

## Melissa Thurman

---

**From:** Roberta Phillips <robertaphillips1@gmail.com>  
**Sent:** Sunday, April 28, 2024 3:56 PM  
**To:** Public Comment; City Council  
**Subject:** [External Sender]Item #4 Council Meeting April 30, 2024 Public Comment/ Public Arts Fund

Dear City Council Members

Item #4 Titled " Los Altos Municipal Code Chapter 3.52 Public Art Fund " recommends that Council use the art funds for:

“the design, construction, operation and maintenance of art gallery space or cultural arts’ display, demonstration and performance space to be utilized by individuals and non-profit arts organizations for arts and cultural programming

And for"

funding the design, construction, operation and maintenance of cultural and arts’ facilities.”

This recommendation appears to allow Public Art Funds to be used to build the Theater downtown and maintain the facility.

The Community was told that no public money would be spent on building the theater, yet this proposed ordinance would allow this to happen. My expectations are that the funds to build a theater be raised privately as presented to the community.

I have my undergraduate degree and graduate degree in Art Education and support public funds to purchase and maintain top notch pieces of art. The funds would be depleted if used for buildings and not achieve the original intent

This item was not reviewed by the Parks, Arts ,Recreation and Cultural Commission and there was no time allowed for the residents to weigh in. What a shame.

The City of Livermore , which is referenced in the staff report has a population of 85,000 residents which allows for more than double the funds to be collected.

I urge the City Council to send this item to the Parks,Arts,Recreation and Cultural Commission for review and community outreach and input prior to changing the current ordinance. There is no rush, as a downtown theater is not a top priority for City Council or the community.

A Theater downtown is not a popular idea as demonstrated by several surveys . The Downtown Vision aimed to get more feet on the street to help businesses downtown. That is already happening due to the new housing being built in that location.

Sincerely

Roberta Phillips

## Melissa Thurman

---

**From:** Bill Hough <psa188@yahoo.com>  
**Sent:** Sunday, April 28, 2024 5:02 PM  
**To:** City Council; Public Comment  
**Subject:** [External Sender]public comment regarding item #4 on 4/30/2024 agenda

I oppose any changes to the Los Altos Municipal Code Chapter 3.52 as it relates to the Public Art Fund.

This is nothing more than a money grab to pay for a downtown theater. This item was not reviewed by the Parks, Arts, Recreation and Cultural Commission and there was no time allowed for public comment. The city needs to follow established procedure.

This item calls for "funding the design, construction, operation and maintenance of cultural and arts' facilities," which is a fancy way to say, "use public money for a downtown theater."

The Community was told that no public money would be spent on building the theater, yet this proposed ordinance would allow this to happen. Any downtown theater needs to be funded privately.

Bill Hough  
Los Altos

## Melissa Thurman

---

**From:** Monica Waldman <contact.mlw@gmail.com>  
**Sent:** Monday, April 29, 2024 8:51 AM  
**To:** Public Comment  
**Cc:** Monica Waldman; Nancy Ellickson; City Council  
**Subject:** [External Sender]Item #4 Council Meeting April 30, 2024 Public Comment/ Public Arts Fund

Dear City Council Members,

We are both former Chairs and two term members of the Los Altos Public Arts Commission. When the only two Los Altos Commissions funded through commercial development - Public Arts and Parks and Recreation - were combined, we feared it was an attempt to use those funds to rebuild the Los Altos Theater in downtown. We will remind you that Residents were promised by two Councils that no public funds would be used for the proposed project. We are concerned that this is now not the case and that you are re-directing these funds.

Recently, the City Council gave the green light to explore using Park-in-Lieu fees to build an underground parking lot with a park on top adjacent to where the theater is planned. And now the Los Altos Municipal Code Chapter 3.52 Public Art Fund is being considered to amend potential expenditures including "funding the design, construction, operation and maintenance of cultural and arts facilities." This is a clear money grab to funnel funds to the Los Altos Theater, a vanity project that a small minority in our City want. These dollars were not intended to be used in this way and were planned for the maintenance of our existing public arts assets that have fallen into disrepair—some of which were donated by prominent Los Altans. The fact that you are even considering re-directing these funds is a disgrace.

City Council members are voted into office to represent the people of Los Altos, not special interests. We urge you to reconsider changing the Public Arts guidelines - which were approved by two previous City Councils.

Nancy Ellickson  
Monica Waldman

## Melissa Thurman

---

**From:** Pat Marriot <patmarriott@sbcglobal.net>  
**Sent:** Monday, April 29, 2024 11:13 AM  
**To:** Public Comment  
**Subject:** [External Sender]PUBLIC COMMENT ITEM #4 APRIL 30 2024

Council Members:

The proposal to use public art funds on “the design, construction, operation and maintenance of art gallery space or cultural arts’ display, demonstration and performance space to be utilized by individuals and non-profit arts organizations for arts and cultural programming; developing cultural programs or events for the enjoyment and appreciation of art, heritage, and culture within the Los Altos community; and, funding the design, construction, operation and maintenance of cultural and arts’ facilities.”

This is so broad a definition that I can easily imagine it being used to pay for an Iftar dinner next year under the guise of it being a “cultural program.”

One-percent for public art should NOT be used for “design, construction, operation and maintenance” of buildings or spaces. It’s meant for ART. What’s the point of having a building if there’s no art to go inside it.

Anyone could apply for a grant to host an “art” exhibit at a church or an art class at their home. This pot of \$433K will attract anyone and everyone to try to grab a chunk for their own personal project.

The really scary scenario under this vague definition of what “art” money can be used for is this: “Council would be able to direct these funds to go towards ‘developing cultural programs or events for the enjoyment and appreciation of art, heritage, and culture within the Los Altos community’ ...”

“Cultural” is difficult to define and separate from “religious” events. We’ve already seen how Mayor Weinberg was able to translate a religious event into a cultural event, so why should residents trust City Council to determine what the Los Altos Community will enjoy and appreciate?

Finally, the timing of this proposal suggests a majority of councilmembers – Mayor Weinberg, Vice Mayor Dailey and Councilmember Fligor – see this proposal as a way to transfer a nice chunk of public money to their theater friends.

Please convince me I’m wrong and leave the money where it is to be use for art, not buildings, not “culture.”

Respectfully,

Pat Marriott

## Melissa Thurman

---

**From:** Anne Paulson <anne.paulson@gmail.com>  
**Sent:** Monday, April 29, 2024 12:01 PM  
**To:** City Council; Public Comment  
**Cc:** Nick Zornes; Gabriel Engeland  
**Subject:** [External Sender]April 30 Council Meeting, Item 5: Nexus report on impact fees

April 29, 2023

Dear Mayor Weinberg and Councilmembers,

As we update our nexus study, we must make sure our assumptions and our math are correct. I've noticed issues with the parks in lieu fee and the arts fee. I urge you to look closely at these fees, and instruct staff to correct them if necessary.

### Parks in lieu fee

Just for information, this is what the new parks in lieu maximum would be if we use the nexus reports data for household size, park acreage and land costs. This calculation doesn't depend on the square footage of the homes.

Total park impact, per new person (from nexus report)	\$19,497
People per multifamily unit, average	1.91
Proposed parks fee for average multifamily unit	\$37,239
Current multifamily fee per unit	\$48,800
People per house, average	2.92
Proposed parks fee for average house	\$56,931
Current Single Family fee	\$77,500

The nexus study calculates the average size of a new multi-family home in Los Altos as 873 square feet (on page 13). I calculate the [average unit size](#) for recent developments (140 Lyell, 14 Fourth St, the three First Street condo projects, and 5150 El Camino) at around 1100 square feet; As those of you who have been Planning Commissioners probably know, unit sizes in Los Altos tend to be large. We should use the correct figure as the basis for calculation. A bigger unit size will mean a smaller fee per square foot, but will not mean that the typical condo will pay less—it merely means the typical condo is bigger.

The nexus study says that our population is 31,021, and we own 1.57 acres of parkland per 1000 people. That would mean we have 48.7 acres of park. But our actual park holdings are 44.18 acres of

owned parkland, and 1.27 acres of parkland we use but don't own (Montclair Park and Hetch Hetchy).

<b>Park</b>	<b>Acres</b>
Community Plaza	0.16
Grant Park	4.50
Heritage Oaks Park	5.33
Hetch Hetchy Trail	0.17
Hillview Park	6.63
Lincoln Park	4.44
Marymeade Park	2.47
McKenzie Park	4.30
Montclair Park	1.10
Redwood Grove	6.12
Rosita Park	5.00
Shoup Park	3.95
Village Park	0.78
647 N. San Antonio Road	0.50
<b>Total</b>	<b>45.45</b>

Our "level of service" therefore is 44.18 acres of owned parkland, and we should lower the basis for the parks in lieu fee to 1.42 acres per person, which would lower the allowable fee per person and therefore the allowable fee per square foot for both multifamily and single family home, as shown below:

Current population	31021
Current park acreage	44.18
Land in Los Altos/acre	\$12,100,000
Current park acreage value	\$534,578,000
Current park acreage, \$/person	\$17,233
Parks and Rec Facility Costs for new residents (from nexus report)	\$425,266
Parks and Rec Capital Costs for new resident (from nexus report)	\$444,660

Expected new residents, from nexus report	1939
Parks and Rec Facility + Capital Cost per new resident	\$448.65
Total cost per new resident	\$17,681.42
Total cost per condo (1.91 people)	\$33,771.52
Total cost per house (2.96 people)	\$52,337.02

## Public Arts Fee

I reproduce the Public Arts fee justification here:



By the power of my hand, I have caused this document to be signed.



Just for information, the nexus study recommends that we continue our current fee, which as I understand it is 1% of construction hard costs. The inclusionary zoning report we paid for says that gross construction costs for multifamily housing are \$500/sq ft, which would mean net construction costs for a multifamily unit would be upwards of \$600/sq ft. So that means a 1000 sq ft condo would be paying \$6000 for the arts fee, which seems out of proportion to our other fees.

I see various issues here.

- Um, \$889K is not 1% of \$92 million? So on the report's own terms, we'd need to charge a lower fee than 1%.
- The arts fee is charged on multifamily units too, so their valuation should be included in the denominator here, making the allowable fee lower.
- What is the "valuation" here? At first I thought it was the value of all commercial property in Los Altos, but \$92M is much too low for that. If it's the value of FY 2023 commercial permits, that does not seem to be any basis for "level of service" to residents of Los Altos.
- I can't make out why the amount of money in the fund is used in this calculation. Shouldn't the calculation be the value of current public art divided by the value of commercial property in Los Altos?
- How do we justify charging this fee on ownership homes in multifamily buildings but not ownership homes on separate lots? If we're only charging commercial enterprises, condo buildings aren't commercial enterprises. If we're charging new homes, we should charge all new homes, not just new multifamily homes.

## **Conclusion**

Please instruct staff to make sure our nexus study correctly calculates the maximum fees we are permitted to charge. Thanks.

Sincerely,

Anne Paulson

## Melissa Thurman

---

**From:** Anne Paulson <anne.paulson@gmail.com>  
**Sent:** Monday, April 29, 2024 8:07 PM  
**To:** City Council; Public Comment  
**Subject:** April 29, 2023 meeting, Item 3: 425 First Street Modification

Dear Mayor Weinberg and Councilmembers,

I urge you to take up Mr. Warmoth's offer to swap one Moderate Income deed-restricted unit for two Low Income units.

Deed-restricted Moderate Income ownership units are a bit strange, and somewhat risky for the buyer. The strangeness is the obvious—we're offering a subsidized housing unit to someone who earns **more** than the median income? A unit that would be theoretically available to more than half the population? That's a symptom of a deeply broken housing situation. But here we are. I wish that more people could afford to buy a home in our area, but they can't.

However, the riskiness is what I'm more concerned about. We would like a deed-restricted Moderate Income home to be a stepping stone for the buyer to eventually get a market rate home. But that's unlikely to happen, because the buyer doesn't get the appreciation when they sell. They have to sell to another Moderate Income buyer at a Moderate Income price.

One of two things is likely to happen, five, ten, fifteen years from now when our buyer decides to sell. First, housing prices could have skyrocketed. The buyer will be able to sell their home, but housing prices will be further away from them than ever, because they cannot gain the appreciation that a market rate buyer would have been able to enjoy.

I hope housing prices do not soar; I hope they stabilize, and it becomes possible for Moderate Income buyers to go out on the regular housing market and buy modest homes without any deed restriction, as they do in healthier housing markets now. But in that second case, in that future with the healthier housing market, our Moderate Income buyer, now a seller, of the 425 First Street unit is even worse off. Nobody will want to buy their home at anything near what they paid, because why should someone buy an encumbered home that requires income qualification when they could just submit an offer on another house and get it, without any extra rigmarole. Our Moderate Income buyer would be stuck with a home they can't sell, and the City would have a pointlessly deed-restricted unit in its inventory.

A Low Income buyer is not in the same predicament. They too won't get the appreciation from their home when they sell it, but their purchase price was low enough that their benefit is the monthly cost of their home, not the appreciation. And their purchase price is low enough that it is unlikely to be higher than the market rate price of a Los Altos condo in the foreseeable future, so they will have no trouble selling when the time comes. When they get a deed-restricted unit, they get a good deal.

For this reason, Low Income units are preferable, and the City should swap the one Moderate Income unit for the two offered Low Income units.