



**LEAGUE OF WOMEN VOTERS
of the Los Altos-Mountain View Area
97 Hillview Avenue, Los Altos, CA 94022**

May 13, 2013

Mayor Jarrett Fishpaw and Members of the City Council
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022

Re: City Council Meeting May 14 – Agenda Item #19 - AB 1229

The League of Women Voters of the Los Altos-Mountain View Area would like to encourage the Council to endorse AB 1229 which clarifies that local jurisdictions have control regarding inclusionary zoning. The bill clarifies that cities have the authority to enforce inclusionary zoning (requiring below-market-rate units (“BMRs”)) in new rental housing developments. The bill does **NOT require** that cities have inclusionary zoning. The bill simply **allows** local jurisdictions to use inclusionary zoning as a tool for creating affordable housing, if they choose to do so.

Over 170 California cities have had inclusionary zoning programs, beginning in 1970, but in 2009 a California appellate court in the Palmer decision (referenced in the bill that is part of the staff report) ruled that inclusionary zoning violated the State rent control law.

Los Altos has had an inclusionary zoning ordinance since 1999 and it has been effective in producing below-market-rate units. Presently, there are approximately 86 BMRs in Los Altos, either already built or in the process of being built. These BMRs are one of the main ways that Los Altos employs to meet some of its Regional Housing Needs Assessment targets for lower-income households.

Our inclusionary zoning ordinance is still enforceable with regard to ownership housing, and Los Altos has recently approved mainly condo projects in multiple-family developments. However, recently neighboring cities are seeing a trend to build mostly rental housing. In Los Altos, the Sares-Regis rental development at the Marie Callender site used the State Density Bonus Law in order to achieve the densities they wanted. This allowed the City to require 17 BMRs, as use of the State Density Bonus Law is a specific exception recognized by the Palmer court.

Not all developers need to use the State Density Bonus Law, depending upon the specific zoning. For example, the 86 Third Street project is being built where there is no density limit, so the State Density Bonus Law wouldn't apply. (We recognize this is an ownership project, but are using this as an example, as if it had been a rental project, no BMRs could be required because of the Palmer decision.)

Once again, AB 1229 simply reinstates the authority to local jurisdictions to require inclusionary zoning if they want to. Many local jurisdictions, the California League of Cities and the Cities Association of Santa Clara County have already endorsed this bill, which is supported by both Ass.

Rich Gordon and Sen. Jerry Hill. We urge you to send a letter of support to Ass. Toni Atkins, sponsor of the bill, with copies to Rich Gordon and Jerry Hill.

Sincerely,

Susan Russell

744 Los Altos Avenue

Co-Chair, Housing Committee, LWV of the Los Altos-Mountain View Area

Cc: Marcia Somers

David Kornfield

James Walgren

Jolie Houston