



**TUESDAY, JULY 24, 2012**

**7:00 P.M. – REGULAR CITY COUNCIL MEETING**  
City Council Chamber, Los Altos City Hall  
One North San Antonio Road, Los Altos, California

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATION**

1. [El Camino Hospital District](#)
2. [Raania Mohsen, Executive Director of Cities Association of Santa Clara County](#)  
[Cities Association of Santa Clara County Presentation](#)

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

**CONSENT CALENDAR**

1. [Council Minutes](#)  
Recommendation to approve the minutes of the June 26, 2012 study session and regular meeting  
[Council Minutes](#)
2. [Final placement of The Thinker](#)  
Recommendation to approve the final placement of The Thinker at Woodland Library  
[Final Placement of The Thinker](#)
3. [Brown Act affirmation](#)  
Recommendation to affirm the City of Los Altos' continued compliance with all aspects of the Ralph M. Brown Act  
[7.24.12 Brown Act](#)
4. [Payday lending prohibition](#)  
Recommendation to adopt Ordinance No. 2012-384 amending the Los Altos Municipal Code, Title 14, Zoning, Article 2, entitled "Definitions" by expressly excluding payday lending or check cashing businesses from the definition of "Banks" and "Office" to prohibit the establishment, expansion, or

relocation of payday lending and check cashing businesses

[Payday lending prohibition](#)

5. [Eligibility of past Council members to run for future Council seats](#)

Recommendation to direct the City Attorney to issue a formal opinion on the eligibility of Council members who have previously served two consecutive terms on the Council to return to the Council after an absence

[Eligibility of past Council members to run for future Council seats](#)

6. [Bus Barn Stage Company Temporary Storage of Trailer Agreement termination](#)

Recommendation to terminate the temporary trailer storage agreement with Bus Barn Stage Company

[Bus Barn Stage Company Temporary Storage of Trailer Agreement termination](#)

7. [Downtown Parking Management Plan service agreement award](#)

Recommendation to:

A. Approve a professional services agreement with CDM Smith in an amount not to exceed \$157,284 to complete the Parking Management Plan

B. Authorize the City Manager to execute the agreement on behalf of the City and to make any administrative amendments, as needed

[Downtown Parking Management Plan service agreement award](#)

8. [Wayfinding Sign Program update](#)

Recommendation to accept informational report on the City-wide Wayfinding Sign Task Force program status

[Wayfinding Sign Program update](#)

9. [First Street Streetscape, Phase 1A, Project 10-27](#)

Recommendation to:

A. Adopt Resolution No. 2012-23 accepting First Street Streetscape, Phase 1A, Project 10-27 as complete, and direct the Engineering Services Manager to record a notice of completion as required by law

B. Approve budget re-allocations and administrative adjustments for work completed to date:

1. Re-allocate \$118,000 from Rule 20A Utilities Undergrounding, Project 09-22 to Project 10-27

2. Re-allocate \$200,000 from Annual Street Resurfacing, Project 12-01 to Project 10-27

3. Re-allocate \$250,000 from Annual Special Projects and Studies, Project 12-09 to Project 10-27

[First Street Streetscape, Phase 1A, Project 10-27](#)

10. [Bicycle Transportation Plan, Project 10-11](#)

Recommendation to appropriate \$2,080 to Project 10-11 from the Capital Improvement Projects Fund

[Bicycle Transportation Plan, Project 10-11](#)

11. [Annual Sewer Root Foaming, Project 12-06](#)

Recommendation to:

A. Adopt Resolution No. 2012-20 accepting the completion of the Annual Sewer Root Foaming, Project 12-06

B. Authorize the Engineering Services Manager to record a Notice of Completion as required by law

[Annual Sewer Root Foaming, Project 12-06](#)

12. [Annual Sewer Video, Project 12-05](#)

Recommendation to:

- A. Adopt Resolution No. 2012-21 accepting the completion of the Annual Sewer Video, Project 12-05
  - B. Authorize the Engineering Services Manager to record a Notice of Completion as required by law
- [Annual Sewer Video, Project 12-05](#)

## **PUBLIC HEARING**

13. [Sanitary Sewer Rate Report](#)

Recommendation to:

- A. Approve the Annual Report for the FY 2012-2013 Sewer Service Charge
  - B. Adopt Resolution No. 2012-22 approving the rate report and authorizing submittal of assessments to the County Tax Collector's Office
- [Sanitary Sewer Rate Report](#)

## **DISCUSSION**

14. [San Antonio Road Streetscape, Project 10-08](#)

Recommendation to:

- A. Award the Base Bid for the San Antonio Road Streetscape, Capital Improvement Program (CIP) Project 10-08 to Granite Rock Company dba Pavex Construction Division in the amount of \$1,098,000
- B. Authorize the City Manager to execute a contract on behalf of the City
- C. Direct staff to negotiate a cost to build one bus shelter and to remove the left turn pocket on San Antonio Road

[San Antonio Road Streetscape, Project 10-08](#)

15. [Senior Scholarship Program update](#)

Recommendation to approve modifications to the Senior Scholarship Program to facilitate Senior Center membership and participation in City-sponsored recreation activities

[Senior Scholarship Program update](#)

16. [Summary of key conclusions from 2012 Downtown survey](#)

Recommendation to accept the summary of key conclusions from the 2012 survey of City of Los Altos residents regarding Downtown Los Altos

[Summary of key conclusions from 2012 Downtown survey](#)

17. [Ad-Hoc Contiguous Retail Committee final report](#)

Recommendation to receive the report and direct staff accordingly

[Ad-Hoc Contiguous Retail Committee final report](#)

18. [Downtown ordinance amendments](#)

Recommendation to receive the report and direct staff accordingly

[Downtown ordinance amendments](#)

19. Downtown Zoning Committee Phase IV

Recommendation to approve the reconstitution of the Downtown Zoning Committee for a fourth phase to focus on more clearly defining how building heights are measured in the CRS and CRS/OAD zoning districts as well as allowable development incentives in all Downtown zoning districts

[Downtown Zoning Committee Phase IV](#)

20. Project photosimulations

Recommendation to accept the agenda report and direct staff accordingly

[Project photosimulations](#)

## ADJOURNMENT

SPECIAL NOTICES TO 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) 947-2720. 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>. Council Meetings are televised live and rebroadcast on Cable Channel 26. On occasion the City Council may consider agenda items out of order. 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. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the City Clerk at (650) 947-2720 for the final document. 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. If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure. For other questions regarding the City Council meeting proceedings, please contact the City Clerk at (650) 947-2720.

# Cities Association of Santa Clara County

## Presentation to Los Altos City Council

Tuesday, July 24, 2012



# Cities Association of Santa Clara County



- ❑ Founded in 1990 as a collaboration of the 15 cities in Santa Clara County.
- ❑ Each city has an equal voice on the Board of Directors through one elected representative from each city.
- ❑ Board of Directors meet monthly to address issues and policy items of regional concern and value.
- ❑ The Board is a forum for presentations from regional stakeholders, non-profit organizations, and other government entities.

# Mission & Guiding Principle

- **Mission:** To represent the mutual interests of cities and to present a unified voice in dealing with other agencies, organizations, and levels of government.
- **Guiding Principle:** To promote cooperation among the cities and advocate for positive action to enhance the quality of life for the people of our county.

# Cities Association Boards, Committees & Community Partners

## **Cities Association Boards & Committees**

- Board of Directors
- Executive Board of Directors
- Legislative Action Committee
- City Selection Committee

## **Advisory Committee & Community Partners**

- Santa Clara County Cities/Managers Association
- SVLG
- JVSV
- LCC Peninsula Division
- The Markkula Center for Applied Ethics of Santa Clara University



# Some Actions Taken & Issues Addressed by the Cities Association Board of Directors

- Single-Use Bags & Expanded Polystyrene
- Medicinal Marijuana Dispensaries
- Regional Housing Needs Allocation (RHNA)
- AB 57 (Beall) MTC Representation
- AB 2382 (Gordon) iDistrict
- Safe Routes to School
- Let's Move! Cities & Towns
- Pension & Compensation Reform
- Annual Cities' Dues Schedule

## Cities Association 2012 Priorities

- Transportation & Sustainable Communities Strategy
- Regional Economic Development
- Supporting Innovative Schools





Raania Mohsen  
[executive\\_director@  
citiesassociation.org](mailto:executive_director@citiesassociation.org)  
(408) 730-7770

Save the Date:  
December 6, 2012  
Annual Holiday Party



[www.CitiesAssociation.org](http://www.CitiesAssociation.org)

**MINUTES OF A STUDY SESSION AND REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF LOS ALTOS, HELD ON TUESDAY, JUNE 26, 2012,  
BEGINNING AT 5:30 P.M. AT LOS ALTOS CITY HALL, ONE NORTH SAN  
ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

**ROLL CALL**

PRESENT: Mayor Carpenter, Councilmembers Casas, Fishpaw, Packard and Satterlee

ABSENT: None

**STUDY SESSION**

1. Regional Water Quality Control Plant Long Range Facilities Plan – Final Draft Report

Associate Civil Engineer Fairman introduced the item. Jamie Allen, Plant Manager of the Regional Water Quality Control Plant, presented the report.

Action: No action was taken. Councilmembers provided feedback on the Final Draft Report.

2. Downtown public spaces

Assistant City Manager Walgren presented the report.

Public Comment: Los Altos resident Joe Eyre supported the concept of public spaces in Downtown.

Action: No action was taken. Councilmembers generally favored delaying further action until after the development of the Downtown Parking Management Plan.

3. Public/Private development proposal

Councilmember Packard recused himself due to a financial conflict of interest with the proposal for a Parking Plaza Number 9 mixed-use project (owns property within 500 feet of the Plan area), stepped down from the dais and left the Chamber.

Amanda Tevis, Co-Founder of Passerelle Investment Company LLC (Passerelle), introduced the proposal and Tim Kelly of Keyser Marston presented the proposal.

Mayor Carpenter disclosed ex parte communication with Passerelle. Councilmember Satterlee disclosed ex parte communication with Amanda Tevis.

Action: Councilmembers directed staff to work with Passerelle on proposals for the plan area.

Councilmember Packard returned to his seat on the dais.

Andrea Cochran and Elaine Shaw presented the proposal for Parking Plaza Number 4 on behalf of Passerelle.

Public Comment: Los Altos resident Michael McTighe, representing GreenTown Los Altos, supported the proposal.

Action: Councilmembers directed staff to work with Passerelle on proposals for the plan area.

## **REGULAR MEETING**

### **PLEDGE OF ALLEGIANCE**

Mayor Carpenter led the Pledge of Allegiance to the flag.

### **SPECIAL PRESENTATION**

Ruth Patrick, Director of Women of Means Escape Network, Silicon Valley (WOMEN-SV), presented an introduction to WOMEN-SV.

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

Los Altos resident Roger Eng invited the community to a concert of the Bendigo Youth Choir and Main Street Singers on July 1, 2012 sponsored by the Los Altos Sister Cities Board.

Arlene Goetze encouraged the Council to oppose fluoridation of City water.

### **CONSENT CALENDAR**

Councilmember Satterlee pulled item numbers 8 and 11 and members of the public pulled item numbers 7 and 10. Councilmember Satterlee requested that the final placement of item number 4 return to Council for approval.

Action: Upon a motion by Mayor Pro Tem Fishpaw, seconded by Councilmember Satterlee, the Council unanimously approved the Consent Calendar, with the exception of item numbers 7, 8, 10 and 11, and directed staff to return the final placement of item number 4 to Council for approval.

1. Council Minutes

Approved the minutes of the June 12, 2012 study session and regular meeting.

2. Joint City Council-Los Altos School District Meeting Minutes

Approved the amended minutes of the May 29, 2012 joint meeting with the Los Altos School District Board of Trustees.

3. Installation of sculpture at Heritage Oaks Park

Approved installation of *CT-27* at Heritage Oaks Park.

4. Donation and placement of *The Thinker* sculpture

Accepted the donation of *The Thinker* sculpture from the Watters family for placement at Woodland Library.

5. Financial and Investment Policy Adoption Fiscal Year 2012-2013

Adopted updated Financial and Investment Policies for FY 2012-2013.

6. Capital Improvement Program Quarterly Report

Accepted an informational report on the status of active capital projects.

7. Application of Sewer Rate Inflation Adjustment

Pulled for discussion (see page 4).

8. Almond Avenue and Gordon Way Crosswalk Improvements, Project 12-16

Pulled for discussion (see page 4).

9. Annual Street Striping, Project 12-02

Awarded the Base Bid for the Annual Street Striping, CIP Project 12-02 to Chrisp Company in the amount of \$67,907 and authorized the City Manager to execute a contract on behalf of the City.

10. National Pollutant Discharge Elimination System (NPDES) Compliance

Pulled for discussion (see page 4).

11. Draft Regional Housing Need Allocation

Pulled for discussion (see page 5).

### **PUBLIC HEARING**

12. Public Hearing for solid waste/recycling rates

Engineering Services Manager Gustafson presented the report. Mayor Carpenter opened the public hearing. There was no one wishing to speak. Mayor Carpenter closed the public hearing. City Attorney Houston reported that the City had received 17 protest letters.

Action: Upon a motion by Councilmember Packard, seconded by Mayor Pro Tem Fishpaw, the Council unanimously adopted Resolution No. 2012-19 establishing the City's 2012-2013 Solid Waste/Recycling Rate Schedule and overruling the protests received thereon.

13. Payday lending prohibition

City Attorney Houston presented the report. Mayor Carpenter opened the public hearing. There was no one wishing to speak. Mayor Carpenter closed the public hearing.

Councilmember Satterlee requested the removal of “and savings and loan institutions” from Section 14.34.040.

Action: Upon a motion by Councilmember Casas, seconded by Councilmember Packard, the Council unanimously introduced and waived further reading of Ordinance No. 2012-384 amending the Los Altos Municipal Code, Title 14, Zoning, Article 2 entitled "Definitions" by expressly excluding payday lending or check cashing businesses from the definition of "Banks" and "Office" to prohibit the establishment, expansion, or relocation of payday lending and check cashing businesses, with a revision to remove the phrase “and savings and loan institutions” from Section 14.34.040.

#### **ITEMS PULLED FROM CONSENT CALENDAR**

7. Application of Sewer Rate Inflation Adjustment

Engineering Services Manager Gustafson presented the report.

Public Comment: Los Altos resident Gerry Madea stated his opinion that the City should be following Proposition 218 procedures for the sewer rate inflation adjustment.

Action: Upon a motion by Councilmember Packard, seconded by Councilmember Casas, the Council adopted Ordinance No. 2012-386 adjusting the Sewer Service Charge.

8. Almond Avenue and Gordon Way Crosswalk Improvements, Project 12-16

Councilmember Satterlee asked a question regarding the timing of the flashing lights.

Action: Upon a motion by Councilmember Casas, seconded by Mayor Pro Tem Fishpaw, the Council unanimously awarded the Base Bid and Add Alternate Bid Item No. 1 for the Almond Avenue and Gordon Way Crosswalk Improvements, Capital Improvement Program (CIP) Project 12-16 to Weber Tractor Service in the amount of \$115,455 and authorized the City Manager to execute the contract on behalf of the City.

10. National Pollutant Discharge Elimination System (NPDES) Compliance

Councilmember Packard disclosed a financial conflict of interest (owns property within 500 feet of the project area), stepped down from the dais and left the Chamber.

Engineering Services Manager Gustafson presented the report.

Public Comment: Kim Cranston stated his opinions that resulted in opposition to the proposed location.

Action: Upon a motion by Councilmember Casas, seconded by Mayor Carpenter, the Council appropriated an additional \$70,390 from the Capital Improvement Fund for Project 11-16, NPDES Compliance; awarded Project 11-16, NPDES Compliance, Trash Capture Device Installation on View Street, to Casey Construction, Inc. for \$218,890; and authorized the City Manager to execute a contract on behalf of the City.

Councilmember Packard returned to his seat on the dais.

11. Draft Regional Housing Need Allocation

Councilmember Satterlee expressed concerns that the proposed language in the letter did not highlight the lack of public transportation in the City.

Action: Upon a motion by Councilmember Casas, seconded by Councilmember Satterlee, the Council unanimously authorized the Mayor to sign a letter in response to the Association of Bay Area Governments' recently released draft Regional Housing Need Allocation, as modified to include language highlighting the current lack of public transportation and unlikelihood of future development of public transportation in the City.

## DISCUSSION

17. FY 2012-2013 Operating Budget and FY 2012-2016 Capital Improvement Program (CIP) Adoption

This item was taken out of order.

City Manager Somers, Finance Director Morreale and Assistant City Manager Walgren presented the report.

Public Comment: Los Altos resident Michael McTighe, representing GreenTown Los Altos, thanked the Council for the inclusion of money for bicycle education programs.

Councilmember Casas submitted a request from Los Altos Sister Cities Inc. (LASCI) for \$2,000 and Councilmember Packard submitted a request for \$500 for the Los Altos-Los Altos Hills Joint Community Volunteer Service Awards Committee (JVAC) luncheon.

Action: Upon a motion by Councilmember Packard, seconded by Councilmember Casas, the Council unanimously adopted the following: A) Resolution No. 2012-14 FY 2012-2013 Operating Budget, with the addition of \$2,000 for LASCI and \$500 for the JVAC luncheon; B) Resolution No. 2012-15 FY 2012-2013 Transient Occupancy Tax Rate; C) Resolution No. 2012-16 FY 2012-2013



Utility Users Tax Rate; D) Resolution No. 2012-17 FY 2012-2013 Appropriations Limit; and E) Resolution No. 2012-18 FY 2012-2016 Five-Year Capital Improvement Program Adoption.

14. 4750 El Camino Real

Planning Services Manager Kornfield presented the report. Jeff Warmoth and the design team presented the development application.

Public Comment: The following Los Altos residents expressed support for the application: Robert Hammer, representing Los Altos Towne House Association; Sue Russell, representing League of Women Voters; and Gary Hedden.

Councilmembers Packard, Casas and Satterlee and Mayor Carpenter disclosed ex parte communications with the applicant.

Action: Upon a motion by Councilmember Satterlee, seconded by Councilmember Casas, the Council unanimously adopted the Mitigated Negative Declaration for 4750 El Camino Real.

Action: Upon a motion by Councilmember Satterlee, seconded by Councilmember Casas, the Council unanimously approved Design Review, Use permit and Subdivision applications 10-D-06, 10-UP-05 and 10-SD-01 subject to findings and conditions of approval.

*Mayor Carpenter called for a recess at 9:25 p.m. The meeting resumed at 9:32 p.m.*

15. Community survey regarding Downtown Los Altos

Bryan Godbe of Godbe Research presented the results of the survey.

Councilmember Casas left the meeting at approximately 9:50 p.m. due to a family emergency.

Action: Councilmembers directed the Council subcommittee to work with staff to develop a final report from the survey.

16. Bus Barn Stage Company Agreement

Recreation Director Tucker presented the report.

Councilmember Satterlee requested the removal of the phrase “upon request by City” from paragraph 13 of the agreement.

Action: Upon a motion by Councilmember Packard, seconded by Councilmember Satterlee, the Council approved a shared facility use and cost agreement with the Bus Barn Stage Company, with a revision to modify the phrase “upon request by City” in paragraph 13 of the agreement to read “upon request by City and/or lender,” and authorized the City Manager to execute the agreement on behalf of the City by a 4-0 vote, with Councilmember Casas absent.

18. Potential agenda items for future joint meetings

Councilmembers discussed potential joint meetings with the Bullis Charter School Board of Directors (BCS) and the Mountain View Los Altos High School District Board of Trustees (MVLA).

Action: Councilmembers provided the following potential agenda items for a meeting with BCS: A) Charter and Mission of BCS; B) Need for a preference area; C) Distribution of students; D) How the lottery works; E) Governance structure; F) Need for a tenth Los Altos School District site as a whole; and G) Growth plans.

Action: Councilmembers provided the following potential agenda items for a meeting with MVLA: A) Update on capital projects; B) Demographic attendance projections; C) Televising of Board Meetings; and D) Update on carpooling pilot program.

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

### Staff reports

Deputy City Clerk Maginot reported that the nomination period for candidates for the November City Council Election will open on July 16, 2012 and close on August 10, 2012.

### Council Reports

Mayor Pro Tem Fishpaw reported that the 60<sup>th</sup> Anniversary of Incorporation Planning Committee will meet on July 5, 2012 and the Ad Hoc Contiguous Retail Committee will meet on July 2, 2012. He further reported that he welcomed the audience for the Peninsula Symphony on June 23, 2012 as part of the Recreation Department's Summer Concert Series.

Councilmember Satterlee reported that the Valley Transportation Authority El Camino Real Bus Rapid Transit Policy Advisory Committee meeting for June was cancelled due to staff reconsidering the project. She reported that she attended the League of California Cities Policy Committee meeting on June 15, 2012. She further reported that she will attend the League of California Cities Peninsula Division dinner on June 28, 2012.

Mayor Carpenter reported that Los Altos Community Librarian Jane Cronkhite is serving as Acting Library Services Manager for the County and Cynthia Wilson is serving as Acting Community Librarian for Los Altos. She further reported that she attended the Los Altos School District Board of Trustees meeting on June 18, 2012 and that the Egan Parent Survey has been completed. She also announced the Wayfinding Sign Task Force will meet on July 5, 2012 and that the next City Council regular meeting will be on July 24, 2012. She also wished everyone a Happy Independence Day.

### Directions on future agenda items

At the request of Councilmember Packard, the Council requested a discussion of requiring multiple photosimulations for development applications.

**ADJOURNMENT**

Mayor Carpenter adjourned the meeting at 10:55 p.m. in celebration of the City's 60<sup>th</sup> year of Incorporation.

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Valorie Cook Carpenter, MAYOR

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Jon Maginot, DEPUTY CITY CLERK



DATE: July 24, 2012

AGENDA ITEM # 2

## AGENDA REPORT

**TO:** City Council  
**FROM:** Jon Maginot, Deputy City Clerk  
**SUBJECT:** Final placement of *The Thinker*

### RECOMMENDATION:

Approve the final placement of *The Thinker* at Woodland Library

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### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** Cost for installation of the base

**Budgeted:** Yes; Available General Fund appropriations

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** April 10, 2012 and June 26, 2012

**CEQA Status:** Not applicable

#### Attachment:

1. Woodland Library map and photo with proposed location

## **BACKGROUND**

At its June 26, 2012 meeting, Council accepted the donation of a replica of Rodin's *The Thinker* to be placed at Woodland Library. At that time, Council directed that the final placement of the piece come back to Council for approval.

## **DISCUSSION**

Members of the City's Administration, Engineering, Maintenance and Recreation Departments visited Woodland Library to evaluate potential locations. Factors which were taken into consideration included connectivity to the Library, ability to utilize open space in the future, visibility, ease of installation and maintenance, and opportunity to create a desirable space to view the piece. The attached map shows the preferred location of the piece as well as other locations considered. The preferred location allows the City flexibility to further develop the open space around the Library. It also allows the piece to connect with the Library while being able to stand independently. It is also placed far enough from the vegetation so as to minimize any necessary trimming of trees.

## **FISCAL IMPACT**

The City will install a concrete base in the location to mount the piece. This cost will be covered by the General Fund.

## **PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

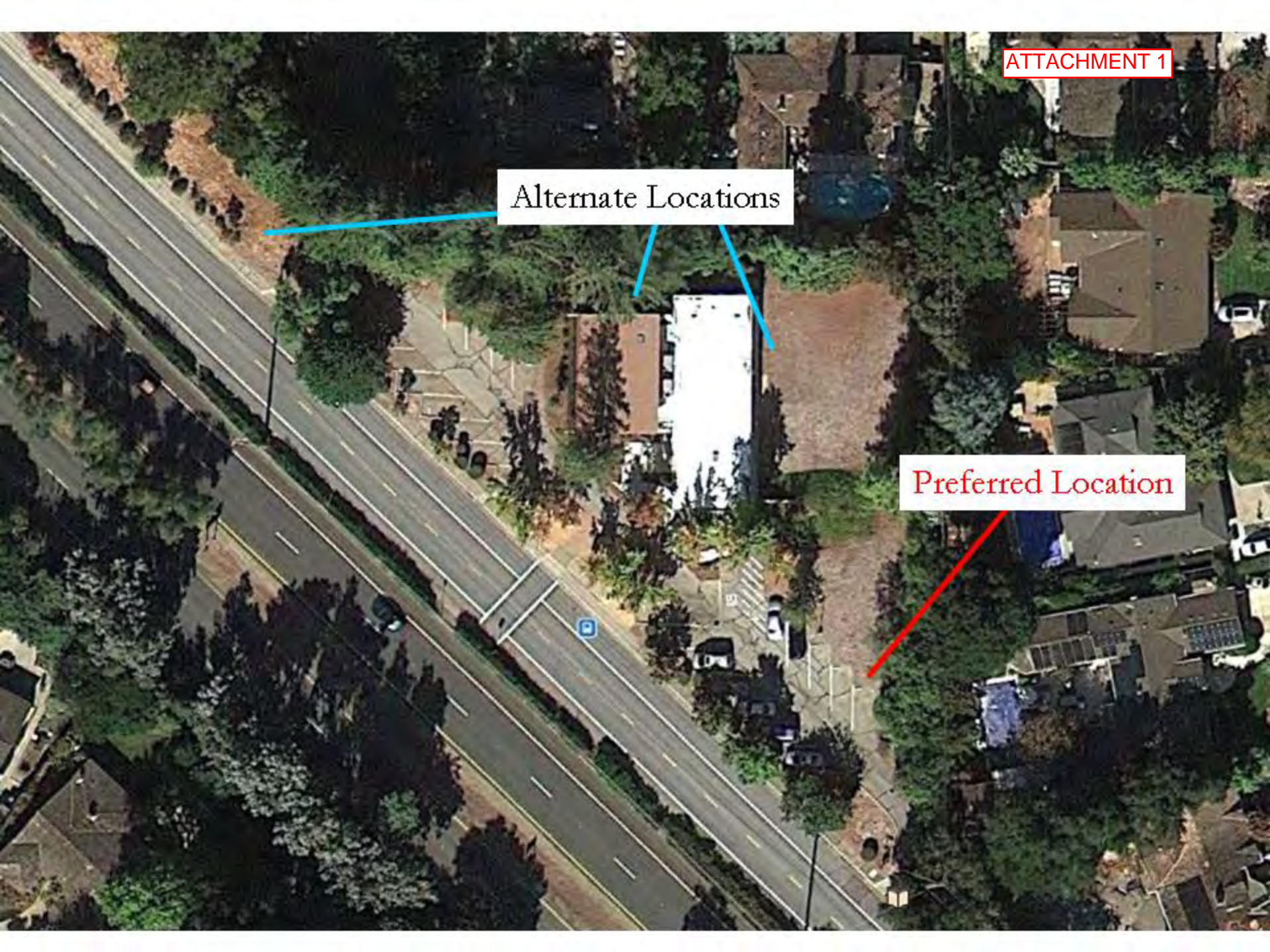
## **ALTERNATIVE**

Select an alternate location for installation of the piece



Alternate Locations

Preferred Location





Preferred Location





DATE: July 24, 2012

AGENDA ITEM # 3

## AGENDA REPORT

**TO:** City Council  
**FROM:** Jon Maginot, Deputy City Clerk  
**SUBJECT:** Brown Act affirmation

### RECOMMENDATION:

Affirm the City of Los Altos' continued compliance with all aspects of the Ralph M. Brown Act

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### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** No changes in costs are anticipated, however, some loss in revenue is to be expected due to State action

**Budgeted:** No

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** Not applicable

**CEQA Status:** Not applicable

**Attachments:** None



## **BACKGROUND**

The Ralph M. Brown Act (Brown Act) is the State of California's open meeting law and applies to all local agencies in California, including the City of Los Altos.

## **DISCUSSION**

As part of the 2012-2013 State Budget approved by Governor Brown on June 27, 2012, the State Legislature has suspended certain portions of the Brown Act for a three-year period through FY 2014-2015 in order to avoid having to reimburse local agencies for complying with this State mandate. In response, the League of California Cities Brown Act Committee met and recommended that cities continue to comply with the Brown Act.

In order to ensure public confidence in the openness of all City Council, Commission and Committee meetings and deliberations, it is recommended that Council affirm the City's commitment to follow all aspects of the Brown Act despite the State's suspension of some Brown Act requirements. There will be no change in the manner of conducting business within the City as the City will continue to comply with the Brown Act despite the State Legislature's action. It is understood, however, that the City will not be liable for attorney fees, legal proceedings, or other remedial steps in the event there is any non-compliance with any suspended provision of the Brown Act. This provision will supersede any other provision of the Council Norms to the contrary.

## **FISCAL IMPACT**

A potential revenue loss of approximately \$30,000 per year.

## **PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

## **ALTERNATIVE**

None



DATE: July 24, 2012

AGENDA ITEM # 4

## AGENDA REPORT

**TO:** City Council  
**FROM:** Jolie Houston, City Attorney  
**SUBJECT:** Payday lending prohibition

### RECOMMENDATION:

Adopt Ordinance No. 2012-384 amending the Los Altos Municipal Code, Title 14, Zoning, Article 2, entitled "Definitions" by expressly excluding payday lending or check cashing businesses from the definition of "Banks" and "Office" to prohibit the establishment, expansion, or relocation of payday lending and check cashing businesses

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### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** None

**Budgeted:** No

**Public Hearing Notice:** June 6, 2012

**Previous Council Consideration:** March 13, 2012; April 10, 2012; May 8, 2012 and Introduced on June 26, 2012

**CEQA Status:** Not applicable

#### Attachment:

1. Ordinance No. 2012-384

**ORDINANCE NO. 2012-384**

**AN ORDINANCE OF THE LOS ALTOS CITY COUNCIL AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 14, ZONING, ARTICLE 2, ENTITLED “DEFINITIONS” TO ADD A DEFINITION OF “BANKS” AND AMENDING THE DEFINITION OF “OFFICE” TO PROHIBIT THE ESTABLISHMENT, EXPANSION, OR RELOCATION OF PAYDAY LENDING AND CHECK CASHING BUSINESSES WITHIN THE CITY OF LOS ALTOS**

**WHEREAS**, the Ordinance amendments set forth below further the goals and policies of the City’s General Plan and are necessary to promote the health, safety and welfare of the City; and

**WHEREAS**, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”), and the guidelines promulgated thereunder and, further, the Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant adverse effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

**THE CITY COUNCIL OF THE CITY OF LOS ALTOS ORDAINS AS FOLLOWS:**

**SECTION 1. AMENDMENT OF CODE:** Los Altos Municipal Code, Title 14, Zoning, Article 2, entitled “Definitions” is hereby amended to add the definition of “Banks” and to amend the definition of “Office” to read as follows:

“Banks. (Commercial) Financial institutions including federally-chartered banks, savings and loan associations, industrial loan companies, and credit unions providing retail banking services to individuals and businesses. This classification does not include payday lending businesses or check cashing businesses, and as a result, the establishment, expansion, or relocation of such businesses is prohibited. The term ‘payday lending business’ as used herein means retail businesses owned or operated by a ‘licensee’ as that term is defined in California Financial Code section 23001(d), as amended from time to time. The term ‘check cashing business’ as used herein means a retail business owned or operated by a ‘check casher’ as that term is defined in California Civil Code section 1789.31 as amended from time to time.”

“Office uses’ means uses that predominantly sell professional and/or business services. The contact with the general public is not as frequent as with retail businesses or personal services, and a significant portion of the business may take place at other locations. Examples include banks, law offices, accountants, medical, advertising, and computer support.”

**SECTION 2. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**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 regularly introduced at a meeting of the City Council of the City of Los Altos on June 26, 2012 and was thereafter, at a regular meeting held on July 24, 2012 passed and adopted by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

---

Valorie Cook Carpenter, MAYOR

Attest:

---

Jon Maginot, DEPUTY CITY CLERK



DATE: July 24, 2012

AGENDA ITEM # 5

## AGENDA REPORT

**TO:** City Council

**FROM:** Jon Maginot, Deputy City Clerk

**SUBJECT:** Eligibility of past Council members to run for future Council seats

### RECOMMENDATION:

Direct the City Attorney to issue a formal opinion on the eligibility of Council members who have previously served two consecutive terms on the Council to return to the Council after an absence

---

### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** None

**Budgeted:** No

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** Not applicable

**CEQA Status:** Not applicable

**Attachment:** None

## **BACKGROUND**

In 1999, the Los Altos Municipal Code was amended to add Section 2.04.020 establishing term limits for Council members. The question has arisen as to whether or not a Council member, after serving two consecutive terms, is eligible to run for election to the City Council after an absence from the Council.

## **DISCUSSION**

The Municipal Code states that “no person shall serve more than two consecutive terms on the Los Altos City Council, plus the completion of any unexpired term to which such person was elected or appointed.” It is unclear whether or not an individual is eligible to run for election to the City Council after serving for two consecutive terms and after an absence from the Council. It is therefore recommended that the City Attorney issue a formal opinion to avoid any confusion on the matter.

## **FISCAL IMPACT**

None

## **PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

## **ALTERNATIVE**

Do not direct the City Attorney to issue a formal opinion



DATE: July 24, 2012

AGENDA ITEM # 6

## AGENDA REPORT

**TO:** City Council

**FROM:** Beverly Tucker, Recreation Director

**SUBJECT:** Bus Barn Stage Company Temporary Storage of Trailer Agreement termination

**RECOMMENDATION:**

Terminate the temporary trailer storage agreement with Bus Barn Stage Company

---

**SUMMARY:**

**Estimated Fiscal Impact:**

**Amount:** None

**Budgeted:** No

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** July 13, 1999

**CEQA Status:** Not applicable

**Attachments:**

1. Minutes of July 13, 1999 City Council Meeting
2. Agreement for Temporary Storage of Bus Barn Company Trailer at Municipal Service Center

## **BACKGROUND**

Prior to construction of the History Museum, the Bus Barn Stage Company (BBSC) trailer was housed on the site and required relocation. On July 7, 1999, the City Council approved relocating the trailer temporarily to the Municipal Service Center (MSC). The agreement term stated it would remain in effect until terminated by the Los Altos City Council.

## **DISCUSSION**

In April 2012, the BBSC removed the trailer from the MSC. Termination of the agreement is recommended at this time.

## **FISCAL IMPACT**

None

## **PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

The BBSC Board was notified of the agenda item and termination recommendation.

## **ALTERNATIVE**

None



8. Relocation of Bus Barn Stage Company Trailer

Jim Porter, Assistant Public Works Director, presented the staff report from the Public Works Director dated July 8, 1999, recommending that the Council authorize the relocation of the existing Bus Barn trailer from the Civic Center site to the former Cardboard Recycling site near the composting area southwest of the Municipal Service Center (MSC) for a period of approximately two years. He recommended this area over an area inside the MSC to avoid conflicting uses.

Phil Rose, City Manager, suggested that, while storage of the trailer inside the fenced MSC area may conflict with MSC operations during certain times of the year, this site appeared to be preferable to the former Cardboard Recycling site outside the MSC grounds. Storing the trailer inside MSC would hide it from public view, while placement outside would have a visual impact on the neighborhood and would likely draw public comment for that period of time.

Jim Thurber, 694 Benvenue Avenue, thanked the Council for considering this temporary use. He favored placement of the trailer outside the MSC as proposed in the staff report, noting that it would be more accessible to Bus Barn staff and not be dependent upon MSC business hours. He noted that, to obscure the trailer from view of Fremont Avenue, shrubs could be planted to fill an existing gap in the hedge.

Council discussion followed regarding the impact of storing the trailer at MSC on any plans for development of McKenzie Park. Staff responded that approval of the temporary site could be conditioned upon not interfering with development of any permanent uses at this location. The Council asked Mr. Thurber what was planned after two years; he responded that the intent was to build an extension of existing Bus Barn facilities by that time to accommodate their needs.

COUNCILMEMBER LA POLL MOVED that the Council authorize Bus Barn Stage Company to relocate the existing bus barn trailer from the Civic Center to the area discussed by the City Manager just inside the Municipal Service Center for a period of approximately two years. THE MOTION WAS SECONDED BY COUNCILMEMBER CASTO AND PASSED UNANIMOUSLY BY VOICE VOTE (LEAR ABSENT).

9. November 2, 1999 Special Election - Term Limits

A brief Council discussion ensued regarding the desire to place the measure on the ballot, with Councilmember Casto noting, for the record, her desire to remove the two-term limit policy in the Municipal Code should the voters turn down the measure.

COUNCILMEMBER CASTO MOVED ADOPTION OF RESOLUTION 99-27, calling a special election for November 2, 1999 to place a measure before the voters regarding term limits for Councilmembers and setting forth other election provisions. THE MOTION WAS SECONDED BY COUNCILMEMBER MOSS AND PASSED BY THE FOLLOWING ROLL CALL VOTE:

YES:	Mayor Becker, Councilmembers Casto, La Poll, and Moss
NOES:	None
ABSENT:	Councilmember Lear

## AGREEMENT FOR TEMPORARY STORAGE OF BUS BARN COMPANY TRAILER AT MUNICIPAL SERVICE CENTER

This document constitutes an agreement by and between the City of Los Altos (hereinafter called CITY) and The Bus Barn Stage Company, (hereinafter called BUS BARN).

CITY and BUS BARN agree as follows:

CITY hereby agrees to permit BUS BARN to park a trailer at CITY'S Municipal Service Center. This does not constitute a transfer of any portion of real property owned by the City but is exclusively a permit to use space within the Municipal Service Center.

BUS BARN shall:

Provide insurance, naming the City of Los Altos, its officers, agents, and employees, as insureds under the policy, for death, bodily or personal injury to any person, and property damage. BUS BARN shall provide its own fire, theft, vandalism, and other casualty insurance for its property, and shall be solely responsible for its property regardless of the cause of loss;

### OPERATION AND USE OF TRAILER:

- a. City's Public Works Superintendent shall make keys to the Municipal Service Center entrance gate available to designated Bus Barn representatives. Bus Barn shall provide City with a schedule of Bus Barn's planned uses of the facility during non-business hours, and shall notify the Public Works Superintendent of any Bus Barn uses that are not on the planned Bus Barn schedule. Keys shall not be copied or distributed, except by the City;
- b. Bus Barn representatives shall be subject to the same operating rules that apply to City employees working at the Municipal Service Center, including noise control measures, parking, and hours of operation. Bus Barn shall at all times follow all safety rules applicable to employees of City working at the Center;
- c. Bus Barn's use of space will be limited to the storage of equipment associated with the Bus Barn activities. Bus Barn may make periodic repairs and perform maintenance on subject equipment in the trailer. No work on Bus Barn equipment shall be carried on outside the trailer within the Municipal Service Center yard, except as approved by the Public Works Superintendent on a case by case basis. Bus Barn shall not store gasoline, paint thinner or any other flammable or hazardous material within the trailer under any circumstances;
- d. Bus Barn shall be solely responsible for maintaining the interior and exterior of the trailer.

### INSURANCE

- a. Bus Barn shall maintain general liability insurance of not less than One Million Dollars (\$1,000,000), and shall name City, its officers, agents, employees, and volunteers as

insureds thereunder. Each party shall self-insure or maintain worker's compensation insurance as it deems appropriate and as required by law;

- b. Bus Barn shall provide fire insurance for the trailer and shall be responsible for all of its own property therein. Bus Barn shall be solely responsible for fire or other casualty, including theft and vandalism, of its property on City premises, or when moving into or out of said premises.

TERM OF AGREEMENT: This agreement shall be in effect until terminated by the Los Altos City Council.

DATED: July 16, 1999

CITY OF LOS ALTOS

By: \_\_\_\_\_

BUS BARN STAGE COMPANY

By: \_\_\_\_\_



DATE: July 24, 2012

AGENDA ITEM # 7

## AGENDA REPORT

**TO:** City Council

**FROM:** Kathy Kleinbaum, Economic Development Manager

**SUBJECT:** Downtown Parking Management Plan service agreement award

### RECOMMENDATION:

- A. Approve a professional services agreement with CDM Smith in an amount not to exceed \$157,284 to complete the Parking Management Plan
  - B. Authorize the City Manager to execute the agreement on behalf of the City and to make any administrative amendments, as needed
- 

### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** \$157,284

**Budgeted:** Yes; 2012-2013 CIP

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** December 3, 2011, January 24, 2012, March 13, 2012, April 10, 2012 and April 24, 2012

**CEQA Status:** Not applicable

**Attachments:** None

## **BACKGROUND**

The objective of a Parking Management Plan is to provide the City of Los Altos with short- and long-term recommendations to provide for an adequate parking supply and a financially sustainable operation of public parking facilities in the downtown. On April 24, 2012, the City Council approved a scope of services for a Parking Management Plan and directed staff to issue a Request for Proposals (RFP) for a consultant team to prepare the Plan. Staff issued the RFP on May 1, 2012. Proposals were due back to the City on June 1, 2012.

## **DISCUSSION**

Staff received submittals from six firms in response to the RFP. After an initial review of the proposals, a staff selection committee interviewed three out of the six firms. The staff selection committee decided to award the agreement to CDM Smith (formerly known as Wilbur Smith), a San Francisco-based transportation engineering firm. CDM Smith has extensive experience in preparing parking studies for cities throughout California. They have recently completed parking studies for Emeryville, San Francisco, San Jose, Menlo Park, Burlingame and Mountain View.

Council had initially requested that the Parking Management Plan be completed prior to the end of the calendar year. In order to accomplish this, the occupancy analysis of the parking plazas would need to occur in August, which is traditionally a quiet time in the downtown since many residents are on vacation. An analysis completed at this time of year would not provide an accurate representation of the occupancy levels in the plazas. Staff requested that the consultant adjust its timeline to allow the occupancy analysis to occur in mid-September when downtown activity is back to a normal level. In addition, merchants and property owners have requested that the parking occupancy also be analyzed once more during the peak holiday shopping season in December. In order to accommodate these adjustments, the consultant will complete the Parking Management Plan in February 2013.

The agreement scope closely follows the guidelines of the scope that was included in the RFP. The consultant will review all prior downtown parking and traffic studies completed by the City of Los Altos prior to this agreement in order to avoid any duplicative work. In addition, the consultant plans to incorporate the results of the recent downtown survey completed by Godbe Research in its analysis of stakeholder concerns.

## **FISCAL IMPACT**

Capital Improvement Program Project 13-13 includes \$165,000 for a professional services agreement for the Parking Management Plan. CDM Smith has proposed a total agreement budget of \$157,254. It is requested that the City Manager be provided with the authority to increase the agreement amount, on an as needed contingency basis, up to the full amount of the CIP budget, in case there is need to add any additional analysis during the course of the study.

## **PUBLIC CONTACT**

At their request, staff met with a group of downtown property owners on July 11, 2012 and provided an overview of the agreement scope.

Posting of the meeting agenda serves as notice to the general public.

## **ALTERNATIVE**

Direct staff to negotiate an agreement with one of the other consultants who responded to the Request for Proposals



DATE: July 24, 2012

AGENDA ITEM # 8

## AGENDA REPORT

**TO:** City Council  
**FROM:** Kathy Kleinbaum, Economic Development Manager  
**SUBJECT:** Wayfinding Sign Program update

### RECOMMENDATION:

Accept informational report on the City-wide Wayfinding Sign Task Force program status

---

### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** None

**Budgeted:** Not applicable

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** May 22, 2012

**CEQA Status:** Not applicable

**Attachments:** None

## **BACKGROUND**

At its May 22, 2012 meeting, Council appointed Mayor Carpenter and Councilmember Packard to a Task Force coordinated by the Economic Development Manager to develop a conceptual sign program for a city-wide commercial wayfinding sign system.

## **DISCUSSION**

Staff has identified the following seven members to serve on the Wayfinding Sign Task Force:

- Val Carpenter, Mayor
- Ron Packard, City Council
- Phoebe Bressack, Planning and Transportation Commission
- Scott O'Brien, representative for the Chamber of Commerce
- Jeff Brunello, representative for the Los Altos Village Association (LAVA)
- Brooke Ray Smith, representative of downtown property owners
- Allen Hall, representative for Loyola Corners

The Task Force had a kick-off meeting with the consultant, Lori Winters from Explore Creative, on July 5, 2012. The purpose of the meeting was to discuss the placement and design of the existing wayfinding signs in Los Altos and to discuss design parameters for new signs. The Task Force members agreed that it was important for the signs to guide customers to both the commercial districts and the location of public parking resources within them. The consultant provided example wayfinding signs from other communities to help focus design preferences. In general, the Task Force preferred designs that are clean and simple as well as easy to identify and read.

The next meeting of the Task Force is scheduled for August 22, 2012. At this meeting, the consultant will bring forward initial design concepts for review and discussion.

## **FISCAL IMPACT**

None

## **PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

## **ALTERNATIVE**

None





DATE: July 24, 2012

AGENDA ITEM # 9

## AGENDA REPORT

**TO:** City Council  
**FROM:** Jim Gustafson, Engineering Services Manager  
**SUBJECT:** First Street Streetscape, Phase 1A, Project 10-27

### RECOMMENDATION:

- A. Adopt Resolution No. 2012-23 accepting First Street Streetscape, Phase 1A, Project 10-27 as complete, and direct the Engineering Services Manager to record a notice of completion as required by law
- B. Approve budget re-allocations and administrative adjustments for work completed to date:
  1. Re-allocate \$118,000 from Rule 20A Utilities Undergrounding, Project 09-22 to Project 10-27
  2. Re-allocate \$200,000 from Annual Street Resurfacing, Project 12-01 to Project 10-27
  3. Re-allocate \$250,000 from Annual Special Projects and Studies, Project 12-09 to Project 10-27

---

### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** \$2,126,586

**Budgeted:** Yes

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** May 24, 2011, August 3, 2011, October 25, 2011, and February 28, 2012

**CEQA Status:** Not applicable

#### Attachments:

1. Resolution No. 2012-23

## BACKGROUND

On May 24, 2011, Council authorized award of a contract under First Street Streetscape Improvements, Project 10-27 to Robert A. Bothman, Inc. for work along First Street between and including the intersections with Main and State Streets. The work performed in the contract is generally described as Phase 1A, Project 10-27. The scope of Phase 1B work for Project 10-27 at other locations along First Street will be brought to Council at a future meeting.

The contracted work for Phase 1A is now complete and Council acceptance of the improvements is necessary so the 35-day waiting period for subcontractor and supplier claims can begin prior to final payment for the work.

## DISCUSSION

The contract has been completed as shown on the plans and specifications subject to 36 change order modifications. The final contract cost for the project-related work of \$2,126,586, as listed below, has come in above the original budget due to various unforeseen conditions encountered during construction including grading revisions for drainage and code compliance, the incorporation of post-design changes in the landscaping and the installation of street furnishings along the business frontage. Funding for the basic contract amount and all change orders to date, is provided for in Project 10-27 as well as related Rule 20A and street resurfacing capital projects approved in the past. With the acceptance of this Phase 1A project, the proposed adjustments are necessary to properly account for all project funding sources. In addition, \$250,000 needs to be re-allocated from Annual Special Projects and Studies, Project 12-09 in order to cover the full cost of the change orders noted above.

Leading up to this agenda report action, staff has confirmed that all work in this phase of the project has been completed and is pending final acceptance.

## FISCAL IMPACT

The final accounting for the Phase 1A project budget, including those necessary adjustments noted above, is as follows:

<b>Final Construction Contract Price</b>	<b>\$2,126,586</b>
<b>Funding Sources</b>	
Allocation from Project 10-27 – Original Basic Contract Award	\$1,484,320
Allocation from Project 10-27 – Available Project Budget	41,941
Re-allocation from Project 09-22 – Rule 20A Utilities Undergrounding	118,000
Re-allocation from Project 12-01 – Annual Street Resurfacing	200,000
Re-allocation from Project 12-09 – Annual Special Projects and Studies	250,000
Sewer Change Order – Sewer Account	<u>32,325</u>
<b>Total</b>	<b>\$2,126,586</b>

The approval of the recommended action marks the finalization of the First Street Streetscape, Phase 1A improvements which, when combined with prior projects involving Downtown Utility undergrounding and intersection improvements, make up significant revitalization actions for the City's downtown district.

The Council is scheduled to consider the scope and implementation of Phase 1B at its August 28, 2012 study session.

**PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

**ALTERNATIVE**

None

**RESOLUTION NO. 2012-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ACCEPTING COMPLETION AND DIRECTING THE ENGINEERING  
SERVICES MANAGER TO FILE A NOTICE OF ACCEPTANCE OF  
COMPLETION OF THE FIRST STREET STREETScape PROJECT,  
PHASE 1A, PROJECT 10-27**

**WHEREAS**, the Engineering Services Manager of the City of Los Altos has filed with the City Clerk, an Engineer's Certificate as to the completion of all of the work provided to be done under and pursuant to the contract between said City and Robert A. Bothman, Inc. dated May 24, 2011; and

**WHEREAS**, it appears to the satisfaction of this City Council that said work under said contract has been fully completed and done as provided in said contract, and the plans and specifications therein referred to.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby finds and directs the following:

1. Accept the completion of said work be made and ordered.
2. The Engineering Services Manager shall execute and file for record with the County Recorder of the County of Santa Clara, notice of acceptance of completion thereof, as required by law.

**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 24<sup>th</sup> day of July, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Valorie Cook Carpenter, MAYOR

Attest:

---

Jon Maginot, DEPUTY CITY CLERK



DATE: July 24, 2012

AGENDA ITEM # 10

## AGENDA REPORT

**TO:** City Council  
**FROM:** Jim Gustafson, Engineering Services Manager  
**SUBJECT:** Bicycle Transportation Plan, Project 10-11

### RECOMMENDATION:

Appropriate \$2,080 to Project 10-11 from the Capital Improvement Projects Fund

---

### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** \$2,080

**Budgeted:** No; Capital Improvement Projects Fund

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** April 10, 2012

**CEQA Status:** Not applicable

**Attachments:** None

## **BACKGROUND**

On April 10, 2012, the City Council accepted the Bicycle Transportation Plan (BTP) update subject to incorporation of several changes that were part of Council's motion. The BTP is an important policy document used by the community, Commissions, staff and adjacent jurisdictions to guide recommendations for future projects.

## **DISCUSSION**

At the time the BTP update was approved, it was noted that the consultant agreement for preparation of the document was at or near the expenditure limit of \$75,000 for this project. The changes Council approved affected several graphics in the document and required additional consultant time to implement.

The Council-directed changes to the BTP have been incorporated and it was subsequently certified by the Metropolitan Transportation Commission.

Although the amount requested is small in comparison to the total agreement price, Council approval to appropriate an additional \$2,080 to the Bicycle Transportation Plan, Project 10-11 is necessary for the final invoice to be paid and the contract closed.

## **FISCAL IMPACT**

\$2,080 is from the Capital Improvement Projects Fund, bringing the total appropriation for the BTP Update to \$77,080.

## **PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

## **ALTERNATIVE**

None



DATE: July 24, 2012

AGENDA ITEM # 11

## AGENDA REPORT

**TO:** July 24, 2012  
**FROM:** Michelle Bocalan, Junior Engineer  
**SUBJECT:** Annual Sewer Root Foaming, Project 12-06

### RECOMMENDATION:

- A. Adopt Resolution No. 2012-20 accepting the completion of the Annual Sewer Root Foaming, Project 12-06
- B. Authorize the Engineering Services Manager to record a Notice of Completion as required by law

---

### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** \$147,042; Savings of \$184,958

**Budgeted:** Yes; Sewer Enterprise Fund

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** December 13, 2011

**CEQA Status:** Not applicable

#### Attachments:

1. Resolution No. 2012-20

## BACKGROUND

On December 13, 2011, a contract was awarded to Duke's Root Control, Inc. in the amount of \$149,730. This project chemically removed invasive tree roots within the highest priority mains in the sanitary sewer system.

## DISCUSSION

The project was completed as shown on the plans and specifications, and complies with the Standard Specifications of the City of Los Altos. The final cost for the construction contract was \$146,305. Staff confirmed that all work was completed and acceptable.

## FISCAL IMPACT

The following table summarizes the final costs for Project 12-06:

Item	Approved Project Budget	Final Project Cost
Contract Award Amount	\$149,403.50	\$146,610
Contingency	30,000	0
Inspection	15,000	0
Printing/Misc	5,596.50	432
<b>Total</b>	<b>\$200,000.00</b>	<b>\$147,042</b>
<b>Adopted Project Budget 2011/2012</b>		<b>\$332,000</b>
Project Savings		\$184,958

In-house personnel conducted all construction inspections. The savings of \$184,958 will be returned to the Sewer Enterprise Fund.

Recording of the Notice of Completion begins the 35-day lien-filing period for subcontractors and suppliers. At the end of the 35-day period, the City releases the 5% retention amount to the contractor if no liens are filed. The final project cost figures listed in the table above include all retention amounts due.

## PUBLIC CONTACT

Posting of the meeting agenda serves as notice to the general public.

## ALTERNATIVE

None



**RESOLUTION NO. 2012-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ACCEPTING COMPLETION AND DIRECTING THE ENGINEERING  
SERVICES MANAGER TO FILE NOTICE OF ACCEPTANCE OF  
COMPLETION OF THE ANNUAL SEWER ROOT FOAMING, PROJECT 12-06**

**WHEREAS**, the Engineering Services Manager has filed with the Deputy City Clerk, an Engineer's Certificate as to the completion of all of the work provided to be done under and pursuant to the contract between City of Los Altos and Duke's Root Control, Inc. dated January 10, 2012; and

**WHEREAS**, work under this contract has been fully completed and done as provided in said contract, and the plans and specifications therein referred to.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby finds and authorizes the following:

1. Accept the completion of said work be made and ordered.
2. Direct the Engineering Services Manager to execute and file for record with the County Recorder of the County of Santa Clara, notice of acceptance of completion thereof, as required by law.

**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 24th day of July, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Valorie Cook Carpenter, MAYOR

Attest:

---

Jon Maginot, DEPUTY CITY CLERK



DATE: July 24, 2012

AGENDA ITEM # 12

## AGENDA REPORT

**TO:** July 24, 2012  
**FROM:** Michelle Bocalan, Junior Engineer  
**SUBJECT:** Annual Sewer Video, Project 12-05

### RECOMMENDATION:

- A. Adopt Resolution No. 2012-21 accepting the completion of the Annual Sewer Video, Project 12-05
- B. Authorize the Engineering Services Manager to record a Notice of Completion as required by law

---

### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** \$290,296; Savings of \$88,704

**Budgeted:** Yes; Sewer Enterprise Fund

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** January 10, 2012

**CEQA Status:** Not applicable

#### Attachments:

1. Resolution No. 2012-21

## BACKGROUND

On January 10, 2012, a contract was awarded to Presidio Systems, Inc. in the amount of \$144,337 for sewer video inspection. The inspection included assessment of the condition of a portion of the City's collection system, which is being used to set priorities for maintenance, repairs and renovation work. The contractor provided videos of approximately 93 segments of sewer trunk main lines.

## DISCUSSION

The project was completed as shown on the plans and specifications, and complies with the Standard Specifications of the City of Los Altos. The final cost for the construction contract was \$155,842. Staff confirmed that all work was completed and acceptable.

The funds for this CIP project included integration of the sewer video information received from these annual sewer video projects into the City's Geographic Information Systems (GIS). This work is currently being done by a separate consultant and is expected to be completed by the end of August 2012.

## FISCAL IMPACT

The following table summarizes the final costs for Project 12-05:

Item	Approved Project Budget	Final Project Cost
Contract Award Amount	\$144,337	\$155,842
Sewer video linkage	101,874	133,833
Contingency	35,000	0
Inspection	15,000	0
Printing/Misc	3,789	621
<b>Total</b>	<b>\$300,000</b>	<b>\$290,296</b>
<b>Adopted Project Budget 2011/2012</b>		<b>\$379,000</b>
Project Savings		\$88,704

In-house personnel conducted all construction inspections. The savings of \$88,704 will be returned to the Sewer Enterprise Fund.

Recording of the Notice of Completion begins the 35-day lien-filing period for subcontractors and suppliers. At the end of the 35-day period, the City releases the 5% retention amount to the contractor if no liens are filed. The total, final project cost listed above include retention amounts due.

**PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

**ALTERNATIVE**

None

**RESOLUTION NO. 2012-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ACCEPTING COMPLETION AND DIRECTING THE ENGINEERING  
SERVICES MANAGER TO FILE NOTICE OF ACCEPTANCE OF  
COMPLETION OF THE ANNUAL SEWER VIDEO, PROJECT 12-05**

**WHEREAS**, the Engineering Services Manager has filed with the Deputy City Clerk an Engineer's Certificate as to the completion of all of the work provided to be done under and pursuant to the contract between the City of Los Altos and Presidio Systems, Inc. dated February 13, 2012; and

**WHEREAS**, work under this contract has been fully completed and done as provided in said contract, and the plans and specifications therein referred to.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby finds and authorizes the following:

1. Accept the completion of said work be made and ordered.
2. Direct the Engineering Services Manager to execute and file for record with the County Recorder of the County of Santa Clara, notice of acceptance of completion thereof, as required by law.

**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 24th day of July, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Valorie Cook Carpenter, MAYOR

Attest:

---

Jon Maginot, DEPUTY CITY CLERK



DATE: July 24, 2012

AGENDA ITEM # 13

## AGENDA REPORT

**TO:** City Council  
**FROM:** Jim Gustafson, Engineering Services Manager  
**SUBJECT:** Sanitary Sewer Rate Report

### RECOMMENDATION:

- A. Approve the Annual Report for the FY 2012-2013 Sewer Service Charge
  - B. Adopt Resolution No. 2012-22 approving the rate report and authorizing submittal of assessments to the County Tax Collector's Office
- 

### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** \$4,594,000 in revenue expected from FY 2012-2013 Sewer Service Charges

**Budgeted:** Yes; Sewer Enterprise Fund

**Public Hearing Notice:** July 11, 2012 and July 18, 2012

**Previous Council Consideration:** Not applicable

**CEQA Status:** Not applicable

#### Attachments:

- 1. Annual Report for the Sewer Service Charge FY 2012-2013
- 2. Resolution No. 2012-22

## **BACKGROUND**

The Los Altos Municipal Code Chapter 10.12 provides for sewer service charges in the City's jurisdiction. Ordinance No. 2012-386, adopted at the June 26, 2012 meeting, establishes the sewer rate at \$3.25 per unit of estimated sewer use for FY 2012-2013.

For the past four years, staff obtained the assistance of Harris & Associates (H&A) to prepare a report for the required sewer service charge for the upcoming fiscal year. The H&A report for FY 2012-2013 is provided as Attachment 1. Staff also plans to engage H&A to coordinate and process the filing of the sewer service charges with the Santa Clara County Tax Assessor by August 10, 2012.

## **DISCUSSION**

The H&A report indicates that the rate applied will result in an average single-family residential parcel charge of \$360 per year for the fiscal year that began on July 1, 2012. This compares to an average charge of \$438 in FY 2008-2009 when water-use quantities were first established as the basis for the sewer service charge. The average charge last year was \$330.

The report also indicates that personnel, maintenance, capital projects and treatment plant expenses will remain adequately funded through FY 2012-2013 with the rate change.

The Municipal Code and Santa Clara County Code require that posting of sewer charges be implemented through a noticed hearing and that charges for posting on the property tax roll be adopted by resolution. Attachment 2 is Resolution No. 2012-22 required by the County Tax Assessor for the sewer assessments to be posted on the tax roll.

### Prospective Sewer Assessment Appeals

Staff has retained Harris & Associates to process sewer assessment appeals for FY 2012-2013. Appeal forms will be available online and at City Hall by September 4, 2012. The procedure established in the Municipal Code Chapter 10.12 will continue to be followed.

Although the number of appeals continues to decline each year, last year there were a few residents who were not aware of a sewer charge anomaly for their properties until after the appeal filing deadline of December 1<sup>st</sup>. For FY 2012-2013, staff plans to expand the advertisement of the notice of availability of appeal forms.

## **FISCAL IMPACT**

The rate report and expected revenues resulting from the posted rates are consistent with the FY 2012-2013 budget.

## **PUBLIC CONTACT**

Notices published in the *Los Altos Town Crier* on July 11, 2012 and July 18, 2012 notified ratepayers of the hearing to consider the Annual Sewer Service Charge Report on July 24, 2012.

Posting of the meeting agenda serves as additional notice to the general public.

**ALTERNATIVE**

Staff does not recommend an alternative to the recommendations





**Harris & Associates**<sup>SM</sup>

SHAPING THE FUTURE ONE PROJECT AT A TIME<sup>SM</sup>

ATTACHMENT 1

# Annual Report

---

for the

## Sewer Service Charge

FY2012-2013

prepared for the

**City of Los Altos**  
Santa Clara County, California

July 17, 2012


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**FY 2012-13 Annual Report  
City of Los Altos  
Sewer Service Charge**

The undersigned respectfully submits the enclosed report.

DATED: July 17, 2012

  
BY: K. Dennis Klingelhofer  
R.C.E. No. 50255

I HEREBY CERTIFY that the enclosed Annual Report, together with Assessment Roll thereto attached, was filed with me on the \_\_\_\_ day of \_\_\_\_\_, 2012.

Lee Price, City Clerk,  
City of Los Altos  
Santa Clara County, California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Annual Report, together with Roll thereto attached, was approved and confirmed by the City Council of the City of Los Altos, California, on the \_\_\_\_ day of \_\_\_\_\_, 2012.

Lee Price, City Clerk,  
City of Los Altos  
Santa Clara County, California

By \_\_\_\_\_

## INTRODUCTION

To insure a flow of funds for the on-going operation and maintenance, and to fund the upgrading and refurbishing of the sewer system in the Los Altos area, the City Council restructured the Sewer Service Charge on July 22, 2008. This Sewer Service Charge ensures a fair and equitable levying of the necessary costs of operating, maintaining and refurbishing of the facilities.

The City Council annually reviews the current and projected year's costs for the sewer facilities and sets the rates for the ensuing fiscal year, which runs between July 1 and June 30. In setting the annual rates, the City Council will consider any new or updated capital and maintenance costs, and any fund balances or shortages, and adjust the rates accordingly.

The Los Altos Sewer Service Charge is levied under the authority of the California Health and Safety Code, Sections 5471 et seq. (the "Code"). Payment of the fees for each parcel will be made in the same manner and at the same time as payments are made for property taxes for each property.

This report contains the necessary data required to establish the annual fee rates and is submitted to the City Clerk for filing in the office of the City Clerk where it shall remain open for public inspection.

## COST ESTIMATE

The estimated annual cost of the Sewer System is provided below in Table 1.

**Table 1 – Estimated FY 2012-13 Annual Costs**

<b>Personnel</b>	\$772,628
<b>Maintenance &amp; Inspection</b>	\$747,035
<b>Capital Projects (12-13 CIP)</b>	\$1,644,000
<b>Treatment Plant</b>	\$2,090,292
<b>Total 12-13 Sanitary Sewer Expenses:</b>	<b>\$5,253,955</b>
Beginning Available Fund Balance (positive amount)	(\$6,894,087)
On-going Capital Projects (estimate)	\$4,803,000
Interest Earnings (positive amount)	(\$108,256)
Los Altos Hills Sewer Charge (positive amount)	(\$370,500)
Reserve (Cash Flow Contingency)	\$1,933,781
<b>FY 12-13 Sewer Service Charge Requirement:</b>	<b>\$4,617,893</b>

## ANNUAL FEE RATE CALCULATIONS

The rate structure for the Sewer User Fee is based on the water consumption data provided by the California Water Company for the Calendar Year 2011.

The premise for this fee structure is “water in  $\cong$  water out”, where the actual water usage for every property is converted into sewer discharge. Because some water does not go into the sewer (such as irrigation water), the amount of “water used” must be converted into an amount of “sewer used”.

Looking at the water consumption data for last year, it is assumed that the overall three lowest months for water use in the City were the wettest months in the year. Therefore, we make the assumption that these three months had the least amount of irrigation water used and that they represent a reasonable approximation of the amount of sewer used.

For 2011, the lowest water consumption months were January, February and March.

Therefore, for each parcel, the individual water consumption in January, February and March 2011 is averaged and multiplied by 12 to calculate the total estimated annual sewer usage for 2011.

The following table provides the calculated estimated annual sewer use, per the California Water Company data. One unit = 100 cubic feet of sewer use.

Table 2 – Calendar Year 2011 Total Water Consumption for Los Altos

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
115,767	112,198	134,903	146,035	283,546	333,712	413,683	380,463	422,303	327,249	230,604	203,841

Table 2 provides the estimated annual sewer use per the California Water Company data for the City of Los Altos and certain parcels in unincorporated County areas that are connected to the City’s system. Additionally, water data from Purissima Hills Water District was used to calculate estimated annual sewer use for Foothill Community College. One unit = 100 cubic feet of sewer use. Sewer Use for the average Single Family Home is 111 units.

Table 3 – 2011 Estimated Sewer Use - Summary by Land Use \*

Land Use Description	No. of Parcels	Avg. Sewer Use per Parcel	Total Estimated Yearly Sewer Use
Single Family Home	10,300	111	1,147,658 units
Condominiums	861	57	49,277 units
Multi-Family Residence (2 units)	59	146	8,594 units
Multi-Family Residence (3-4 units)	10	172	1,720 units
Multi-Family Residence (5+ units)	21	832	17,480 units
Church	21	339	7,120 units
Commercial / Industrial	481	254	122,393 units
Institutional	4	11,998	47,992 units
Park	5	602	3,008 units
School	12	1,224	14,688 units
Government	5	192	960 units
	11,779		1,420,890 units

Developed properties that are connected to the City’s sewer system but for which water consumption information is not available are charged the average sewer use per parcel identified above.

\* Usage data includes all parcels in the City of Los Altos and in unincorporated Santa Clara County served by the City of Los Altos’s sewer program. The City’s program uses capacity and facilities provided to the program by the City of Mountain View to serve some parcels in the City of Los Altos. These parcels are charged a sewer service charge by the City of Los Altos, and data for these parcels is included in the above table. The City of Los Altos compensates the City of Mountain View for access to the Mountain View sewer system by providing the Mountain View’s sewer program with access to a similar volume of service from the Los Altos system. Parcels located in Mountain View, but connected to the Los Altos sewer system, are receiving service from the Mountain View sewer program and are not included in the above table or subject to Los Altos’s sewer service charge.

Additionally, the City of Los Altos sells sewer services, in bulk, to the Town of Los Altos Hills, and the Town uses these services to serve parcels located in Los Altos Hills. Usage by parcels in Los Altos Hills is not shown in the above table because these parcels are not subject to the Los Altos sewer service charge. Instead, the full cost of the services indirectly provided by the City of Los Altos to these Los Altos Hills parcels is covered by the direct payment to the City from the Town of Los Altos Hills. Costs of these services are not spread to parcels directly served by the City of Los Altos sewer program.

## Rate Calculation

The annual Sewer Service Charge rate is calculated by dividing the total annual budget by the total estimated sewer use:

$$\text{Sewer Service Charge Rate} = (\text{annual budget}) \div (\text{total estimated sewer usage}) = \text{\$/unit of use}$$

The table below shows the Sewer User Fee Rate for FY 2012-13, as well as the maximum allowable sewer rate for this fiscal year.\*

<b>FY 2012-13 Fee Budget</b>	<b>Units of Sewer Use</b>	<b>FY 2012-13 Sewer Fee Rate</b>	FY 2012-13 Maximum Rate	FY 2011-12 Maximum Rate
<b>\$4,617,893</b>	<b>1,420,890</b>	<b>\$3.25 / Unit</b>	\$3.29 / Unit	\$3.19 / Unit

SF-CPI % increase, Dec-Dec: 2.9%

\* A Maximum Sewer Fee Rate was set for fiscal year 2011-12 and is increased automatically each year by the annual change in the Consumer Price Index (CPI), All Urban Consumers, for the San Francisco – Bay Area area, as of December of each year.

Table 4, below, provides the average charge per parcel for the various land uses in the City.

Table 4 – Average Sewer Service Charge for Various Land Uses

<b>Average Sewer Service Charges</b>			
<b>Land Use Description</b>	<b>Avg. Sewer Use per Parcel</b>	<b>Avg. Annual Sewer Charge</b>	<b>Avg. Monthly Sewer Charge</b>
Single Family Home	111	\$362.13	\$30.18
Condominiums	57	\$186.00	\$15.50
Multi-Family Residence (2 units)	146	\$473.40	\$39.45
Multi-Family Residence (3-4 units)	172	\$559.00	\$46.58
Multi-Family Residence (5+ units)	832	\$2,705.24	\$225.44
Church	339	\$1,101.90	\$91.83
Commercial / Industrial	254	\$826.98	\$68.91
Institutional	9,425	\$30,632.33	\$2,552.69
Park	602	\$1,955.20	\$162.93
School	1,224	\$3,978.00	\$331.50
Government	192	\$624.00	\$52.00

The Preliminary Sewer Service Charge Roll, which is a listing of each parcel within the City’s sewer service area, and its proposed Sewer Service Charge for FY 2012-13, is on file in the City Clerk’s office.



## PROPERTY OWNER LIST

A list of names and addresses of the owners of all parcels within this District is shown on the last equalized Property Tax Roll of the Assessor of Santa Clara County, which by reference is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the office of the City Clerk of the City of Los Altos.

**RESOLUTION NO. 2012-22****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING THE REPORT OF SEWER SERVICE CHARGES FOR FISCAL  
YEAR 2012-2013 AND DIRECTING THE FILING OF CHARGES FOR  
COLLECTION BY THE COUNTY TAX COLLECTOR**

**WHEREAS**, pursuant to Chapter 10.12 of the Los Altos Municipal Code, the City of Los Altos imposes a Sewer Service Charge upon parcels connected to the sewer system; and

**WHEREAS**, pursuant to Section 5473 of the California Health & Safety Code, the City Council has elected to annually collect the Sewer Service Charge on the property tax roll; and

**WHEREAS**, the Engineering Services Manager has caused to be prepared a report (the "Report") containing a description of each parcel of real property subject to the Sewer Service Charge and the amount of the Sewer Service Charge for each such parcel for Fiscal Year 2012-2013, computed in conformity with the rates prescribed by Ordinance of the City Council, which report is filed with the City Clerk, available for public inspection, and incorporated herein by reference; and

**WHEREAS**, on July 24, 2012, following the publication of notice as required by law, the City Council held a full and fair public hearing with respect to the Report, and at such hearing the City Council heard and considered all protests and objections to the Report; and

**WHEREAS**, the City Council desires to approve the Report and to submit the Sewer Service Charges described therein to the Santa Clara County Tax Collector for collection on the Fiscal Year 2012-2013 tax roll.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Los Altos, California hereby authorizes that:

1. The City Council hereby overrules all protests and objections to the Report on the Sewer Service Charges and confirms and approves the Report and each Sewer Service Charge as submitted; and
2. The City Clerk is instructed and authorized to transmit the Report to the Santa Clara County Tax Collector and to file the necessary documents with the Tax Collector that the Sewer Service Charges set forth in the Report will be included on the Santa Clara County Tax Roll for Fiscal Year 2012-2013.

**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 24th day of July, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Valorie Cook Carpenter, MAYOR

Attest:

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Jon Maginot, DEPUTY CITY CLERK



DATE: July 24, 2012

AGENDA ITEM # 14

## AGENDA REPORT

**TO:** City Council  
**FROM:** Larry Lind, Senior Engineer  
**SUBJECT:** San Antonio Road Streetscape, Project 10-08

### RECOMMENDATION:

- A. Award the Base Bid for the San Antonio Road Streetscape, Capital Improvement Program (CIP) Project 10-08 to Granite Rock Company dba Pavex Construction Division in the amount of \$1,098,000
- B. Authorize the City Manager to execute a contract on behalf of the City
- C. Direct staff to negotiate a cost to build one bus shelter and to remove the left turn pocket on San Antonio Road

---

### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** \$1,350,000

**Budgeted:** Yes; Capital Projects Fund

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** May 13, 2008, September 22, 2009, February 8, 2011 and June 14, 2011

**CEQA Status:** Categorical Exemption

#### Attachment:

Robert A. Bothman, Inc. letter dated July 12, 2012

## BACKGROUND

In the FY 2007-2008 Capital Improvement Program (CIP), Council approved the San Antonio Road Streetscape project based on a construction budget of \$1,350,000 from the initial design estimate. The project is intended to widen the sidewalk on the west side of San Antonio Road to make it ADA-compliant, construct a living green wall to obscure the parking lot from the view of street traffic, construct three new bus shelters along San Antonio Road and extend design elements of the downtown intersection theme into the parking plaza and across San Antonio Road.

Council rejected the original bids for this project on June 14, 2011 since the project bids exceeded the funds available and because there would be a saturation of construction activities in the downtown area during the summer. Council directed staff to re-advertise the project again in spring 2012.

## DISCUSSION

The re-bid project was structured into a Base Bid item and three Add Alternate bid items to allow Council the flexibility to award a project of lesser scope and within the approved budget. Add Alternate Bid 1 includes construction of three concrete crosswalks across San Antonio Road at the intersections with Hillview Avenue, Hawthorne Avenue and Whitney Street. Add Alternate Bid 2 includes construction of three bus shelters and benches along San Antonio Road to replace existing bus stops. With the recently completed bus shelter by the Packard Foundation, this would make a total of four bus shelters as coordinated with the Valley Transit Authority (VTA). Add Alternate Bid 3 includes seal coating and restriping the parking lot at Parking Plaza 3 between San Antonio Road and Third Street.

On July 10, 2012, bids were opened on the project and two (2) qualified bids were received. The bid results are summarized below:

No.	Bidder	Base Bid	Add Alternate 1	Add Alternate 2	Add Alternate 3	Total Bid
1	Robert A. Bothman	\$1,008,500	\$376,000	\$164,000	\$21,000	<b>\$1,569,500</b>
2	Pavex Construction	\$1,098,000	\$251,600	\$159,000	\$86,000	<b>\$1,594,600</b>
	Engineer's Estimate	\$1,047,007	\$222,810	\$111,900	\$296,450	<b>\$1,678,237</b>

The winning bid is determined by the lowest base bid making Robert A. Bothman (Bothman) the apparent low bidder. In the attached letter dated July 12, 2012, Bothman informed the City that an inadvertent clerical error was discovered in its bid for Add Alternate 3 and therefore, requested relief of its bid.

Staff is therefore recommending award to Granite Rock Company doing business as (dba) Pavex Construction Division (Pavex). This company has no deficiencies against its General Contractor's license. There is no active safety violation for Pavex listed in the OSHA database. The company has been in business for over 23 years and has successfully completed many similar projects in the Bay Area such as an \$800,000 paving project in the City of Milpitas and a \$1.5 million paving project for the County of Santa Clara. Pavex successfully completed construction of a Los Altos Safe Routes to School project in 2011.

During construction, the parking area and access road on the east side of Parking Plaza 3 along San Antonio Road will be closed in order to replace the sidewalk and pavement, and construct the green wall. This will require closing approximately 50 parking stalls during most of the construction. Staff will work with the contractor to allow delivery trucks and garbage pickup during the time this area is closed. Staff will also work with the contractor to have these parking stalls made available prior to completion of the project if possible.

Additionally, some of the work to replace the sidewalk and improvements within the median in the middle of San Antonio Road will require closure of one lane. This closure will only be allowed from 9:00 a.m. to 3:00 p.m. The completed project will result in a net loss of nine parking stalls, which is an improvement over the initial design where 13 parking stalls would have been lost.

The construction period of 90 days was anticipated to begin in August and be completed by early November. The contractor is capable of meeting this timeline; however, if unanticipated issues arise and the construction period is extended, it will likely affect downtown merchants during the 2012 holiday season. To avoid the possibility of negative impacts on the directly-affected businesses, and for the downtown as a whole, it is recommended that the project commence in January 2013 to ensure completion prior to the community events held in the spring. Pavex Construction has indicated it is amenable to this schedule modification.

#### Add Alternates

Based on the approved budget and bid received, there are insufficient funds to award the Add Alternates. Add Alternate 1 is to improve the crosswalks at three intersections on San Antonio Road to match the design of the recently completed downtown intersection and First Street projects. Staff is now recommending that the downtown intersection theme not be applied to San Antonio Road. This theme applies better to downtown-type traffic than the arterial traffic on San Antonio Road.

Add Alternate 2 is for the construction of the three bus shelters along San Antonio Road. These bus shelters would match the one on San Antonio Road built by the Packard Foundation.

Add Alternate 3 is to seal coat Parking Plaza 3. It seems prudent to defer this work until completion of the Parking Management Study. Staff will develop a capital project for the next CIP cycle consideration to seal and restripe the parking plazas.

The City is benefitting from a collaboration with the Packard Foundation on its recent improvements in that the Foundation provided an electrical connection to two City street lights while the City is to remove the northbound left turn pocket at the San Antonio Road median to allow vehicles into the alley way on the northwest side of the Packard Building. It is anticipated that this work could be negotiated with Pavex as a change order.

While there are insufficient funds to construct all three bus shelters, it is recommended that one be included as part of this project and be placed on the west side of San Antonio next to Parking Plaza 3 across from Hillview Avenue.

**FISCAL IMPACT**

The proposed project budget is reflected below:

<b>Project Detail</b>	<b>Cost</b>
Base Bid award amount	\$ 1,098,000
Consultant and testing services	\$ 60,000
Printing/Environmental Doc/Misc.	\$ 5,000
Construction contingency (10%)	\$ 109,800
<b>Project budget</b>	<b>\$ 1,350,000</b>
<b>Project cost</b>	<b>\$ 1,317,800</b>
<b>Remaining project funds</b>	<b>\$ 32,200</b>

**PUBLIC CONTACT**

The staff report and related information was provided to the affected merchants along the southeasterly side of Main Street between San Antonio Road and Third Street.

Posting of the meeting agenda serves as notice to the general public.

**ALTERNATIVES**

1. Appropriate additional funds to award one or more of the Add Alternates
2. Reject both bids and re-advertise the project

# ROBERT A. BOTHMAN, INC.

General Engineering and Building Contractors

CA License 440332 • NV License 0027271A • AZ License 150057 • HI License AC-026294

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July 12, 2012

Larry Lind, PE  
Senior Engineer/City Engineer

City of Los Altos  
1 North San Antonio Road  
Los Altos, CA 94022



Re: San Antonio Road Streetscape

Mr. Lind,

On July 10<sup>th</sup>, Robert A. Bothman, Inc. submitted the low bid to the City for the above referenced project. Upon further review of our estimate, we discovered an inadvertent clerical error. A formula that was to read the dollar value for Alternate 3 - deep lift asphalt concrete cut and plug was incorrect and, therefore, did not pick up the dollar value for this scope of work.

As a result of this clerical error, we respectfully request relief of our bid for this project.

We apologize for any inconvenience and wish you well with the project.

Very truly yours  
Robert A. Bothman, Inc.

James Moore  
Vice President

cc: Jim Gustafson  
Andy Moore  
Eileen Chou  
Saeed Yousuf





DATE: July 24, 2012

AGENDA ITEM # 15

## AGENDA REPORT

**TO:** City Council  
**FROM:** Candace Bates, Recreation Coordinator  
**SUBJECT:** Senior Scholarship Program update

### RECOMMENDATION:

Approve modifications to the Senior Scholarship Program to facilitate Senior Center membership and participation in City-sponsored recreation activities

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### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** \$1,600

**Budgeted:** Yes; General Fund (Costs will be recorded as fee waivers in the Senior Program rather than direct expenditures)

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** March 22, 2011 and August 23, 2011

**CEQA Status:** Not applicable

**Attachments:** None

## **BACKGROUND**

On August 23, 2011, the City Council authorized implementing a scholarship program for Senior Center membership and activities modeled after the North County Library Authority (NCLA) tax exemption process. Funds were allocated not to exceed \$1,600 to cover scholarships. The City Council directed the Senior Commission to report back at the end of the inaugural year.

## **DISCUSSION**

Subsequent to implementation and advertising of the Senior Scholarship Program, the City received several inquiries. However, none of the applicants met the financial requirement as originally established (total household income not to exceed \$38,500 per year).

Following an evaluation of the scholarship program, the Senior Commission recommends the following two refinements:

1. Base the annual financial requirement on the applicant, verified through tax returns, rather than the entire household. This will allow a senior claimed as a dependent on a tax return to qualify for a scholarship and also ensure that adult roommates do not disqualify each other.
2. Streamline the process into a combined one-step procedure for application and registration. This would eliminate requiring the applicants to fill out multiple forms and visit multiple City offices.

## **FISCAL IMPACT**

No direct funds are required to continue the program. However, by maintaining the 2011 cap set by the City Council, no more than \$1,600 in scholarships would be allowed per fiscal year. The scholarships would be classified as fee waivers for Senior Center memberships and programs rather than actual expenditures.

## **PUBLIC CONTACT**

The Senior Commission discussed this matter at its April 2, 2012, May 7, 2012 and June 4, 2012 Senior Commission meetings.

Posting of the meeting agenda serves as notice to the general public.

## **ALTERNATIVE**

1. Create a sliding payment scale for seniors based on income levels in lieu of a direct scholarship
2. Discontinue the program



DATE: July 24, 2012

AGENDA ITEM # 16

## AGENDA REPORT

**TO:** City Council  
**FROM:** Mayor Carpenter and Councilmember Satterlee  
**SUBJECT:** Summary of key conclusions from 2012 Downtown survey

### RECOMMENDATION:

Accept the summary of key conclusions from the 2012 survey of City of Los Altos residents regarding Downtown Los Altos

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### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** None

**Budgeted:** No

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** December 13, 2011; January 24, 2012 and June 26, 2012

**CEQA Status:** Not applicable

#### Attachment:

1. Report from Mayor Carpenter and Councilmember Satterlee dated July 24, 2012

**R E P O R T**

DATE: July 24, 2012  
TO: City Council  
FROM: Mayor Carpenter and Councilmember Satterlee  
SUBJECT: SUMMARY OF KEY CONCLUSIONS FROM 2012 DOWNTOWN SURVEY

---

Recommendation to accept this summary of key conclusions from the 2012 survey among City of Los Altos residents regarding downtown Los Altos.

**BACKGROUND**

During the past six years, several downtown zoning committees were appointed by Council to review various aspects of downtown Los Altos. Comprised of City residents, other key stakeholders including downtown business and property owners, Commissioners, Councilmembers, and City staff, these committees held numerous public meetings, in the course of which they developed specific recommendations for the downtown area. Their recommendations led to Council approval of revisions to the downtown zoning ordinances, to among other things allow taller buildings and a wider range of uses along the north and south ends of First Street and south of Main Street, and reduce the parking requirement for office uses. As a result, five new projects in downtown Los Altos have been approved, three of which are currently under construction or newly completed. Concurrently, the City made significant infrastructure investments downtown.

However, there had not been a comprehensive survey conducted by a professional marketing research firm of a representative sample of City of Los Altos residents to ascertain how the community uses downtown currently, how satisfied residents are with the downtown as it exists today, and what additional changes they would or would not favor. Conducting such a survey was identified as a 2012 Council goal during Council's annual goal-setting meeting on December 3, 2011.

On December 13, 2011, Council authorized and funded this project and appointed an ad hoc Council subcommittee consisting of Mayor Carpenter and Councilmember Satterlee to work with Godbe Research. The research objectives were to: (1) gauge resident satisfaction with the City of Los Altos in general and downtown in particular; (2) assess attitudes and perceptions about shopping, restaurants, entertainment, traffic and parking in downtown Los Altos; (3) gauge resident preferences for future directions of downtown; and (4) identify any differences in opinions due to demographic and/or behavioral characteristics. After reviewing the draft questionnaire during the January 24, 2012 regular Council meeting, the questionnaire was finalized and the survey was fielded between May 20 and May 29, 2012.

A total of 414 telephone interviews among adult residents of the City of Los Altos were completed. Participants were contacted on both landlines and cell phones and were selected from among registered voters as well as those not registered to vote. Once collected, the data was weighted to accurately represent the City's adult population in terms of gender, age and ethnicity in the 2010 census. The margin of error for the entire sample is  $\pm 4.8\%$  at the 95% confidence level. The topline report and results were presented by Godbe Research during the June 26, 2012 regular Council meeting. Bryan Godbe, President of Godbe Research, has reviewed this summary and concurs that it accurately reflects the survey results.

## KEY CONCLUSIONS

Overall, this quantitative survey among a representative sample of City of Los Altos residents provides important insights into the views of the community as a whole and serves as a benchmark of community opinion at a key point in the redevelopment of the downtown area. Current and future Councils, City staff, and the community can rely on the accuracy of this information when setting priorities and making decisions. In addition to this summary of key conclusions, information on statistically-significant differences highlighted in the cross-tabulations should be reviewed as specific issues are considered by Council.

We recommend that another survey be conducted in two years. A survey conducted in the Spring of 2014 can provide Council with an update of residents' views on the topics studied in the 2012 survey, plus obtain their views on any additional infrastructure work on San Antonio Road and First Street as well as any completed private development projects in the downtown area, such as the Packard Foundation, 240 Third Street, Safeway, the residential developments on First Street (old Adobe Animal Hospital and Post Office sites), and the hotel at 1 Main Street.

Specific conclusions include:

1. Satisfaction with the overall quality of life in Los Altos is extraordinarily high. 95.9% of residents are at least somewhat satisfied and 68.3% are very satisfied; only 2.1% are somewhat or very dissatisfied.
2. Satisfaction with Downtown Los Altos is not as high, but this does not negatively impact overall satisfaction with Los Altos. A supermajority of residents (68%) were very (29.5%) or somewhat (38.5%) satisfied with Downtown Los Altos; 18.9% were somewhat (14.5%) or very (4.4%) dissatisfied, and 12.3% were neither satisfied nor dissatisfied. The top reasons given by those who were dissatisfied (note that this is a small base of 78 respondents) were lack of variety in shops (30.3%), parking (18.1%), and lack of restaurant options (17.3%).
3. Downtown Los Altos is viewed as a place to shop (45.5%), eat (38.1%), meet (31.5%), relax/hang out (30.1%), attend community events (28.5%), and run errands (17.1%). It is a place where residents socialize with their families, neighbors and friends, as well as shop for groceries and other items and run errands.
4. Residents visit Downtown Los Altos frequently. Residents generally visit Downtown Los Altos a few times a week (31.9%). 62.4% visit at least once a week, and another 26.3% visit at least once a month. Only 1.7% never visit Downtown Los Altos; 2.9% visit several times a day.

5. Their primary reason for going downtown is to eat out or have drinks (29.7%), followed by shopping for groceries or food (26.4%). The top other (i.e., non-primary) reason for going downtown is to shop for apparel, gifts, etc. (21.8%). Attracting and retaining restaurants, grocery stores, and shops in Downtown Los Altos is vital to continuing to effectively serve our residents.
6. Most people drive to Downtown Los Altos, but a significant percentage walk or ride a bike at least some of the time. 60.5% always drive, and another 32.5% sometimes drive. Half (49.9%) walk at least some of the time, and 32% bike at least some of the time. These percentages accurately reflect what respondents said, even though they add up to more than 100%. Virtually no one takes a bus or taxi to downtown. When asked what would encourage them to walk or bike to downtown, the top responses were living closer (34.3%) or nothing at all (27.4%).
7. A convenient connection between Downtown Los Altos and the Community Center campus for pedestrians, bicyclists and drivers is at least somewhat important to 71.8% of residents.
8. Mountain View is the #1 alternative to Downtown Los Altos for shopping, eating out, meeting friends, getting coffee or dessert, and other activities, followed by Palo Alto and shopping malls such as Stanford and Valley Fair. Only a few mentioned Los Gatos, Santana Row, Sunnyvale or Cupertino; hardly anyone mentioned Rancho, Menlo Park, Foothill, San Francisco, or San Jose.
9. More variety in restaurants, shops, entertainment and activities, and staying open later in the evening, would motivate people to go downtown more often. A movie theatre (5.6%), a bookstore (4.9%), a nightclub (3.9%), more play areas/parks for children (3.5%), and more places for pre-teens/teens to hang out (0.4%) were mentioned by fewer respondents as motivating them to go downtown more often; however, these response rates are within the survey's margin of error and therefore may not reflect residents' views accurately.

Of those who said retail would motivate them to go downtown more often (a subset of 127 respondents), a bookstore (10.9%) was their top choice. Of those who said entertainment would motivate them to go downtown more often (a subset of 108 respondents), a movie theatre (41.1%) topped their wish list, followed by live entertainment/music (18.7%).

10. Parking in Downtown Los Altos is not a major concern for residents today, and most are unwilling to pay for parking. 63.4% think it is at least somewhat convenient to park in Downtown Los Altos, while 29.6% think it is at least somewhat inconvenient; 29.4% found parking very convenient, while 12.7% found it very inconvenient. A majority believe that there is enough parking in Downtown Los Altos today (53.1%), while 35.1% believe there is not. There isn't a strong preference for street versus plaza parking per se; whichever type of parking is closest to their destination is preferred. However, most people (70.6%) are unwilling to pay 50 cents an hour to get that close-in parking. Changes to parking - whether more (8.2%), closer to their destination (7.1%), or more 20-minute (1.3%) - were mentioned by fewer respondents as motivating them to go downtown more often.

11. No clear preference emerged for an above-ground parking structure versus an underground parking garage below a building. 28.5% find either acceptable while 24.5% prefer underground parking and 22.4% prefer an above-ground parking structure; 21% don't want either. Those who prefer underground parking think it's worth twice the cost to build (60.8%).
12. The question on the current parking plazas was not specific enough to draw a clear conclusion. 79.2% agree at least somewhat that it is important to maintain the current parking plazas; 58.4% strongly agree. The next survey can probe this topic more specifically.
13. The community is evenly divided on growth in Downtown Los Altos. 42.5% believe Los Altos needs new office buildings and housing downtown to increase the number of people working and living there to support existing and attract new restaurants and shops; 42% believe that office and housing development and the traffic it would bring would detract from the small town character of downtown.
14. Those who favor growth are also divided regarding the number of stories that should be allowed on Main and State. Of the residents who favor growth, a somewhat higher percentage (47.3%) prefer that Main and State remain limited to 2 stories than favor allowing 3 or more stories (41.9%). Of those who favor allowing 3 or more stories (note that this is a small base of 90 respondents), 29.2% limited it to 3 stories, while 29.1% think 4 stories is OK, 15.7% think 5 stories is OK, and 21.6% think 6 stories or more is OK.
15. 76.7% agree that maintaining the current look or "character" of Main Street is important; only 20.6% disagree.
16. Most residents (77.9%) have seen the recent infrastructure improvements in Downtown Los Altos, and of those who have, a majority (51.4%) are in favor of similar additional improvements.



DATE: July 24, 2012

AGENDA ITEM # 17

## AGENDA REPORT

**TO:** City Council  
**FROM:** Ad-Hoc Contiguous Retail Committee  
**SUBJECT:** Ad-Hoc Contiguous Retail Committee final report

### RECOMMENDATION:

Receive the report and direct staff accordingly

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### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** Undetermined at this time

**Budgeted:** No

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** March 13, 2012 and April 24, 2012

**CEQA Status:** Not applicable

#### Attachment:

1. Final report of the Ad-Hoc Contiguous Retail Committee (Phase I)



**FINAL REPORT OF THE  
AD-HOC CONTIGUOUS RETAIL COMMITTEE  
(PHASE I)**

**DATE:** July 16, 2012

**TO:** City Council

**FROM:** Councilmember Ron Packard, Chairman  
Mayor Pro Tem Jarrett Fishpaw, Vice-Chairman  
Deborah Hope, Committee Member  
Scott Riches, Committee Member  
Gabrielle Tiemann, Committee Member

**SUBJECT:** AD-HOC CONTIGUOUS RETAIL COMMITTEE

**RECOMMENDATION**

1. In General:
  - Of all the blocks within the CRS zone, the block containing Plaza 6, surrounded by Third Street, Main Street, and State Street (the “Triangular Block”) contains the highest number and percentage of non-conforming uses, and is the least attractive from a shopper’s point of view. The Committee recommends that it be used as a test for possible collaboration with the various property owners, business owners and the City, and that the City engage an experienced consultant in the areas of urban planning, infill development, and/or overall district redevelopment, as staff may determine, to come up with ideas and meet with the various parties.
  - As part of that collaboration, the Committee recommends that the City give serious thought about the possibility of selling/leasing a portion of Plaza 6 that faces State Street, to be developed into retail, and use the proceeds for parking replacement. The Committee also recommends that the City share this Final Report with the parking consultant to be engaged by the City.
2. Banks: Separate from a possible collaborative effort, the City should begin discussions with Bank of the West and/or the landlord regarding possible “pop-up” uses by the City and/or others for the empty drive-thru site. It could be used as open space, gathering area, or a site of outdoor vending. The Committee also recommended that the zoning be amended so that existing non-conforming banks on large parcels could legally move to another non-conforming location which is smaller.

3. Masonic Lodge: Separate from a possible collaborative effort, the City is recommended to work with the Lodge and explore possible cosmetic improvements to the outside of its building facing Main Street.
4. Costume Bank. The current definition of “retail” is somewhat ambiguous, but it has been interpreted by the City so as to allow rental services of the Costume Bank to be conforming. The definition could be clarified to be more specific (qualifying or disqualifying rental as retail), but at the present time the Committee recommends no change.
5. Travel Agency, Law Office. The Committee recommends the collaborative effort for the Triangular Block, which entails these uses.
6. Nail/Beauty Salons. A prior beauty salon was just replaced with a retail store. The City should make sure that after 120 days of retail use, a salon cannot be reinstated. If this conversion trend from salon to retail continues, then the non-conforming salons will slowly be replaced. If the trend stops, then the City may consider an amortization, beginning with all or phased amortizations with the last in first out. The successful salons, of course, can relocate within the CRS zone on the side and plaza locations.
7. The Committee should be thanked and concluded, subject to reorganization after the work of the consultant as to the Triangular Block.

## **BACKGROUND AND DISCUSSION**

For many years there have been various City statements and recommendations to look at a possible amortization of non-conforming uses in the CRS zoning district of downtown Los Altos. As a result, during the March 13, 2012 regular meeting of the City Council, Councilmember Packard and Mayor Pro Tem Fishpaw were authorized to form a five-member ad-hoc committee consisting of themselves and three others, to consider such a possibility. The goal of any such amortization program would be to increase the retail vitality of downtown by providing more contiguous retail, but without any pre-judgment of whether any such program would ultimately be desired. At the April 24, 2012 City Council meeting, the five-person Committee was completed with the appointment of Los Altos residents Deborah Hope, Scott Riches, and Gabrielle Tiemann.

The Committee met six times, reviewing all the non-conforming uses within the CRS zone. These include several banks, a number of nail/beauty salons, Masonic Hall, a travel agency, and a law office. Committee members met with the owners or representatives of each of the non-conforming uses, other than the nail/beauty salons, to discuss their property plans and alternatives. Polite yet robust discussions were had on each use, with property owners, business owners, real estate leasing agents, and others participating. In addition, the Committee was influenced by the June 2012 “Downtown Planning Survey” completed by Godbe Research. Of

particular importance to the Committee were the finding that (a) 68% of the Los Altos residents are very satisfied, and some 96% are generally satisfied with the quality of life in Los Altos, (b) 68% are generally satisfied with the Los Altos downtown, (c) 66% find parking downtown to be generally convenient, (d) a majority strongly agree, and 77% generally want to maintain the current look (whatever that means) of Main Street, and (e) for 71% of the residents, the primary reason for going downtown is dining and shopping, with banking only 6.5%, and work only 1.4%. At the same time, there was general agreement that it would be beneficial to have more cross-analysis of the survey results, particularly with regard to age groups.

The Committee also recognized that much of the non-conforming uses, and the lowest retail experience, is the Triangular Block. There was a discussion regarding each use within this small Triangular Block, which is (a) parking and the Costume Bank on the State Street, (b) the side of the Costume Bank, parking, and the side of Bank of the West on Third Street, and (c) two banks, a travel agency, law office, beauty salon, and the Masonic Lodge taking up the majority of the Main Street side.

In order to provide some benefit to future councils and committees that may want to reconsider Committee conclusions due to changes that normally occur with the passage of time, the Committee will provide a brief analysis and recommendations of each type of use, and thoughts regarding the Triangular Block.

### **Banks.**

Analysis: An invitation was made to each of the non-conforming banks to participate in a Committee meeting to be dedicated to review the bank situations. In addition, a few retired bankers were also invited. During the Committee meeting, a number of current and retired bankers were present, and there was a general discussion about the trends of banking, the bank space needs, and alternatives. The bankers presented their concerns that (a) there is a very high demand in Los Altos for safe deposit boxes, which take up considerable space, (b) there is also a need for a walk-in safe, which each bank has and would be extremely expensive to move, (c) the older population of Los Altos value privacy when doing financial transactions, which requires space and (d) that many of their specialists (mortgage, etc.) only work in these branches 2 days per week, leading to a large number of vacant desks during the rest of the week. One banker who is not located on Main Street indicated that being so located would be an advantage. There was general agreement that banking trends are going toward requiring less space, yet a current non-conforming bank on Main Street cannot downsize to another location on Main Street, since their non-conforming use is tied to their existing location. There was extensive and focused discussion regarding the unused drive-thru next to Bank of the West (which is a separate parcel), and whether an amortization for banks over 60 feet along Main Street should be amortized so as to allow the bank but require alternate use of the parking lot.

Recommendations: In general, the Committee felt that the concerns expressed by the bankers had validity, although the trends may continue with less and less space required in the future. Some Committee members felt that the bankers were overstating their space required, and could downsize so as to allow some of their space to be used for retail. Nevertheless, the

Committee felt that at present it is best to focus on the Triangular Block, which contains two of the four non-conforming banks. The Committee recommends that the City engage a professional consultant to meet with the various landlords and tenants of the Triangular Block, consider the block as a whole, to determine if there are any win-win approaches to increase the retail space. In the interim, the City should begin discussions with Bank of the West and/or the landlord regarding possible “pop-up” use by the City and/or others for the empty drive-thru site. It could be used as open space, gathering area, or a site of outdoor vending. The Committee also recommended that the zoning be amended so that non-conforming banks on large parcels could legally move to another non-conforming location which is smaller.

### **Masonic Lodge.**

Analysis: The Masonic Lodge, located at 146 Main Street, is also within the Triangular Block. A walk-through of the site and facilities evidenced several factors: (a) there is considerable room in the front of the building that is not being used, or is used for an above-ground planting area not well maintained, (b) the sanctuary does not come up to the front wall, but instead is some 20 to 30 feet behind the front wall, separated by an office and hallway, (c) there is a portion in front facing Main Street that leads to a stairway that is no longer required, and (d) there are a number of cosmetic improvements in the front of the Lodge that could greatly improve its appeal. The Masonic Lodge is still paying off the costs for the elevator it installed several years ago.

Recommendations: The Committee recommends that the City engage a professional consultant to meet with the various landlords and tenants of the Triangular Block, consider the block as a whole, to determine if there are any win-win approaches. In the interim, the City is recommended to work with the Lodge and explore possible cosmetic improvements to the outside facing Main Street.

### **Travel Agencies.**

Analysis: There are two jointly owned travel agencies located at 146 Main Street, and occupy two normal storefront sites. Committee members had detailed discussions with the current agency owner, who recently executed a new lease, which requires the landlord to make a number of very much needed basic improvements to the property. The current business owner indicated that over the years various retail businesses have located in one of the front offices, but each time it had difficulty surviving. He indicated that his travel agency could survive with having only one of the two storefronts, but thinks that the other space as currently configured cannot easily accommodate retail. The property manager, representing the property owners, expressed his opinion that the property cannot be used for retail without tearing it down and rebuilding.

Recommendations: The Committee recommends that the City engage a professional consultant to meet with the various landlords and tenants of the Triangular Block, consider the block as a whole, to determine if there are any win-win approaches. Requiring retail for all or half of this two storefront property at this time may pose a challenge, but if the entire Triangular

Block underwent a contiguous retail transformation, the economics and desirability of retail at this site would likely change dramatically.

### **Nail/Beauty Salons.**

Analysis: There are a number of nail/beauty salons along Main Street, but fewer than one may otherwise expect. Only one is within the Triangular Block, and several are on the first block of Main Street, opposite the Triangular Block. The real estate leasing broker present said that in today's market she could easily relet any salon vacancy, and that one salon has been replaced with retail. After 120 days, the non-conforming use is lost.

Recommendations: The Committee recommends that the City allow the market forces to continue to operate. If, over time, it appears that the current trend continues, then the salons along Main Street and State Street will slowly disappear on their own. If, however, the trend ceases, then the City may wish to reconsider an amortization of non-conforming salons on those streets. One approach could be to phase in the amortization beginning with the last in for each block.

### **Triangular Block.**

Analysis: Of all the blocks within the CRS zone, the Triangular Block is the one that contains the most non-conforming uses, and the least attractive from a shopper's point of view. The Committee recommends that it be used as a test for possible collaboration with the various property owners, business owners, and the City. As part of that collaboration, the Committee recommends that the City give serious thought about the possibility of selling/leasing a portion of Plaza 6 to be developed into retail, and use the proceeds for parking replacement. Plaza 6 is already oddly shaped and arranged, and a combination of more retail and/or open park space may be an attractive alternative. The Committee also recommended that the parking consultant to be engaged by the City for the Master Plan be given a copy of this Final Report, and pay particular attention to this possibility.

### **Conclusion.**

Change is always difficult, and an amortization program is a strong but slow arm for change. As such, it should be used sparingly, and not at all if collaborative efforts can achieve the same results. The Committee was interested in aggressively pursuing collaborative efforts with the understanding that the City may revisit amortization options in the future should this collaboration not achieve the desired result. It has been important for the Committee to exist and explore the various non-conforming uses within the CRS zone, and prepare this Final Report for future reference. A special thanks is made to the Committee members who devoted their time and energies to make this effort possible.



DATE: July 24, 2012

AGENDA ITEM # 18

## AGENDA REPORT

**TO:** City Council  
**FROM:** James Walgren, Assistant City Manager  
**SUBJECT:** Downtown ordinance amendments

**RECOMMENDATION:**

Receive the report and direct staff accordingly

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**SUMMARY:**

**Estimated Fiscal Impact:**

**Amount:** None

**Budgeted:** Not applicable

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** May 8, 2012

**CEQA Status:** Not applicable

**Attachment:**

1. Planning Commission report dated June 21, 2012
2. Planning Commission minutes dated June 21, 2012

## BACKGROUND

A City Council subcommittee of Mayor Carpenter and Councilmember Packard prepared a recommendation to amend the downtown zoning public benefit findings and to specifically limit buildings along the downtown core of State and Main Streets to two stories. The form-based zoning that was adopted for downtown in 2010 regulated buildings by height and architectural design versus by story limits and other development restrictions.

The matter was discussed at the May 8, 2012 City Council meeting and Council voted unanimously to direct staff to prepare ordinance amendments for Planning Commission consideration. The Planning Commission considered these changes at its June 21, 2012 meeting and voted 6-0 to deny them (Commissioner Junaid was not present). A denial of zoning ordinance amendments by the Planning Commission is a final action unless otherwise addressed by Council. In this case, Mayor Carpenter requested that the matter be placed on an agenda for City Council consideration.

## DISCUSSION

While two Commissioners opposed the amendments outright, the majority of Commissioners were concerned about process. It was noted repeatedly that the original form-based zoning went through an extended public review process, and that these amendments had not. The original form-based zoning was developed by staff and went through a very similar public hearing forum – though at the time, the Downtown Development Committee was still formed and did review and participate in the development of these regulations.

Based upon the Planning Commission's feedback, staff has begun to present information regarding the ordinance amendments to downtown business and property owner groups. Following this effort, staff intended to present the amendments to the Commission again, but with a greater emphasis on potential alternatives. While the amendment regarding the height measurement is minor, and corrects a zoning ordinance oddity, the public benefit findings were the more substantive change. The recommended finding below removes all flexibility to consider *any* building height deviation as a development incentive. When in exchange for a downtown public benefit, it may be desirable to allow some flexibility:

- A. *To implement the downtown design plan, minor exceptions from the provisions of this chapter may be granted. Since these are not required by law, they are to be allowed sparingly, if at all, and at the complete discretion of the city, provided the following findings are made:*
  1. *The benefits to the downtown will be significant and not speculative;*
  2. *The benefits to the city derived from granting the exception is an appropriate mitigation when considered against the cost to the developer;*
  3. *The project and mitigation will result in public benefits to the downtown; and*
  4. *The resultant project and mitigation are consistent with the General Plan and promote or accomplish objectives of the downtown design plan.*
- B. *For the purposes of this chapter, such minor exceptions may include, but are not limited to, setbacks and other zoning regulations. Such exceptions shall not include modifications of the height of the structure, height of the first floor, or on-site parking requirements, which instead may be granted if qualified under standard variance procedures.*

Commissioners were also concerned that some of the language was too vague and open to interpretation. The following is what may serve as alternative language:

- A. *To implement the downtown design plan, minor exceptions from the provisions of this chapter may be granted. Since these are not required by law, they are to be allowed sparingly, if at all, and at the complete discretion of the city, provided the following findings are made:*
1. *The benefits to the downtown will be significant ~~and not speculative~~;*
  2. *The benefits to the city derived from granting the exception is an appropriate mitigation when considered against the cost to the developer;*
  3. *The project and mitigation will result in public benefits to the downtown; and*
  4. *The resultant project and mitigation are consistent with the General Plan and promote or accomplish objectives of the downtown design plan.*
- B. *For the purposes of this chapter, such minor exceptions may include, but are not limited to, setbacks, height of structure, height of the first floor, and other zoning regulations. “Height of structure” shall only apply to minor building height exceptions in order to achieve a high quality project, and shall not include exceptions solely intended to achieve additional building stories. Such exceptions shall not include modifications of ~~the height of the structure, height of the first floor, or on-site parking requirements, which~~ instead may be granted if qualified under standard variance procedures.*

In addition to the presentations currently being conducted, the Council may identify other activities that would allow for a full and robust vetting of these amendments.

#### **FISCAL IMPACT**

None

#### **PUBLIC CONTACT**

The posting of the meeting agenda serves as notice to the general public.

#### **ALTERNATIVES**

Not applicable





## MEMORANDUM

**DATE:** June 21, 2012  
**TO:** Planning Commission  
**FROM:** James Walgren, Assistant City Manager  
**SUBJECT:** DOWNTOWN ORDINANCE AMENDMENTS

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### RECOMMENDATION

Recommend approval of ordinances that would:

1. Amend the public benefit findings contained in sections 14.44.180 – Commercial Downtown District, 14.48.180 – Commercial Retail Sales District, and 14.52.160 – Commercial Downtown/Multiple Family District.
2. Amend the height measurement definition contained in section 14.66.230 Height Limitations – Measurement.

### BACKGROUND

A City Council subcommittee of Mayor Carpenter and Councilmember Packard prepared a recommendation to amend the downtown zoning public benefit findings and to specifically limit buildings along the downtown core of State and Main Streets to two-stories. The form-based zoning that was adopted for downtown in 2010 regulated buildings by height and architectural design versus by story limits and other development restrictions.

The matter was discussed at the May 8, 2012 City Council meeting and Council voted unanimously to direct staff to prepare ordinance amendments for Planning Commission consideration. Minutes from that meeting are attached.

### DISCUSSION

#### Public Benefit Findings

Below are the current public benefit findings for the downtown area. These were developed to complement and foster implementation of the Downtown Design Plan.

- A. To implement the downtown urban design plan, exemptions from the provisions of this chapter may be granted provided the following findings are made:*

1. *The granting of the exception will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area;*
  2. *The benefit to the city derived from granting the exception is an appropriate mitigation when considered against the cost to the developer;*
  3. *The project and mitigation will result in a public benefit to the downtown; and*
  4. *The resultant project and mitigation are consistent with the general plan and promote or accomplish objectives of the downtown urban design plan.*
- B. *For the purposes of this chapter, exceptions may include, but are not limited to, setbacks, on-site parking, and development or building standards.*

It was Council's opinion that these exceptions to the zoning ordinances, in light of the broad wording of the Downtown Design Plan, may be too subjective and that the zoning ordinances have been well thought-out and generally should be enforced. In order to better set developer expectations, minimize community disagreements, avoid possible accusations of favoritism, and limit exceptions to important zoning ordinances, Council recommended the following revised public benefit findings:

- A. *To implement the downtown design plan, minor exceptions from the provisions of this chapter may be granted. Since these are not required by law, they are to be allowed sparingly, if at all, and at the complete discretion of the city, provided the following findings are made:*
1. *The benefits to the downtown will be significant and not speculative;*
  2. *The benefits to the city derived from granting the exception is an appropriate mitigation when considered against the cost to the developer;*
  3. *The project and mitigation will result in a public benefit to the downtown; and*
  4. *The resultant project and mitigation are consistent with the General Plan and promote or accomplish objectives of the downtown design plan.*
- B. *For the purposes of this chapter, such minor exceptions may include, but are not limited to, setbacks and other zoning regulations. Such exceptions shall not include modifications of the height of the structure, height of the first floor, or on-site parking requirements, which instead may be granted if qualified under standard variance procedures.*

### **Commercial Building Height Measurement**

Council also desired to limit buildings to no more than two stories in the downtown core, primarily consisting of the CRS district that governs State and Main Streets. Following discussion at the May 8, 2012 meeting, and a desire to retain the essences of the recently adopted form-based zoning, a motion passed to continue to limit buildings based on height but to adopt lower height limits. Staff believes the language below both accomplishes this and corrects an oddity in the zoning ordinance. The current height measurement for commercial buildings with a sloped roof is to the midpoint of the roof. This is appropriate since buildings with sloped roofs tend to appear less massive than a flat roofed building. The height measurement for a flat roofed commercial building is to the interior ceiling. This is odd in that an interior false ceiling has little relationship to how a building is viewed from the exterior. And given that it is a more liberal height measurement, it has resulted in predominantly flat roofed new commercial buildings.

The combination of the taller flat roof, and then typically a parapet above that to screen equipment, results in a taller and visually more massive building. By modifying the height measurement for flat roofed buildings per the below language, it will better equalize the two definitions and may result in more sloped roof commercial buildings.

**14.66.230 - Height limitations—Measurement.**

*The vertical dimension shall be measured from the average elevation of the finished lot grade at the front, rear, or side of the building, whichever has the greater height, to the highest point of the ~~ceiling~~ roof deck of the top story in the case of a flat roof ~~or to the deck line of a mansard roof~~; and to the average height between the plate and ridge of a gable, hip, or gambrel roof; ~~provided, however, in~~ In the R1 Districts, the vertical dimension shall be measured to the highest point of the roof.*

**14.66.240 - Height limitations—Exceptions.**

- E. Completely enclosed penthouses or other similar roof structures for the housing of elevators, stairways, tanks, or electrical or mechanical equipment required to operate and maintain the building, ~~and parapet walls and skylights~~ may project not more than eight feet above the roof and the permitted building height, provided the combined area of all roof structures does not exceed four percent of the gross area of the building roof. However, no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional usable floor space for dwelling, retailing, or storage of any type.*
- F. Parapet walls, and similar architecturally integrated screening walls, may project not more than eight feet above the permitted building height.*

By retaining the downtown core 30-foot height limit, this revised language will preclude anything above a two story building, particularly with the current first floor 12-foot interior ceiling height requirement to accommodate retail uses.

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE  
CITY OF LOS ALTOS, HELD ON THURSDAY, JUNE 21, 2012, BEGINNING AT 7:30  
P.M. AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS,  
CALIFORNIA**

**ROLL CALL**

PRESENT: Chair BAER, Vice-Chair LORELL, and Commissioners BRUINS, MOISON,  
ABRAMS, and BODNER

ABSENT: Commissioner JUNAID

STAFF: Community Development Director WALGREN, Planning Services Manager  
KORNFIELD, and City Attorney HOUSTON

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

None.

**CONSENT CALENDAR**

**1. Planning Commission Minutes**

Recommendation to approve the minutes of the June 7, 2012 regular meeting.

MOTION by Commissioner ABRAMS, seconded by Commissioner BRUINS, to approve the minutes of the June 7, 2012 regular meeting as amended by Commissioner BRUINS to consider a financial institution definition rather than bank to allow other financial institutions such as real estate brokers. THE MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARINGS**

**2. 12-CA-03 – City of Los Altos – Height Limits and Development Incentives Downtown**

Recommendation to approve amendments to Title 14 of the Los Altos Municipal Code to modify the height limit and/or the number of stories; amend the definition of how commercial building heights are measured; and modify the public benefit findings in the CD, CRS, and CD/R3 Districts contained in Chapters 14.44, 14.48, 14.52, and 14.66 of the Code.

*Project Planner: Walgren*

Community Development Director WALGREN presented the staff report recommending approval to the City Council of ordinances that would:

1. Amend the public benefit findings contained in sections 14.44.180 – Commercial Downtown District, 14.48.180 – Commercial Retail Sales District, and 14.52.160 – Commercial Downtown/Multiple Family District.

2. Amend the height measurement definition contained in section 14.66.230 Height Limitations – Measurement.

Several of the Commissioners asked if the proposed height amendment affected the number of stories, density/intensity and three-story limits for downtown that were previously considered, the development incentive language was too restrictive, and that the height measurement should be the same for gable and hips roof forms.

Resident Abby Ahrens stated that her hotel does not have a mansard roof (it is sloped); that form-based-code does regulate stories; questioned what the City is trying to accomplish with the amendments; that stories should not be limited and that we should focus on the outside of buildings; and, that variances equal more time and cost to the applicant. Resident Kim Cranston questioned why we are limiting the rules so drastically; no process sends a negative message to developers; and, that not allowing three floors in the CRS zone is arbitrary. Taylor Robinson of the Passerelle Group stated that the proposed amendments hinder creativity; if no incentives are offered to a developer then there is no incentive to do a better project; questioned why the City was not considering all the downtown zoning districts including the CRS/OAD zone; and, said that if a variance is given, then it must have conditions to limit the special privilege. Resident Michael Hudnall stated that the proposed ordinance should include the CRS/OAD zone in these rules for consistency because issues remain the same with spillover parking and that the City should clarify that “office” projects need to meet parking since they are all day parkers (referring to his June 20, 2012 letter). There was no other public comment.

The Commission discussed the proposed ordinance amendments and Commissioner BRUINS questioned why we could not include the CRS/OAD zoning district. Commissioner ABRAMS commented that with 17 years of declining revenue, more restrictive height limits do not solve the problem. Commissioner MOISON stated that there are not many opportunities for three-story development in downtown due to the narrow lots not being conducive or attractive for three-story buildings. He further noted that the height limit would probably be acceptable, but he would not want to limit flexibility too much though, and was not sure if the amendment accomplished the goal. Both Commissioners BRUINS and BODNER rejected the amendments out-right: Commissioner BRUINS stated that she did not support the proposed amendments because the City Council’s direction was not representative of the public; there was no public forum or study; that the Downtown Development Committee and our own Economic Development Manager should weigh in on the issue; and that the solution should solve the problem. Vice-Chair LORELL commented that the ordinances would not pragmatically change what is already allowed but we should follow a more public process. Commissioner BODNER said that she would vote no out of substance and process: the City needs to hear from developers, neighbors, and economists on the issue; until the City solves the parking problem, we need tools like development incentives in the meantime; that this process should be the same as implementing regulations in the first place; and that the case has not been made by the public and that is a problem in itself. Finally, Chair BAER, who was on the Downtown Development Committee (DDC), stated that the City needs to set expectations, but allow people to game the system; that the height change is insignificant, but the incentives change is too limiting and needs more flexibility to reduce gaming, but allow for innovative solutions; and felt that the height measured to the inside of a building was inappropriate.

MOTION by Commissioner BRUINS, seconded by Commissioner BODNER, to not recommend the ordinance amendment 12-CA-03 to the City Council.

THE MOTION CARRIED UNANIMOUSLY.

Some of the Commissioners made the following suggestions for the City Council:

- Invite the Downtown Design Committee members into the process;
- Leverage community groups like Los Altos Forward and LANN (Los Altos Neighborhood Network) to have a more diverse process;
- The process should create an open discussion and community engagement; and
- Surveys should be used to help define the problem.

The Planning Commission took a five minute break and then reconvened for the remainder of the agenda items.

#### **COMMISSION REPORTS AND DIRECTION ON FUTURE AGENDA ITEMS**

- Commissioner MOISON reported that the Board of Adjustments approved variances for 250 Hawthorne Avenue.
- Vice-Chair LORELL reported that the Architecture and Site Review Committee approved the design application for Pinewood School located at 327 Fremont Avenue.
- Commissioner BRUINS reported on the June 12, 2012 City Council meeting regarding the denial of 40 Main Street, and that she feels the City Council should call on commissioners to report on critical issues that came before Council.
- Chair BAER wrapped up the meeting by thanking the Planning Commissioners for their service and for dealing with more substantive and difficult issues in the last 1.5 years. He stated that everyone remained colleagues and friends is a testament to the Commissions dedication and then personally thanked Commissioners ABRAMS, BRUINS, and LORELL for their dedication to the City of Los Altos.

#### **ADJOURNMENT**

Chair BAER adjourned the meeting at 9:43 PM.

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David Kornfield, AICP  
Planning Services Manager



DATE: July 24, 2012

AGENDA ITEM # 19

## AGENDA REPORT

**TO:** City Council  
**FROM:** Mayor Val Carpenter  
**SUBJECT:** Downtown Zoning Committee Phase IV

### RECOMMENDATION:

Approve the reconstitution of the Downtown Zoning Committee for a fourth phase to focus on more clearly defining how building heights are measured in the CRS and CRS/OAD zoning districts as well as allowable development incentives in all Downtown zoning districts

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### SUMMARY:

#### Estimated Fiscal Impact:

**Amount:** Undetermined at this time

**Budgeted:** No

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** Various meetings for previous Downtown Zoning Committees

**CEQA Status:** Not applicable

#### Attachment:

1. Memorandum from Mayor Carpenter dated July 24, 2012

## M E M O R A N D U M

**DATE:** July 24, 2012  
**TO:** City Council  
**FROM:** Mayor Val Carpenter  
**SUBJECT:** DOWNTOWN ZONING COMMITTEE PHASE IV

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**RECOMMENDATION**

Motion to approve the reconstitution of the Downtown Zoning Committee for a fourth phase to focus on more clearly defining how building heights are measured in the CRS and CRS/OAD zoning districts as well as allowable development incentives in all downtown zoning districts.

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**Summary.** On April 27, 2010, the Los Altos City Council-appointed Downtown Zoning III/Development Committee was disbanded after completing the tasks Council directed it to undertake, including:

- creating the Downtown Design Guidelines
- clarifying the zoning for the CRS/OAD zoning district
- simplifying the zoning on First Street, including eliminating the CS zone, extending the CRS zone from Main Street through the Draegers and Safeway properties, and creating a new CD/R3 zone at the north and south ends of First Street to allow retail, office or residential uses on the ground floor and buildings up to 45 feet in height
- reducing the office parking ratio per thousand square feet from 4 to 3.3
- increasing the building height from 40 to 45 feet in the CD zone
- recommending the Downtown Opportunity Study

At that time, Chair Carpenter and Vice Chair Becker acknowledged Councilmember Packard for creating and chairing the Downtown Zoning III Committee that evolved into the Downtown Development Committee, and thanked the following committee members for their service on the committee for the previous two years: Abigail Ahrens, Jon Baer, Phoebe Bressack, Dan Brunello, Ted Kokernak, Ron Labetich, Bill Maston, Bart Nelson, Doug Schmitz and James Walgren. They also thanked staff members David Kornfield and Anne Stedler for their outstanding support, which enabled the committee to accomplish its goals, and the Los Altos community for their active participation in this public process.

On May 8, 2012, Council directed the City Attorney to prepare proposed ordinance(s) amending existing zoning ordinances so as to redefine exceptions to zoning requirements for downtown projects, and restore and restate that the CRS zoning is limited to two stories. During the June 21, 2012 Planning Commission public hearing on the proposed ordinances, some members of the public and Commissioners expressed concerns about the process, preferring the process recommended herein.



**Committee structure.** Since the Downtown Zoning III/Development Committee was created nearly five years ago, there have been changes in the City staff, Council, residency of former committee members, and/or downtown property ownership. These changes are reflected in the following recommended ad hoc Committee, which is comprised of 10 original and 3 new members. All are residents of the City of Los Altos and have been contacted to ascertain their interest in serving should Council approve the creation of the Downtown Zoning IV Committee and confirm their appointment to it:

Val Carpenter\* (Chair, Mayor, and former Los Altos Planning Commissioner)  
Megan Satterlee (Vice Chair, Councilmember, and former Los Altos Planning Commissioner)  
Marcia Somers (City Manager)  
James Walgren\* (Assistant City Manager, Los Altos Community Development Director)  
Abby Ahrens\* (Downtown property owner)  
Jon Baer\* (Los Altos Planning & Transportation Commissioner)  
Lou Becker\* (former Los Altos Mayor and Vice Chair, Downtown Zoning III/Development Committee)  
Phoebe Bressack\* (Los Altos Planning & Transportation Commission Chair, Architect)  
Dan Brunello\* (Downtown business owner, Chamber of Commerce representative)  
Ted Kokernak\* (Real estate agent for regional/national retailers & shopping centers)  
Ron Labetich\* (Local commercial real estate broker)  
Bart Nelson\* (Downtown business and property owner)  
Taylor Robinson (Downtown property owner)

\* Downtown Zoning III/Development Committee member

In addition, a resident representing the broader community is recommended to be added to the committee, the selection of whom will be made by Chair Carpenter and Vice Chair Satterlee.

**Timeframe.** It is anticipated that the limited scope of these tasks will only require two or three meetings over the next few months.



DATE: July 24, 2012

AGENDA ITEM # 20

## AGENDA REPORT

**TO:** City Council  
**FROM:** James Walgren, Assistant City Manager  
**SUBJECT:** Project photosimulations

**RECOMMENDATION:**

Accept the agenda report and direct staff accordingly

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**SUMMARY:**

**Estimated Fiscal Impact:**

**Amount:** Costs to be borne by project applicants

**Budgeted:** Not applicable

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** June 26, 2012

**CEQA Status:** Not applicable

**Attachments:**

1. Hand-drawn building perspective
2. Computer-generated building perspective
3. Hand-drawn building perspective photosimulated into existing conditions
4. Computer-generated photosimulation presentation

## BACKGROUND

Councilmember Packard requested that the City begin requiring photosimulations of larger development proposals, such as new commercial, mixed-use and multiple-family residential projects.

At its June 26, 2012 regular meeting, the City Council requested that this matter be agendaized for discussion at a future meeting.

## DISCUSSION

The City currently requires perspective drawings for large projects as part of the application submittal package, and the Community Development Director has the authority to update and modify the submittal package as may be appropriate.

Staff approached the architectural firm Hawley, Peterson, and Snyder of Mountain View to comment on requiring the use of photosimulations. Key points from their feedback include:

- Non-campus situated single structure projects could be required to have a minimum of two, but not more than four (one from each elevation), to give a good idea what all four elevations would look like. Requiring perspectives at all elevations and from different distances is a bit extensive.
  - The lesser requirement would probably be appropriate for single building developments.
  - Requiring multiple views for large commercial, mixed-use and multiple building developments would be appropriate.
  - The focal points distance and elevation would be at the developer's discretion.
  - Some jurisdictions require a pre-submittal of the presentation for review and, if reviewers feel they need more information for clarity, they can request it at that time.
  - The City should maintain the option to ask for more information (which, as stated above, is allowed by authority given to the Community Development Director).
- Many architectural firms have this capability to varying degrees, and if not, outside resources can provide perspectives at a relatively low cost. Outside resources providing these services run around \$1,200 for a fairly simple project and on up from there.
  - The most popular 3D software product, and currently easiest to use, is SketchUp. Like other un-enhanced 3D software applications, the viewpoints and number of perspectives possible are infinite. Limiting it two, or possibly four perspectives as suggested above, would make sense especially if the developer uses some other medium to provide this requirement.
  - At the upper end of project rendering are 3D programs that simulate lighting, reflections, shadows, time of year sun angles, etc. and usually are overlaid or "enhanced" using Photoshop or similar software for a more "photorealistic" product. These presentations are time-consuming to create and can be very expensive. Each of these "enhanced" types of renderings is static and can't be viewed like as a moving panorama like SketchUp can.
  - Usually major developers have the wherewithal to put the more extensive presentations together and they can be, and are, used for promotional and marketing purposes as well.

The following examples of perspective drawings are attached to this report:

- Example 1: Traditional hand-drawn building perspective, per current submittal requirements
- Example 2: Computer-generated building perspective, accepted per current submittal requirements
- Example 3: Hand-drawn building perspective photosimulated into existing conditions
- Example 4: Computer-generated photosimulation presentation

As discussed above, Example 3 photosimulations can be achieved relatively easily. The Example 4 perspective is a much more involved and expensive endeavor.

Considering the professional feedback, it appears that requiring building perspectives photosimulated into existing conditions may be the best approach. It is important to note that photosimulations can also be easily manipulated and are not as reliable as to-scale drawings.

### **FISCAL IMPACT**

None

### **PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public

### **ALTERNATIVE**

Maintain current perspective drawing submittal requirements

# Example 1



4 FEBRUARY 2001



EDI International, Inc.  
1411 10th St. Suite 100  
Folsom, CA 95630  
Phone: 916.342.2680  
www.edi-international.com

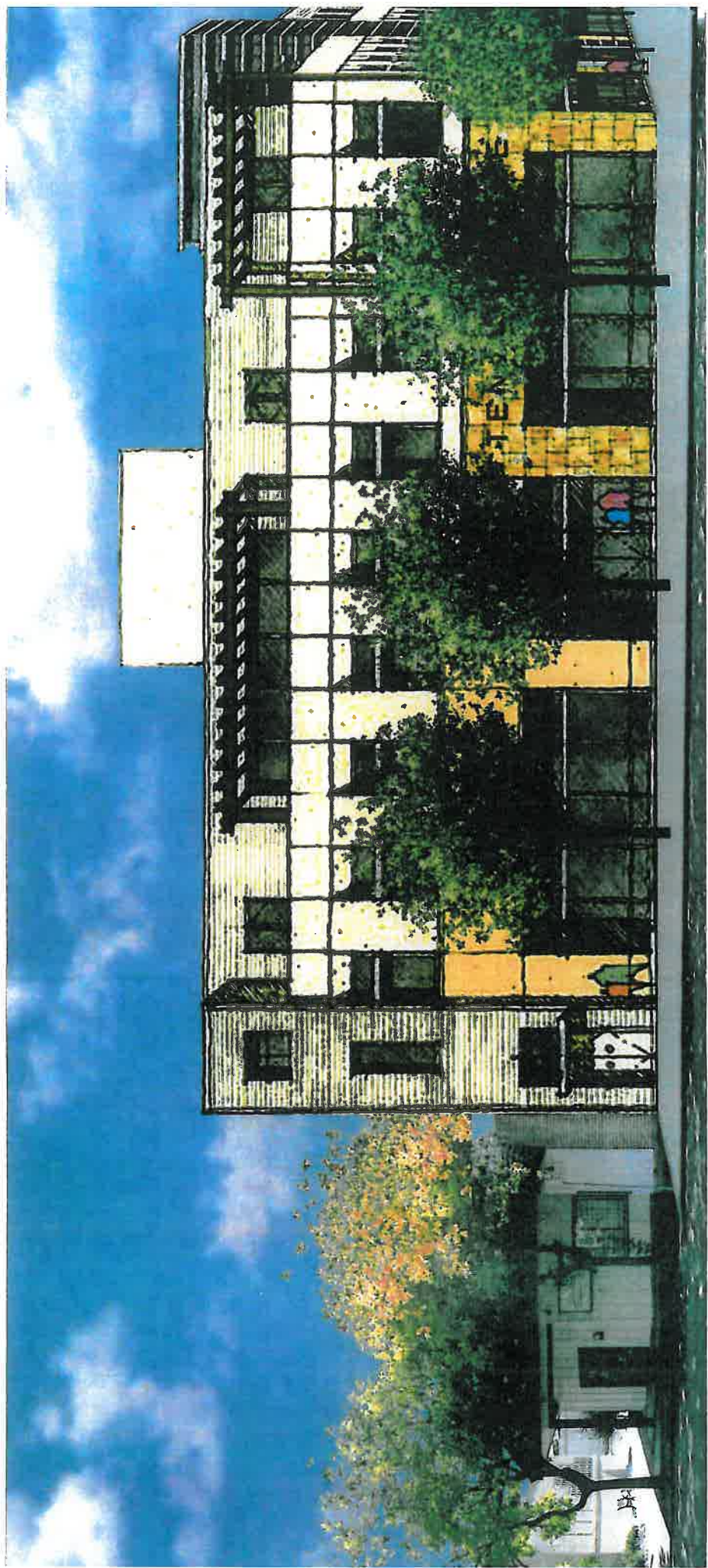
INTERNATIONAL



# Example 2



# Example 3





Example 4

