

Town of Los Altos Hills

City Council Special Meeting Minutes

Wednesday, April 29, 2026, 2026 at 4:00 P.M.

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

Present: Mayor Rajiv Bhateja, Vice Mayor Bhateja George Tyson, Council Member Stanley Mok, Council Member Linda Swan, and Council Member Kavita Tankha
Absent: None
Staff: Acting City Manager Cody Einfalt, Community Development Director Jay Bradford, City Attorney Steve Mattas, Assistant City Attorney Claire Lai and City Clerk Arika Birdsong-Miller

CALL TO ORDER (4:00 P.M.)

Mayor Bhateja called the meeting to order at 4:01 P.M.

ROLL CALL

Mayor Rajiv Bhateja, Vice Mayor George Tyson, Council Member Stanley Mok, Council Member Linda Swan, and Council Member Kavita Tankha were present.

1. PUBLIC COMMENT (Public Comment is Limited to Items which are the Subject of the Special Meeting)

City Attorney Steve Mattas clarified for the record that the public comments received earlier during Public Communications would be incorporated into the public hearing record for the item.

2. PUBLIC HEARING

1. Consideration of: (1) Waiver of Reading and Introduction of an Ordinance Amending Article 16 (Multi-Family Development Standards) of Chapter 2 (Zoning) of Title 10 (Zoning and Site Development) of the Los Altos Hills Municipal Code to Revise Multi-Family Development Standards; and (2) Adoption of a Resolution Amending the Land Use Element of the General Plan Making Conforming Changes Regarding Multi-Family Land Uses (Staff: J. Bradford)

Community Development Director Jay Bradford and Michael Baker International Consultant Dan Wery presented the proposed amendments to the Town's Multi-Family Development Standards and corresponding Land Use Element amendments. The presentation explained that the amendments were prepared in response to a February 10, 2026 letter from the California Department of Housing and Community Development (HCD), which confirmed that the Town's Housing Element remained certified while identifying several multifamily development standards that HCD considered potential constraints to housing production. Staff stated that the Town met with HCD multiple times throughout March and April 2026 to review draft revisions and confirm that the proposed amendments would address HCD's comments.

The presentation summarized the proposed zoning amendments to the Town's multifamily development standards, including reducing the minimum multifamily development site size

from 3.5 acres to 0.5 acre and retaining the 10-acre maximum site size. Staff explained that the change was intended to increase development feasibility, align with Housing Element sites, and remove potential governmental constraints identified by HCD.

Staff and the consultant also reviewed proposed setback revisions, including reducing setbacks adjacent to single-family residential zoning from 60 feet to 35 feet and establishing setbacks of 35 feet front, 10 feet side, and 20 feet rear adjacent to multifamily or nonresidential properties. The proposal also removed the 25-foot overlay setback requirement. Staff explained that the revisions were intended to maintain compatibility with adjacent uses while allowing more efficient multifamily site design and eliminating standards HCD viewed as overly restrictive.

The presentation further described proposed changes to unit size and floor area standards. Staff explained that HCD identified the Town's average unit size requirement as a potential constraint on housing development. In response, the proposed amendments removed the average unit size requirement and unit mix standards and instead established a 0.45 floor area ratio (FAR) standard for habitable floor area. The proposal also established a 350-square-foot minimum unit size and an 1,800-square-foot maximum unit size. Additional FAR incentives were proposed, including a 0.05 FAR bonus for senior and assisted living housing and an anticipated 0.05 FAR bonus for affordable housing developments through the future Inclusionary Housing Ordinance or related policy. Staff stated that these changes were intended to provide additional flexibility while maintaining objective development standards.

The presentation also reviewed proposed Land Use Element amendments intended to maintain consistency between the General Plan and Zoning Code. Staff explained that the amendments updated references to multifamily development standards, setbacks, floor area calculations, and minimum multifamily parcel sizes while preserving the Town's broader land use framework and Housing Element policies.

Staff noted that the Planning Commission reviewed the proposed amendments during special meetings on April 13 and April 22, 2026, and recommended City Council approval. The presentation concluded with a discussion of environmental review, explaining that the proposed amendments are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and Public Resources Code Sections 21080.17 and 21080.27 because the amendments are regulatory actions supporting implementation of the Housing Element, do not approve specific development projects, and do not create the potential for significant environmental impacts.

PUBLIC COMMENTS:

1. **Michael Grady**, a Los Altos Hills resident, provided comments regarding proposed multifamily lot size ranges. He concurred with John O'Connell's suggestion to establish a minimum lot size of approximately one to two acres and expressed concern that developments larger than six or seven acres could create an undesirable concentration of multifamily housing. Mr. Grady also stated that allowing multifamily development on half-acre lots could result in developers seeking setback waivers because the proposed setbacks may not leave sufficient buildable area to achieve the permitted density.

Michael Grady further commented that he was confused regarding how the state-required floor area ratio provisions would apply to a three-quarter-acre multifamily development site. Mr. Grady noted that the Town's proposed multifamily zoning standards require a minimum density of 20 dwelling units per acre, which would result in approximately 15 units on a three-quarter-acre parcel, and questioned how the state provisions related to projects containing three to ten units and the associated 1.25 floor area ratio would apply in that circumstance.

2. **Jim Waschura**, a Los Altos Hills resident, spoke in his personal capacity as a member of the Planning Commission and commented on recent discussions with HCD regarding Housing Element revisions. He stated that progress had been made on resolving several issues raised by HCD and credited Town staff for their efforts. Mr. Waschura expressed concern that reducing the minimum multifamily lot size to one-half acre could conflict with other state laws, resulting in developments with significantly greater floor area ratios than originally intended by the Town. He explained that increasing the minimum lot size to three-quarters of an acre could address the issue while still responding to HCD's concerns. Mr. Waschura recommended that the Council approve the staff recommendations with the modification to change the minimum lot size from one-half acre to three-quarters of an acre and direct staff to discuss the proposed adjustment with HCD.

3. **Rajiv Patel**, a Los Altos Hills resident, spoke in his personal capacity as a Planning Commissioner and expressed support for the comments made by Commissioner Jim Waschura. Mr. Patel stated that increasing the minimum multifamily lot size from one-half acre to three-quarters of an acre would eliminate only a limited number of parcels and would not create significant new constraints on multifamily housing opportunities. He also discussed concerns regarding setbacks, noting that the Planning Commission had previously supported a simplified fixed setback approach to address HCD concerns. Mr. Patel suggested that the newly formed Housing Element standing committee could further evaluate more variable setback approaches for future consideration. He concluded by acknowledging the complexity of the issue and offered to answer questions from the Council.

Rajiv Patel further commented that he observed that the Town had previously spent more than a year developing a complex unit-mix approach that HCD ultimately rejected, whereas the newly proposed floor area ratio (FAR) approach was accepted within one week, suggesting that HCD responds more favorably to straightforward proposals.

4. **John O'Connell**, a Los Altos Hills resident, commented on HCD's role in reviewing zoning ordinances and determining whether development standards constitute constraints or downzoning that could require the Town to identify additional housing sites. Mr. O'Connell expressed concern that the proposed fixed 60-foot setbacks would create development constraints, particularly on smaller parcels, and stated that applying the same setbacks to both large and small parcels was not practical. He also discussed the use of standard zoning tools such as floor area ratios and noted that HCD had accepted a proposed 0.45 floor area ratio. Mr. O'Connell cautioned that once the proposed standards are adopted, it may be difficult to modify them in the future.

John O'Connell further commented regarding state default density provisions and stated that the one-half-acre to ten-acre range relates to an optional default density framework used by jurisdictions to demonstrate suitability for lower-income housing. Mr. O'Connell stated that parcels smaller than one-half acre may be considered unsuitable for lower-income housing, but

expressed the opinion that there is no statutory requirement mandating jurisdictions to zone parcels within a specific acreage range.

Mr. O’Connell also discussed existing Town setback regulations, noting that larger structures and taller buildings currently require increased setbacks under Town standards. He expressed concern that the proposed multifamily standards would reduce setbacks for properties adjacent to other multifamily developments and stated that existing zoning protections for residents were not being fully considered.

Mr. O’Connell further stated that the proposed multifamily zoning standards would still provide significant development capacity, including up to 24 dwelling units per acre, substantial floor area allowances, and high coverage area ratios, which he believed should not be considered constraints on development if clearly explained to HCD. Mr. O’Connell urged the Council not to approve the proposed standards without additional discussions with HCD and recommended that a Planning Commissioner participate in those discussions.

5. Jim Waschura, a Los Altos Hills resident, provided additional comments regarding the implications of allowing multifamily development on one-half-acre lots. He stated that although the Town may choose not to zone existing half-acre parcels for multifamily housing, including such standards in the Land Use Element could create future expectations for development on approximately 60 undeveloped half-acre lots within Town. Mr. Waschura expressed concern that housing advocates or developers could rely on those standards to request multifamily zoning on smaller parcels in the future. He further stated that increasing the minimum lot size at a later date could be difficult and reiterated his recommendation to establish a three-quarter-acre minimum now to address concerns related to floor area ratio consistency across multifamily zones.

Jim Waschura further commented that his original proposal was to direct staff to discuss a three-quarter-acre minimum lot size with HCD while recognizing that the Town would likely proceed with the one-half-acre standard if HCD did not support the request. Mr. Waschura stated that he believed it was worthwhile to have the discussion with HCD and reiterated that the practical impact of the one-half-acre standard would likely affect **only a very limited number of cases, while setbacks remained the larger concern.**

Council Member Linda Swan asked whether the Town is required under state law to allow multifamily development on parcels as small as one-half acre and whether increasing the minimum lot size to three-quarters of an acre would place the Town out of compliance with state law.

City Attorney Steve Mattas responded that HCD has indicated to staff that it expects the Town to allow a minimum multifamily lot size of one-half acre. Mr. Mattas explained that HCD believes smaller lots provide additional opportunities for housing development and noted that HCD is responsible for reviewing and commenting on the Town’s zoning regulations.

Mayor Rajiv Bhateja asked about the applicability of state “safe harbor” provisions related to multifamily developments on parcels between one-half acre and ten acres.

City Attorney Steve Mattas responded that California law establishes minimum floor area ratios for certain multifamily developments, including projects with three to seven units or eight to ten units, regardless of local standards. Mr. Mattas explained that these state requirements apply only to properties designated by the Town for multifamily zoning and noted that the Town Council retains authority over which parcels receive multifamily designations.

Council Member Tankha asked staff for their thoughts regarding the Planning Commissioners' proposal to increase the minimum multifamily development site size from one-half acre to three-quarters of an acre.

Mayor Bhateja asked about the interaction between the 0.5-acre minimum and state FAR requirements. The City Attorney explained that multifamily zoning requires a minimum of 20 units per acre, and that a developer on a qualifying lot could elect to use either the Town's 0.45 FAR or the state mandated FAR, potentially resulting in fewer units than anticipated. Mayor Bhateja asked whether a lot of exactly 0.5001 acres could be reduced to exactly 0.5 acres to trigger the state law provision. Staff confirmed this was theoretically possible, but noted that the provision requires the lot to be zoned multifamily, a designation the Council controls, and that the buildable area (not gross acreage) is what matters.

Council Member Swan asked about the June 10th deadline and whether requesting a 0.75-acre minimum from HCD could cause the Town to miss it and expose it to Builder's Remedy. The City Attorney confirmed this was a risk if HCD did not grant an extension, and noted that HCD's preferred position is actually no minimum lot size at all.

Council Member Mok raised concerns about how residents would perceive allowing multifamily development on one-half-acre lots and asked whether requesting a three-quarter-acre minimum from HCD was feasible. The City Attorney advised that HCD has indicated it expects a one-half-acre minimum lot size and that requesting a three-quarter-acre minimum could be viewed as a constraint that may result in HCD rejecting the zoning or delaying final action.

Council Member Tyson commented on the broader context of California's housing challenges and acknowledged that the State is requiring jurisdictions, including Los Altos Hills, to contribute toward addressing the housing shortage. Council Member Tyson stated that the Town has historically sought to preserve its semi-rural character, but has also committed to finding ways to comply with state housing requirements while maintaining as much local control as possible over development standards and outcomes.

Council Member Tyson further stated that the Town has engaged in an ongoing dialogue with HCD and has found HCD willing to listen and respond to the Town's concerns. Drawing from his experience with negotiations, Council Member Tyson expressed concern about continuing to reopen issues late in the process and stated that HCD had clearly communicated its expectations regarding the one-half-acre minimum lot size. Council Member Tyson stated that he had not heard a compelling argument demonstrating a significant practical difference between one-half-acre and three-quarter-acre minimums and expressed support for proceeding with the one-half-acre standard in order to demonstrate partnership with HCD, meet the required deadline, and continue protecting the Town's interests to the extent possible under state law.

Council Member Mok commented, “A bird in the hand is worth far more than two in the bush.”

Council Member Swan asked whether the Council could approve the ordinance with a conditional provision establishing a three-quarter-acre minimum if HCD agreed, and otherwise retain the one-half-acre minimum. The City Attorney advised that the ordinance must be introduced in its final adoptable form and could not include a conditional provision. However, the Council could introduce the ordinance with the one-half-acre standard while simultaneously directing staff to request HCD approval for a three-quarter-acre minimum.

Attorney Mattas further explained that if HCD approved the revised standard, the ordinance would need to be reintroduced.

Council Member Swan ultimately stated that she would support the one-half-acre minimum, noting that the practical impact would affect only a small number of cases and that setbacks were the more significant concern.

Mayor Bhateja made a motion to Waive the Reading and Introduce an Ordinance Amending Article 16 (Multi-Family Development Standards) of Chapter 1 (Zoning) of Title 10 (Zoning and Site Development) of the Los Altos Hills Municipal Code to revise Multi-family Development Standards, and to Adopt a Resolution Amending the Land Use Element of the General Plan to make conforming changes regarding Multi-family Land Uses.

Mayor Bhateja amended the motion to additionally direct staff to contact HCD and request approval to increase the minimum multifamily lot size from one-half acre to three-quarters of an acre while proceeding with introduction of the ordinance as presented. **Council Member Tankha** seconded the amended motion. During discussion of the motion, the City Attorney clarified that if HCD agreed to the requested change, the ordinance would need to be reintroduced at a Special Meeting prior to adoption in order to remain on the May 14, 2026 timeline. **Council Member Tyson** confirmed that if HCD did not support the requested increase, the ordinance would proceed as introduced with the one-half-acre minimum standard.

Attorney Mattas confirmed that the ordinance would be introduced with two errata corrections, including one correcting a reference to state law in the zoning ordinance and another correcting a reference in the resolution that incorrectly identified it as a Planning Commission Resolution instead of a City Council Resolution.

Attorney Mattas also noted that if HCD approved the three-quarter-acre minimum request, the Council would need to reintroduce the ordinance at a special meeting in early May and subsequently adopt the ordinance at the May 14, 2026 regular meeting, with at least five days required between introduction and adoption.

MOTION PASSED: 5-0

AYES: Bhateja, Tyson, Mok, Swan, Tankha

NOES: None

RECUSE: None

ABSTAIN: None
ABSENT: None

3. CLOSED SESSION

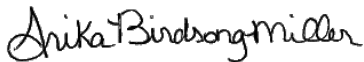
A. CLOSED SESSION: Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1) Name of Case: California Housing Defense Fund v. Town of Los Altos Hills (Case No. 26CV491087)

Following the Closed Session, **City Attorney Steve Mattas** reported that for this matter, the Council by 5-0 directed that Redwood Public Law handle defense of the litigation

4. ADJOURN

Mayor Bhateja adjourned the meeting.

Respectfully submitted,



Arika Birdsong-Miller