

Town of Los Altos Hills City Council/Planning Commission Special Meeting Minutes

Wednesday, January 19, 2022 – 5:00 p.m.

Council Chambers, 26379 Fremont Road, Los Altos Hills, California

Via teleconference according to the Governor’s Executive Order N-29-20, **Mayor Tyson** called the City Council Regular Meeting to order at 5:05 p.m.

Present: Mayor George Tyson, Vice Mayor Linda Swan (joined the meeting at 5:08 p.m.), Councilmember Stanley Q. Mok, Councilmember Lisa Schmidt, Councilmember Kavita Tankha

Absent: None

Staff: City Manager Peter Pirnejad, Planning and Building Director Sofia Mangalam, Principal Planner Steve Padovan, Management Analyst II Cody Einfalt, City Clerk Deborah Padovan

1. CALL TO ORDER FOR CITY COUNCIL ONLY (5:00 P.M.)

A. Roll Call

2. PUBLIC COMMENT (PUBLIC COMMENT IS LIMITED TO ITEMS WHICH ARE THE SUBJECT OF THE SPECIAL MEETING)

There was no public comment.

3. ADJOURN TO CLOSED SESSION TO DISCUSS THE FOLLOWING:

The Council adjourned to closed session at 5:08 p.m.

A. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION

(Pursuant to Government Code Section 54956.9(d)(1)
Linebarger v. Los Altos Hills Case No. 2015-1-CV-282970

4. ADJOURN CLOSED SESSION

The Closed Session adjourned at 6:00 p.m.

5. REPORT OUT OF CLOSED SESSION

Mayor Tyson opened the public portion of the meeting at 6:04 p.m.

There was no reportable action resulting from the closed session.

6. **CALL TO ORDER FOR CITY COUNCIL AND PLANNING COMMISSION (6:00 P.M.)**

▶ City Council Ex Parte Contacts Policy Disclosure

A. Roll Call of the City Council and Planning Commission

Present: Mayor George Tyson, Vice Mayor Linda Swan, Councilmember Stanley Q. Mok, Councilmember Lisa Schmidt, Councilmember Kavita Tankha, Planning Commission Chair Birgitta Indaco, Vice Chair Jim Waschura, Commissioner Couperus, Commissioner Patel, Commissioner Smith

Absent: None

Staff: City Manager Peter Pirnejad, Planning and Building Director Sofia Mangalam, Principal Planner Steve Padovan, Management Analyst II Cody Einfalt, City Clerk Deborah Padovan

B. Pledge of Allegiance

7. **PUBLIC COMMENT (PUBLIC COMMENT IS LIMITED TO ITEMS WHICH ARE THE SUBJECT OF THE SPECIAL MEETING)**

Steve Jordan, Los Altos Hills, said the water district is very interested in the housing plan because we don't have enough water to have a substantial increase in the number of houses. We need a forecast of what additional water rights will be needed.

Sasha Zbrozek, Los Altos Hills, said that California law said we must examine sites for housing. He hopes this is done diligently and honestly. We can and we should do the right thing.

8. **STUDY SESSION**

A. Housing Element Update 2023-2031: Presentation by Michael Baker International, Inc. Consultant Team and Staff to Provide the City Council, the Planning Commission, and the Community with an Informational Presentation on the Housing Element Update Process (Staff: S. Mangalam)

Sofia Mangalam, Planning and Building Director, thanked everyone for joining the joint special meeting, and explained that the Town has started updating the housing element for 2023 - 2031. She described it as a 3,000-foot view of the process and the requirements. The housing element update webpage offers the opportunity for all who want to stay involved in the process.

Aaron Barral, Michael Baker International, presented the Housing Element Update 2023-2031.

Vice Chair Washcura asked about SB9 and ADU strategies. How are those planned increases contributing to the RHNA numbers?

Mr. Barral said we can count ADU and SB 9 units in meeting the town's share of the RHNA. The state does not have any guidance on SB that we can count on reliably.

Vice Chair Washcura we defined an option to create some higher density housing at Foothill College. Can we use the Foothill College numbers in our numbers?

Mr. Barral confirmed that we can potentially use Foothill College as one of the sites for housing that the town has been assigned. We need to evaluate the constraints. There is not a single number, but yes, we would expect to use that site to potentially meet that housing need.

Vice Chair Washcura was concerned when he heard about the potential for multi-family housing, 20 units per acre, for the town. He said that "rezoning" is a new concept for us. What would happen to the residents currently owning single-family homes in those areas?

Mr. Barral explained that rezoning would not displace residents. It would allow them to build a property of that density on their land. It wouldn't force any resident to do anything with their land.

Councilmember Tankha said that we allow ADUs. We have no commercial business, no disposable land. How do we generate more affordable housing?

Mr. Barral responded that it is challenging. HCD has been very strict with the number of ADUs they will allow a town to use to meet the RHNA. We haven't seen a situation where the entire RHNA was met by ADUs. HCD will not approve. There may be some strategies that could be used. Some could be funding incentives, fee waivers, slightly relaxed development standards. There is no one strategy. The town will need to rezone for some level of multi-unit housing. It will very likely be required.

Mayor Tyson asked if there is a way to be sure that the regional goals are met although a town or city may not?

Mr. Barral responded that there is not for Los Altos Hills. This is a very limited and discreet situation that would not apply to Los Altos Hills.

Mayor Tyson noted that the town is bordered by several unincorporated neighborhoods, and he knows of no plan to annex them. Would there be any incentive to do so?

Mr. Barral replied that there would not.

Mayor Tyson said we've heard about the large number of units we are required to see built and the punishments the town will receive if we don't meet those requirements. The only solution he can see is to provide incentives such as fee waivers, expedited approvals, etc., but that still does not mean the requirements will be met. Are the penalties mitigated by any of the good faith efforts that are made?

Mr. Barral explained that the town is not required to build those units. The town needs to provide adequate zoning and capacity so that the units could be built. Currently in state law, there are no penalties. There have been proposals and bills that would introduce penalties.

Commissioner Indaco asked about expanding our definition of the dwelling units so that it includes room rentals? Can individual rooms be counted as a unit? Can we expand by perhaps adding kitchen efficiency units? What kind of creative ways can we use for the RHNA numbers?

Mr. Barral said that counting room rentals would probably not be allowed under state law. They need to be census-defined units. Many student housing units would not be counted. There might be some leeway to explore strategies with faith-based organizations.

Councilmember Mok asked about infrastructure. In the last five cycles, there have been lots that have been redeveloped and we are running out of lots. If we are adding 500 or 600 units in the next years, who pays for the infrastructure - PG&E, sewer extensions, roads, etc.?

Mr. Barral said that often the development impact fees fund the infrastructure over time. Generally, the improvements are paid for by the developers. The town needs to do its part to make sure the infrastructure is available for the new units.

Vice Mayor Swan asked about ADUs and septic. If a house is on septic and you put in an ADU, does it count?

Mr. Barral said it counts as long as it meets the requirement of ADU. It applies to multi-family sites. Rezoning a parcel far away from amenities would not count.

Commissioner Patel asked what towns or cities in California would be similarly challenged as ours in creating more RHNA units, especially in affordable housing units.

Mr. Barral said that LAH is unique as it doesn't have commercial land use. He cited Rolling Hills and Bradbury - both in Los Angeles County. Everyone has been challenged in meeting the requirements.

Public Comment

Sasha Zbrozek, Los Altos Hills, said we could switch lot unit factor for gross area and meet our requirements. We could mildly reduce the minimum lot size.

Mr. Barral said there is not a single zoning change that will help the town meet its RHNA.

John O'Connell, Los Altos Hills, said he feels like we are acting, but not acting with direction on what we are trying to achieve. Our problem is we don't have a commercial center. All of SB9 needs to look at the bigger picture. Can we continue with these kinds of challenges?

Commissioner Couperus said with our experience in ADUs we've run into a problem - we have to approve administratively. The fire department has regulations that come in to play and there is no way to make the road wider, because of physical constraints or due to easements. Administratively it has been approved, but the fire department says no. The insurance company may not insure due to not meeting the fire department standard.

Principal Planner Steve Padovan said staff has submitted ADU plans, and the fire department has not seen any requirement to widen the roads.

Commissioner Waschura said the fire department recently said the ADU requirements have been changed. We may face this problem in the future.

City Manager Peter Pirnejad thanked the Council and Commission for meeting tonight. This will be a challenging time for all of us. There is a lot of momentum building and the challenges – the state is not very forgiving. Consultants are required. We are starting late. Most cities have been well underway. We had to accelerate this meeting as we have a series of community engagements coming up in order to get an administrative draft. We need to have the draft done by late April or early May.

Commissioner Patel had questions on the timelines and what activities are being planned. How does the Commission and Council become engaged?

Director Mangalam said that at every Planning Commission meeting she will share information. Staff is looking for virtual pop-up events where residents can share ideas with staff directly. Please look at the webpage for the housing element. We will be adding content and information on a regular basis. We have two community workshops in a webinar format. Staff is looking at additional popup events depending on the type of responses we get. There will be two events in February.

A community survey on the housing element will be going out on January 31. It is required by HCD for community feedback. Fair Housing, SB 9 units, ADUs so we

can get a sense on how the community would react on certain programs. It will be initially on our website but will also be sent via mail.

Sasha Zbrozek, Los Altos Hills, said he sent a letter with recommendations with policy changes that could help. He would love to see some analysis on the potential impact and how they would be banked on.

9. ADJOURN

The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Deborah L. Padovan

Deborah Padovan
City Clerk

The minutes of the January 19, 2022 City Council/Planning Commission Joint Special Meeting, meeting were approved as presented at the February 17, 2022, regular City Council meeting.