Again votes are exclusive. There is not enough information to put priority on  
71 theater. Will theater exacerbate parking problem?

An updated Performing Arts Theater would bring intellectually curious audience members to the downtown area, helping restaurants, and thoughtful  
72 conversations.

Why just these needs? These items are not mutually exclusive and depend on design and budget considerations. You can achieve all of the above  
73 through creative planning and design if desired by the community.

While housing would be first on my list, I have zero confidence anything will  
74 be done there.

Negotiate rent reductions, leases and other aspects to help and to encourage  
75 more small business to open and remain open in downtown.

I think this question is also poorly worded. I don't think we need more parklets/outdoor eating than what we currently have. We should see how these work long-term, but I do like these. I don't see the theater and housing as being mutually exclusive. They could have a symbiotic relationship.  
76 Funding sources would be very different.

Other = Lighting and beautification, including maintenance and expansion of  
77 tree parking lots.

The city should try to revive the proposal for a park on 1st across from the  
78 Safeway over underground parking.

Here again the survey is very hard to complete. I don't think the city should pay for parking spaces but should get the landowners to fund these, parklets and other downtown improvement things as they have been doing for years. So if the private landowners are doing it, how does that fit into a city survey? The city shouldn't be paying for outdoor dining spaces, but the city should relax and impediments to this and perhaps handle issues related to ADA compliance.

79

Off leash dog hours at several existing Parks at various locations in the city. It is ridiculous to have to drive to a single spot in Los Altos to exercise your dog off leash. With the Hillview Park experiment, people from South Los Altos would have about a 6 mile round trip drive to reach that site.

80

Dog park dog park dog park... It probably requires the least amount of land amongst all of these.

81

Handicapp parking. Outdoor pool

82

These are not mutually exclusive. A theater project could include both more parking and housing.

83

There's no point in preserving parking if there's no reason to go downtown in the first place

84

No movie theater but real live theater.

85

Dog park

86

Parking is horrible. We should have resolved this years ago. Anne offered to do this years ago but was shot down. Incredibly poor city planning.

87

Pedestrian mall downtown.

88

Doesn't say if level 1 or level 8 is highest. Please fix this.

89

Again, a tie with More parklets/outdoor eating and More parking spaces but your survey doesn't allow that!

90

We don't need more parking

91

More dog parks

92

Outdoor public areas

93

We need a MOVIE THEATER

94

any more parking should be either underground or in parking structures.

95

There are only two items in this section that I feel should have any priority.

Housing required by the state is baloney. Most people do not take public transportation to work and "affordable" housing does not make a dent in the homeless problem.

96

I don't spend that much time in the downtown but I've never had any problems parking. Even if I have to walk a couple of blocks I don't think that's

a problem.

Parks in place of parking lots.

97

More restaurants, cafes and a movie theater

98

The idea of we citizens subsidizing a small group of people that want a space to dance is absurd. Let the rich people that are part of this town foot the bill so they can act like they have some culture. Use Mountain View's performing arts center for their shows. LA is a SMALL town, give them a small place to dance, like someones garage in the hills. I am tired of a small group of people trying to get the rest of us to pay for their hobbies. What's wrong with the Bus Barn Theater being used? Expand it if it is too small.

99 We be need more access to  
100 Parking downtown, not a continued barrage of things that continually eat away at our parking  
101 downtown should be a downtown-retail and services. we have the civic center for community center and the theater. downtown should not turn into the stepchild for housing  
102 Closed store fronts are not leveraging that 'land use', and are depriving the residents of shopping opportunities, give the town a dead look, and do not encourage visitors to come to Los Altos. The city should work with property owners and potential businesses to populate the empty storefronts.

Parklets were helpful during the pandemic, but are a hazard to navigation, particularly with large vehicles and the aging population. The city should create a sensible plan for their removal, likely over the winter when they will be sparsely used, and indoor dining is allowed at capacity.

There is already too much high density housing downtown relative to the 'small town' that is supposed to be Los Altos. There will be nothing unique about Los Altos is we evolve into a mini Mountain View.

Certainly the parking plazas should be retained in their current condition. Continually downsizing the spots to make more of them is counterproductive at this point.

102 encourage telecommuting so we can convert office space to housing

103 The theater is a good initiative. It can become a multi purpose hub

104 Put all the state-required housing down along El Camino Real or along San Antonio Road. Leave residential neighborhoods untouched. Start a campaign for a new Proposition to cancel SB 9 and SB 10 and get rid of the state mandated housing requirements. We do not need growth and do not want growth. Preserve what we have to the best of your ability and tell

105 Sacramento to stuff it.

106 A more vibrant downtown.

107 Other: Expanded outdoor plaza for informal gathering

108 More handicapped spaces close to Main St

109 closing streets to walk/play

110 We already have a theater (Bus Barn). How about looking at a dog or skate park?



- 111 Instead of taking converting a parking plaza to a theatre above one level parking why not create a series of parks with trees and perimeter fencing that could also be used for off-leash dog hours.
- 112 save money

**Q8. PRE-COVID, I attended live performances at Bus Barn Theater.**

Answer Choices

- 1-2 times/year
- 3-4 times/year
- 5 or more times/year
- Not at all

Please feel free to elaborate on your response here:

Respondents

Please feel free to elaborate on your response here:

- 1 Moved to the region during COVID
- 2 I've thought about it but have not.  
My youngest daughter did theatre programs throughout the SV and Bus Barn was one of them.
- 3 I used to go often when my kids were young and performed there. After that I didn't get information about the shows being performances there. The productions were always great and a lot of fun. I would attend more if I had more notice of the plays. Advertising - maybe emails would keep me in the loop. More effort/deals for subscription tickets would get me there a lot more.
- 4 I like the location where it is.
- 5 only a few times in 30 years
- 6 I would have attended more, but do not like the current theatre facility.
- 7 Twice in whole life here in Los Altos
- 8 Actually I went once (in more than a decade living in Los Altos).
- 9 The Bus Barn is not a facility that seniors find safe or comfortable.  
A new theater with modern sound, light boards, dressing rooms, a nice lobby where receptions could be held, a shop for set construction, indoor bathrooms, classroom space and underground parking would be a wonderful addition to Downtown Los Altos. If we had an aggressive fund raising campaign with the city providing seed money and matching funds, we could get a first-class facility to support all kinds of performing arts: live theatre, small ensemble music concerts, readings, lectures, film festivals. It does not need to be grand, but carefully planned as an educational, rehearsal and performance space, using environmentally friendly design and materials, environmentally sensitive landscaping creating inviting indoor and outdoor
- 10 spaces.
- 11 Once every few years would be more accurate.  
I have lived in Los Altos over 20 years and have never attended a
- 12 performance at Bus Barn Theater.

Should be an answer for occasionally. My attendance was not consistent  
13 year to year.

14 Bus barn is an awful place to watch theater. Sound system, noise insulation,  
amenities are sorely lacking

15 Rarely

For many years we had season tickets, then decided to diversify our arts  
16 experiences so opted for single performance tickets to Bus Barn instead.

17 It has been years since we attended a Bus Barn performance

18 less than once a year. The facility is so poor.

Live performances as great for children and their families, but not high priority  
19 for others, which is why they are not financially viable.

20 I did not live here pre-COVID.

21 Bus Barn is fine for Los Altos...we dont need a new venue downtown

Frankly I have not had any desire to see a performance at Bus Barn for the  
reason that I like classical, traditional and intelligent plays and there are only  
22 few of these offered, judging from the reviews.

23 I have attended, however, several years ago.

We had season tickets to Bus Barn Theater for many years, but do not feel  
24 comfortable being indoors with lots of people during this Covid pandemic.

The theaters like Mt View and Oshman are wonderful nearby venues, so I  
25 had no reason to go to Bus Barn.

I do not believe that every small city or town needs to have it's own "city  
owned" theater company. There are plenty of adjoining cities with facilities  
that could accommodate a theater group from Los Altos.

ALSO: There a number of "extremely" wealthy residents in Los Altos/Los  
Altos Hills that can certainly support and or create "on private property" (i.e.  
restaurant/bar cabaret theater) space for such a local theater group without  
26 dipping into City funds for creation and maintenance.

I'm perfectly happy to drive to San Francisco or San Jose to see  
professional opera, ballet, plays. I have enjoyed performances at the Pear  
Theater and Performing Arts Theater in Mountain View which is but a hop,  
skip and jump away. Please don't spend my tax money on something Los  
Altos doesn't need. Those (I'm guessing, in the minority) who want it can pay  
27 for it themselves. I do not approve of building in the parking plazas.

I don't consider that a theater, plus the park space it is using is a huge waste.

The perfect building to refurbish for a theater in downtown Los Altos was the  
building that was renovated into the food court. Perhaps one of the bank  
buildings could be purchased and refurbished into a downtown theater. DO

28 NOT TAKE AWAY ANY PLAZA PARKING.

29 Would do more if possible.

30 I would go to theatre in S.F., San Jose, or, occasionally Mt. View.

31 They rarely have shows that appeal to my taste.

32 We have been subscribers for many years.

33 Less than 1-2 per year , however occasionally

I was the theater manager at Los Altos High School for 11 years. I was also the front house manager for the San Jose repertory theater and was responsible for the volunteer program, and front of house staff, concessions, and the wine bar. It was my responsibility to meet the performers and to do the curtain speech before each performance or have one of my Assistant

34 house managers perform the tasks if I was working at the high school

35 Rarely attended.

I have only attended Bus Barn when my children were younger and involved children's theater.

36

Bus Barn is top notch! Let's support live theater and concerts. But pool and parks should come first as those are much harder to come by. And getting more trees and mitigating overhead air traffic. Do the important things!

37

38 In 20 years I think I attended 2 performances?

39 Had season tickets a number of years. Would go more if nicer theater.

40 Occasionally

I'd attend more if the theater was better (more sound insulation from noise outside, rain on the metal roof, indoor bathrooms, etc.). I attend live

41 productions at other locations but would rather support the arts in Los Altos

I feel it is unsafe and the performances are rarely good. The acoustics are horrible. I especially dislike the Follies, which may have ended, as it was too political and insulting to many local people. The Bus Barn WAS a bus barn where the old school bussed were kept. It should have never been changed to a live theater because the construction materials are not meant for that many people. We have other wonderful theaters in the area, but mostly we prefer to stay home and watch streaming TV theater.

42

43 I go to nicer venues in other towns with better shows due to larger size.

44 None of the show are of interest to me. Get some better variety

attended youth performances when our kids were little and performing there.

45 haven't been back in a decade or more

However, I attended performances in Mountain View, Foothill College, and in

46 Palo Alto

Bus Barn serves the local purpose. Nothing better or grander is needed.

47 Upgrade it if necessary, but learn to live with it.

As we get older, we prefer neighborhood theaters. The old Bus Barn had very uncomfortable seats, so we went to the Mountain View Theater.

48

Existing parking should not be used for a theater that will only be enjoyed by a subset of the population of Los Altos. I support the theater being closer to the community center. We need to preserve existing parking area if the day is coming where we close downtown Main Street and/or State Street to make pedestrian street(s) only. If that occurs, we need to build 2-3 story parking

49 structures to make up for lost parking that currently exists.

- 50 It is a perfectly easy drive to the Mtn View Center for Performing Arts or to the ICON or Century 16
- 51 Years ago I went to one performance of kid show with grand kids. In view of Covid and available venues elsewhere there is no need for this land use. I will and continue to go to other larger venues like the Mountain View Center of the Performing arts or same in San Jose instead where world class shows like Hamilton are run.

**Q9. PRE-COVID, I attended live performances at live theaters such as Mount**

Answer Choices

- 1-2 times/year
- 3-4 times/year
- 5 or more times/year
- Never

Please feel free to elaborate on your response here:

Respondents

Please feel free to elaborate on your response here:

- 1 Less than 1/year  
I have attended theater's in SF, San Jose, Foothill Community College and the local schools.
- 2 I retired just before covid. I immediately signed up for a subscription series to Mt View CPA. Of course, then covid shut it down and I haven't yet been able to attend. But I will. I would love to attend Bus Barn as well. Wish they sent out information as does MVCPA.
- 3 We attend SJ Symphony and Opera as subscribers.
- 4 love mtn view center for performing arts . can park, eat, see show.  
We have an excellent local theatre group - Theatre Works. This award-winning organizations perform in Mt. View and in Palo Alto at Lucie Stern. We should be supporting them.
- 5 Actually I went to Bus Barn Theater once.
- 6 Bing at Stanford  
We do not need to compete with TheatreWorks, rather support the interest in our community for a venue designed for theatre and other performances to enhance the quality of life in Los Altos and a performance space to support the quality of theatre Los Altos Stage Company brings to our community. Through informed, careful planning, this new center could be a gem, win-win for all interests.
- 7 I've attended TheaterWorks performances at both Mountain View Center and Lucie Stern. I attended a live performance at the JCC once, several years ago.
- 8 I haven't done much in the past but have interest in attending more going forward.
- 9 We attend all TheaterWorks performances.
- 10 Rarely but not Never.
- 11
- 12
- 13

14 Occasional Broadway show in SF  
15 occasionally  
16 I did not live here pre-COVID.  
17 I attend Foothill theater many many times. Best theater on peninsula.

18 I attended events at Mountain View performing center 2 or 3 times in the past.  
We had season tickets to Symphony Silicon Valley in San Jose and to the  
Performing Arts Center in Mtn. View for many years, but do not feel  
19 comfortable being indoors with many people now during the Covid pandemic.  
I have attended performances in Mtn.View and Palo Alto but am more likely to  
20 go to San Jose or S.F. for the entertainment I enjoy.  
21 Rarely  
22 I attend large lectures  
23 We have also been long-time subscribers to TheatreWorks.  
24 Occasional performances at Foothill College Theatre  
25 stern  
26 Less than once a year not "never"  
As I said in my previous answer, I was the theater manager at Los Altos High  
School and I also was the front house manager at the San Jose repertory  
theater for three years. I worked very closely with the San Jose Center for  
performing arts, San Jose opera, and TheatreWorks.  
I was also responsible for renting out the high school theater to local groups  
and was responsible for bringing the BANFF international film Festival to Los  
Altos. Working with the Commonwealth Club, I brought in many famous  
speakers as well.  
At the San Jose rep, I had the privilege and honor of working with Carrie  
27 Fisher, Ed Asner, and Lou Gossett Jr.  
Love center for performing arts in mountain view. Park below and go to show.  
28 We go to SF for season tickets to musicals.

I enjoy live performances that are more professional, ie, Broadway, San  
29 Francisco, live concerts. I have never been much interested in local theater.  
We love local theater and joined bus barn when we moved into Los Altos in  
2000. We also had a subscription to Theaterworks for a few years and now  
30 we continue to support Altos Stage Company.  
31 Live performances make for an event and are very pleasant.  
32 Occasionally

33 Why go out when you can see great theater in the comfort of your own home?  
34 Depends on what performances are presented.  
We have more than enough live theatre availability in close proximity. We do  
not need live theatre in lis altos, especially at the expense of a va parking lot.  
35 !!'

- 36 I have been to all of these venues over the years and find them perfectly satisfactory. No need for yet another in Los Altos -- especially with the loss of parking spaces.
- 37 We also attended Opera and Symphony performances in San Jose.
- 38 We only attend concerts which are outside of Los Altos.

**Q10. I would attend live performances at a theater in downtown Los Altos.**

**Answer Choices**

- Frequently
- Occasionally
- Rarely
- Never
- Unsure

Please feel free to elaborate on your response here:

**Respondents**

**Please feel free to elaborate on your response here:**

- 1 It depends on what is being performed and how well it is performed. I'd certainly rather come to Los Altos than go up to SF, but quality is important. I think we will be living with COVID, including future variants, for a very long time--perhaps forever, and I plan to avoid being in large crowds, unless it is something very enticing. This seems like a very odd time to be pushing for something like this.
- 2 I feel putting the theater downtown is the wrong approach. I won't attend more often in town than at the current location. I won't go out to dinner more
- 3 because there's a theater in town.
- 4 Depends entirely on the play being performed. We prefer light hearted fare.
- 5 Theatre Works season ticket holder
- 6 We should support long-established theatre groups like Theatre Works. Depends on programs and cost. Not everyone in Los Altos is high income, especially older residents. Moderate income families cannot afford high prices to pay for an entire family to attend a family oriented event. Perhaps an outdoor theatre with a covered stage area, like a small Hollywood Bowl, that could also be used for other purposes between performances would address the practical needs of the area more than what is currently proposed. Retractable ceiling/audience canopy could address both heat and
- 7 rain concerns while extending the hours and seasonal use of such a facility.
- 8 I look at live performances to also include guest speakers
- 9 An Indi,Foreign and/or classic movie theater would be great, more inclusive. Los Altos Stage Company deserves a home to meet its needs. COVID will pass. Our local area population is growing as witnessed by all the residential development being built along El Camino, potential new theatregoers or audiences for other local smaller venue performances who would not need to go far for desired live entertainment. They would be drawn to events at a modern, new theatre in Downtown Los Altos that also provides restaurants, coffee houses and shops for before and after the show.
- 10

11 Bad idea to put a theater here. Leave it for the larger cities.

12 It would depend who is playing or performing  
It would depend on the works performed given that there are many

13 opportunities to attend live performances in the area.

14 Yes please!!  
However, having the resource available to frequent theater goers is a good  
thing and a downtown theater would bring vitality to the town and additional

15 business to restaurants and possibly other retail establishments.  
I question the viability of a live theater performance in downtown Los Altos,  
16 given that TheaterWorks is so proficient.  
I would attend them as often as I did Bus Barn/Los Altos Theater Company.  
The 200 or so yard difference location would not change my attendance  
habits. What drives me to go to a show is what is being shown and if I can get

17 discount tickets.  
My husband is disabled with Parkinson's. We love to attend concerts and

18 theater events and the closer it is to home, the easier it is for us.

19 I would go to musical productions and concerts  
It depends on what the show is. If the theater had shows I wanted to see, I

20 would go.

21 Would rather attend at bus barn

22 It really depends on what the performances are.  
I have a child into theatre and another into dance, so could anticipate they'd

23 use the space  
Depends on what they are. See above. Are films not an option? Or

24 speakers?

25 Keep the Theater at its current location in front of LA History Museum!!!

26 Not the best use of land.

We love live theater and also documentary films and good fictional films and  
do not do streaming at home. We prefer to "go out" to the movies and pre

27 Covid we attended a performance of some sort every week at least one time.

28 COVID isn't going away, so I worry about the safety of a small theater.  
Not overly interested in amateur theater. However, as I referenced above the  
possibility of a small privately funded venue (theater/cabaret setting) would be

29 more likely attended.

30 Not that interested in amateur theater.

31 If it is just the Los Altos theater companies I have no interest.  
When I go, I appreciate quality and doubt that a theater in LA would offer what  
is available at MV Performing Arts, De Anza, Lucie Stern, Foothill College,

32 Stanford, SJ and SF.  
Personally I am quite interested in attending performances. I have strong

33 personal family reasons that prevent me from going.

34 Convenience and quality of production will influence the decision.

It depends on what's in the theater. I would probably attend every new show.  
35 If there is improv or comedy, I would visit it frequently.  
36 I'm a senior on a fixed income and I attend live performances by ushering.  
37 It depends on who's performing!  
I suppose it depends on the productions, venue size, ambience and  
38 aesthetics, pricing, and what as well as how the space was being utilized.  
39 I think there are better places to put it. Loyola corners  
The Bus Barn theater is intimate, but has no other redeeming features. A  
40 modern theater would greatly improve the experience.  
41 For live music performances  
42 Yes please!  
If we had a new theater - which we don't need - maybe it could go in the  
parking lot next to the new restaurant plaza on State Street. People could  
have a nice meal, walk safely to the theater nearby and perhaps gather  
afterward with the performers in the restaurant plaza after the performance. I  
43 can't think of any other place that makes any sense.  
A live performance theater \*could\* be a good thing. It really depends on what  
will be performed there. I've enjoyed the Pear Theater in Mt. View and other  
44 theaters around the Bay Area.  
Obviously your question is stupid- what the hell kind of live performances?  
Two people sitting in a chair on stage is a "live performance". That doesn't cut  
45 it. Explain what kind of performances your talking about!  
46 Because I would be angry at a waste of money building it.  
Plenty of live theatre nearby if you want yo  
47 see it.  
48 unlikely to attend  
I used to subscribe to the Palo Alto Players for many years. The 'modern'  
content of the plays motivated me to stop. I like community theater, but would  
be much more likely to attend in a smal, intimate venue than something like  
the Mountain View Center. That would not be 'community', but rather  
pretending to be professional. Sorry, but they are not, and will likely never be,  
49 that. Pretty much typically pretentious Los Altos.  
Attending a local venue would depend on the quality of the performance. I  
would not attend anything merely because it was in downtown Los Altos. It  
50 would have to be better than whatever the surrounding areas offered.  
51 Depends on the production and quality.  
52 Why have a downtown theater when we already have a theater at Hillview.  
The proposed theatre is too small to attract any artists I would like to see and  
we have many movie theatres with lounge seating nearby if they survive  
53 changes caused by Covid.

Q11. I would like to have a live performance theater downtown.

Answer Choices

Strongly agree



Agree  
Neither agree nor disagree  
Disagree  
Strongly disagree

Please feel free to elaborate on your response here:

Respondents

Please feel free to elaborate on your response here:

I think it is fine where it is. But there should be more walking trails and tree lined streets.

1

2 BusBarn is sufficient and "small town"

This would be OK if it is privately funded on private land. Otherwise, I don't think it is justifiable to use invaluable and irreplaceable public land. There are many other live theater venues available in the area, including the fairly new theater at Palo Alto High School. I attended a live performance there about three years ago, and the facilities were very impressive. Generally, I am more likely to attend live performances for music and dance, than theater.

3

I think allowing the space to be a multipurpose venue open to a variety of purposes would be the most useful.

4

I think the right (and more financially reasonable) approach is to fix the Bus Barn Theater where it is. It is charming and attending there given a very nice community feel. The building needs work, but that would be a much less onerous job than trying to force a theater in downtown.

5

Bus Barn is "downtown" as far as I am concerned. Updating Bus Barn in its present locatiion is desireable.

6

How about a theater that could accommodate "rock" concerts? Or a theater that could accommodate performances by the many local schools, ballet, music,.....Or lectures....

A well-designed theater - with good acoustics - could serve many valuable purposes and would improved the overall quality of downtown Los Altos.

If done properly, a new theater could provide housing and parking as well.

7

It could be done at no cost to the city.

8

Movie theater, not live plays

Would prefer to have it in one of the park settings. Not take up valuable parking spaces.

9

10 Not at the expense of parking spaces

11

See above.

I think we should have a live performance theater. I have a hard time with the location, and with the amount of resources (\$) it would take to develop and maintain. I would also like to see broader usage - music performances (all types of music), speakers, etc.

12

A theater would be fine if it's independently financed. If it has to be financed by the city, then I strongly disagree.

13

14 not that I don't want a theater, but there are much higher priorities.

15 No way  
It would be great to see a performing arts space that will have a broad range of types of performances. For example, not just theater/drama but also

16 MUSIC and children's performances.

17 So fun!! Would love to have something like this in our community.

18 I'm not sure it needs to be downtown but close (library area, etc)  
Moving the theater from its current location to downtown would free up land at the Civic Center for other uses in addition to the benefits described in

19 response to question 10.  
The problem might be >>The performances in MtView/Lucie Stern are given by professional actors. My understanding of Bus Barn is that the performances are given by locals who are very talented - but not

20 professionals. I may not be correct - but this is what i think.

21 Would probably need ongoing subsidy  
Turn the area with the theater, History Museum, library and Community Center into a cultural center and be done with it. Rebuild the current facility

22 and be done with it.

23 No parking and the theater in mt view is close enough  
we already have multiple performance theaters nearby. To revitalize Los Altos, we should look to more modern solutions, like outdoor park/event

24 spaces and restaurants - places to eat and drink and gather.  
I think we would get far more use out of a theater that shows movies. I don't

25 see the necessary interest/numbers to support live theater.

26 Not at the expense of parking availability near the Post Office.

27 Need to hear more details before I decide whether I agree.

28 In addition to Bus Barn? No

29 I'd be more interested in film, I think.

30 Keep the Theater at its current location in front of LA History Museum!!!  
There are enough live theatre venues right next to Los Altos in Palo Alto and

31 Mountain View. Why would there need to be one in Los Altos?  
I have already elaborated on how I believe having a theater would benefit this

32 town, most residents and businesses.  
Given that live performance usually take place at nighttime, this might cause trouble to residents who live close to downtown. In addition, now it's already a bit hard to find parking spots during weekends and holidays. Adding a theatre with a big capacity may worsen the problem and our intimate, peaceful

33 downtown vibe may be disturbed.

34 I don't really care if we have one, but I don't want to have to pay for it.

35 Better things we can do with our funds  
Again, having something funded by private funds downtown in a privately

36 owned building there would be no objection from me. (see above comments)  
If someone with money/donations can buy a building already standing and

37 turn it into a community theater I certainly have no objection.

38 Would love if it could also be a movie theater and concert venue

Agree with the idea that a flexible theatre can increase vibrancy downtown. The PR should show that it's not just being built for LASC but for concerts, talks, meetings, etc. maybe even Saturday movies for kids like I remember in downtown Palo Alto where I grew up.

39

40 Way too expensive.

Not needed and expensive and will impact parking and will not offer the quality of other theaters and Los Altos already has a theater which is all that we need of r 31,000 people!

41

It would help make Los Altos downtown into a better place, provide a better venue for performances, and free up the land that is currently used by the Bus Barn theater for other purposes. Those could include a new police station, new library, or other uses.

42

43 Benefits a very small vocal group

44 Does this replace bus barn?

Live theater and a movie theater would both be welcome forms of entertainment in our downtown area.

45

A performance venue would go a long way to attracting attention to our downtown in the evening when things are really dead down there. Would be a great benefit to dining establishments.

46

As a retiree, I would love the convenience of seeing performances so close to home! This would also make "dinner and a show" very appealing, with Los Altos as the destination.

47

The City is spending more than they are taking in. The City should not spend any money on a theater. City money should be used for basic services such as paying employees, public safety, police and paying down CALPERS

48

Not sure there is need for yet another performance venue. I would rather see a movie theater to bring more young people and families to downtown in the eves like Palo Alto.

49

If the cost of the live performance theater is truly \$15 million (and likely more, we know how construction works generally), there's better use of that money elsewhere in Los Altos.

50

We are surrounded with numerous venues for live theater, movies, music and lectures. Leave Busbarn where it is and between that resource and all of the other venues at neighboring towns, there is plenty of opportunity for entertainment of all types within a reasonable distance.

51

52 It would add some much needed culture to the city.

This should have been taken into acct when center was built. And built as park of community center. Also would like a pool more than theater.

53

The mountain center for performing arts is a nice asset to their city so I would think that Los Altos could benefit from one as well.

54

55 I don't mind keeping Bus Barn next to library.

Not if it takes up any of our valuable parking spaces and definitely not if the taxpayers are expected to pay a portion of the costs.

56

NOT at any city expense or city land allocation.

57 If done purely privately, I have no objection.

58 In theory I agree.

A multi use theater would serve the entire community and could serve many more functions than was possible in the small, outdated Bus Barn location.

59 I won't go, but maybe others would go if it was not too far from restaurants  
60 and there were performances children would enjoy.

The idea of a theater downtown to attract people is outdated. The downtown is a great place for walking, eating out and shopping. The theater is not going to draw people in. Live theater is old fashioned when you can get top notch entertainment from thousands of sources. People want high quality entertainment and not homespun live theater. The problem with local theater companies is that it's not going to draw enough people to make the investment worthwhile. The BusBarn does not fill it's seats. Why do we need  
61 a bigger venue?

Your group has not presented any valid reasons to spend my tax money on some hair brained ideas by a group of people that want a place to act or perform. You have not explained what the benefits are to the city, or the citizens are. Who will run this theater, what groups are going to perform-local or regional, or nationally know star, local children's groups, what types of people will be attending, what will they bring to the city- money, trash, thefts,  
62 fights, gangs?

doesn't belong in downtown-should be at civic center or another location that has plenty of existing parking. our parking is needed for the retail, restaurants  
63 and the new housing that is being built but underparked.

Bus Barn is that. Also, I assume there is a theater at Los Altos High that sits  
64 idle most of the time.

No need for it. Just a "want" on the part of some local thespians. Very  
65 expensive and very optional.

I don't think we need this downtown and I'm not sure it would used that often.  
66 Why not put in around the current Bus Barn?

67 a waste of money

If this is funded with privatge funds and private land I should have no say except I will never be a customer. If this requires use of city land like a parking lot then this would only make sense if the city retains ownership of the resulting parking garage and the theatre and also require private funds for  
68 construction and on-going cost of operation.

Q12. I want the city to allow a theater to replace a downtown parking plaza (for example, Plaza #2 behind the Main Street Post Office).

Answer Choices

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please feel free to elaborate on your response here:

Respondents

Please feel free to elaborate on your response here:

- 1 Need to know more about alternatives, relative costs.
- 2 I would want to know how much that parking is used, and I don't know that.  
I guess I'm out of the news loop - did the old theatre go away with the new  
3 construction?
- 4 Ease of parking is a bonus to going downtown in Los Altos vs some other  
towns/cities where parking is much more difficult.
- 5 Totally unnecessary. Wont' impact my attendance at the theater or our  
downtown restaurants.
- 6 Depends on what the theater could accommodate. More than what we call  
"regional theater" would be reasonable.
- 7 This question is inherently biased. A new theater can and should be  
accompanied by new parking structure. There is no way to answer this  
leading question without encouraging its inherent bias.
- 8 i have not been downtown for a long time.  
If parking space is used, need to add additional parking in other location to  
access downtown
- 9 Could Theatre be placed with or close to Community Center location?  
It has to be built somewhere in our city. It is a required element in a cultured  
10 community!
- 11 Parking is already very difficult  
I disagree, unless the theatre or city replaced the parking spots used (via  
new underground parking garage) and made it multi purpose, i.e. for live  
theatre, movies, dinner theatre, ceremonies, events, etc. multiuse. If they  
12 met these items I would agree to this development.
- 13 Many people need parking near shops to be able to shop downtown  
This should not go in downtown area. It should go near community center  
right where busbarn is. It's so obvious this is where it belongs. Redo the  
busbarn building.!! There's parking ... it's most cost effective. Why spend  
such a Gladys amount of \$\$ city funds on this building under the ruse it will  
bring business to town.? Businesses themselves bring the business, not  
citizens' tax money. Why don't businesses lower their rent to attract business  
back to our town.  
  
Plus anyone thinking a big building belongs in the parking plaza must not  
really come downtown and try to park if u r in a wheelchair. There are none of  
these spots on main or state. Do people really understand the flow of ups  
trucks and fed ex trucks and handicapped people using the parking plaza  
areas? Soooo out of touch is this plan for a downtown theater!! Terrible and  
14 thoughtless.

I think parking plaza is a waste of precious space. There should be a parking structure so that we don't need to have a parking plaza. I support any function to make more use of the land.

15 There is already not enough parking in Los Altos as is, especially with  
16 restaurant parklets for dining.  
17 Figure out parking needs as part of the design.  
18 Or, Plaza behind Chase Bank building.

I think it would have made the most sense to have built a new theater as part of the Los Altos Community Center. However, it's never too late to correct a mistake; we can still build a new theater there now.

19  
20 We need parking!

Plaza #2 is one of the most actively used parking spaces specifically because it is behind the Main Street Post office and provides easy access to many of the Main Street shops and banks.

21  
IF underground parking replaced the repurposed street level parking plaza.  
IF the new theatre complex were attractively and environmentally designed to enhance existing businesses in that area and upgrade the neighborhood.

22  
23 I'm worried about giving up a parking plaza.  
24 Not enough parking now. The parklets for restaurants have made it worse. more outdoor dining. make main/state one way (loop) and use 1/2 street for pedestrian/dining. parking garage in plaza to make up lost spaces.  
25  
26 We don't have enough parking as it is. Keep the theater where it is.  
27 Insufficient parking with all the condo developments planned already  
28 If we were to build on a parking plaza I would prefer it be allocated to housing I don't have enough detail on the consequences of replacing a parking plaza.  
29 Are there other options beside a theater?  
If the City replaces this parking, will there be space nearby or underneath? Look to other cities that have done a good job of adding a theater and creating new parking spaces.

30  
31 As long as you plan for parking in the structure or another place downtown My concern is that we have already lost parking due to parklets so would be worried about parking becoming a bigger issue. Also, have often would this space be actively used for theater performances vs laying empty? I'd want to make sure this is the best use of this valuable space.  
32 "replace a downtown parking plaza" is disingenuous. While we are far from a specific proposal or plan for a new theatre, there will undoubtedly be parking associated with whatever the final design is.  
33 A theater would require parking in order to be successful. Los Altos may need to create a parking structure like those in Mt. View near the theater. It's not a reasonable choice to take away parking to create a theater.  
34 If there's so little parking available - people would stay away and go to places w/ easy parking - like the MT View Center for Performing Arts with the wonderful underground parking. I can't imagine Los Altos would have the funds to build such a place.  
35

36 Only if there is additional future parking addressed vs taking over that area.  
instead of a theater, what about an indoor/outdoor event space that could  
accommodate multiple live performances, including music festivals, holiday  
events, family festivals, dance? Some of the nearby events we love are  
Mountain View's German Holiday Market, local Diwali festivals, local band  
concerts, etc. We also love symphony and opera and love spending time  
outdoors (I used to spend my childhoods at Tanglewood in the Berkshires,  
Massachusetts). Another popular option would be a venue where people  
could gather and eat and drink and and play games or sports. Bocce ball,  
lawn bowling, etc. Even archery, ax throwing!

I believe a mixed use space would be more widely received than a single use,  
indoor live performance theater and could appeal to long-time residents, older  
residents, and families. If the new community center supports this, great, but  
37 residents aren't yet aware of these amenities.

38 Parking is limited during peak hours at the Post Office.

Rather than eliminate parking there, make the streets more pedestrian  
39 friendly and close them. Find a better place for a theatre.

40 Need to make sure the market is there to know if this would be a good tradeoff.

41 NO!

The downtown parking plaza should be replaced with a 3 - 4 story garage at  
some other convenient location, and a small bus should shuttle people from  
the garage to town and back, including running in the evening when the  
42 theater is open.

43 New performing arts theater should include underground parking.

44 NO NO NO

With limited parking on Main and State Streets, the parking plazas are a  
45 necessity.

46 No, No, and double no. Refurbish a bank or other building downtown  
The parking plazas are one of the best parts of Los Altos.

47 I strongly oppose replacing any parking plazas with a parking garage.

48 And put in parking underneath

49 Will create more congestion.

Absolutely not! Do not take anymore parking away. The parakeets are bad  
50 enough. No more taking away parking period!

Parking is now limited. Seventy some parking places have been replaced by  
51 parklets. Should not reduce parkign further.

The question is highly misleading, it wrongly implies that a theater would  
eliminate parking, while there is no evidence of that. The city should add a  
52 theater with additional parking, and believe that they would do so.

53 Not enough information.

54 We could easily push parking to the periphery of the downtown area and  
create a more vibrant, pedestrian friendly core downtown area with eateries,  
shopping, and cultural institutions.

55 Feasibility studies need to be undertaken first to assess options I would think.  
Conceptually I think there are many higher and better uses for some of the  
parking plazas.

56 Assuming that this would mean underground parking were built, to  
accommodate the loss in parking spots?

57 We need our present parking  
I think the downtown parking plazas should be used to revitalize downtown as  
described in the Downtown Vision document.

58 We lost 71 parking spots because restaurants are using them for dining. We  
need more parking spots, not less. More apartment buildings are going in on  
59 First Street . There will be more traffic and a need for more parking.  
If we make parklets permanent, especially on State Street, we need more not  
60 less parking.

Downtown parking plazas should be looked at after we resolve making  
restaurant parking and outdoor parklets (green) a permanent part of  
downtown plan and look/feel. A theatre is not the highest priority for use of  
61 valuable land.

62 The parking needs to be underground beneath a new theater. They aren't  
mutually exclusive.

So long as there was no underground parking. I personally feel that if  
anything was to be built underground for a theater, it should be for things  
such as dressing rooms, Storage, a green room for actors, costuming, and of  
course an orchestra pit. And having a two-story parking garage would suffice  
and potentially be able to accommodate parking not only for the theater but  
63 for local businesses as well.

64 It's ok with me, as long as the loss of parking spaces is replaced somehow.  
The existing parking plazas are generally unsightly and terribly inefficient use  
of land and generate no revenue. Putting a theater project on a plaza would  
increase revenue for surrounding businesses (and the city via sales tax) due  
to the increased customer traffic, generate tax revenue for any commercial  
and residential elements of the theater project, and be more environmentally  
sound than a large expanse of concrete. In addition using a parking plaza for  
the project would free up the Bus Barn's current land at the Civic Center,  
which could be important for future development of the library, police station,  
65 or other Civic Center uses.

66 NO.

67 Only if you build underground parking as well. Parking is terrible in downtown  
68 Not unless there's parking added someone else nearby.



I go downtown frequently, daytime and evening, and I can always find a parking spot. Gee, sometimes I have to walk one or two blocks. (...gasp!) Not a big deal. Festivals get crowded but that's expected and has been handled well.

69 Do not need or want a performance theater. A movie theater would be good and would bring more people to the downtown area if other places were open in the evening.

70 That doesn't make any sense to me. That is a city-owned parking plaza and the lot behind the new Restaurant Plaza on State Street is privately owned. Let that owner donate the property for the theater if they want to, but don't

71 take parking spaces away from small businesses and restaurants. Why would a non profit group with a relatively small group of interested residents get to use the land that is for the benefit for all the people? This is gifting city land to a select few and only those privileged to partake in the events (which are limited in scope and availability) would get to use the dedicated space. The parking plazas serve a great many more people than the theater ever would. Land is scarce and it's needed for restaurant parking and parking for shopping. Los Altos has a shortage of parking which would be made worse with the loss of a plaza. The plaza should not be built upon for any reason as it will restrict access to the downtown and make the

72 downtown less attractive. I don't think the city should reduce parking in favor of a theater. The building of the theater should include its own separate parking. The city should also

73 include ongoing maintenance and upkeep in the theater plans. Voter should decide what to do with city land as promised after defeating

74 Measure C by small margin.) We need more parking. This project proposes to eliminate a lot of parking

75 spaces. It should not be a replacement but an enhancement with underground or

76 aboveground parking Does not really seem to be needed by the community, but more of an ego booster to those pushing it. It also sets a precedence for building on the parking lots, so soon there will be housing projects and other 'worth projects'.

77 You need to arrest cancer before it starts. Without loss of parking This is a priority in the Vision Report the City

78 accepted

79 Where would the parking area move ? Underground?

80 If you make parking inconvenient, people won't come downtown. What is there to elaborate about? I think the idea is not a good one. A waste

81 of money. Advantages and disadvantages of different possible locations should be considered carefully - I don't understand why you are only considering

82 parking plazas

83 WE NEED MORE PARKING!!!

84 We do not have enough parking now and what could be better than parking in the open air steps away from shops or restaurants.

Q13. I want the city to provide funding from the city budget toward the cost of construction of a downtown theater.

Answer Choices

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please feel free to elaborate on your response here:

Respondents

Please feel free to elaborate on your response here:

Yes, but conditional upon:

1. The city not borrowing money to pay for the downtown theater. The funds must come from the existing budget.

2. Only after the key priority of: New or improved sidewalks; bike lanes; road safety like cross-walk signage; etc.

2 Keep the barn. save money, cut taxes with the money.

Again, it would depend on many factors. What else needs to be funded? Can the city get matching grant funds if they kick in some money. How much money are we talking about?

3 The City has so many other pressing needs and is currently in debt. Again, this is unnecessary and won't accomplish what proponents want the town to believe it will.

5 only if we can with out cutting services short and after we have a pool.

6 Some amount should be for support.

Step 1 should be a design and budget. I am OK with City paying 25% of that phase. Stage Company should develop a plan to fund, e.g., public/private partnership, donations, etc. for construction.

8 It's a combination of some skin in the game from the City and philanthropy

9 I DO NOT WANT THE CITY TO SPEND MONEY ON A THEATER. WE HAVE SO MANY OTHER MORE IMPORTANT NEEDS.

10 Pay for feasibility study.

11 I vote for a wealthy donor to donate a large sum of money to cover most of the cost of the building for naming rights!!

12 Although I would like those of us supporting a new theatre to also fund raise to supplement what the city will dedicate so we can have underground parking and a first-class little theatre complex. This is such a wonderful opportunity to help revitalize our aging Downtown.

13 I only disagree because 15 million is too much money. I would encourage fundraising.

14 Unreasonable to spend city money on a facility to be used by a very small minority of the population. If we want to spend money, I suspect a sports facility would be more popular and more highly utilized.

15 I prefer this be privately funded by donors. We are a city of wealthy residents who have proven we will donate to local causes if there is enough interest. Budgets aren't unlimited. Housing, police, library, upgrading Grant, saving Halsey House seem like higher priorities. Is there a study on how much revenue a theater would generate for downtown?

16 Depends on what other needs are. Maybe it can be part of a multi year plan.

17 Other cities have municipal theatres!

18 I don't know enough about the city budget.

19 The City's contribution could be an exchange of the current site for land downtown and/or there could be a financial contribution as a part of a public-private partnership. Since there is no proposal yet as to how a new theatre would be funded, it is hard to say what the best contribution from the City should be, though I do think it should have "skin in the game" as there are many potential benefits to the City.

20 I want the city to provide the land for a theater. Building funds could be raised privately.

21 Need more pickleball courts not theaters

22 Maybe the city could lease the plaza for a small fee, but the city has better uses for its money than a theater downtown.

23 yes, but not in the plaza parking lot

24 This is a meaningless question. There is no proposal yet from the Theater Working Group

25 NO! Construct it where current theater exists!

26 no

27 i think you have better things to do. Also private funding is an indication of interest. I don't mind city accommodating the project in terms of zoning accommodation or street planning and thus incur some indirect expense.

28 I already elaborated above. The old Bus Barn needs replacing just like the old run down school needed to be replaced with a decent Community Center. Los Altos has history of community funding for cultural projects

29 I would like the city to contribute but funds to be mostly provided from other sources.

30 It's not clear to me that construction for a theater would come from the city budget, but if the city were to have the funds, I would not mind the funds going towards a theater.

31

32 Prioritize expenditures. Be fiscally responsible.

34 The City should support the new performing arts theater with funding, but  
35 more importantly with land, similar to how Mountain View's theater is on city  
36 land.

37 NO NO NO

I don't know all the Ins and Outs of the current budget. If possible, yes, do it.

38 How about partnering with one of the local billionaires to assist?

39 Will help entire LA community

We have so many CIP priorities that were "prioritized" but nothing has been done because we lack the funds to do everything. These are needed projects, not vanity projects. We are going to have a few years with reduced revenues because of Covid. We need to concentrate on the thing the city needs, a new police building, all the deferred maintenance on our existing city buildings. All the unfunded CIP priorities. I know the few members of the theater group desperately want a theater and the Mayor is trying to sway the sentiment of the residents with her articles in the Town Crier. But we should not pay one cent towards the construction of this theater and we should  
40 definitely not do away with a downtown parking plaza.

41 City is not in strong financial shape. The shortfall because of COVID, the loan the city has incurred due to the overrun of the community center have left us  
42 weaker financially. No city funds should be dedicated to this project.

43 Again, a misleading question. As far as I know, there is no proposal on the table yet, so there is no information on how much funding, if any, would come  
44 from the city. It might even be all privately funded.

45 Not enough information!

The City of Los Altos should provide some funding, but we should also solicit  
46 private and corporate donors as well.

47 It is very premature to ask this question since I have no idea whether a deal  
48 can be reached and how it would be structured.

49 i don't feel enough people would use it to justify taking away parking in the  
50 downtown (which everyone uses) or spending city money on it.

51 First and foremost, no giving away of public lands!! Our budget is already stretched thin. In addition, we need to pay off the loan for the new community center. We need to spend money on housing, Grant Park kitchen and so  
52 much more.

53 I am waiting for more information before having an opinion.

54 If we are going to take on another big \$\$ project, a swimming pool to teach  
55 our children how to swim would be my preference. Not everyone can afford  
56 to join the Y or have their own backyard pool.

57 I do not feel the city should budget for planning proposals, legal fees, EIRs, staff time, etc. for ANY of the costs incurred to evaluate, plan, develop or maintain a downtown theater. There are higher priorities. And the downtown theater should be able to pay monthly leasing and use costs for the land in  
58 perpetuity.

59 I think it depends on the details of the arrangement.

Again, I do not feel there's a need for a live theater downtown. As a voter I  
50 strongly urge the City to consider other uses for that money.  
51 No public or taxpayer funds should be spent on this fiasco.  
52 Some funding from city, some from donors  
53 It's part of art and culture in the city should invest more in it.  
We need other services for health and welfare of citizens.. we could use high  
54 school or community college theater.  
Some funds could be contributed by the city, however the bulk could come  
55 from special interest groups.  
I am aware that the city does not have the funds for construction of a new  
56 theater. We will have to look for private funding.  
Depends on the size of the request, it's purpose, and the ROI. If a small  
amount of funding can leverage a large amount of private funding it could be  
57 worthwhile.  
58 Would prefer fundraising and bonds to offset some of cost  
Only if you figure out how to properly fund this theater. Why can't the theater  
59 pay off a loan back to the city with future profits.  
60 A public/private partnership would be a better option for this.  
61 Not until our streets and sidewalks are all safe.  
I thought we were over this in 1999 and 2000 when the council voted down  
the 16-screen theater in the parking lot by Los Altos Grill. That went to  
Redwood City and made it a high-crime area. The theater owners filed for  
bankruptcy, as I recall. It is not safe to walk to or from a theater at night,  
especially alone or with just two people. Mountain View has the money to  
have police guarding people as they exit and large parking garages that are  
62 well lit. Let's stop with this idea. Stop.  
No way. The theater is a private enterprise. It is not the City's responsibility  
or an appropriate use of funds for the City to spend money like this. The City  
has a hard enough time with the ongoing maintenance of the public areas that  
63 they should not stretch themselves.  
64 City funds should only be used for cuts services.  
the community center was a disaster-it was to be 25M, then 35M and now  
65 with overruns and the bond will cost us 40M that the city doesnt have.  
Too much has already been spent on the Community Center. It is not even  
open yet, and they are eyeing this new project. I gather WE will have debt of  
\$25M on the CC, and now we can add \$12 for this unnecessary theater? Put  
city funds into fixing and maintaining the infrastructure until that is under  
control. Save the \$25M to pay off the CC. The save some money for and  
66 about other expensive projects.  
67 A public private partnetship  
68 the city wastes too much money already.

- 69 No need for it. I would much rather see a very nice high-end dog park. I would get a lot more enjoyment from that rather than a taxpayer-paid theater which duplicates other venues already established and nearby.
- 70 See above.
- 71 We are currently in debt but even if not I never want city funds to be used to fund private for profit or non-profit businesses or organizations.
- 72 blah blah

Q14. I want the city to provide funding from the city budget toward the ongoing maintenance and operating expenses of a downtown theater.

Answer Choices

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please feel free to elaborate on your response here:

Respondents

Please feel free to elaborate on your response here:

Yes, but conditional upon:

1. The city not borrowing money to pay for the downtown theater. The funds must come from the existing budget.
2. Only after the key priority of: New or improved sidewalks; bike lanes; road safety like cross-walk signage; etc.

Some cities have foundations that support the arts. Grants provide a way for the arts to survive and at the same time, give access to people who might not be able to afford attending. With all the wealthy people in our area, couldn't we have a foundation for this? Maybe we do, and I don't know about it.

Another biased question. Why imply that the city would pay for ongoing maintenance and operating expense?

How is Mountain View Theatreworks run?

Waste of city resources

if it is successful, it should be able to support itself, if not, it should be replaced by something that can self-sustain, instead being supported by the city.

I would expect Stage Co's current lease to be "traded" for a new lease. Most maintenance should be in that lease.

I DO NOT WANT THE CITY TO SPEND MONEY ON A THEATER. WE HAVE SO MANY OTHER MORE IMPORTANT NEEDS.

I am not sure the City has looked at all aspects of how to fund the maintenance.

If taxpayer dollars are invested in the theatre, taxpayers have a big stake in seeing that the theatre is properly maintained, much like the Lucy Stern Center in Palo Alto or the Mountain View Center for the Performing Arts. These are wonderful additions to those communities and the surrounding area that have thrived because they have been maintained and supported by taxpayers.

I think it would depend on how the theater were being used. If this is exclusive usage, I disagree. If it could be used for wider community benefit, I would feel differently.

A waste of money.

Need more information before committing funding

This theater should be privately funded and operated.

Depends what the other needs are. How does Mountain View maintain its theater? I'd love for this to be a smaller and different kind of theater, since MV has a large theater close by.

If they do contribute to building the theater, the theater should pay for itself. Education, social welfare programs, and environmental/green programs should be a much more important funding priority.

I assume both city and private donor funds, ticket sales..

It's hard to answer this without knowing more about the budget. If the city funds this, what gets cut? That would impact how I answer.

I don't believe this is what is being proposed. A private/public partnership is being proposed where cost burdens would be shared. Feels like a biased question.

Don't know if ongoing funding would be necessary. I don't believe the City pays for operating expenses of Bus Barn.

If a theater cannot pay for maintenance then they are not viable.

While I think a theater is a wonderful asset for the community, I don't want it to be completely dependent upon city budget. It should strive to be self sustaining.

Maintenance, yes. The city could allocate a certain \$ amount annually, as they do with the history museum.

Towards Bus Barn

This is a meaningless question. There is no proposal yet from the Theater Working Group

Not if you build it downtown!

I may change my mind say 10 years from now after the theatre has been proven popular and its maintenance is relevant to the character and charm of downtown.

NO NO NO

I would rather see the city spend some of that budget on keeping the sidewalks clean and in good repair. Am I the only one who sees the stains and filth which has become more evident since everyone eats outdoors now and apparently no one can leave home without a dog or two in tow? There are pee stains at every corner and around the too numerous pots dotting the sidewalks. More birds, especially crows (with outdoor eating) are leaving their calling cards as well. I challenge someone on the council to walk the 4 blocks that comprise our downtown with me so I can point out the trouble spots.

29  
30 Hmm... maybe at first, but i think it could be viable on its own  
31 Public private partnership?  
32 The theater should be a self supporti g entity  
33 Other priorities are much more important.  
34 What another loaded question.  
35 Same  
Theater programming for thoughtful adults as well as for children's shows is  
36 needed for a vibrant community.  
37 This again is premature question and would depend on negotiated terms.  
Probably disagree but need more information. Believe theater should be self-  
38 sustaining at this point in the discussion.  
39 Same as #13.  
I don't believe enough residents will benefit from any city provided financial  
40 support.  
Unless a Theater companies are allowed to bed on renting the space; long  
term or short term, or local organizations can rent it out for private events for  
41 a fee and city employees can be responsible for operating it and oversight.  
42 I would think that this is inevitable.  
The city should provide maintenance similar to what they do with the history  
43 museum.  
Depends on what benefit the city is getting from the theater. If the theater is  
saving the city money by providing facilities which would otherwise need to be  
44 built or maintained then it might be reasonable.  
You need a financial analyst to work out the numbers not just commit the city  
to this. If this is planned properly this could be structured as a long term loan  
45 to be paid off by future profits.  
46 A public/private partnership would be a better option for this.  
The city council should invest in the arts as a significant factor in Los Altos  
47 quality of life for all ages. The arts also support a vibrant local economy.  
The city can't keep the parking lot under the Safeway Market on First Street  
48 clean and safe. How can they keep anything else clean and safe?  
See comments above. A theater is not a city necessity and is not going to be  
for the benefit of the whole community. Only a limited number of people will  
come to the theater and see the performances. It is not going to draw a wide  
49 audience.



50 The city funds CHAC more than \$380K annually for interns. Seems a theater would have much wider range of use and community benefit.  
 A theater should draw enough attendees to pay for most of the ongoing maintenance and operating expenses. If it can't then maybe it shouldn't be built. The city might contribute some funding but the theater should be able to  
 51 support itself mostly.  
 52 City funds should only be used for city services.  
 Sure, the city has lots of extra money hanging around. What would this cost of maintenance be? How much will our taxes go up?  
 Who in the city will manage this? Do we have to hire another bureaucrat to sit on their butts all day collecting \$100K per year?  
 Who in the city besides the idiot mayor is pushing this idea? What is in it for her- more contributions to her next election, feel good programs helping the  
 53 disadvantaged?  
 we cannot afford to maintain our existing facilities, so why would we add another that we cannot afford to maintain. the theater audience is a very very small subset of the los altos population-why is the rest of the city need to  
 54 support that small special interest group?  
 55 This survey is biased to the negative  
 56 the city wastes too much money already.  
 No need for it. I would much rather see a very nice high-end dog park. I would get a lot more enjoyment from that rather than a taxpayer-paid theater  
 57 which duplicates other venues already established and nearby.  
 58 Absolutely NOT. This is a wasteful use of taxpayers' hard earned money.  
 Our city should never fund a private activity like this one no matter how  
 59 attractive it may or may not be.

Q 15. I want to vote in a citywide election on whether to use city-owned land (for example, Parking Plaza #2 behind the Main Street Post Office) for a theater.

Answer Choices

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Please feel free to elaborate on your response here:

Respondents

Please feel free to elaborate on your response here:

- 1 Forget about it.  
 Voters typically don't understand the full picture. If there is a clear analysis performed and an unbiased presentation in simple language, perhaps the community as a whole should be involved. Certainly not in any kind of special  
 2 election.
- 3 too expensive to hold an election. Choices would not be broad enough.

This question is blatantly biased, hence answers are not valid.

Additional public elections for decisions that are properly the domain of the city council would be just another way to hobble the council from getting anything done. This is a transparent attempt to resurrect the horrible Measure C.

4

5 too expensive for election

6 This should be a city council and planning teams responsibility

Only if new parking spaces can be added as well to make up for the shortfall and add more spaces for theatre patrons.

7

Let's try in earnest to make a deal w private investors (without using city/tax payer money) before spending more by putting it up to vote to spend city tax paid funding on this. Let's allow private capital/markets to make a theatre happen in DT Los Altos. But in the meantime let's zone an area, develop traffic/parking flows, regulations, fire, safety, etc. so we have items to

8

negotiate w developers.

9

but during a regular election, no special election

10

I will vote NO

11

This is losing proposition on the part of a few people in it for themselves.

Let City Council do their jobs. That is why we elect them. Could set a precedent where good many decisions need to go to a vote. That would be expensive for the City and most people do not get themselves sufficiently up

12

to speed to vote.

13

I don't want to spend time and money on an election either!

14

Council decision

15

I don't want election at all, just stop the project now. The city should not give in to some people's vanity project.

16

I feel that the City Council and City planners have the ability to make these decisions without always spending more money on one item issues. Why do we elect the best and brightest if they can't handle making smart decisions?

17

If we need to go to a bond measure to support the project, then it will have to go to a vote. A 2/3rd bar is pretty high and does not reflect MAJORITY opinion. If we have a City/private partnership for funding, then the Council working with an advisory committee should keep the community apprised but we should not spend the money on an election. Put that money into the project.

18

Probably a good idea to show that a theater is not supported.

19

not just vote on theater, but all options.

20

No need to pay for another special election. Review residents sentiments and or host a town hall type of voting event

In this case I'll go along with what the Council decides. Also, I'd rather not spend money to put this on the ballot and rather spend it on other more  
21 needed services

22 This is why we elect our council members  
We have a representative democracy where we elect people so we,  
individual residents don't have to make all the decisions. Putting everything to  
23 vote would stifle progress.  
A downtown theatre is already part of the Downtown Vision. Let's implement it  
24 already, and not keep re-litigating these decisions!  
We should not have a vote on every single decision the city needs to make.  
That's why we elect City Councilmembers. It is up to them to make these  
25 decisions.

26 This needs to be up to the voters, not the City Council.  
I would like to think that the elected city council would be able to make that  
judgement, but am concerned that they are more likely to sway with the wind  
27 of loud voices on causes-du-jour.  
Is there no way that the local government can come up with something less  
polarizing than this? You can't take away parking to create a theater. You  
must have an alternate plan for parking if the theater is to reside on a parking  
28 plaza.

29 ELECTIONS/VOTING IS EXPENSIVE \_ JUST ITSELF!  
30 Elected officials are the right folks to determine this.  
31 Versus no say  
if the City Council takes up the issue and it doesn't die here after the survey, I  
32 would like to have residents vote on it.  
33 I would vote "no" for that particular plot of land.  
Can we stop wasting money on things like this. We elect representatives. Let  
34 them actually do their jobs.  
35 Isn't this the job of the council?  
36 Measure C was defeated by Los Altos residents  
37 Measure C was defeated. Yield to the will of the people  
38 Never!  
39 We have elected officials & should trust them to vote to make such choices.  
We have elected officials to make these decisions. Los Altos voters  
40 confirmed this practice by defeating Measure C.  
The Council and the City Staff can decide how to use land because that is  
41 their job.  
Adding items to the ballot is expensive and unnecessary, but I will vote for it if  
42 it is a ballot issue.  
We have elected officials for this reason. Don't need every decision to be a  
43 vote. That is not a good use of resources.  
The city owned the land at the corner of First and Main where there is now  
(you guessed it) another restaurant!) That property would have lent itself to a  
44 theater. It would also have made an excellent "car park".

DO NOT USE A DOWNTOWN PLAZA. That is a very charming piece of Los  
45 Altos, If anything, budget to spend money to enhance the plazas!!!

46 Whatever the experts think is necessary

Let the voters decide, not a small group of 3 council members. This is an  
47 important decision and commitment.

Yet another loaded question. This looks like Measure C all over again. That  
48 was an utter waste.

I defer this to the City Council to determine. That's why the voters elect  
49 Council Members, so that they can handle execution and legislative details.

Absolutely not, I would hope our elected officials will act in the long term  
interest of our city. The cost and burden of special elections could be better  
spent on funding some of the unmet needs cited elsewhere in this survey  
which is starting to seem very biased against a potential theater as I go  
50 through it.

The point of electing officials is to make it so I don't have to understand all the  
51 nuance of every issue. Let them do their job.

This should have been resolved by Measure C. We elect the Council to make  
52 these decisions. Elections are costly and take time.

53 I would vote NO.

What we do not need is another half-baked plan coming up to a "vote" where  
54 there is no real understanding of consequences of that decision.

Election should only be required if the city decides to issue bonds to fund the  
55 theater.

56 should not be on ballot

The land belongs to the city but it's essentially in trust for the property owners  
in the parking district. If it adds more parking and generates foot traffic, I  
would expect them to be for it. Also a theater like this could be used for lots  
of things besides live performances. There could be film festivals held there,  
57 for example. Groups could rent it out for meetings... and so on.

Measure C got 47 percent support from residents to require a vote by the  
residents for any sale or lease of any city land resources. This comment  
58 applies to the remaining questions below.

59 We have too many elections for special interests like bocce ball.

60 Is that necessary?

The city of Los Altos should lease the parking plaza to Los Altos Stage  
Company for \$1 per year similar to what they do with the current bus barn  
61 location.

We have elected City Councilmembers to represent our interests. This is a  
decision which falls squarely into the Council's jurisdiction. Holding an election  
would be expensive and potentially make the private investment needed to  
62 support a project impossible.

63 City council needs to make this decision

64 Although I fear nothing will ever get approved.

65 We elect our city council members. Voting on multiple issues are a waste of  
time and money.

66 This should be determined by a public vote since public land is involved.  
If the city Council decides that the use of the parking plaza for the theater is  
67 how they want to spin city funds before that could be approved it would need  
to be voted on in a city wide regular election

The city council should review and approve this project. That's what we elect  
them to do—show leadership and forward thinking. We finally have a  
68 community center (yay!!)—a community theater is the next step.

Ummm.... these questions are really biased. You might want to have  
69 someone else create your survey

70 I am beginning to laugh at this now....

Sure. We can put it up for a vote. If the majority of citizens this this the best  
71 use of city owned land, I would defer to the majority

We elected Council members - this is their vote along with commissioners.

72 Stop wasting money on these frivolous independent issue votes.

Voters should decide!

73

We don't need a vote, we need a city council that is more cognizant of the  
costs of this project and not ready to give away our land for some egalitarian  
74 use. Reject this idea outright.

75 We elect people to make these decisions.

I never want to see it even come to a vote. I think it should not get by any  
76 further than this survey.

what, a popularity contest? the city land belong to the city and the parking  
plazas are supposed to be for the use of the existing downtown businesses.

i would hope that a rationale city council would say no, but that is too much to  
ask, so i guess we need to have a vote on it. where is a city policy on land  
77 use so we dont go thru this nonsense with another group?

Special elections are so costly and not a wise way to spend our city's limited  
78 funds.

I think they should shelve the project until the city finances are completely  
under control. If they can not be financially responsible, then they should be  
79 forced to put it to a vote.

80 Representative government. Council should decide

Better to let everyone vote than to let the City Council make a controversial  
81 decision supposedly on our behalf.

A downtown theatre is a big change for our city that should be decided by  
voters and not council members. Previous councils said that Measure C was  
not needed because the council would always protect our city owned  
property from beings sold, given away for free, or leased. So why does this  
82 council want to violate this trust?

Q16. I want to vote in a citywide election on whether the city should provide any funding from the city budget toward the cost of construction of a

Answer Choices

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please feel free to elaborate on your response here:

Respondents	Please feel free to elaborate on your response here:
1	I dont want any money to go for a new theater downtown.
2	I don't feel competent to make this judgement. Additional public elections for decisions that are properly the domain of the city council would be just another way to hobble the council from getting anything done. This is a transparent attempt to resurrect the horrible
3	Measure C.
4	only if an ongoing election
5	This should be a city council and planning teams responsibility Once all the facts are gathered and presented to the city council the city council must vote. Then it is put on the ballot for ratification or approval. Otherwise it is divisive to the community without the council's examination of costs and space allocation/ usage. The pubic wants to be objective and see the council
6	asking the detailed right questions.
7	No vote is needed on this.
8	but during a regular election, no special election
9	NO vote again, waste of money
10	If you put this up for a vote you will LOSE. My rationale here is the same as for question #15. If there is a required bond measure or parcel tax, then I would expect a vote.
11	Council decision
12	A city wide election would give you the most accurate assessment regarding the views and opinions of the residents.
13	See above.
14	To show that most people don't want to spend city money on a theater.
15	See above - boy is this a leading question!
16	Same as sbove
17	We have a representative democracy where we elect people so we, individual residents don't have to make all the decisions. Putting everything to
18	vote would stifle progress.

We elect a Council which selects a City Manager and appoints Financial Commissioners. Council, Commission and staff are much more knowledgeable about the City budget and financial resources than residents.

19 Let's let them do the job we ask them to do. Good grief.

20 I want to see much better plans before I vote.

21 Likewise, elected officials should do their jobs.

22 Versus no say

23 see #15

24 Stop wasting money on elections for these things.

25 Measure C was defeated by Los Altos residents

26 Measure C was defeated. Yield to the will of the people

27 Not to build it downtown!

28 Why spend money for an unnecessary election?!

29 If it comes to a vote, i will vote no. This question needs not be asked.

30 We have elected officials & should trust them to vote to make such choices.

Adding items to the ballot is expensive and unnecessary, but I will vote for it if

31 it is a ballot issue.

Yet another loaded question. This looks like Measure C all over again. That

32 was an utter waste.

I defer this to the City Council to determine. That's why voters elect Council Members, so that they can handle budget decisions. If, however, the funding

33 would need a bond measure, then that could be voted on by residents.

Absolutely not, I would hope our elected officials will act in the long term interest of our city. The cost and burden of special elections could be better spent on funding some of the unmet needs cited elsewhere in this survey which is starting to seem very biased against a potential theater as I go

34 through it.

I don't want to have to vote about this topic. I want the City Council to do the right thing and not give away our land to a special interest project.

HOWEVER, if the CC does decide to give away our land and our staff time,

35 the voters must be allowed to vote regarding this issue.

Again, we elect the Council to make these decisions. We can let

Councilmembers know what we think about particular issues but the idea of

36 elections on these subjects is a terrible idea.

37 I would vote NO.

38 should not be on ballot

39 Too soon to tell...

Leaving the decision up to a private entity to build a performing arts center potentially prevents the city from having any say regarding usage and

40 frequency of use.

41 We have elected City Councilmembers to represent our interests. This is a  
 42 decision which falls squarely into the Council's jurisdiction. Holding an election  
 43 would be expensive and potentially make the private investment needed to  
 44 support a project impossible.  
 45 City council needs to make this decision  
 46 I need to understand how the city budget allocates its money currently  
 47 See answer #15  
 48 This should be determined by a public vote since public funds are involved.  
 49 I'd vote for it if it was on a ballot, but I don't think a city wide election is  
 50 necessary.  
 51 Never got a say in the years and years we've continued to fund CHAC as a  
 52 city. Gonna put that on the ballot with it?  
 53 Voters should decide.  
 54 The city council needs to find better use of the city's land.  
 55 Again, I hope it stops here and never gets to a vote. The very idea that we  
 need V live theatre downtown is ridiculous.  
 i would hope that a rationale city council would say no, but that is too much to  
 ask, so i guess we need to have a vote on it  
 Special elections are so costly and not a wise way to spend our city's limited  
 funds.  
 Representative government. Council should decide  
 Better to let everyone vote than to let the City Council make a controversial  
 decision supposedly on our behalf.  
 Subsidizing an organization that voters do not support is just another form of  
 corruption. Let the voters decide.

Q17. I want to vote in a citywide election on whether to provide any funding from the city budget for the ongoing maintenance and operating expenses

Answer Choices

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please feel free to elaborate on your response here:

Respondents

Please feel free to elaborate on your response here:

1 Same as above.

2 No voting

Additional public elections for decisions that are properly the domain of the city council would be just another way to hobble the council from getting anything done. This is a transparent attempt to resurrect the horrible

3 Measure C.

4 This should be a city council and planning teams responsibility



5 No vote is needed for this.  
We need more parking, period, to help our downtown businesses. We r  
6 losing too many stores  
7 but during a regular election, no special election  
8 Will vote NO!  
You guys are really pushing for spending money on this - what a waste of our  
tax dollars! You should be spending money on helping to promote the  
businesses that are here that have been struggling during Covid. You also  
should be completing projects that you are behind on - such as turning 999  
9 Loyola into a plaza,  
Slippery slope. Where would the line be drawn on maintenance and operating  
expenses? Is it being proposed that any funding g over that limit would  
require a city-wide vote? Here again, I am on the opinion that City Staff and  
Council Members are elected to get up to speed and make these decisions  
10 as a part of the annual budget approval process.  
11 Council decision  
A city wide election would give you the most accurate assessment regarding  
12 the views and opinions of the residents.  
This definitely should be at the discretion of our elected Council. We have  
REPRESENTATIONAL Democracy, not direct Democracy in Los Altos on  
13 these kinds of decisions.  
14 We need to be specific about how the theater would be used.  
15 To show that most people don't want to spend city money on a theater.  
16 Ridiculous idea.  
Falls in the category of "have you stopped beating your wife" kind of question  
17 😊  
18 I can help with outreach and a campaign to help this pass  
We already have theater options with Bus Barn and the new complex on San  
19 Antonio beyond Safeway in Mt View  
We have a representative democracy where we elect people so we,  
individual residents don't have to make all the decisions. Putting everything to  
20 vote would stifle progress.  
21 See elaboration on question 16.  
22 I think the City Council should make the decisions for Items #15, 16, 17.  
I'm completely in favor of providing some resources towards a downtown  
theater, but I want the theater to strive to be self-sustaining, and the city must  
resolve parking situation before attempting to call a vote on whether or not a  
23 theater is desired.  
24 see #15  
25 Please stop holding elections for things like this.  
26 Measure C was defeated by Los Altos residents  
Measure C was defeated. Stop this nonsense. This is a meaningless  
27 question. There is no proposal yet from the Theater Working Group  
28 Redundant questions to support your position... not mine!

No election needed. Waste of time & money. This theatre idea is  
29 unnecessary.  
30 If it comes to a vote, i will vote no. This question needs not be asked.  
31 We have elected officials & should trust them to vote to make such choices.  
This survey assumes more knowledge than I have. It should have been  
32 tested and modified so a "typical" resident could answer the questions.  
Adding items to the ballot is expensive and unnecessary, but I will vote for it if  
33 it is a ballot issue.  
34 we elect the council for this  
Yet another loaded question. This looks like Measure C all over again. That  
35 was an utter waste.  
I defer this to the City Council to determine. That's why the voters elect  
36 Council Members, so that they can handle execution and legislative details.  
Absolutely not, I would hope our elected officials will act in the long term  
interest of our city. The cost and burden of special elections could be better  
spent on funding some of the unmet needs cited elsewhere in this survey  
which is starting to seem very biased against a potential theater as I go  
37 through it.  
Same as above. I don't want to vote, but we should, if council thinks it is okay  
38 to give away public land for a special interest group.  
39 Same response as above  
40 I would vote NO.  
41 this should not even be on ballot  
42 Still too soon to tell.  
The city should have some degree of control over the theater. They can set  
expectations and potentially provide guidelines for usage without necessarily  
43 restricting content.  
44 If going to redo bus barn ??? Maybe??  
City council should vote to approve maintenance and  
45 Operations for the new theater.  
We have elected City Councilmembers to represent our interests. This is a  
decision which falls squarely into the Council's jurisdiction. Holding an election  
would be expensive and potentially make the private investment needed to  
46 support a project impossible.  
47 City council needs to make this decision  
48 See answer #15  
49 This should be determined by a public vote since public funds are involved.  
I'd vote for it if it was on a ballot, but I don't think a city wide election is  
50 necessary.  
If a theater is brought to Los Altos, it should be privately owned and not  
funded by taxpayers. We have other priorities that are far more important on  
51 the short and long term.  
52 Voters should decide.

53 I would vote NO to all three of your attempts to saddle the city with costs that should be privately born.

54 Strongly opposed to the notion of eliminating parking for a project that would be very inadequately utilized. We have many options for attending multi-levels of amature, semi-professional and professional theater within a short driving distance and many are stuggling to find an audience. The Bus Barn was adequate for our town.

55 See above

56 i would hope that a rationale city council would say no, but that is too much to ask, so i guess we need to have a vote on it

57 Special elections are so costly and not a wise way to spend our city's limited funds.

58 Representative government. Council should decide

59 Better to let everyone vote than to let the City Council make a controversial decision supposedly on our behalf.

60 Let the voters decide. I do not trust this council or any future council to make this kind of decision.

**Q18. May we contact you for further input? If so, please provide your name and email address here:**

We are not releasing the names and contact information provided due to privacy concerns and lack of authorization from those who responded to this question.

tain View Center, Oshman Jewish Community Center, Hillbarn, Lucie Ste

rn, etc.

**From:** [Roberta Phillips](#)  
**To:** [Public Comment](#); [City Council](#)  
**Subject:** Nov 9 Council Meeting Item #8 Theater working group  
**Date:** Friday, November 5, 2021 1:11:42 PM  
**Attachments:** [Ethics Training 1.png](#)  
[Ethics Training 2.png](#)  
[Ethics Training 3.png](#)

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Dear City Council Members and Gabe Engeland

Although a new theater sounds like a lovely idea, at this time I must ask that the City Council decline to give any money or staff time or land to build a new theater downtown or do a feasibility study. The reasons are as follows:

1. At a recent Council Meeting where the American Rescue Package monies were discussed, Jon Magninot said that our expenses far exceed our revenues. According to the consultant Barry Foster, the City revenues were down ( Minus) -\$5.7 million in 2020. In 2021 minus -\$6.111.266 . Then through 2023 the total of lost revenues are over \$25 million dollars.
2. At the last week's Council Meeting Nov, 2,2021 Kuljeet Kulkut the Chair of the Finance Commission said that the City does not have any money for CIP Projects and will not for at least two years.
3. Nobody is happy about the loss of revenues, however it is the City Council's Fiduciary responsibility to protect the assets and financial well being of the City. I know that the City is trying to get their arms around our expenses and revenues, and we as residents understand and are patient. I hope that you will not move forward with so many unknowns on our finances, The residents expect basic services such as road repair, staff salaries, building maintenance and police services . We all understand that luxuries will have to wait at least 3 to-5 years. So why do a feasibility study now ?
4. The Theater Working group said that they met with Friends of Los Altos, Los Altos Library Commission, Los Altos Finance Commission, Los Altos Arts Commission. This claim in the Working Group's presentation is deceptive as they did contact one or two members of the commissions mentioned, but they did not have the discussion agendaed nor did any commission endorse their proposal.
5. The Working Theater Group said this will not cost the City any money or staff time, yet they are asking for \$50,000 from the City for a feasibility study plus staff time.
6. We have lost the use of 71 parking spots downtown, as there are now tables and chairs in the parking spots for outdoor dining. This information was sent to me by Anthony Carnesecca. It is unfair to ask the tax payers of Los Altos to pay for a new parking structure, or remove more parking spaces by leasing one of our parking lots to build a theater. Our City owned land has a very high value and should not be given away for \$1 a year or some other absurdly low price.
7. The Bus Barn Theater, along with other theaters have lost money every year, for many years. We should not be subsidizing a theater with much higher priorities at hand. . We need to be looking at the RHNA numbers and the housing element, garbage collection, police services, fire services and park maintenance to name a few , that are more essential. If the Bus Barn Theater / Los Altos Stage Company wants a new theater they should buy their own land and pay for construction and ongoing maintenance themselves.
8. I have received many concerned calls and emails about Neyse Fligor's potential conflict of interest as she has been pushing for and speaking at public events and in the newspaper about her support for a new Theater Downtown. Although I have not served on a commission, I have received the following slides on the Ethical Training given to all who serve. Perhaps the City Attorney should advise on this issue..

Sincerely  
Roberta Phillips  
650-941-6940

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# Fair Process

## *Best Practices for Decision-Makers*

- If you can't be fair, don't participate
- Avoid statements before the close of a hearing
- Make decisions based on administrative record
- Avoid the appearance of bias
- Pay attention
- Above all, you will be judged by your fairness and integrity





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## The Importance of Public Perception

The interesting—and somewhat unique—aspect of public service ethics is that it is not exclusively an introspective process.

A public official can be absolutely confident that he or she is able to put personal interests or relationships aside, but the public may question whether indeed that is so.

Public perception, therefore, matters a great deal in one's analysis of what the "right thing to do" is in public service. This is because, as public servants, public officials are stewards of the public's trust in the public's governing institutions.

**In short, public service ethics is not only about doing the right thing, but also about the public's confidence that indeed the right thing has been done. Public servants must maintain a high standard of ethical conduct that promotes public confidence that public officials' actions are motivated solely by the public's interests.**

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## Beyond Legal Minimums

If your agency attorney advises you that you cannot participate in a decision, you must disqualify yourself or seek the Fair Political Practices Commission's advice regarding how the conflict of interest disqualification rules of the Political Reform Act apply to you.

If you receive advice that the law permits you to participate in a decision, your analysis is not over.

Ask yourself whether your constituents will reasonably question your ability to put your personal interests and relationships aside and put their, the public's, interests first. You can decide to voluntarily abstain if you are concerned that your constituents would reasonably question whether you should be involved in the decision-making process.

Remember the law is a floor, not a ceiling, for public service ethics.

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## DISCUSSION ITEM

Agenda Item # 9

## AGENDA REPORT SUMMARY

**Meeting Date:** November 9, 2021

**Subject:** Council Member request for Motion for Reconsideration of Council Action D20-0008 - Packard Foundation - 374 Second Street

**Prepared by:** Andrea Chelemengos, City Clerk

**Reviewed by:** Jolie Houston, City Attorney

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Emails from Council Member Weinberg and Vice Mayor Enander

**Initiated by:**

Council Member Weinberg

**Summary:**

On October 28, 2021, City Manager Engeland received the attached email from Council Member Weinberg requesting placement of reconsideration of a Council action on the November 9, 2021, agenda. Shortly following the request an email supporting Council Member Weinberg's request was received by the City from Vice Mayor Enander.

The City Attorney advises that this language demonstrates that the reconsideration review is not a *de novo* review. The reconsideration hearing is limited, and the City Council should base its decision upon new evidence or facts not presented previously with regard to the item, or a claim of error in applying the facts presented by the Council and/or members of the public.

The recently revised and adopted Council Norm and Procedures outlines the process for reconsiderations as follows:

11.8 Reconsideration of a Council Action.

B. Request for Reconsideration by a Councilmember

1. Request by a member of the City Council.

Only a member of the City Council who voted in the majority may request reconsideration. The request may be made at the same meeting, or 24 hours in

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JE

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**Subject:** Council Member request for Motion for Reconsideration of Council Action D20-0008  
- Packard Foundation - 374 Second Street

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advance of the posting of the agenda for the next regular meeting. The request needs to be supported by two (2) Councilmembers, including the requesting Councilmember, for it to be added to the agenda. A request added to an agenda shall be structured in a manner that a motion for reconsideration may be considered immediately following approval of the request for reconsideration.

In presenting a request for reconsideration, the City Councilmember making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

2. Motion for Reconsideration.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting), or in accordance with Section 11.8B1. A motion to reconsider an action may be made only by a Councilmember who voted in the majority but may be seconded by any Councilmember and is debatable.

The motion must be approved by a majority of the entire City Council. **At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.**

C. Effect of Approval of Motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters, and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting



**Subject:** Council Member request for Motion for Reconsideration of Council Action D20-0008  
- Packard Foundation - 374 Second Street

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and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the Council Norms and Procedures. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

**From:** [Jonathan Weinberg](#)  
**To:** [Gabriel Engeland](#)  
**Cc:** [Andrea Chelemengos](#); [Jolie Houston](#); [Anita Enander](#)  
**Subject:** Request for reconsideration  
**Date:** Thursday, October 28, 2021 9:46:38 PM  
**Attachments:** [DAAC0FD62BAC4CF921A55C88A9139190591.png](#)

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Dear City Manager Engeland:

Pursuant to norm 11.8 B.1, I request reconsideration of the motion at our last council meeting to adopt Resolution No. 2021-\_\_\_\_\_, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING A DESIGN REVIEW FOR A RECONFIGURED PARKING LOT  
AND CARPORT STRUCTURE AT THE DAVID AND LUCILE PACKARD  
FOUNDATION BUILDING AT 374 SECOND STREET AND MAKING  
FINDINGS OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT ("CEQA")

My understanding of the norm cited above is that two councilmembers must support this request, including one who voted with the majority. I voted with the majority on Tuesday night. I believe Vice Mayor Enander (cc'ed on this eMail) supports this request.

The reason for this request is that, in retrospect, I am not convinced that the applicant's proposal warrants affirmative findings under § 14.78.060 of the LAMC.

Sincerely,

- Jonathan

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**Jonathan D. Weinberg, Esq. | Member, Los Altos City Council**

Los Altos City Hall

1 North San Antonia Road | Los Altos, CA 94022

Main: (650) 947-2700 | Direct: (650) 947-2768 | [jweinberg@losaltosca.gov](mailto:jweinberg@losaltosca.gov)



**From:** Anita Enander <aenander@losaltosca.gov>

**Sent:** Thursday, October 28, 2021 10:23 PM

**To:** Gabriel Engeland <gengeland@losaltosca.gov>; Jonathan Weinberg <jweinberg@losaltosca.gov>

**Cc:** Andrea Chelemengos <achelemengos@losaltosca.gov>; Jolie Houston <jolie.houston@berliner.com>

**Subject:** Re: Request for reconsideration

City Manager Engeland and City Attorney Houston,

I hereby confirm Councilmember Weinberg's statement: I support reconsideration of this motion for the reasons he cited. Please advise if I must take any further actions to support this.

Anita Enander

**From:** [Bill Hough](#)  
**To:** [City Council](#); [Public Comment](#)  
**Cc:** [Andrea Chelemengos](#)  
**Subject:** PUBLIC COMMENT Item #9, November 9, 2021  
**Date:** Thursday, November 4, 2021 10:16:59 AM

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This project still stinks out loud because it will needlessly remove mature trees and destroy land that should be converted into a small public park into just another unattractive parking lot.

The currently vacant space on the west side of 2nd Street could be improved at minimal expense into two attractive parks, something seriously lacking in downtown. Is it really necessary for the Packard Foundation to add an additional 28 parking spaces? In this time of COVID, it has become obvious that most white collar work can be performed from home, which should reduce the demand for parking downtown. Lets encourage more working from home going forward.

It is not too late to vote "no" on this proposal.

Bill Hough  
Los Altos



**From:** [Abhambly](#)  
**To:** [Public Comment](#)  
**Subject:** Public Comment, Agenda item #9, meeting on Nov. 9  
**Date:** Monday, November 8, 2021 10:00:16 AM

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Downtown parking is precious, and will be more so, if a theater is built in the future. What benefit does the city receive by approving more parking for the Foundation? Why not partner with the city by allowing the public to use the parking spaces in the evenings or on the weekends? It could be a win-win for both parties.

Anne Hambly  
Los Altos resident



**DISCUSSION ITEM**

**Agenda Item # 10**

**AGENDA REPORT SUMMARY**

**Meeting Date:** November 9, 2021

**Subject:** Lehigh Subcommittee Report

**Prepared by:** Council Members Lee Eng and Meadows

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**Background**

- Lehigh (Lehigh Permanente Quarry, Lehigh Hanson) is a limestone and aggregate mining operation in the unincorporated foothills of Santa Clara County, Cupertino.
- The Lehigh cement plant is an authorized use operating under a use permit issued May 8, 1939.
- Lehigh quarry is a “vested mine” operation, as determined by the Board of Supervisors on February 8, 2011. A “vested mine” is a mine that was established legally within the regulations in place at the time and is allowed to continue until the use ceases.
- A Reclamation Plan, detailing how the quarried lands will be restored, was originally approved in 1984 and amended in 2012.

**Current Status**

- Lehigh affects a broad residential area (Cupertino, Mountain View, Los Altos, Los Altos Hills) with significant environmental impacts including:
  - Air quality, dust and odors
  - Water quality
  - Natural environment and habitat loss
  - Noise
  - Traffic
- Santa Clara County is partnering with the Midpeninsula Regional Open Space District (Midpen) to share enforcement rights for the scenic easement on the ridgeline.
  - The County approved the Memorandum of Agreement (MOA) with Midpen in August
  - Midpen and the County will share enforcement of the preservation easement (granted in 1972) that protects land adjacent to Rancho San Antonio County Park (owned by the County and managed by Midpen), and Rancho San Antonio Open Space Preserve (owned and managed by Midpen).
  - The MOA grants Midpen the right to monitor and inspect the protected ridgeline and surrounding habitat that is part of the Lehigh Cement Plant & Quarry property and enforce identified violations of the ridgeline easement through the process contained in the MOA.
- Earlier this year, Lehigh filed a lawsuit requesting that the court declare that modifications proposed in the Reclamation Plan Amendment (RPA) do not amount to a

substantial change or impermissible intensification of Lehigh's vested rights; and to order the County and its Director of Planning and Development to process the RPA without administratively reviewing whether the proposed modifications fall within the scope of Lehigh's vested rights.

- On September 14, 2021, the court ruled in favor of the County by sustaining the County's demurer. The court granted the demurrer with prejudice, meaning that the court denied Lehigh the opportunity to further amend the complaint and prolong the lawsuit.
- The appeal period is ongoing, but no appeal has been filed yet.
- The County is working on the EIR for the creek restoration project which was required of Lehigh by their settlement with the Sierra Club in 2012/13.
- County staff did their annual SMARA (State Mining and Reclamation Act) inspection in September
- Later in October, Lehigh should submit their updated financial assurance documents to the county for review (bonds to ensure there are funds to clean close the facility)
- Steven's Creek Quarry applied to the Santa Clara County Planning Commission for a determination as to whether the importation and processing of unprocessed material from Lehigh Quarry to Stevens Creek Quarry was an allowed use (see Questions for Council below)
  - In August, the Commission unanimously denied the Zoning Interpretation application (i.e. determined that the application was NOT for an allowed use) and that the denial is exempt under CEQA.

#### Environmental Commission Lehigh Subcommittee

- At their September 13, 2021 meeting, the Environmental Commission appointed Shiao-ping Lu and David Klein to the Commission's Lehigh subcommittee.

#### Questions for the Council

- What direction should Council give the Environmental Commission subcommittee (e.g. to monitor news regarding Lehigh)?
- Does the Council want to give direction to the Council subcommittee to expand scope to include Steven's Creek Quarry, a) when issues overlap with Lehigh, or b) as part of a broadened scope?
  - The Stevens Creek Quarry is a bluestone aggregate mining operation located in the unincorporated Santa Clara County, Cupertino, in the Monte Bello Ridge canyon.

The potential impact of Lehigh is significant, and it is important to continue monitoring activity and developments.



City of Los Altos Tentative Council Agenda Calendar  
**November 1, 2021**

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda eight days prior to the next Council meeting.

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
<b>November 30, 2021</b>	<b>STUDY SESSION #2 - Halsey House (2 hours)</b>		ES AF
	<b>REGULAR COUNCIL MEETING</b> – in place of 11/23 mtg the week of Thanksgiving		
	Recognition of Boards and Commissioners		
	Park In Lieu Fees Impact Fee		
	Parklet Program Ext.	AC	
	El Camino Bike Lanes*		ES ML
	ARPA Potential Uses - American Rescue Plan Act Expenditures: Discuss potential uses of the American Rescue Plan Act dollars and provide direction to staff as necessary (J. Maginot)		
	Theater Presentation Follow-Up		
	Amendment to the City’s Purchasing Policy		
	Police Station Council Subcommittee		
	Housing Mandate Compliance Strategy – SB 9		
	Resolution No. 2021-XX CALPERS Unfunded Accrued Liability <u>Paydown</u> : Adopt Resolution approving transfer of \$ 5 million to paydown the City’s unfunded accrued liability in the CALPERS Safety (2.27M) and Miscellaneous plans (2.73M). (J. Furtado)		

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
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	Construction Contract Award: Fremont Avenue Pedestrian Bridge Rehabilitation Project, TS-01055		
<b>DECEMBER 7, 2021</b>	<b>COUNCIL REORGANIZATION</b>		
December 14, 2021	<b>STUDY SESSION</b> <i>joint with PC 330 Distel (1.5 hours)* firm</i>		
	<b>STUDY SESSION</b> <i>joint with PC Housing Element (1.5 hours)* tent</i>		
	Budget CIP review		
	Housing Mandate Compliance Strategy		
	Extension of the Emergency Declaration		
	CAFR and Year End		
	Council Retreat Planning for 2022		
	2022 City Council Meeting Calendar Board and Commission calendars		CM
	OPEB Funding		

**All 2022 Meeting Dates are tentative pending Council adoption of 2022 City Council Meeting schedule**

January 11, 2022	<b>REGULAR COUNCIL MEETING</b>		
January 25, 2022	<b>REGULAR COUNCIL MEETING</b>		
February 8, 2022	<b>REGULAR COUNCIL MEETING</b>		
February 22, 2022	<b>REGULAR COUNCIL MEETING</b>		
<b>March 1, 2022</b>	<b>SPECIAL MEETING -- COMMISSION INTERVIEWS</b>		
March 8, 2021	<b>REGULAR COUNCIL MEETING</b>		
March 22, 2022	<b>REGULAR COUNCIL MEETING</b>		
April 12, 2022	<b>REGULAR COUNCIL MEETING</b>		
April 26, 2022	<b>REGULAR COUNCIL MEETING</b>		

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
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May 3, 2022	Joint Meeting w/Commissions		
May 10, 2022	REGULAR COUNCIL MEETING		
	3rd Quarter Report		
May 24, 2022	REGULAR COUNCIL MEETING		
June 14, 2022	REGULAR COUNCIL MEETING		
	Adopt Resolution No. 2022-XX approving the Report of Sewer Service Charges and directing the Filing of Charges for Collection by the Tax Collector	2 Printed Public Hearing - - not less than 10 days - published once a week for two consecutive weeks	
June 28, 2022	REGULAR COUNCIL MEETING		
July 12, 2022	REGULAR COUNCIL MEETING		
August 23, 2022	REGULAR COUNCIL MEETING		
August 30, 2022	Commission Interviews		
September 13, 2022	REGULAR COUNCIL MEETING		
September 27, 2022* (Jewish Holiday)	REGULAR COUNCIL MEETING		
	Year End tentative report – September (if needed)		
October 11, 2022	REGULAR COUNCIL MEETING		
October 25, 2022	REGULAR COUNCIL MEETING		
November 1, 2021	Joint w/Commisisions		
November 8, 2022 * Election Day	REGULAR COUNCIL MEETING		
	1st Quarter report FY 2021/2022		
November 22, 2022	REGULAR COUNCIL MEETING		
December 13, 2022	REGULAR COUNCIL MEETING - Reorg		
	CAFR and Year End – 1st meeting December		
December 20, 2022 ??	Special meeting instead of 12/27		
December 27, 2021 ??	REGULAR COUNCIL MEETING		

**Future Agenda Topics To Be Scheduled....**

Discussion on subcommittee for new police station		
Other Dog Park Options- Mtn View Collaborative – Ltr to Mayor of MV		
Discuss ARPA Funds allocation		
<b>STUDY SESSION</b> for Community Center Operational Implementation Plan		
<b>Study Session - Community Center post construction review (Tent.)</b>		
<b>STUDY SESSION - Maintenance of Tree Canopy</b>		
Presentation of Proclamation to Michael Handel Proclamation, Retired Los Altos Firefighter	Special Presentation	
Discussion regarding anti-bias training - Diversity and Empathy Training	x	Council Int.
<b>City of Los Altos – Title 14, Zoning Amendment – Public Land/Hillview Property Protection Ordinance</b> <i>Project Manager: Community Development Director Biggs</i>		CD
policy on use of City land by non-profits.		
Los Altos EOC Design Review		
Proposed City policy that modifies the environmental analysis standard for circulation impacts from a Level of Service (LOS) analysis to a Vehicle Miles Traveled (VMT) analysis.	Public Hearing	GP
COVID Safe Meeting Protocols TBD		
Council Strategic Priorities Implementation Plan (Tent.)		
info on Cuesta speed tables		
Council Financial Subcommittee Recommendations: Discuss recommendations of the Council Financial Subcommittee regarding reporting of City financial information (Vice Mayor Enander)		
Museum's plans for a new main exhibition in our permanent 2nd floor gallery		
BMR waitlist process proposal by Alta Housing		
5150 El Camino Road - Modification	Public Hearing?	
League of California Cities – Role and Representation	Presentation/Discussion	Council Initiated
See Me Flags		ES

Pavement Management Program Update – 2019 Pavement Condition Index - The staff recommends Scenario 5 – Increase Current PCI to 75 by 2026	Discussion Item	JS ES
440 First Street Design Review		CD
4350 El Camino Real Design Review		CD
Healthy Cities Initiative		Rec
Housing Impact vs. Housing in-Lieu Discussion		CD
BAT/Neighborhood Watch program expansion		PD/CMO
Complete Streets Master Plan		ES
Community Engagement program		CMO
Comprehensive multi-modal traffic study (analysis of recent projects projected parking, trip generation, & traffic impacts to actuals; ECR impacts should include adjacent streets)		ES
Off-street EV charging stations in front of homes – include in Reach Codes; refer to Environmental Commission?		Planning
Schedule Joint Los Altos/Los Altos Hills Council meeting (6-9 months: August – October)		
San Francisco PUC permit		ES