



Friends of Los Altos, Inc. (FOIA)

A non-profit, non-partisan, volunteer-run organization

Is the City Council completely out of touch with what residents want?

It appears that three of our City Council members seem intent on creating lasting damage to single family neighborhoods in Los Altos. In this article, we'll explain why we believe what they are doing is not in the best interest of our community.

Most of you are now familiar with SB9 – the landmark State Legislation that goes into effect January 1, 2022 which allows two houses plus ADU's on a single family lot or, alternatively, allows a single family lot to be split with two new homes on each lot (that would be a total of four homes where there used to be only one). While there is a lot of debate and varying opinions on SB9, unless and until a constitutional amendment passes which once again allows local land use decisions, it is the law that Los Altos and many other communities have to abide by.

Along with SB9 is a requirement that there be objective standards used by the City Staff in the evaluation of those new homes to determine if they meet our design requirements. This effectively means that any one or two story house, or a duplex built under SB9, is evaluated and approved by Staff and must use objective standards which the City develops. At present, Staff approves single story residences, but, in the case of two story houses, a review by the Design Review Commission (DRC) is required during a public meeting that allows neighbors to voice any concerns. The City is right now in the process of developing initial objective standards effective for 2022 to be used in SB9 applications and will refine those as quickly as possible. All remodels of two story homes will continue to be reviewed by the DRC and single story homes by City Staff, consistent with present practice. The DRC during its public hearings often identifies issues such as bulk and mass of the second story, compatibility with the neighborhood as regard materials, alignment of sill heights to be compatible with neighboring homes, and identifying the placement of windows that can cause privacy issues. While the City has developed initial objective standards, and will continue to refine them over time, those objective standards simply cannot be as helpful and responsive to neighbor concerns as the DRC process.

So, what's the problem? Is there even a problem? Well, at present a majority of the City Council, based upon an interpretation by our City Attorney, absent clarity on the law from the State, wants to apply the SB9 objective standards requirement to homes that are more than 50% rebuilt, which would include both major remodels as well as scrape-and-rebuilds. To be clear – the Council wants to apply SB9 where there is no lot split, where there is no second house on an existing lot. Of course this means applying SB9 where SB9 is not required by State law. By declaring tear-downs and major remodels as SB9 eligible, those will be allowed to use the now-being-developed objective standards with no discretionary input from City Staff and zero consideration of the adjoining neighbors or neighborhood.

Allowing tear-downs and substantial remodels to be included under SB9 design rules removes a very important safeguard for our neighborhoods. As anyone who has had a house in their neighborhood rebuilt knows, the existing design review process allows for neighborhood input and allows the DRC to

address neighborhood concerns in the final approval such as blockage of light, lack of privacy, and design compatibility. Without such a process neighborhood residents are likely to get unwelcome surprises, particularly when the house is being built by a developer, not a neighbor (as many of you know, developers building houses on spec are primarily concerned with maximizing their return, and regard for the neighbors and neighborhood is usually fairly far down their list of priorities). And even when it is a neighbor who is building a house, sometimes designs need to be changed to address legitimate neighbor concerns.

Do we as a community really want all tear-downs and major rebuilds of homes to be swept under SB9 so that neighbors and Staff have no say as to what gets built? We think the answer is not only “no”, it’s “hell no”.

The City Council will vote on December 14th whether or not the SB9 requirement to use objective standards will include substantial home remodels and tear-downs in cases in which the existing home is merely replaced with another single family residence. We strongly believe that City Council’s added inclusion of these two remodel categories is not in the best interest of residents. And many other cities feel likewise-Palo Alto only applies SB9 to single family rebuilds when an ADU is added at the same time; Cupertino has put in incentives for those not doing a lot split to be governed by the regular design review process. These are two among many other cities that only apply SB9 objective standards to situations where multiple units are being developed on the same lot. While we appreciate that our City Attorney believes the law is not clear, other cities are interpreting the law to partially or fully exclude the use of objective standards for tear-downs and major rebuilds under the requirements of SB9. Los Altos appears to be the only city interpreting the law to include these two categories.

If you believe that what the City Council is proposing to do is wrong, **write to them before the Council meeting on Tuesday December 14th** at council@losaltosca.gov. Better yet, plan to speak at the Council meeting – it’s agenda item #11, which, while it sounds like a long way down the list, is actually the first item after the consent calendar. To participate in the meeting either log on <https://webinar.ringcentral.com/j/1442364192> or call **1-650-242-4929 (Meeting ID: 144 236 4192)**. **Press * 9 on your telephone to indicate a desire to speak.**

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