

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE  
CITY OF LOS ALTOS, HELD ON THURSDAY, JANUARY 6, 2022 BEGINNING AT  
7:00 P.M. HELD VIA VIDEO/TELECONFERENCE PER EXECUTIVE ORDER N-29-20**

Per California Executive Order N-29-20, the Commission will meet via teleconference only. Members of the Public may call (650) 242-4929 to participate in the conference call (Meeting ID: 145 122 8148) or via the web at <https://tinyurl.com/yuhbnr75>) Members of the Public may only comment during times allotted for public comments. Public testimony will be taken at the direction of the Commission Chair and members of the public may only comment during times allotted for public comments. Members of the public are also encouraged to submit written testimony prior to the meeting at [PlanningCommission@losaltosca.gov](mailto:PlanningCommission@losaltosca.gov) or [Planning@losaltosca.gov](mailto:Planning@losaltosca.gov). Emails received prior to the meeting will be included in the public record.

**ESTABLISH QUORUM**

PRESENT: Chair Bodner, Vice-Chair Doran, Commissioners Ahi, Marek, Mensinger, Roche and Steinle

STAFF: Interim Community Development Director Simpson, Interim Planning Services Manager Golden, Senior Planner Gallegos, City Attorney Houston, Deputy City Attorney Ramakrishnan

**PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None.

**ITEMS FOR CONSIDERATION/ACTION**

**CONSENT CALENDAR**

These items will be considered by one motion unless any member of the Commission 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 Chair.

**1. Planning Commission Minutes**

Approve minutes of the regular meeting of December 2, 2021 Joint PC/CSC meeting.

Action: Upon motion by Commissioner Mensinger, seconded by Vice-Chair Doran, the Commission approved the minutes from the December 2, 2021 Joint PC/CSC, meeting as written.

The motion was approved (7-0) by the following vote:

AYES: Ahi, Bodner, Doran, Marek Mensinger, Roche and Steinle

NOES: None

**PUBLIC HEARING**

**2. ZTA 21-005 – City of Los Altos - Los Altos Municipal Code Text Amendments**

Recommend adoption of Zoning Text Amendment ZTA 21-005 to the City Council modifying the Los Altos Density Bonus Ordinance pursuant to recent changes to state law. The proposed text amendment would also make other updates to the Los Altos Municipal Code, including to

Chapter 1.10 to address indemnification of the City by project applicants, Chapter 1.12 to address City appeals procedures, Chapter 14.02 to address ongoing maintenance requirements for landscaping, and Chapter 14.28 to clarify the City's existing inclusionary housing requirements. This action is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines (*Jolie Houston, City Attorney, Erik Ramakrishnan, City Attorney's Office*)

Staff Presentation:

Deputy City Attorney Ramakrishnan summarized the proposed ordinance changes per the agenda report and reviewed sections of the proposed ordinance. He briefly discussed the maintenance of landscaping for projects that are approved with objective design standards, the requirement to maintain landscaping, and failure to do so is a nuisance. He then described a new appeal process that could be adopted by resolution to create a level of administrative appeal.

He discussed the changes to 14.28.020 regarding inclusionary housing and density bonus. He went over the regulations for Rental and Ownership/For Sale affordable housing units and the Moderate Rate unit requirements (language regarding "majority" of the units' moderate rate).

Deputy City Attorney Ramakrishnan described the density bonus provisions proposed in the ordinance. The proposed ordinance only includes the local procedures and includes appendices to include the Density Bonus tables and also tables that summarize the allowed concessions (which can be modified administratively rather than by ordinance). The proposed ordinance references state law rather than duplicating because of the regularity of changes to state law and the burdens it imposes on city staff to maintain the local ordinance to be consistent.

Planning Commission Questions:

None.

Public Comment:

Resident Anne Paulson stated concern about the costs to developers in providing affordable units when changing from moderate income housing to low- or very-low-income units.

Resident Terri Couture agreed with Anne's statement and stated concern about the costs to developers, the in-lieu fee provision, and the qualification process for low and moderate affordable housing units and the tracking of those units.

Planning Commission Discussion:

Commissioner Ahi agrees with the proposed changes and an alternative appeals process, is inclined to keep the for sale moderate rate language in the inclusionary housing section (14.28.020), is concerned about the breakdown of the 15% affordable units requirement and is concerned about the cost to developers and ability for sale of low- and very-low income units.

Commissioner Mensinger stated her support for the changes that were suggested, the need for more information regarding affordable housing changes and the percentage of moderate rate units in the inclusionary housing provisions (Section 14.28.020), and to move forward on the rest.

Commissioner Steinle stated he agrees with the proposed changes, proposed appeals process, separating out the density bonus and inclusionary ordinance, is concerned about the new language regarding the moderate rate units in (14.28.020), proposed to hold off on language changes for that section, said to move forward on the rest, and likes the density bonus tables as an appendix.

Commissioner Marek stated he agrees with the proposed changes and clarifications, except the 15% affordable language section regarding moderate rate units that needs more consideration.

Commissioner Roche stated the need to know the difference in cost between the income restricted units (moderate vs low or very low), the need more data including cost factors from developers, and is concerned about the in-lieu fee section and thinks that the City should not offer an in-lieu fee alternative.

Vice-Chair Doran stated that we need to get some real-world data from developers regarding costs and changes to section 14.28.020, and the need for the City to determine the programs established and where the in-lieu fee funds would be paid to.

Chari Bodner gave her appreciation for the changes that are being made to make our ordinance clearer for everyone and that we need to get more data regarding the 15% provision of moderate rate units. She proposed leaving the wording as is to get the absolute “majority”, until we get more data. She said to send the rest to City Council in the interim to get guidance on policy and the direction they would like to go in to come up with a recommendation and supports collecting in-lieu fees.

Motion to Approve:

Action: Upon motion by Vice-Chair Doran, seconded by Commissioner Mensinger, the Commission recommended approval of the proposed ordinance, except for the proposed changes to Section 14.28.020 of the Los Altos Municipal Code.

The motion was approved (7-0) by the following vote:

AYES: Ahi, Bodner, Doran, Marek Mensinger, Roche and Steinle

NOES: None

Action: Upon motion by Commissioner Mensinger, seconded by Vice-Chair Doran, the Commission voted to give the City Council direction to look at Section 14.28.020 as part of the Housing Element.

The motion was approved (7-0) by the following vote:

AYES: Ahi, Bodner, Doran, Marek Mensinger, Roche and Steinle

NOES: None

**DISCUSSION**

3. **New Legislation Training with the Commission**  
**SB 8, SB 9, SB 10, and AB 215**

Deputy City Attorney Ramakrishnan provided a presentation on new laws SB 8, SB 9, SB 10, and AB 215.

Public Comment

None.

## **COMMISSIONERS' REPORTS AND COMMENTS**

None.

## **POTENTIAL FUTURE AGENDA ITEMS**

Interim Planning Services Manager Golden gave an overview of future agenda items.

JANUARY 11, 2022 - JOINT MEETING WITH CC REGARDING 330 DISTEL CIRCLE

JANUARY 20, 2022 - CANCELLED

JANUARY 18, 2022 AT 5PM AND JANUARY 22, 2022 AT 9AM COUNCIL RETREAT

FEBRUARY 3, 2022 – 376 FIRST STREET, 15 UNIT PROJECT

FEBRUARY 17, 2022 – 2 PRELIMINARY PROJECT REVIEWS

## **ADJOURNMENT**

Chair Bodner adjourned the meeting at 8:40 P.M.

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Steve Golden  
Interim Planning Services Manager