

Town of Los Altos Hills
Planning Commission Special Meeting
January 27, 2025, Minutes

Zoom Meeting, Council Chambers at Town Hall, 26379 Fremont Road, Los Altos Hills, CA and
Hilton Mississauga/Meadowvale 6750 Mississauga Rd. Mississauga, Ontario, Canada

1. [ROLL CALL AND PLEDGE OF ALLEGIANCE](#)

Chair Patel called the January 17, 2025, Planning Commission Special Meeting to order at 6:00 p.m.

Present: Commissioner Couperus, Commissioner Waschura, Vice-Chair Indaco, Chair Patel
Absent: Commissioner Bredo attended remotely via Zoom at 6:10 PM.
Staff: City Attorney Mattas, City Manager Pirnejad, Community Development Director (CDD) Bradford, Administrative Clerk/Technician Ahumada, Administrative Clerk/Technician Brunner

2. [PRESENTATIONS FROM THE FLOOR](#)

Chair Patel opened PRESENTATIONS FROM THE FLOOR.

No presentations from the floor.

Chair Patel closed PRESENTATIONS FROM THE FLOOR

3. [STUDY SESSION](#)

3.1 [3.1. Receive and Forward Public Comments Regarding Proposed Key Term Agreements](#)

[Receive and Forward Public Comments Regarding the Proposed Key Term Agreement Scheduled for City Council Consideration at Its Regular Meeting on January 30, 2025](#)
Staff: Peter Pirnejad, City Manager/Steve Mattas, City Attorney

ex parte:

Vice-Chair Indaco had communications with **Commissioner Bredo**, and Los Altos Hills residents: Carol Gottlieb, Kit Gordon, John O'Connell, and Mike Grady.

Commissioner Waschura had communications with **Chair Patel**, Los Altos Hills residents: John O'Connell & Mike Grady, and Vice Mayor Bhateja.

Commissioner Couperus had communications with the neighbors who live on Saddle Mountain, including Michael Grady & John O'Connell, and several other Los Altos Hills residents who were not named.

Discussion about whether *ex parte* was required for this STUDY SESSION item and **Chair Patel** asked City Attorney Mattas for clarification.

City Attorney Mattas stated that since the Commissioners would not be taking action tonight, disclosing *ex parte* was not required but allowed.

Chair Patel had communications with **Commissioner Waschura**, Los Altos Hills resident John O'Connell, Mayor Tankha, Vice Mayor Bhateja, and several Los Altos Hills residents who were not named.

Chair Patel gave instructions to the Commissioners and residents in attendance regarding the flow of the meeting. He noted that he would not restrict the residents'

comments to 3 minutes; however, he wanted to make sure everyone had a chance to speak, so to restrict their comments to introducing information not already stated.

Commissioner Couperus noted he would like to show a few slides to establish common nomenclatures.

Commissioner Waschura noted that he would like to be able to ask questions of residents during their comments, if needed.

City Manager Pirnejad shared a staff report titled, "Twin Oaks and Williamson Act Parcel Key Terms Agreement." He began with an outline of his presentation. He introduced the phrase, "*Key Terms Agreement*" requested that the Commission not recommend changes to the Key Terms Agreement ("KTA") but forward a recommendation to the City Council. Afterwards, Mr. Pirnejad introduced Working Assumptions relative to the existing approved Housing Element.

After several interruptions from the audience, **Chair Patel** asked the residents to allow the City Manager to complete his presentation, and they would backtrack to some of his earlier slides to allow for questions.

City Manager Pirnejad continued with his presentation, picking up at the "Working Assumptions" portion of his report. He then introduced the Twin Oaks Proposed AI Farming Site Plan and the Maximum Residential Development proposal. He specifically called out each colored item on the shared illustration (site plan) and their designations with the proposed development.

Commissioner Waschura interrupted City Manager Pirnejad to confirm the greenhouses would be buildings and Mr. Pirnejad confirmed. He then apologized for the interruption.

After a few interjections from the audience, the Commissioners and **Chair Patel** recommended to the residents to allow completion of the presentation before asking questions.

At **20:34** in the meeting video, **Mr. Pirnejad** continued with the presentation, outlining the proposed development of the Twin Oaks property with Town concessions.

At **38:54** in the meeting, a question was asked off mic by a resident to City Manager Pirnejad that was not recorded, and **Mr. Pirnejad** provided a response.

City Attorney Mattas clarified that "*Exhibit E*" was intended to only list items that could currently develop without a permit; something that would be allowed on property at this time, which is a smaller list. He noted that "*Exhibit D*" were things that Mr. Pirnejad was referring to in terms of the initial farm improvements, which was not all of the proposed farming activities, but a subset of them. He stated that this was a specific list with a narrative description everything in "*Exhibit D*."

After a few interjections from the audience, **Chair Patel** had to remind residents to allow completion of the presentation before asking questions.

At **41:53** in the meeting video, **Mr. Pirnejad** completed the last part of the presentation, which outlined the projected timeline and possible "offramps" relative to the current

Housing Element and the proposed residential and farm improvements on the Twin Oaks property.

At **45:40** in the meeting video, **City Attorney Mattas** continued with the presentation of the "offramps" portion of the proposed agreement. He outlined the possible processes and timelines of each proposed group of developments.

At **49:25** in the meeting video, Los Altos Hills residents asked City Attorney Mattas questions off mic, and he responded.

Several more statements and questions were asked off mic and **Commissioner Bredo** asked City Attorney Mattas to repeat the question before he responded.

Administrative Clerk/Technician Brunner asked that all public comments be made using the microphone so Zoom participants, including Commissioner Bredo, would be able to hear all relevant comments of the meeting.

At **52:45** in the meeting video, **City Attorney Mattas** continued to explain other "off ramp" options, with explanations for legal processes, Town & applicant actions, and timelines.

At **57:20** in the meeting video, **Commissioner Waschura** made statements to clarify the information that was presented so far:

In the first case, there are 2 things that could happen:

1. If the lawsuit is filed, you get 17 homes on the 17 acres.
2. If the lawsuit is successful, in addition, you get 200 units on the Twin Oaks part.

City Attorney Mattas confirmed that statement was correct, because if the lawsuit is successful, then you don't get the easement vacations, the farm improvements, or the fence permit.

Commissioner Waschura continued...Then that's different from THIS phase, of the off ramps, which is after the development agreement has been signed. He stated he did not see any discussion of 17 homes on 17 acres. This [off ramp] JUST has to do with... and requested help from Mr. Mattas to clarify.

City Attorney Mattas provided clarifying responses to Commissioner Waschura's questions and statements by stating the implied question of Commissioner Waschura: "What happens if we get to the second phase of the Development Agreement, "DA" approval and we prevail in that. What is the resulting allowable development?"

Commissioner Waschura continued...and does it involve both of those things, the 17 homes on the 17 acres as well as the 200 units?

At **59:00** in the meeting video, **Mr. Mattas** stated, that no, if the Town never gets a challenge to the first set of approvals, no litigation is filed for the first set of approvals: the easement vacation, the fence, and the initial farm improvements, if that is never challenged, the 17 doesn't come into play. If the 200, those don't get challenged and the Town doesn't lose that litigation, then the 200 is not an option either. Then, you're just down the main line of getting the primary farm project and the 77 units plus the potential bonus density units.

At **1:00** in the meeting video, **Commissioner Waschura** noted he would rely on the staff to capture the content of this portion of this discussion.

Staff concluded their presentation and offered to answer questions.

Commissioner Waschura and **Chair Patel** reminded the audience to make their comments using the microphone.

Chair Patel asked that the first slide be shared so the public could view and ask questions.

Vice-Chair Indaco had a couple of questions on the slide shown, which was the colored-coded development with a legend. She asked if MDA (Maximum Development Area) and MFA (Maximum Floor Area) had been calculated for all this proposed development?

City Manager Pirnejad responded that it had not.

City Attorney Mattas added that going through the approval process, either in the first 90 days, or during the development agreement discussions later this year, that was when MDA and MFA calculations would be included.

A question-and-answer session between **Vice-Chair Indaco** and **City Attorney Mattas** ensued, with some of the highlights captured below. Please watch the video for verbatim.

Commissioner Indaco asked to clarify her understanding that this proposal complied with the Town's development MDA, MFA, and setbacks policies with no exceptions?

City Attorney Mattas responded that no, for the new residential development that was proposed, the Town had no zoning for that. The other proposed agricultural uses have not been calculated for MDA and MFA compliance to date. He stated they would be when they were to be approved, either as part of the development agreement (DA) or as part of any approvals that were in the first [...] of approvals.

Vice-Chair Indaco asked if there was anything that would require the Town to give away more concessions on this property in the future in this Development Agreement (DA).

At **1:05:30** in the meeting video, **City Attorney Mattas** responded that no, the Development Agreement (DA) was proposed to exist for next 30 years, binding on both sides, and included their successors, including future property owners during that time, and the Development Agreement was anticipated to have final permit-level approvals. So, the only thing that would need to happen after the Development Agreement would be the issuance of building permits. For that to happen, for the items that would be covered by the Development Agreement (DA), and even for the other items earlier, there would have to be those calculations that the Town would normally require. He wrapped up his explanation at **1:06:45** in the meeting video.

A question-and-answer session between **Commissioner Indaco** and **City Attorney Mattas** continued.

At 1:06:49 in the meeting video, **Commissioner Indaco** asked, "There is a 22,000 sq ft primary residence that is an estate home. Would that go through site development review and with Planning Commission? Since that's an estate home."

At 1:07:08, **City Attorney Steve Mattas** responded, "It would but on that one, it is part of the initial improvements so that would have to go through in the next 90 days."

Commissioner Waschura asked for confirmation that this was AFTER abandoning all the easements.

City Attorney Mattas directed the Commissioners' attention to Exhibit D for answers to some of their questions.

Commissioner Waschura read an excerpt from Exhibit D. and then asked if the applicant goes through the development review process and the Town disapproves of the project, then they already have approval for the other things, such as the fence and the abandonment of easements, their primary farmhouse project, the development agreement. So, they would get to keep those concessions even if their primary farmhouse project was not approved.

A question-and-answer session ensued between **Commissioner Indaco** and **City Attorney Mattas** regarding the farmhouse approval process.

Chair Patel stated for clarity that the development plans for the 13.5 acres, in which he understood that 4 acres was to be zoned for multi-family, and then the other 9 acres was this farm project with a single-family residence.

City Attorney Mattas qualified it would be a single-family residence and 6 caretaker units.

A question-and-answer session between **Chair Patel** and **City Attorney Mattas** ensued regarding the MFA and MDA calculations on the 9-acre development fitting into the Town's current development standards.

City Manager Pirnejad commented that part of the approval process would be to calculate what the MDA and MFA would be, and he noted that they would make use of the Williamson Act with a permanent covenant, which would restrict the development to 1 estate home to the land, minus the 4 acres.

Chair Patel noted that this was not part of the Williamson Act.

Vice-Chair Indaco asked if the proposed estate house span over the property line into the next property and if there was an abandonment of property lines to accommodate that.

City Manager Pirnejad responded that they would have to remove property lines in order to make one large estate home over 50 acres.

Vice-Chair Indaco asked when those property lines would be removed?

City Attorney Mattas responded that they would have to do a lot line adjustment if they chose to build as proposed.

Commissioner Couperus asked that they step back and run the meeting like they stated they planned to run the meeting. He noted he felt there was some obfuscation and asked that they limit their discussion to what they were informed on after hours on Friday and given until Monday, at 6 PM to comment on. He noted tonight's discussion included information that was not available earlier. He stated that they could not have a sensible

conversation about this kind of information when it was only presented an hour ago. He stated that they allow the public to comment. He suggested that they do not discuss this presentation after they've had more time to review this new information.

Los Altos Hills resident **John O'Connell** shouted a comment from the audience.

Other residents also shouted comments from the audience that were not heard on Zoom.

At **1:19:12** in the meeting video, Los Altos Hills resident **John O'Connell** made a comment that backtracking to questions was not easy to follow. He provided a detailed explanation on the SB 330 filing and asked a question about one of the proposed off ramps.

City Attorney Mattas responded that if the *Key Terms Agreement (KTA)* was signed, then the property owner would agree that they would not file a SB330 application and that prohibition would exist until (assuming the Council approves the KTA) such time as the Council has taken action on the Development Agreement and if there was litigation after that, then it would exist for a period of time so that that litigation could be heard as well, too. If the litigation was ultimately successful and overturned what the Council has hypothetically approved of at that point, then they would be able to file an SB330 application for a period of 90 days, based on the current Housing Element. He continued his response until **Commissioner Waschura** and **Chair Patel** asked the same clarifying question at **1:21:55** in the meeting video.

At **1:22:06** in the meeting video, **John O'Connell** provided clarifying comments regarding the KTA. He stated that it was to stop the owners from filing an SB330, but it would come at a cost of freezing what was in the current Housing Element. He noted they could submit a base application for 77 units. The KTA stated that the owners were not obligated to make it meet the RHNA that the Town has allocated for this parcel. He continued with a detailed explanation regarding the ramifications of that action.

Commissioner Waschura asked for feedback from City Attorney Mattas on this comment.

City Attorney Mattas speaks to the comments John made earlier. Mr. Mattas stated that if the city were to approve the KTA, and approve the Development Agreement, and there was no litigation of any sort, then all the developers would get would be 77 units residential, the density bonus, and the farms. There would not be an opportunity to file an SB330 application later, if there was a challenge or Council denial.

A question-and-answer session between **Commissioner Waschura** and **City Attorney Mattas** ensued regarding terms that may not be specified in the agreement.

City Attorney Mattas noted that DA's (Development Agreement) are inherently agreements that imply mutual consent, so both parties must consent.

City Manager Pirnejad added that as it stands today, in theory, the owners or their successors could file an SB330 application. So, if the Town were to proceed with a Housing Element amendment without some kind of protection that would prevent the current or future owners from filing an SB330 application, then the Town would be at risk of getting an SB330 application until they amended the Housing Element and had it recorded.

Commissioner Waschura noted that this could also be done using the Arastradero property, too.

City Manager Pirnejad noted that they were attempting to lock up the property to avoid an SB330 application until they adopted and approved an amended application.

A Los Altos Hills resident, **Michael Grady** stated that to be clear, the concept of, “if there was not litigation, there be no issue” was a “pie in the sky” assumption. He noted that there would be litigation because the Town did not allow commercial activity. He noted that the attempt to create vested rights and preapprovals under this KTA was an attempt to circumvent the requirements for notice and approvals under a Development Agreement (DA). He further stated that a DA was a legislative activity that required very specific notice and approvals. He submitted that he did not believe that this KTA was exempt from CEQA.

Commissioner Waschura asked **Michael Grady** if the KTA was exempt from referendum, and he responded that yes and further clarified that the owners were attempting to circumvent all the procedural safeguards of a DA. He further cited CEQA guidelines and noted that the fence alone would contradict CEQA. He further stated that the Housing Element did not comply with CEQA but there was not enough time to challenge it. He also stated that the proposal they were attempting to lock in was grossly excessive in terms of MDA, MFA, and other items. Mr. Grady’s comments ended at **1:33:52** in the meeting video.

Los Altos Hills resident **Eric Bredo** commented he was mostly in agreement with earlier comments. He felt they had gotten lost in the legal and threat details. He stated that he wanted to get a characterization of the original plan the farmhouse and greenhouses, before the second option. He stated that this seemed like a billionaire's hobby project and thought that type of development was prohibited, and that Los Altos Hills was not a commercial town.

Commissioner Waschura interjected that he felt that wasn't a fair characterization. He further state, “It may be, but there’s not enough information” [to make that characterization].

Mr. Bredo continued that he didn’t understand the fence but wanted to know what they were really talking about in terms of development this evening.

At **1:36:30** in the meeting video, **Rajiv Bhateja**, speaking as a resident of Los Altos Hills and not as Vice Mayor, noted that a resident asked for an explanation of SB330 and read an AI-generated description.

Commissioner Waschura also noted that the SB330 was not the threat, the current threat was the current Housing Element has a 20-30 units per acre density described over 15 acres over there and it’s locking in that density that was the threat.

Chair Patel noted he wanted to talk about SB330 in more detail, but before that, he wished to give other residents a chance to comment.

Michael Grady spoke about SB330 in more detail. He mentioned the L.A. fires and questioned whether they be able to develop sustaining health & safety for the level of and then outlined the process. His comments ended at **1:40:46** in the meeting video.

A question-and-answer session between the **Commissioners** and **City Attorney Mattas** regarding reducing the # of units in an application, filing concurrent development applications for the same property, the Town's rights, and if SB330 applied to their case. City Attorney Mattas stated that multiple concurrent applications for SB300 could be applied for by the same property.

At **1:51:32** in the meeting video, Los Altos Hills resident **Namrata A.**, commented that they are facing jargon overload, and requested that they zoom out to a 10,000-foot view of this issue. She provided an interpretation of what she thought was happening, which was that the 116 units + AI farm was the better path versus the SB330 path and noted that no matter what, there would be legal challenges. She asked several questions: 1. Confirm her understanding or make corrections; 2. Why can't they just amend the Housing Element, and 3. Why should they be afraid of an SB330 outcome, and 4. Williamson Act-related questions: was this parcel already covered or is it something the owners are trying to do? She read an excerpt of the Williamson Act and noted that this proposal was not in line with that.

Chair Patel asked the question, "Why they were afraid of an SB330 application" is most important. He stated that the answer to that question would provide the basis for answers to other questions and guide the decisions moving forward.

Commissioner Waschura agreed with Chair Patel's comment and noted that it was not fair for folks who were just coming to this discussion new to be exposed to detailed discussions until the 10,000-foot questions were answered.

Chair Patel noted that the purpose of this meeting was to provide feedback to the council. "Are you afraid of SB330?" was an important question to answer and he stated that he was not afraid of SB330.

At **2:00:06** in the meeting video, **Commissioner Couperus** noted that if they had done some decent planning, they would be on their next step where they went from General Plan to Housing Elements, to Zoning Codes. So, they should be discussing actual Zoning Codes at this time. Currently, they are trying to discuss if they should jump like fleas because of SB330 fears. He stated that he felt it was too late now because time has been wasted. As of Friday night, he did not even know there was a connection to what was called Draco Nest and Sea Landing. He knew them as the Fenwick property and Twin Oaks. He had seen that years ago there was a strategic connection, but did not realize there was going to be a discussion in less than 2 days. He noted that whenever you get into a discussion where you didn't get time to think about it, that the subject was frightfully complicated, that's to confuse you so you could be out negotiated, and that had the appearance of a con.

Chair Patel wanted to come back to discuss Namrata's questions.

Los Altos Hills resident **Hari Sankar**, spoke about KTA, he felt this agreement was extremely one-sided and that it was not worth considering on such short notice. He asked why the 77 units couldn't be negotiated down to make the base number plus the density bonus equal to the 92 stated units. He noted the Town should be looking out for the interest of the residents, not the developers, then detailed the issues with the proposals. He summarized that this proposal was a giant step backwards, and did not understand why the Town was working to accommodate a developer. He stated he was ok with a filing of SB330, commented that he felt there was something "fishy" going on, wondered

who's side the management was on, and asked the Planning Commission focus on finding a way to make amendments to put guardrails on the current Housing Element, and noted that the KTA was not worth the discussion time.

Commissioner Waschura noted his support for staff, stated that there was no conspiracy, and that staff responded to resident input that 500 units in the Saddle Mountain area was awful.

Stephen Chan commented that he did not want to stand in line for so long to make a comment. He noted that 38 families lived on Saddle Mountain Drive, and there was only 1 narrow road and 1 gated and locked fire road for access. He cited the Los Angeles fire, and the proposed development would create a danger beginning with Arastradero Road with the present community. Addressing the Housing Element, how does that connect to Twin Oaks development of farming? And why is Fenwick land related. He felt the two owners were ganging up together and grouping things up together to get certain things. And lastly, why do we even want this agreement?

Los Altos Hills resident **Ian Earnest**, wanted to add to the "conspiracy theory" statement made earlier, noting that the deal appeared so lopsided it made him suspicious. He wanted the Housing Element amended by Jan 30, if possible, and noted it smelled of impropriety. The best way to fix this issue would be to amend the Housing Element. and not spend time on this agreement.

Commissioner Couperus commented that the Planning Commission would not be acting this evening but would make sure the City Council was appraised of what they thought of this issue.

Los Altos Hills Resident **Peter Perlegos** and neighbor to Sea Landing and the Draco Nest properties, asked if there was a set of different objective design standards that would be adopted for the proposed property that would prevent the Planning Commission from consideration of hillside rules, tree protections, and other types of ordinances that would be typical of other residential properties? He asked if the applicant already received their "will serve" letters from the utilities in question? He stated that those would take more than 90 days, so those approvals would not be made within the timeline allotted and would default before even reaching the next milestone. He asked how many waivers and concessions would the developer need to pursue the project as designed under the 2 scenarios presented? And finally, why was the property owner not required to remove their existing illegal fencing 4 years ago when required by staff and the Commission?

Chair Patel noted they would answer the secondary level of questions, like what Peter asked.

Commissioner Waschura noted that the Commissioners also had questions that might address some of the issues raised.

Los Altos Hills resident **Martha Bowden** asked if they were going to answer any of Peter's questions and then asked why they had not considered amending the current Housing Element. She commented that John O'Connell had presented a step-by-step process to do that, and the Town has repeatedly pushed back on that. She then noted that with this DA, they would now consider amending, so why not then but now? Tying the Twin Oaks development to the 40 acres on Elena was bad, 6-ft fence Sea Landing applied for 2-3 years ago was bad then and a bad idea now. She noted this approach was to tie this together with an all-or-nothing agreement. This agreement gets around the Town's

requirement of the fencing issue. This proposal looks like a commercial farm. As of Friday night, it wasn't clear that there would be greenhouses all the way up the ridge on the Twin Oaks and the Fenwick properties. She asked what would happen if the sun hit the glass on the greenhouses. An EIR would need to be done to see if the reflective sunlight would be a hazard to the drivers on Hwy 280. She noted canning facilities for fish farms and barns for animals and restated that it looked like a commercial farm. She asked if they had applied for a commercial business license. She noted a 22,000 sq. ft building for a farmer's exchange. She stated using screening plants to hide the impact of roads and buildings was contrary to CalFire recommendations. She noted that there was no requirement (timeline) that they must build housing on the Twin Oaks property, and it appeared that the Town was giving them everything with nothing in return and those conditions would last for 30 years. Regarding creating a dam for fishpond, what happens to creek runoff? She noted this was a very bad deal and asked to go back to the basics and fix the Housing Element and ignore this noise, which is distracting.

Los Altos Hills resident **Buvana Dayanandan**, what is it going to take from a process point of view to amend the Housing Element and how long would it take.

Chair Patel responded that the City Council would decide if the Housing Element needed to be amended, then they would direct Town staff.

Commissioner Couperus also noted to also give a date.

Buvana asked the Commissioners if they needed a picket line and when could they comment on this topic?

The Commissioners responded that Wednesday, Jan 30, 2025, would be the next opportunity to talk to the city council about this subject.

At **2:24:57** in the meeting video, **John O'Connell** made a comment regarding the process.

Los Altos Hills resident **Nina Anand** also asked about amending the Housing Element. She noted that this was an issue 2 years ago to when Housing Element was going through the approval process and that there was an urgency to approve what was presented and this appeared to be the same issue.

Los Altos Hills resident **Karthik Kannan** stated he had been looking for ways to buy in to Los Altos Hills for the reasons this process was going to destroy. He understood the need for more density, but it needed to be done responsibly. He believed other residents felt similar. He stated he applied for ADU, had to go through hoops, and still hasn't built it. He expected the Town to hold the same standard to all residents and noted the KTA was not fair.

Los Altos Hills resident **George Perlegos** stated he had no issue with the Council, Commissioners, or Town staff, but strongly objected to the agreement, which was poorly defined, failed to clarify key elements, and didn't adhere to Town Zoning Ordinances and development regulations. He noted the proposed Housing Element between Twin Oaks has changed and outlined his concerns in detail. He ended his comments by asking the Town to vote against the agreement.

Vice-Chair Indaco thanked George for stepping up and speaking. She noted he owned Lot 1, which was impacted, and was not given notice for any of these agreements.

Los Altos Hills resident **Lanni Evans** asked why they were allowing the Town to be bullied into accepting the KTA, which was clearly slanted towards the developers. She reiterated previous opinions that the current Housing Element should be amended and stated she did not know how Council could make informed decisions when the information they were getting was not clear or complete. She felt this project would not benefit this town and alter it forever.

Los Altos Hills resident **Sue Welch** urged the Commissioners to reject the development proposal and move to amend the Housing Element. She felt the agreement was unreasonable and anything this complicated must be a shell game. Regarding a commercial proposal, most of that land was not suitable for commercial development and read excerpts from the Williamson Act Agreement, which did not confer the right to plant, graze, or build greenhouses development on every square foot of a property. Owners must consider topography, soils, tree cover, vegetation, creeks, tributaries, wildlife, and other natural resources on the land. She stated there was a well-documented wildlife corridor. The Williamson Act Agreement was between the Town and the property owner. There is a requirement to record your progress and there were no records of that type of agreement. She commented on the stink fishponds would generate in the warmer weather. She reminded folks to think carefully during the next election for state representatives and remember what they have done.

Los Altos Hills resident **Valerie Chown** stated that it seemed like everyone needed to stand up and stretch, which many did.

Chair Patel noted there would be a bio break after the next few comments.

Valerie noted that historically for Los Altos Hills, development must blend into the environment and these plans did not appear to do that. It didn't seem like there would be a lot of natural land left if they got to build and it would be an eyesore. She commented on the prison-like aspect of the proposed fence and was concerned about the ingress, egress, and safety issues.

Chair Patel noted that he would allow the 5 people who were waiting to comment on Zoom to speak, then recess for a bio break,

Los Altos Hills resident **Carol Gottlieb**, attending via zoom, asked about the easements next to Fran's Path. She noted that the access road, which was the fire road from Saddle Mountain to Lupine, would be gone. If that were true, then that would be a disaster.

Commissioner Couperus stated that as a former fire commissioner, the only way an official fire road could be removed would be if the county fire marshal gave approval, and was sure they would not allow for that.

City Manager Pirnejad answered that Fran's Path would remain, KTA noted it would not be expanded. He noted regarding easements: that if it was in Town control, then it would be removed; if it was not in Town control, then it would not be removed unless the agency that owned that easement granted permission to remove.

Carol noted that the submitted plans stated they would be removed and asked about the fire road.

Vice-Chair Indaco asked if City Attorney Mattas could provide an answer to the pathway easement, which shows the removal of certain easements, which was contrary to what was being stated.

City Attorney Mattas stated that existing easements on Fran's Pathway would remain. What would be vacated would be the proposed additions to those easements, which was that proposed 30ft access easement; not the existing.

Carol stated that it was existing. And it was the fire road.

City Attorney Mattas noted that if any easement was under another agency, then the Town was only to cooperate, not to grant.

A question-and-answer session between **Carol Gottlieb** and **City Attorney Mattas** ensued regarding the acreage for multi-family development.

Carol also noted her concerns with the EIR, wildlife, and Williamson Act issues.

Commissioner Bredo noted that the submitted maps stated proposed easements, but they were existing easements and wanted to know why they were notated as proposed.

Commissioner Waschura stated that the easements were recorded. He believes the owner was using inaccurate maps.

Vice-Chair Indaco agreed with **Commissioner Waschura** and noted that their maps were not accurate, like when the Planning Commission had asked years ago for accurate maps, and they failed to produce them for this property. So those "proposed" were actual easements that were being utilized now.

Chair Patel suggested that when they submit documentation to the City Council, they have a map of what easements will remain.

RK Anand, a resident of Los Altos Hills, commented on the staff report, key terms, and Draco Nest. The Town should amend the housing element on the Town's terms, not terms given by the consent of the builder. He noted that in no way, under current constraints, could a 22,000 sq. ft home plus all the other structures fit on that property. He felt the residents were not being represented. The Town should not even consider KTA because...lawsuits. He appealed to the Planning Commission and the City Council to not change the character of the town forever.

Los Altos Hills resident **Anne DeGhest** did not understand why the Town would give up 15 acres to a builder to develop. She brought up safety issues. There was no control to widen the road for a better evacuation route.

Chair Patel clarified that the Twin Oaks was not Town-owned.

City Attorney Mattas noted that Twin Oaks was owned by an entity identified as Draco Nest and Sea Landing owns what folks have been referring to as the Fenwick property.

Anne asked about the relationship between the two owners and asked to determine if there was a conflict of interest.

John O'Connell noted that the properties everyone has been talking about were controlled by a lady called Sofia Huang. She was the owner/controller of 531 Stanford Avenue in Palo Alto. The mailing address for getting on 20 different companies in Hawaii, which she sets up and sells property from one entity to another for several companies in Nevada and California. He stated he was unaware if anyone had done any due diligence in this area but would be surprised.

Los Altos Hills residents **Ann Duwe** urged the Planning Commission to reject the KTA because it raised more questions than answers. She stated that dropping this information on the Planning Commission Friday night and expecting them to understand it by Monday night was ridiculous. She cited doing the same with the City Council was also bad. She advised the Council and Commission to reject this proposal because of the way it was presented: the short deadline, the complicated nature of the agreement, and the threat of litigation. She urged the Planning Commissioner to suggest to City Council to amend the Housing Element to make sure the Town had a cap on how many units got built on the Twin Oaks property.

Commissioner Waschura asked City Attorney Mattas if the Council needed a Planning Commission recommendation to amend the Housing Element.

City Attorney Mattas answered that the City Council did not need a recommendation to commence the process. He stated the proposed amendment would come through the Planning Commission and then go to the City Council before it would be submitted to HCD.

Los Altos Hills resident **Jeannette Foley** asked what residents needed to do to see an amendment put through to City Council. She stated she attended a December City Council meeting and noted that there was a discussion then and felt that the meeting didn't seem to be moving forward since then. She wrapped up her comments by thanking the Commissioners for their time.

Chair Patel announced that the meeting would recess briefly to allow the Commissioners to take a short break.

At 9:28 PM, the public meeting recessed for 13 minutes.

The public meeting was reconvened at 9:41 PM.

Chair Patel noted that there were more resident comments, and Commissioner Couperus had a presentation to share.

Stephen Chan emphasized his concerns about the traffic implications of further development. He also addressed the potential environmental impact of fertilizer use associated with the greenhouse, noting its potential harm to livestock, fish, and the permeability of native soil, which he believes could ultimately damage the environment.

Commissioner Couperus presented slides and provided several comments during his discussion. He highlighted concerns about mental overload, sharing an anecdote from pilot training to emphasize the challenges of processing extensive information under pressure. He referred to the concept of "mental fibrillation" and expressed frustration about receiving documents without adequate notice, leaving him "behind the curve" and scrambling to address issues instead of focusing on precedent-setting decisions. He

cautioned that allowing certain actions could lead to future challenges, including others wanting similar allowances or potentially threatening lawsuits.

Commissioner Couperus noted that his slides were outdated but explained their relevance. He referenced the slides depicting Twin Oaks and the slides representing Sea Landing, formerly Fenwick. He discussed how changes to the properties could influence business decisions.

In the second slide, Commissioner Couperus pointed out the steep, tree-covered area where fisheries were planned. He noted that the proposal included building a dam on this steep section, which would require the removal of a significant number of oak trees and the construction of a fence that would block two wildlife corridors, severely impacting permeability. He presented a slide showing the proposed plans, including 114 units, and raised concerns about the maximum floor area (MFA) exceeding allowable limits. He also highlighted that a corner section had been omitted from the plans, further complicating the proposal.

Rajiv Bhateja noted that a previous speaker had posed two questions and requested that City staff and the City Manager respond. The first question was, “Why is there so much concern about SB 330, and what are the specific issues with it?” The second question was, “Why couldn’t the Town immediately file a Housing Element amendment?”

City Manager Peter Pirnejad explained that SB 330 would lock in entitlements at the current density of 20-30 units per acre, creating a potential risk that a property owner could secure approvals for up to 13 acres at 30 units per acre, apply a 100% bonus density, and then sell the property. He noted that while an amendment to the Housing Element could be filed, there was also a risk that an applicant could independently pursue an SB 330 application. The key consideration was determining which risk was more acceptable—the risk associated with SB 330, or the risks related to farming.

As part of the agreement, the applicant committed not to file an SB 330 application and instead agreed to reduce the number of units to 77, with a maximum of 50% bonus density. This compromise was seen as a more manageable approach with safeguards in place. The developer would have flexibility in achieving the 50% bonus density, but the original 77 units would need to comply with the existing Housing Element. Additionally, the corner parcel could allow for further development considerations.

Chair Patel asked whether, during the City Manager's negotiations with the property owners, their agreement not to file an SB 330 application also meant that the City would not proceed with amending the Housing Element at this time.

Attorney Mattas explained that while it was likely the property owners' preference, initiating the Housing Element amendment process could have impacted their discussions with the Town. He noted that, historically, cities had the final authority on land use decisions; however, recent state housing laws have shifted that authority, giving the California Department of Housing and Community Development (HCD) the ultimate say on development matters.

Commissioner Waschura asked if we go forward with the Housing Element amendment and let HCD know that the Town was close to a development agreement with the property owner that satisfied HCD requirements on 4 acres, would that benefit us during the amendment process?

Attorney Mattas explained that the Town has a certified Housing Element and stated that there were various arguments about worst-case scenarios but emphasized that those were merely arguments and not definitive outcomes.

Attorney Mattas informed Commissioners that the former Fenwick property's base zoning is one unit per acre.

John O'Connell interjected off mic that it's one unit per (LUF) Lot Unit Factor.

City Manager Pirnejad noted that Foothill College was initially opposed to adding housing to the site, among other concerns. He also emphasized that the property owner's stance, whether in support or opposition, would significantly influence the California Department of Housing and Community Development (HCD).

Chair Patel noted that property owners had good intentions that turned ugly.

Commissioner Waschura stated that many people today expressed that the worst-case scenario was the 92 units from the Housing Element, and when you compare that with the risks of going through a Housing Element amendment, the amendment was preferable. However, the worst-case scenario wasn't 92 units, it's based on the zoning described in the Housing Element, which was 20-30 units per acre over 15 acres, plus bonus densities, which could go as high as 450-900 units, that changes the analysis. In his view, the process of requiring the owner to do their own EIR could effectively limit the Town's risk there.

John O'Connell explained that the decision the Town faced before submitting the Housing Element was whether to adopt a concentrated, distributed, or other strategy. He highlighted that the benefit of the Twin Oaks owner was that the decision rested with one party. However, he noted that from the perspective of the California Department of Housing and Community Development (HCD), there was an issue with the approach. The language regarding size in the Government Code allows a large area to be treated as a series of smaller sites, which HCD forces as part of a distributive strategy.

Mr. O'Connell raised concerns about MF12, stating that converting properties to duplexes, triplexes, etc., didn't make economic sense, as single-family homes on those lots would be more valuable. He acknowledged that certain factors were unavoidable in the process.

Mr. O'Connell shared that he had personally contacted HCD and communicated with a technical advisor, learning about Clause 5, which allows the Town to reject proposals if they lack a certified Housing Element. He emphasized that the language in the Housing Element and the General Plan indicates that Los Altos Hills is zoned for specific dwelling units per acre. He noted that the Town must clearly explain its intentions, as the standards locked in by the Housing Element are the standards the Town must abide by, and there are no additional zoning standards beyond the 17 elements in the General Plan.

Commissioner Waschura expressed his sincere appreciation for John O'Connell's detailed explanation and praised Michael Grady's work in this area.

John O'Connell also shared a presentation that illustrated the proposal and its inconsistencies with the town's development. He noted that he would not support the agreement.

Commissioner Waschura asked John O’Connell if other municipalities had their Housing Elements approved using the language he proposed, specifically, the 7 parcels will be rezoned to facilitate lower- and moderate-income housing.

John O’Connell responded that the only municipality to use that language was San Francisco and that many of his ideas in the Housing Element proposal were influenced by San Francisco's approach.

Following this, a question-and-answer session took place between John and the Commissioners.

John O’Connell noted that they cannot decertify the Housing Element simply by talking to HCD. He explained that the biggest way to decertify a Housing Element is through actions that conflict with HCD guidelines. He emphasized that the Town is in a strong position and reiterated that it should treat all development proposals equitably.

Ann Duwe noted that she supported John's comments.

RK Anand thanked the Commission and suggested amending the Housing Element, checking the collaboration with Sea Landing and Draco Nest, and offering builders a "take-it-or-leave-it" option.

Dru Anderson noted her focus on wildfires, wildlife corridors, and other environmental concerns. She pointed out the limited access road and a gated fire road, emphasizing that the Town could face similar fire risks as Los Angeles, especially given the homes lost in the 1985 fires. She urged that any decision should prioritize these three issues.

Commissioner Bredo noted that she agreed with the unanimous opinion shared by the residents to reject the proposal. She felt the town should prioritize updating the Housing Element and that it was premature to move forward with a multi-family development proposal before developing multi-family zoning ordinances and completing any rezoning. She also expressed concern about a property with a development proposal that did not align with existing, developed zoning ordinances skipping a full Planning Commission review. In addition, she did not support allowing the developer to dictate terms that didn’t align with existing ordinances, such as involving stipulations about a neighboring property and demanding easement abandonment for fire, pathway, utility, and open space easements, which would be unfair to all of the other residents who have had to abide by them. She also noted that this property was the only one considered for multifamily zoning that was in a ‘significant’ fire zone and felt that it was necessary to keep that in mind in addition to the steep areas and wildlife corridors.

Commissioner Indaco commented that she appreciated the opportunity to review the SB 330 procedures. She emphasized the importance of accurate plans and noted that the applicant would likely fail under an SB 330 application due to the inaccuracy of their plans, as evidenced today and from before in the 2022/2021 fence proposal. She did not agree with the Key Terms Agreement. Commissioner Indaco also noted that the Elena Road 40-acres were not a part of the original Housing Element discussion and should be handled separately. She described the Key Terms Agreement as a "shotgun wedding," which no good could come out of rushed decisions. The solution was worse than the problem. She expressed concerns that the proposed agreement violated the Town's easements, setbacks, subdivision codes, and open space conservation areas, as shown on the Town’s Land Use map. This Agreement eliminated Fran’s Path and the fire emergency access road. There was no penalty for Twin Oaks to even be developed. We

would have No Net Loss triggered with this agreement and was a lose-lose for the town. She viewed this as a "bait and switch" with no action on the Twin Oaks, but massive developments on the Elena Rd 40-acres with no rules applied. It negated the Town's previous work on developments by gaining easements and denying variances. This agreement could lead to many potential lawsuits. She also emphasized that no commercial business should be involved.

Commissioner Couperus noted that it seemed as though they were finding more violations with every turn, including issues with open space. He suggested having a contest to see who could identify the most violations. He recalled a lawsuit involving a 1-acre parcel, where the Town won significantly, encouraging not to fear the unknown or the threats of lawsuits. He emphasized sending a message to the Council that no one supported the current proposal.

Commissioner Waschura emphasized the importance of focusing on planning issues around the Town and not getting bogged down in the details of a KTA. He urged the Commission and residents to focus on the bigger issues. He also referenced Jitze's comment about "brain obfuscation" and expressed that he did not believe there was bad intent in the staff work. Waschura suggested that if the Council decided not to accept a one-sided agreement, there was still work that could be done. He felt the KTA was asymmetrical and one-sided, urging both parties to work together to ensure a mutually beneficial outcome.

Commissioner Couperus noted the importance of understanding precedents in these discussions.

Commissioner Waschura referenced the Fenwick property and the 40-foot pathway easement between the two properties. He emphasized the desire to develop a better agreement with Twin Oaks alone and that the Town needed to show they weren't as afraid of SB 330 as the owners might have thought. He suggested recalibrating the approach in collaboration with the owner and prioritizing the Town's Housing Element amendments.

Commissioner Waschura expressed his appreciation for Commissioner Couperus' slides.

Commissioner Couperus clarified that there was a distinction between APN, lot number, and site address, emphasizing the discussion was about sites, not units per acre. He noted that the proposed project could be completed on 4 acres and Commissioners should be prepared to participate in the planning process. He pointed out that new information had emerged that was not part of the original packet, such as the greenhouse areas, which he did not believe represented what Los Altos Hills looked like. Commissioner Couperus also noted that the additional 40 acres was not part of the original packet.

Commissioner Waschura suggested the Town should prioritize Housing Element amendments right away, which would be a challenging effort. In that effort, it may be beneficial that the recent proposal demonstrated that HCD numbers could be met on only 4 acres. Waschura would like planning commissioners to participate in accomplishing the amendment as much as possible. Since there was new information that was not in the original packet, Waschura recommended staff to provide to City Council, prior to the

January 30, 2025, City Council meeting, additional information that was understood at tonight's meeting, including:

- Providing exhibits referenced in the agreement;
- Identifying that planting areas are actually greenhouse buildings throughout both properties, not planter-beds;
- Explanation that concrete designations around growing areas refers to base-rock (if this is true).

After studying SB 330, Waschura was less concerned about this threat, though not something to scoff at. To protect our town, residents needed to be prepared to fight for it. If a future development agreement was possible, planning functions should be included in it, since afterwards only building permits were required. Planning functions include items such as: tree protection, grading, retaining-walls, variances, outdoor lighting, etc.

Commissioner Couperus noted that retaining walls would go away if there were dams built instead.

Chair Patel noted that the agreement was not worthwhile, had a lot of time bombs built in, there was no value in the proposal, and was surprised this proposal was allowed to go on for so long. He stated that these kinds of items have prevented them from fixing the Housing Element problems. He felt the KTA proposal was terrible, and this meeting taught him that there was tremendous value in resident feedback. He expressed that he felt that the experts provided less valuable feedback than the residents, which was disappointing. He wanted the Council to consider amending the Housing Element but to include the planning commissioners immediately. He advised that they bring the Commissioners to any future agreements early on; not 2 days in advance of a special meeting. He further noted that the Town has an agricultural base that coexists with wildlife, which this proposal did not. He also stated that he was not afraid of an SB330 application. And, in summary, SB330 was not a concern, yes, the Housing Element should be amended, and passed on the Williamson Act question, which did not affect the development.

Mayor Tankha thanked the residents who showed up tonight and noted that the Council saw this agreement only 4 days ago as well. She stated that she heard about it from residents and that this agreement was being worked on before she heard it from staff. She noted that this communication issue should be worked on and wanted to be in the loop on what was being negotiated, who was negotiating, and so forth.

The public meeting was adjourned at 11:40 PM by **Chair Patel**. The remainder of the agenda items were not discussed.

4. REPORTS FROM THE COMMISSIONERS

4.1 UPCOMING CITY COUNCIL MEETING ASSIGNMENTS

- January 30, 2025 — Vice Chair Indaco
- February 20, 2025 — Commissioner Waschura
- March 20, 2025 — Commissioner Couperus

5. REPORTS FROM PAST FAST TRACK/SITE DEVELOPMENT MEETINGS

6.1 January 21, 2025
CANCELLED

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

7. ADJOURNMENT

The public meeting was adjourned at 10:40 PM by **Chair** Patel after the Study Session discussion was concluded.

Respectfully submitted,
Keren Brunner
Keren Brunner
Administrative Clerk/Technician