

From: [Steve Smith](#)
To: [Public Comment](#)
Subject: Sixth Cycle Housing Element 2023-2031--suggested contingency
Date: Monday, January 9, 2023 8:34:59 AM

Dear Los Altos City Council,

Orange County Council of GOvernments (OCCOG) is pursuing a lawsuit against the California HCD through the appellate courts.

The case references are as follows:

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT
ORANGE COUNTY COUNCIL OF GOVERNMENTS, a Joint Powers Agency,
Petitioner,
v.
GUSTAVO VELASQUEZ, Interim Director of Department of Housing and Community Development;
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;
and DOES 1 through 50, inclusive
Respondents.

Case No. 21STCP01970

VERIFIED PETITION FOR WRIT OF MANDATE

The Los Altos Final Draft Dec 2022 6th Cycle Housing Element is predicated upon the Petitioner failing in its appeal. Seems to me that language in your adoption of this final draft ought to include phrases that would negate, at a minimum, the following sections of the 6th Cycle Housing Element should Petitioner succeed in this or any other appeal.

1) Properties identified on Figures B-3 and B-4 (pages B23-24, electronic pages 209-210), **including APNs and addresses listed in Table B10** (pages B26-27, electronic pages 212-213) **that are within the boundaries of the maps shown on the aforesaid figures.**

2) Allowing an additional story and 10' of building height to Commercial Neighborhood zones as outlined in Program 3.b (pages 29-30, electronic pages 30-31)

3) Any increases in densities for Commercial Neighborhoods listed in Table C.1 (page C5, electronic page 223)

a) **NOTE: Table B4 lists no maximum density for CN while Table C.1 does.**

4) Any decreases in parking for Commercial Neighborhoods listed in Table C-5 (page C15, electronic page 233)

5) Any decrease in setbacks for Commercial Neighborhoods listed in Table C-3 (page C11, electronic page 229)

Thank you for your consideration of this tweak.

Stephen J Smith



January 9, 2023

Re: Agenda Item # 2 – Sixth Cycle Housing Element 2023-2031

Dear Mayor Meadows and Members of the Los Altos City Council:

As we have written earlier, the LWV supports a comprehensive plan to address housing that follows State law, and we commend the Staff and LWC for recommending changes to the Draft Housing Element (HE) that hopefully will lead to having a compliant HE. The LWV also supports policies and programs to provide a decent home for every American and Californian, including subsidies at all government levels to produce this housing.

As we wrote to the Planning Commission our greatest concern is with the proposed revisions to Program 1.H. We are pleased that the timeline for implementing a program to encourage housing on City-owned Parking Plazas 7 and/or 8 has been expedited. Nonetheless, the program as described in the current HE does not prioritize the development of affordable housing on these sites, which we believe is important.

Because Los Altos has no affordable housing funds, unlike neighboring cities, the main contribution our City can make to incentivize affordable housing is to make the land free, or nearly free, for a term of 55 years or more, long enough to make a tax credit project feasible, as this is the main financing mechanism for most current affordable housing. The offer of a zero-cost land lease for 20 years to a market-rate developer providing 20% of the units to lower-income households does not incentivize more affordable housing than baseline inclusionary zoning requirements. Our below-market-rate (BMR) ordinance already requires a market-rate developer to provide 20% of the units as BMRs if they are rentals, (or 15% very low-income) so there is no added benefit to the City in this scenario. Public land should be used for the maximum public benefit, and, at this moment, the public benefit needed is affordable housing.

We agree that the City should waive development impact fees for an all-affordable project, as it did with 330 Distel Circle, but it's not clear why the City should waive applicable permit fees for a market-rate development on the Parking Plazas that includes the number of BMRs required by our ordinance already. We also do not think the City should be prioritizing housing for seniors, persons with disabilities and veterans without knowing what the needs are for various housing types or what type of financing for various targeted groups is available.

We suggest rewriting the following 2 programs, the first to prioritize affordable housing for a Downtown Parking Plaza, and the second to commit to waiving development impact fees for 100% affordable developments.

Program 1.H: Facilitate housing on City-owned sites.

The City will facilitate development of housing on City-owned sites through public-private partnerships during the planning period. City-owned Downtown Parking Plazas 7 and 8 were identified as opportunity sites that could accommodate new development, including affordable housing. The first RFP issued by the City for housing on either Parking Plaza 7 or 8 will be for affordable housing and the City will commit to selecting the development proposal that maximizes public benefit. Prior to the RFP issuance,

the City shall hire a third-party to analyze what the minimum financially feasible affordable housing production could be, based upon a minimum of 20 years of a zero-cost land lease and a commitment to provide a minimum 55-year lease. In the event the development is 100% affordable, the City will waive all applicable development impact fees per Program 2.C. The City will comply with all Surplus Land Act requirements. The City will provide a dedicated project planner to facilitate an expedited project review process.

Program 2.C: Assist in securing funding for affordable housing projects.

- Provide financial incentives including waiving City fees for 100 percent affordable housing projects.

We support the development of various types of housing on the Downtown Parking Plazas. After the first RFP has been issued and after the parking study has been completed, it might be appropriate to issue an RFP for a market-rate housing development that would be better able to provide funds for replacement parking. Again, a third-party financial analysis should precede such an RFP.

We are pleased to see that the revised HE proposes amending SB 9 and ADU ordinances ASAP to be compliant with State law. And we support earlier timelines for many programs, as HCD suggested. We commend the specific height increases for the CT and mixed-use zones. We support zoning changes for the OA District, although we prefer consistency, rather than the spot zoning recommended. However, Staff explained at the Planning Commission meeting that when the rezoning of the OA District occurs, other sites can be rezoned.

We commend the simplification of the permitting process but would prefer to see some type of metrics/measurement built into the program to monitor how much the process is actually streamlined, instead of the proposed language in 3.H, “the time...will be shortened....”

Finally, we acknowledge that the revised HE attempts to satisfy the requirements of Affirmatively Furthering Fair Housing, particularly in the future by hiring a Housing Manager, but we believe the City has not really met the intent of this new statutory requirement (to “overcome patterns of segregation” already extant in our City), just as many cities have not. Building an all-affordable housing development for low-income households on a Parking Plaza in the center of our downtown would be a great step forward in Affirmatively Furthering Fair Housing.

(Please send any questions about this email to Sue Russell at housing@lwvlamv.org)

Thank you for your consideration,
Karin Bricker, President LWV of Los Altos/Mountain View Area

Cc: Gabe Engeland Nick Zornes Angel Rodriguez anthony.errichetto@hcd.ca.gov
housingelements@hcd.ca.gov



PUBLIC CORRESPONDENCE

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

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