



**CITY OF LOS ALTOS
CITY COUNCIL MEETING
August 25, 2015**

PUBLIC HEARING

Agenda Item # 16

SUBJECT: Introduce and waive further reading of Ordinance No. 2015-414, relating to amendments to the Zoning Code

BACKGROUND

As part of the continuing effort to maintain and update the City's Municipal Code, staff has been working with the Planning and Transportation Commission and City Council to identify zoning regulations that need to be amended to meet the current and future needs of the community. The results of this effort are the recommended code changes discussed in this report.

On July 16, 2015, the Planning and Transportation Commission held a public hearing to consider the proposed Zoning Ordinance amendments. No public comments were received. Following a discussion of the proposed amendments, the Commission voted unanimously to recommend approval to the City Council, with the following recommendations:

- The front yard landscaping amendment should be clarified to reference pervious landscape material and landscape;
- The basement amendment should state that basements are limited to the floor area of the first floor of the main or accessory structure above;
- The threshold for correcting nonconforming setbacks in R1 districts should be further evaluated before amending the Zoning Ordinance;
- The height exceptions should include both solar thermal and solar photovoltaic; and
- Staff should investigate whether 300 feet or a larger distance is appropriate for common parking facilities.

The Planning and Transportation Commission agenda report and meeting minutes are included as Attachments 2 and 3, respectively.

EXISTING POLICY

None

PREVIOUS COUNCIL CONSIDERATION

None

DISCUSSION

The proposed amendments include updating the personal service definition to include pet grooming and tutoring centers; clarifying what constitutes front yard landscaping in R1 districts; setting a threshold for covering basement light wells; establishing reduced side yard setbacks for narrow lots in the R1-20 District; updating the threshold for correcting nonconforming setbacks in R1 districts; clarifying how to measure a pool setback; updating the permitted uses in the OA District to be consistent with the office-administrative definition; correcting where medical office uses can be located in the CRS District; removing an outdated code section related to nonconforming structures;

updating height limitations to allow solar and photovoltaic panels to exceed the height limit in non-R1 districts; requiring off-site parking agreements to be subject to public review; and correcting references to the Sign Ordinance.

To address the Planning and Transportation Commission recommendations, the proposed amendment wording related to front yard landscaping, single-family basements and height exceptions for rooftop solar systems has been updated. The proposed amendment related to correcting nonconforming setbacks in R1 districts has been removed and will be further evaluated at a future date.

With regard to the appropriate distance that off-site common parking facilities can be located from the site that they serve, the requirement of no more than 300 feet has been a longstanding requirement in the City's Parking Ordinance. If a parking facility is located too far from the site it is serving, then there is an increased likelihood that the parking will not be effective in meeting the needs of a development.

Staff reviewed the parking regulations for 26 jurisdictions around California and found that the requirements for off-site parking facilities vary greatly. However, almost half of the jurisdictions have regulations that allow for approval of off-site parking being a maximum of between 200-400 feet from the project. There also appears to be a correlation between the size of a city and the allowable distance for off-site parking (i.e., a longer distance between a parking lot and the building it serves is more acceptable in a large urban city such as San Francisco or Oakland than it is in a smaller city such as Los Altos or Los Gatos).

Staff also researched the matter to see if there was a consensus among parking professionals for an appropriate distance for off-site parking. An excerpt from an article by Mary S. Smith, P.E. and Thomas A. Butcher, P.E. with the firm Walker Parking Consultants summarizes the issue very well:

“One of the most frequently asked questions in any parking planning process is: How far can we expect people to walk from a parking facility to their ultimate destinations? Yet while most parking consultants will tell you there are generally accepted rules of thumb, no two consultants answer that question in quite the same way. The primary cause for lack of consensus is that there are different factors that affect different situations. For instance, parking designers usually call for maximum walking distances between 300 and 600 feet for retail customers, but between 1,200 and 1,500 feet for employee parking.”

Since Downtown Los Altos is smaller in size and has customers and employees that generally expect a shorter walk between their parking space and their destination than if they were in a larger city, maintaining the current distance of up to 300 feet between off-site parking appears appropriate in order to avoid impacting other properties and parking facilities in the vicinity of a project.

With regard to the proposed amendment to the common parking facilities regulations, the goal is to ensure that there is an opportunity for the public to review a proposed parking agreement before it is approved. Thus, it is recommended that all proposed off-site parking agreements be reviewed and approved the Planning and Transportation Commission.

Introduce and waive further reading of Ordinance No. 2015-414, relating to amendments to the Zoning Code

PUBLIC CONTACT

A public hearing display ad was published in the *Town Crier* for the July 16, 2015 Planning and Transportation Commission hearing.

A public hearing notice was published in the *Town Crier* for the August 25, 2015 City Council hearing.

Posting of the meeting agenda serves as notice to the general public.

FISCAL/RESOURCE IMPACT

None

ENVIRONMENTAL REVIEW

Categorically Exempt per CEQA Section 15308 (specific regulatory action necessary to assure the maintenance, restoration, enhancement or protection of the environment).

RECOMMENDATION

Introduce and waive further reading of Ordinance No. 2015-414, relating to amendments to Zoning Ordinance

ALTERNATIVES

1. Modify the amendments and introduce a revised ordinance
2. Deny the ordinance

Prepared by: Zachary Dahl, Senior Planner

ATTACHMENTS:

1. Ordinance No. 2015-414
2. Planning and Transportation Commission Agenda Report, July 16, 2015
3. Planning and Transportation Commission Meeting Minutes, July 16, 2015

Introduce and waive further reading of Ordinance No. 2015-414, relating to amendments to the Zoning Code

ORDINANCE NO. 2015-414

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LOS ALTOS AMENDING TITLE 14 ZONING OF THE
LOS ALTOS MUNICIPAL CODE**

WHEREAS, the City of Los Altos initiated an application (15-CA-03) to amend Title 14 of the Los Altos Municipal Code pertaining to updating the personal service definition to include pet grooming and tutoring centers; clarifying what constitutes front yard landscaping in R1 districts; setting a threshold for covering basement light wells; establishing reduced side yard setbacks for narrow lots in the R1-20 District; clarifying how to measure a pool setback; updating the permitted uses in the OA District to be consistent with the office-administrative definition; correcting where medical office uses can be located in the CRS District; removing an outdated code section related to nonconforming structures; updating height limitations to allow solar and PV panels to exceed the height limit in non-R1 districts; requiring off-site parking agreements to be subject to public review; and correcting references to the Sign Ordinance, referred herein as the “CA”; and

WHEREAS, said CA has been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970 (CEQA), as amended, and the guidelines promulgated thereunder, and Council finds that it can be seen with certainty that there are no significant environmental impacts on the environment resulting from these amendments and said amendments are therefore exempt from the requirements of the CEQA; and

WHEREAS, required public notices and public hearings were duly given and duly held according to law; and

WHEREAS, the Planning and Transportation Commission held a duly noticed public hearing on the CA on July 16, 2015 and the City Council held a duly noticed public hearing on the CA on August 25, 2015; and

WHEREAS, the CA was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council’s decision is based in the Office of the City Clerk.

NOW THEREFORE, The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Portions of Section 14.02.070 of Chapter 14.02 of the Los Altos Municipal Code entitled “Definitions” are hereby amended as follows:

“Personal service” means a use, not conducted within an office, providing services for

the personal care of an individual or the fitting, cleaning, repair, or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal services include beauty shops, barber shops and nail salons, pet grooming, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services. Personal services also include art, dance, music, tutoring centers, ~~and~~ fitness studios and health clubs that do not exceed seven thousand (7,000) gross square feet.

SECTION 2. AMENDMENT OF CODE: A portion of Section 14.06.080 of Chapter 14.06, Section 14.08.080 of Chapter 14.08, Section 14.10.080 of Chapter 14.10 and Section 14.12.080 of Chapter 14.12 of the Los Altos Municipal Code entitled “Setbacks” is hereby amended as follows:

- B. A minimum of fifty (50) percent of the required front yard area shall be a combination of pervious landscape material and landscape.

SECTION 3. AMENDMENT OF CODE: A portion of Section 14.06.110 of Chapter 14.06, Section 14.08.110 of Chapter 14.08, Section 14.10.110 of Chapter 14.10 and Section 14.12.110 of Chapter 14.12 of the Los Altos Municipal Code entitled “Basements” is hereby partially amended as follows:

- A. Basements shall not extend beyond the floor area of the first floor footprint of the main or accessory structure above;
- D. Light wells, ingress and egress wells, patio wells, and other similar elements shall be at least 75 percent open in area to light and air above.

SECTION 4. AMENDMENT OF CODE: A portion of Section 14.10.080 of Chapter 14.10 of the Los Altos Municipal Code entitled “Setbacks” is hereby partially amended as follows:

- G. On a lot less than 100 feet in width, the minimum width of side yards shall be as required for lots in the R1-10 District per Section 14.06.080.

SECTION 5. AMENDMENT OF CODE: A portion of Section 14.06.120 of Chapter 14.06, Section 14.08.120 of Chapter 14.08, Section 14.10.120 of Chapter 14.10 and Section 14.12.120 of Chapter 14.12 of the Los Altos Municipal Code entitled “Accessory structures, outdoor barbeques and swimming pools” is hereby partially amended as follows:

- D. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be set back a minimum of five feet from any property line. The setback shall be measured from the outside edge of the pool structure. Said structures shall not be located in a required front or side yard setback area.

SECTION 6. AMENDMENT OF CODE: Section 14.34.040 of Chapter 14.34 of the Los Altos Municipal Code entitled “Permitted Uses (OA)” is hereby amended as follows:

Permitted uses (OA).

The following uses shall be permitted in the OA Districts:

- A. Accessory structures and uses customarily incidental to permitted uses;
- ~~B. Banks and savings and loan institutions, excluding drive-in facilities;~~
- ~~C.~~ B. Copy reproduction shops;
- ~~D.~~ C. Office-administrative uses; ~~services~~;
- ~~E. Travel agencies;~~
- ~~F.~~ D. Parking spaces and loading areas; and
- ~~G.~~ E. Other uses which are determined by the Commission and the Council to be of the same general character.

SECTION 7. AMENDMENT OF CODE: Section 14.36.040 of Chapter 14.36 of the Los Altos Municipal Code entitled “Permitted Uses (OA-1 and OA-4.5)” is hereby partially amended as follows:

- A. Office-administrative uses ~~services~~;

SECTION 8. AMENDMENT OF CODE: Section 14.36.040 of Chapter 14.36 of the Los Altos Municipal Code entitled “Conditional Uses and Structures (CRS)” is hereby partially amended as follows:

- G. Medical and dental clinics, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;
- H. Medical and dental offices that are five thousand (5,000) gross square feet or more, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street; and

SECTION 9. AMENDMENT OF CODE: Section 14.66.080 of Chapter 14.66 of the Los Altos Municipal Code entitled “Nonconforming Structures - Elimination” is hereby deleted.

~~**14.66.080 – Nonconforming structures – Elimination.**~~

- ~~A. A nonconforming structure having an assessed valuation of not more than five hundred dollars (\$500.00) shall be removed from its site on or before March 6, 1961.~~
- ~~B. All other nonconforming structures, except dwellings, shall be removed from their sites or altered to comply with the regulations for the district within which the site is located within the periods of time as specified in the following schedule:~~
 - ~~1. For structures defined in the Building Code of the city as Type 1, fifty (50) years from the date the structure was originally erected;~~
 - ~~2. For structures defined in the Building Code of the city as Type 2 or Type 3, forty (40) years from the date the structure was originally erected; and~~
 - ~~3. For structures, defined in the Building Code of the city as Type 4 or Type 5, thirty-five (35) years from the date the structure was originally erected.~~
- ~~C. Restoration, additions to, or remodeling of a structure, or any part thereof, shall not be deemed to have extended the structure's lifetime beyond the periods of time as specified in this chapter for the original structure, unless such restoration, addition, or remodeling results in the structure's full compliance with the required provisions for the district within which the site is located.~~

~~D. Whenever a structure becomes nonconforming because of a change of district or a change of the regulations for the district in which the site is located, the period of time prescribed for the removal of the structure shall be computed from the effective date of the change of district or regulations.~~

SECTION 10. AMENDMENT OF CODE: Section 14.66.240 of Chapter 14.66 of the Los Altos Municipal Code entitled “Height Limitations – Exceptions” is hereby partially amended as follows:

- A. Towers, spires, cupolas, chimneys, flagpoles, radio and television antennas, and transmission towers, except as noted below, may be erected to a height not more than fifteen (15) feet above the height limit prescribed by the regulations for the district in which the site is located, excluding R1 districts, provided no such structure shall be used for dwelling purposes or for commercial or advertising purposes.
- E. Completely enclosed penthouses or other similar roof structures for the housing of elevators, stairways, tanks, or electrical or mechanical equipment required to operate and maintain the building, solar thermal and photovoltaic panels, and parapet walls and skylights may project not more than eight feet above the roof and the permitted building height, provided the combined area of all roof structures, excluding solar thermal and photovoltaic panels, does not exceed four percent of the gross area of the building roof. However, no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional usable floor space for dwelling, retailing, or storage of any type.

SECTION 11. AMENDMENT OF CODE: Section 14.74.170 of Chapter 14.74 of the Los Altos Municipal Code entitled “Common Parking Facilities” is hereby amended as follows:

14.74.170 - Common parking facilities.

- A. Parking space requirements prescribed in this chapter may be satisfied by the permanent allocation of the required area or number of spaces for each permitted use in a common parking facility, cooperatively established and operated, either under private auspices or a public assessment district, which includes the site of any use permitted under this chapter, provided the total number of spaces allocated shall be not less than the sum of the individual requirements, and provided also that the parking facility shall be within three hundred (300) feet of the site of the permitted use, and further provided that the parking facility meets the design standards set forth in this chapter.
- B. The Planning and Transportation Commission shall review and approve a common parking facility proposal to ensure that it meets the intent of this chapter.
- C. When off-site parking spaces are provided a common parking facility is approved as prescribed per subsections A and B, appropriate legal documents, as approved by the City Attorney and the City Planner, shall be executed to insure permanent use of such spaces.

SECTION 12. AMENDMENT OF CODE: The section in chapters 14.06, 14.08, 14.10, 14.12, 14.16, 14.18, 14.20, 14.22, 14.24, 14.34, 14.36, 14.40, 14.42, 14.44, 14.48, 14.50, 14.52, 14.54, 14.56, 14.58, 14.60, 14.62 of the Los Altos Municipal Code entitled “Signs” is hereby amended as follows:

Signs

As provided in Chapter ~~11.04~~ 14.68 of this code.

SECTION 13. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 14. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 15. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on August 25, 2015 and was thereafter, at a regular meeting held on _____, 2015 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Janis C. Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



DATE: July 16, 2015

AGENDA ITEM # 2

TO: Planning and Transportation Commission
FROM: Zachary Dahl, Senior Planner
SUBJECT: 15-CA-03 – Zoning Ordinance Amendments

RECOMMENDATION:

Recommend approval of amendments to chapters 14.02, 14.06, 14.08, 14.10, 14.12, 14.34, 14.36, 14.48, 14.66 and 14.74 of the Los Altos Municipal Code to the City Council subject to the listed findings.

PROJECT DESCRIPTION

The proposed amendments will update the personal service definition to include pet grooming and tutoring centers; clarify what constitutes front yard landscaping in R1 districts; set a threshold for covering basement light wells; establish reduced side yard setbacks for narrow lots in the R1-20 District; update the threshold for correcting nonconforming setbacks in R1 districts; clarify how to measure a pool setback; update the permitted uses in the OA District to be consistent with the office-administrative definition; correct where medical office uses can be located in the CRS District; remove an outdated code section related to nonconforming structures; update height limitations to allow solar and PV panels to exceed the height limit in non-R1 districts; require off-site parking agreements to be subject to public review; and correct references to the Sign Ordinance.

BACKGROUND

As part of the continuing effort to maintain and update the City's ordinances, staff has been working with the Planning and Transportation Commission and City Council to identify zoning regulations that need to be amended to meet the current and future needs of the community. The recommended zoning ordinance amendments discussed in this memorandum have been identified by staff, the Planning and Transportation Commission and/or the City Council as meriting consideration. For reference purposes, underlined text is proposed language and ~~strike-through text~~ is language proposed to be removed.

DISCUSSION

Personal Service Definition (Chapter 14.02)

Over the years, staff has observed an increase in pet grooming and tutoring uses seeking to locate in the City. Both uses are consistent with the range of uses and activities defined within the personal service category, and have been defined as such, but are not specifically referenced. This amendment

would recognize them as personal service uses. Therefore, the following amendment to the personal service definition is proposed:

14.02.070 - Definitions

“Personal service” means a use, not conducted within an office, providing services for the personal care of an individual or the fitting, cleaning, repair, or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal services include beauty shops, barber shops and nail salons, pet grooming, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services. Personal services also include art, dance, music, tutoring centers, and fitness studios and health clubs that do not exceed seven thousand (7,000) gross square feet.

Front Yard Landscaping in R1 Districts (Chapters 14.06, 14.08, 14.10 and 14.12)

For all single-family districts, the Code requires at least 50 percent of the front yard be “pervious.” The intent of this requirement is to ensure that there is ample landscaping and trees in the front yard area (pervious area). However, elements such as pervious pavers and other hardscape materials that are technically pervious but functionally hardscape have been proposed as meeting this requirement. In order to clarify that the intent of this requirement is to limit the amount of hardscape area in the front yard, the following amendment is proposed:

Setbacks (R1-10) (R1-H) (R1-20) (R1-40)

- B. A ~~minimum~~ maximum of fifty (50) percent of the required front yard area shall be pervious covered by impervious or hardscape surfaces, with the remaining area softscape or landscaping.

It should also be noted that with the current drought conditions, front yard areas are allowed to be mulched or covered with other pervious materials that do not require irrigation in order to reduce water consumption.

Basement Requirements in R1 Districts (Chapters 14.06, 14.08, 14.10 and 14.12)

The following amendments are intended to clarify that a basement should be located under the floor area footprint of a structure and that basement light wells need to be open to light and air above. To ensure that basement floor area, habitable and non-habitable, is located within the main building envelope, the term building footprint is expanded to “floor area footprint.” This will ensure that basement floor area is not extended under decks and other elements that could technically be considered as part of the building footprint.

With regard to light wells, the intended use of these elements is to be open to light and air above. However, there have been cases where decks and other solid surfaces have been proposed on top of light wells, effectively turning these spaces into enclosed basement areas. Since light wells are allowed to encroach into side and rear yard setback areas, constructing a deck or roof above a light well would allow for basement space outside of the building footprint. However, a small amount of coverage over a light well, such as to allow for a bay window projection or a balcony overhang, can be appropriate. So requiring light wells be at least 75 percent open to light and air above appears to

be a reasonable threshold to allow for minor overhangs while ensuring that the light wells provide their intended function.

Basements (R1-10) (R1-H) (R1-20) (R1-40)

Basements shall be regulated as follows:

- A. Basements shall not extend beyond the floor area footprint of the main or accessory structure above;
- B. Light wells, ingress and egress wells, patio wells, and other similar elements shall not be permitted within a required front or exterior side yard setback. These elements may be permitted within an interior side or rear yard setback, but in no event closer than five feet to a property line;
- C. Light wells, ingress and egress wells, patio wells, and other similar elements shall utilize vertical retaining walls. Contour graded slopes, which expose the basement as a story, are prohibited;
- D. Light wells, ingress and egress wells, patio wells, and other similar elements shall be at least 75 percent open in area to light and air above.

Narrow Lots in the R1-20 District (Chapter 14.10)

For properties in the R1-10 District, the Code allows for reduced side yard setbacks for narrow lots. However, the R1-20 District does not address reduced side yard setbacks for narrow lots, which in this case would be lots that are less than 100 feet in width. Providing reduced side yard setbacks on narrow lots would allow for these properties to enjoy a building envelope that is comparable to their neighboring properties. In the case of narrow lots in the R1-20 District, it would be appropriate to apply R1-10 District side yard setback standards. Therefore, the following amendment is proposed:

14.10.080 - Setbacks (R1-20).

- C. On a lot less than 100 feet in width, the minimum width of side yards shall be as required for lots in the R1-10 District per Section 14.06.080.

Threshold for Correcting Nonconforming Setbacks in R1 Districts (Chapters 14.06, 14.08, 14.10 and 14.12)

As currently outlined in the Code, a single-family house can maintain a nonconforming setback as long as at least 50 percent of the existing structure is maintained. However, this 50 percent threshold does not include additions. For example, a 1,200 square-foot house that encroaches into a side yard setback could add 2,000 square feet and rebuild up to 600 square feet of the existing structure and still be allowed to maintain the nonconforming setback. However, the overarching goal of the nonconforming structures ordinance is to bring structures into compliance over time when major projects are proposed, while not unduly burdening a property when a minor addition or remodel is desired. Therefore, in order to ensure that major additions and remodels to single-family structures correct non-conforming setbacks, the following amendment is proposed:

Setbacks (R1-10) (R1-H) (R1-20) (R1-40)

- H. ~~With the exception of the provisions of Section 14.66.080 of this title, when a structure has an existing nonconforming setback and fifty (50) percent or more of the floor area~~

~~of that structure is voluntarily being eliminated or replaced, the entire structure shall be brought into conformance with current setback requirements.~~

H. For structures that are nonconforming, an addition, removal and/or replacement that is fifty (50) percent or greater of the existing floor area, excluding basements, shall require the entire structure to be brought into conformance with current setback requirements.

Swimming Pool Setback Measurement (Chapters 14.06, 14.08, 14.10 and 14.12)

In order to clarify where a setback for a new swimming pools is measured, the following amendment is proposed:

Accessory structures, outdoor barbeques and swimming pools (R1-10) (R1-H) (R1-20) (R1-40)

D. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be set back a minimum of five feet from any property line. The setback shall be measured from the outside edge of the pool structure. Said structures shall not be located in a required front or side yard setback area.

Office Administrative District Permitted Uses (Chapters 14.34 and 14.36)

This amendment is intended to remove redundancy from the permitted uses section of the Office-Administrative (OA) District since the current office-administrative definition includes banks and travel agencies. Over time, the City has moved away from listing specific businesses and uses that are allowed in each district and moved toward creating overarching categories that group similar uses in terms of activity and intensity. While all of the permitted and conditional uses in the City's commercial districts have been updated to reflect this approach, the permitted uses for the OA District still list uses that are a vestige from previous zoning ordinances. Therefore, the following amendments are proposed:

14.34.040 – Permitted uses (OA).

The following uses shall be permitted in the OA Districts:

- A. Accessory structures and uses customarily incidental to permitted uses;
- ~~B. Banks and savings and loan institutions, excluding drive-in facilities;~~
- ~~C.B.~~ B. Copy reproduction shops;
- ~~D.C.~~ C. Office-administrative uses services;
- ~~E.~~ D. Travel agencies;
- ~~F.D.~~ E. Parking spaces and loading areas; and
- ~~G.E.~~ F. Other uses which are determined by the commission and the council to be of the same general character.

14.36.040 – Permitted uses (OA-1 and OA-4.5).

The following uses shall be permitted in the OA-1 and OA-4.5 Districts:

- A. Office-administrative uses services;

CRS District Conditional Use Correction (Chapter 14.48)

Following the adoption of new regulations pertaining to medical and dental offices, the Code was updated to reflect the changes. However, when large medical and dental offices and clinics were added to the CRS District as conditional uses, it was not specified that the uses are not allowed to occupy a space that fronts on Main Street, State Street or First Street. The CRS District does not allow any type of office-administrative use, even as a conditional use, to occupy a ground floor space that fronts on Main Street, State Street or First Street, so the same restriction should have been included with large medical and dental offices and clinics. Therefore, the following amendments are proposed:

14.48.040 – Conditional uses and structures (CRS).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CRS District, except when they displace a retail business located in a ground floor building space that fronts directly onto First Street, Main Street or State Street:

- G. Medical and dental clinics, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;
- H. Medical and dental offices that are five thousand (5,000) gross square feet or more, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street; and

Nonconforming Structures (Chapter 14.66)

Chapter 14.66 of the Zoning Code (General Standards and Exceptions) includes provisions that, among other things, address nonconforming uses and structures. One section in particular, which addresses the elimination of nonconforming structures, dates back to the City's original Zoning Code. Since all of the specific timeframes in this section have passed, it can no longer be legally enforced. Leaving the section in the Code also creates an expectation that the City can still enforce it. Therefore, it is recommended that this section be removed.

~~14.66.080 – Nonconforming structures – Elimination.~~

- ~~A. A nonconforming structure having an assessed valuation of not more than five hundred dollars (\$500.00) shall be removed from its site on or before March 6, 1961.~~
- ~~B. All other nonconforming structures, except dwellings, shall be removed from their sites or altered to comply with the regulations for the district within which the site is located within the periods of time as specified in the following schedule:
 - ~~1. For structures defined in the Building Code of the city as Type 1, fifty (50) years from the date the structure was originally erected;~~
 - ~~2. For structures defined in the Building Code of the city as Type 2 or Type 3, forty (40) years from the date the structure was originally erected; and~~~~

3. ~~For structures, defined in the Building Code of the city as Type 4 or Type 5, thirty-five (35) years from the date the structure was originally erected.~~
- C. ~~Restoration, additions to, or remodeling of a structure, or any part thereof, shall not be deemed to have extended the structure's lifetime beyond the periods of time as specified in this chapter for the original structure, unless such restoration, addition, or remodeling results in the structure's full compliance with the required provisions for the district within which the site is located.~~
- D. ~~Whenever a structure becomes nonconforming because of a change of district or a change of the regulations for the district in which the site is located, the period of time prescribed for the removal of the structure shall be computed from the effective date of the change of district or regulations.~~

Height Limitations (Chapter 14.66)

With regard to the height limitation exceptions section in Chapter 14.66, there are two proposed amendments. For projects in R1 districts, the height measurement is absolute with few exceptions that allow for elements to exceed the height limit. Since this section is intended to address height exceptions for non-single-family zone districts, the following amendment is proposed:

14.66.240 - Height limitations - Exceptions.

- A. Towers, spires, cupolas, chimneys, flagpoles, radio and television antennas, and transmission towers, except as noted below, may be erected to a height not more than fifteen (15) feet above the height limit prescribed by the regulations for the district in which the site is located, excluding R1 districts, provided no such structure shall be used for dwelling purposes or for commercial or advertising purposes.

In order to promote the installation of solar and photovoltaic panels on commercial, multiple-family and public and community facility buildings, staff recommends that they be included as rooftop structures that are allowed to project above a building's height limit. Solar and photovoltaic panels are similar in function to other rooftop structures that are currently allowed and the City wants to support and encourage the installation of energy efficient improvements. Therefore, the following amendment is proposed:

14.66.240 - Height limitations - Exceptions.

- E. Completely enclosed penthouses or other similar roof structures for the housing of elevators, stairways, tanks, or electrical or mechanical equipment required to operate and maintain the building, solar and photovoltaic panels, and parapet walls and skylights may project not more than eight feet above the roof and the permitted building height, provided the combined area of all roof structures, excluding solar and photovoltaic panels, does not exceed four percent of the gross area of the building roof. However, no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional usable floor space for dwelling, retailing, or storage of any type.

Public Review for Parking Agreements (Chapter 14.74)

The City's parking regulations (Chapter 14.74) include a provision that can allow for a project to meet its parking requirements by using off-site parking spaces on a nearby property. Section 14.74.170 outlines the requirements, including that the parking spaces must be within 300 feet of the subject property, for common parking facilities. The Code currently allows for a parking agreement to be reviewed and approved administratively by staff. In order to ensure that there is an opportunity for the public to review a proposed off-site parking agreement, it is recommended that the Zoning Code be amended to give the Planning and Transportation Commission approval authority before an off-site parking agreement is executed. Therefore, the following amendment is proposed:

14.74.170 - Common parking facilities.

- A. Parking space requirements prescribed in this chapter may be satisfied by the permanent allocation of the required area or number of spaces for each permitted use in a common parking facility, cooperatively established and operated, either under private auspices or a public assessment district, which includes the site of any use permitted under this chapter, provided the total number of spaces allocated shall be not less than the sum of the individual requirements, and provided also that the parking facility shall be within three hundred (300) feet of the site of the permitted use, and further provided that the parking facility meets the design standards set forth in this chapter.
- B. The planning and transportation commission shall review and approve a common parking facility proposal to ensure that it meets the intent of this chapter.
- C. When off-site parking spaces are provided a common parking facility is approved as prescribed per subsections A and B, appropriate legal documents, as approved by the city attorney and the city planner, shall be executed to insure permanent use of such spaces.

Sign Ordinance Reference

The City's Sign Ordinance was revised 2010 and moved into the Zoning Code (Chapter 14.68). However, throughout the Zoning Code, the former Sign Ordinance chapter is still referenced. Therefore, the following amendment is proposed:

Signs (all zone districts)

As provided in Chapter ~~14.04~~ 14.68 of this code.

ENVIRONMENTAL REVIEW

Pursuant to Article 5 of the California Environmental Quality Act (CEQA) Guidelines, zoning ordinance amendments are not subject to an environmental analysis if they do not result in a direct or reasonably foreseeable indirect physical change in the environment. Because the proposed amendments would not result in any change or intensity of use in any of the affected districts, staff

finds that they would not result in a physical change to the environment, and therefore that they are not subject to the requirements of CEQA.

PUBLIC CONTACT

A public hearing display ad was published in the *Town Crier* on July 1, 2015 for the July 16, 2015 Planning and Transportation Commission hearing.

FINDINGS

15-CA-03 – Zoning Code Amendments

1. The Planning and Transportation Commission finds in accordance with Section 15060(c)(2) of the California Environmental Quality Act Guidelines, as amended on January 1, 2015, that the following zoning ordinance amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment and is therefore not subject to the requirements of the California Environmental Quality Act.
2. The Planning and Transportation Commission finds in accordance with Chapter 14.86 of the Municipal Code that the following zoning ordinance amendment findings can be made:
 - a. The amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare; and
 - b. The amendments are in conformance with the City of Los Altos General Plan.

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND
TRANSPORTATION COMMISSION OF THE CITY OF LOS ALTOS, HELD ON
THURSDAY, JULY 16, 2015, BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL,
ONE NORTH SAN ANTONIO ROAD, LOS ALTOS,
CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Chair McTIGHE, Vice-Chair LORELL, Commissioners, BRESSACK, BAER,
MOISON, BODNER and JUNAID (arrived at 7:05 PM)

STAFF: Community Development Director WALGREN

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Resident Katherine Wurzburg commented on the description of Loyola Corners in the Commission's June 18, 2015 meeting minutes. Rina Ragus spoke regarding the need for expanded VTA bus schedules and routes.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

1. Planning and Transportation Commission Minutes

Approve the minutes of the June 18, 2015 regular meeting.

MOTION BY Commissioner BRESSACK, seconded by Commissioner BAER to approve the minutes of the June 18, 2015 regular meeting as-written. THE MOTION CARRIED UNANIMOUSLY (6/0).

Commissioner JUNAID arrived.

PUBLIC HEARING

2. 15-CA-03 – City of Los Altos – Zoning Code Cleanups

The proposed amendments include Municipal Code chapters 14.02, 14.06, 14.08, 14.10, 14.12, 14.34, 14.36, 14.48, 14.66 and 14.74 to update the personal service definition to include pet grooming and tutoring centers; clarify what constitutes front yard landscaping in R1 districts; set a threshold for covering basement light wells; establish reduced side yard setbacks for narrow lots in the R1-20 District; update the threshold for correcting nonconforming setbacks in R1 districts; clarify how to measure a pool setback; update the permitted uses in the OA District to be consistent with the office-administrative definition; correct where medical office uses can be located in the CRS District; remove an outdated code section related to nonconforming structures; update height limitations to allow solar and PV panels to exceed the height limit in non-R1 districts; require off-site parking agreements to be subject to public review; and correct references to the Sign Ordinance. *Project Planner: Dabl*

Community Development Director WALGREN presented the report recommending to the City Council approval of the zoning ordinance amendments.

There was no public comment.

The Commission discussed the various amendments individually.

MOTION BY Commissioner BRESSACK, seconded by Commissioner JUNAID, to recommend approval to the City Council of the amendments with the following changes:

- The front yard landscaping amendment should be clarified to read:

A minimum of fifty (50) percent of the required front yard area shall be a combination of pervious landscape material and landscape.
- The basement amendment should be clarified to state that basements are limited to the floor area of the first floor of the main or accessory structure above.
- The Threshold for Correcting Nonconforming Setbacks in R1 Districts was pulled from the ordinance amendments for further study.
- The Height Exceptions section should be amended to include the state solar thermal and solar photovoltaic.
- Staff was requested to investigate whether 300 feet or a larger distance was appropriate for the Common Parking Facilities ordinance. Staff noted that this would be studied and presented to the City Council.

THE MOTION CARRIED UNANIMOUSLY (7/0).

Commissioners BODNER recused herself from discussion for agenda item No. 3 since she has an investment interest in the adjacent 1000 Fremont Avenue office building.

DISCUSSION

3. Subcommittee Report on the Loyola Corners Specific Plan

Commissioner McTIGHE reported on the status of subcommittee studying the Loyola Corners Specific Plan. He noted that they are collecting sales tax data relative to Appendix B - Economic Analysis of the Plan, which provides information from 1985 to 1988 that needs to be updated to understand, and stated that the subcommittee needed additional time to collect this data. They expect to provide a recommendation to the full Commission on August 20, 2015.

Commissioner McTIGHE further noted that any recommendation that the Commission supports would then go to the City Council for direction and action. If the recommendation is to update the Specific Plan then a similar public-process would be developed as was presented to Council for the Downtown Plan update. They may also recommend no changes to the Specific Plan or relatively minor updates.

Residents Tom Ferry, Teresa Morris, Stephen More, Mike Alcheck, Eli Alcheck and Maria Gonzalez all spoke of the need to involve residents, business owners and property owners in a public process in any change are recommended to the Plan.

Gregg Bunker, applicant and property owner for 999 Fremont Avenue, also spoke for the need to involve property owners and noted his support for his application and the need for the redevelopment of Loyola Corners in general.

Commissioner McTIGHE reiterated that the subcommittee was only reviewing the Plan, not recommending any changes at this time, and that any recommendation would go to the City Council for direction and action.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner JUNAID reported that the appeal for 1075 Golden Way was considered at the July 14, 2015 City Council meeting, in which the City Council approved the appeal and overturned the Design Review Commission's decision.

POTENTIAL FUTURE AGENDA ITEMS

Commissioner BRESSACK requested that the zoning ordinance amendment regarding the expansion of nonconforming homes be agendaized for future discussion. The Commission unanimously supported this request.

ADJOURNMENT

Chair McTIGHE adjourned the meeting at 8:15 P.M.

James Walgren, AICP
Community Development Director