



CONCENT CALENDAR

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: March 13, 2018

Subject: Accessory Structure Zoning Code Amendments

Prepared by: Zachary Dahl, Planning Services Manager

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Ordinance No. 2018-440

Initiated by:

City Council

Previous Council Consideration:

June 27, 2017 and February 27, 2018

Fiscal Impact:

None

Environmental Review:

This Code amendment is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended, because significant impacts to the environment are not anticipated.

Policy Question(s) for Council Consideration:

- Do the amendments clarify and improve the site standards for detached accessory structures in residential districts to ensure the structures are not excessive in size and height, and have an appropriate relationship to adjacent properties while also providing property owners reasonable opportunity and flexibility to develop and enjoy the use of an accessory structure?
- Are the amendments in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City?

Summary:

- The amendments would update the regulations for height, size and placement of accessory structures in residential zoning districts. Specifically, the amendments would:
 - Create a new chapter in the Zoning Code, titled “Accessory Structures in R Districts,” to consolidate all the individual accessory structure regulations located in various sections of the Zoning Code;
 - Increase the minimum setback for accessory structures in a rear yard setback area from 2.5 feet to five feet;



Subject: Accessory Structure Zoning Code Amendments

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- Require accessory structures to meet a daylight plane on both the side and rear property lines; and
 - Establish a maximum lot coverage for accessory structures in the rear yard setback area.

Staff Recommendation:

Move to adopt Ordinance No. 2018-440 to amend Title 14 of the Los Altos Municipal Code pertaining to accessory structures in residential districts



Subject: Accessory Structure Zoning Code Amendments

Purpose

Adopt Ordinance No. 2018-440 to amend Zoning Code chapters 14.06, 14.08, 14.10, 14.12, 14.16, 14.18, 14.20, 14.22, 14.24 and 14.66, and create a new chapter titled “Accessory Structures in R1 Districts” that provides site standards for detached accessory structures in residential zone districts.

Background

On February 27, 2018 the City Council held a public hearing and voted to introduce and waive further reading of Ordinance No. 2018-440. As part of the action, Council requested that new section 14.15.040 be updated to clarify that the daylight plan is measured from the property line and noted some minor edits. The Ordinance has been updated to reflect these changes.

Discussion/Analysis

This Ordinance will go into effect 31 days after adoption. Please note that due to a typographical error, this Ordinance was assigned the wrong ordinance number at introduction. However, per the City Attorney, the Ordinance can be adopted with the corrected number with no further action required.

Options

- 1) Adopt Ordinance No. 2018-440

Advantages: The City’s accessory structure regulations will be clarified and updated to ensure the structures are not excessive in size and height, and have an appropriate relationship to adjacent properties.

Disadvantages: None

- 2) Do not adopt Ordinance No. 2018-440

Advantages: None

Disadvantages: The existing accessory structure regulations, which includes some conflicting and confusing language, would be maintained.

Recommendation

The staff recommends Option 1.

ORDINANCE NO. 2018-440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING “TITLE 14 – ZONING” OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO ACCESSORY STRUCTURE REGULATIONS IN RESIDENTIAL DISTRICTS

WHEREAS, the City of Los Altos initiated an application (17-CA-04) to amend Title 14 of the Los Altos Municipal Code pertaining to the site standards for accessory structures in residential zoning districts, referred herein as the “CA”; and

WHEREAS, the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because they clarify and improve the site standards for detached accessory structures in residential districts to ensure the structures are not excessive in size and height, and have an appropriate relationship to adjacent properties while also providing property owners opportunity and flexibility to develop and enjoy the use of an accessory structure if desired; and

WHEREAS, the amendments are in conformance with the City of Los Altos General Plan because they will protect the privacy of neighbors and minimize the appearance of bulk for new accessory structures; and

WHEREAS, required public notices and public hearings were duly given and duly held in accordance with the applicable provisions of the California Government Code and Chapter 14.86 of the Los Altos Municipal Code; 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 Planning Commission held duly noticed public hearings on the CA on November 16, 2017 and February 1, 2018, at which it recommended adoption of the CA; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on February 27, 2018; and

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

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended, because significant impacts to the environment are not anticipated.

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

SECTION 1. AMENDMENT OF CODE: Title 14 of the Los Altos Municipal Code is hereby amended to include a new chapter as follows:

CHAPTER 14.15 – ACCESSORY STRUCTURES IN R DISTRICTS

14.15.010 - Purpose

The purpose of this Chapter is to provide site standards for the placement of detached accessory structures in all R (residential) districts. Both enclosed and unenclosed accessory structures, as defined in Chapter 14.02, are subject to the regulations contained herein.

14.15.020 - Size, Height and Placement

- A. Accessory structures may not be located in a required front yard setback area, with the exception of a single arbor-style entry element as provided in Chapter 14.72.
- B. Accessory structures may be located on other areas of a property as outlined in Table 1:

<u>Table 1</u>			
<u>Location</u>	<u>Maximum Size</u>	<u>Max. Height</u>	<u>Minimum Setback</u>
<u>Required side yard setback area (interior and exterior)</u>	<u>120 square feet</u>	<u>6 feet</u>	<u>None</u>
<u>Required rear yard setback area</u>	<u>800 square feet</u>	<u>12 feet</u>	<u>0 feet when under 6 feet in height</u>
			<u>5 feet when between 6-12 feet in height</u>
			<u>2.5 feet for an eave overhang, or similar projection, when over 6 feet in height</u>
<u>Main structure’s building envelope (meets all required setbacks)</u>	<u>No size limit</u>	<u>12 feet</u>	<u>None</u>

- 1. When an accessory structure is located in a side yard setback area, it shall be screened from off-site view with solid fencing which is not lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this title.
- 2. When an accessory structure is located in the main structure’s building envelope, the height limit may be extended up to eighteen (18) feet if the additional height is necessary to establish architectural compatibility with the main structure.

14.15.030 - Rear Yard Coverage

In addition to compliance with the maximum allowable coverage and floor area ratio as provided by the subject zone district, the maximum coverage within the required rear yard setback area for all accessory structures, or portions thereof, that exceed six feet in height shall be thirty-five (35) percent of the total rear yard setback area.

14.15.040 - Daylight Plane

No portion of an accessory structure shall extend above or beyond a daylight plane as follows:

- A. The daylight plane starts at a height of six feet at the property line and proceeds inward at a 5:12 slope to a distance of ten (10) feet from the side and rear property lines;
- B. All appurtenances, including chimneys, vents and antennas, shall be within the daylight plane;
- C. The daylight plane is not applied to a side or rear property line when it abuts a public alley or public street.

14.15.050 - Distance Between Structures

- A. When an accessory structure is located in a required side yard setback, a minimum clearance of five feet is required. The clearance may be provided between the accessory structure and the main structure, or between the accessory structure and the property line.
- B. When an accessory structure exceeds six feet in height and is located in a required rear yard setback, a minimum clearance of ten (10) feet is required between the accessory structure and the main structure, and a minimum clearance of five feet is required between accessory structures.
- C. For the purposes of this section, clearance is measured from outside edge of wall of each structure.

14.15.060 – Coverage Exception for Open Accessory Structures.

- A. Up to five percent of the lot area, but not more than five hundred (500) square feet, may be occupied by a detached accessory structure, such as an arbor (gazebo) or pergola (trellis) structure, that is open on all sides, with such area not being counted as lot coverage in residential zoning districts.
- B. No more than two hundred (200) square feet of an open accessory structure which is exempt from lot coverage, as provided in subsection (A) above, may have a solid roof.
- C. Accessory structures allowed by this section are subject to the rear yard coverage limitation as proscribed in Section 14.15.030.

SECTION 2. AMENDMENT OF CODE: Sections 14.06.120, 14.08.120, 14.10.120 and 14.12.120 in Title 14 of the Los Altos Municipal Code are hereby amended as follows:

~~Accessory structures, or~~ **Outdoor kitchens, barbeques, fireplaces and swimming pools.**

- A. ~~Accessory structures that are no more than six feet in height may be located in interior and exterior side and rear yard setbacks subject to the following provisions:~~

- ~~2. The maximum width of the accessory structure shall be five feet.~~
 - ~~3. The maximum length of the accessory structure shall be sixteen (16) feet.~~
 - ~~4. The accessory structure shall be screened from off-site view with solid fencing which is not lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this title.~~
 - ~~5. In no case shall there be less than a five-foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.~~
- ~~B. Accessory structures that are more than six feet in height may be located in the required rear yard setback area or in the main structure's building envelope, subject to the following provisions:~~
- ~~1. Accessory structures shall have a minimum setback of two and one-half feet from the side property line and a minimum setback from the rear property line as follows:
 - ~~i. Two and one-half feet when the structure is under eight feet in height;~~
 - ~~ii. Five feet when the structure is between eight and ten (10) feet in height;~~
 - ~~iii. Seven and one-half feet when the structure is between ten (10) and twelve (12) feet in height; and~~
 - ~~iv. Two and one-half feet when the rear property line abuts an alley.~~~~
 - ~~2. No portion of any accessory structure shall project above a daylight plane, beginning at a height of six feet at the side property line and increasing at a slope of four feet for each ten (10) feet of distance from the side property line to a distance of ten (10) feet from the side property line.~~
 - ~~3. The maximum allowable height for accessory structures shall be twelve (12) feet.~~
 - ~~4. The maximum allowable size for each accessory structure located in the required rear yard setback area shall be eight hundred (800) square feet of gross floor area.~~
 - ~~5. Notwithstanding the provisions of Section 14.66.220 of this title, no portion of an accessory structure, including but not limited to roof eaves, chimneys and vents, shall project into any required setback or daylight plane as outlined in this subsection B.~~
 - ~~6. The architectural and site review committee may approve an accessory structure located entirely within the main structure's building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.~~
- ~~C. Outdoor barbecues, fireplaces, sinks and similar structures located within the required rear yard setback shall be set back a minimum of five feet from any property line. Said structures shall not be located in the required front or side yard setback areas.~~
- ~~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.~~
- ~~E. Accessory structures containing swimming pool motors and equipment shall not be located in a required interior side yard setback area.~~

- A. Outdoor kitchens, barbeques, fireplaces, and similar structures shall be allowed in the main structure's building envelope, and in the required rear yard setback with a minimum setback of five feet from any property line. Said structures shall not be located in the required front or side yard setback areas.
- B. Swimming pools, hot tubs, and spas shall be allowed within the main structure's building envelope, and the required rear yard setback with a minimum setback of five feet from any property line. Said structures shall not be located in a required front or side yard setback area.
 - 1. The setback shall be measured from the outside edge of the pool structure.
 - 2. Swimming pool motors and equipment shall be enclosed in a noise attenuating structure, as proscribed in Chapter 6.16, and shall not be located in a required interior side yard setback area.

SECTION 3. AMENDMENT OF CODE: Chapters 14.06, 14.08, 14.10, 14.12, 14.16, 14.18, 14.20 14.22 and 14.24 in Title 14 of the Los Altos Municipal Code are hereby amended to include a new section, inserted at the end of each chapter, as follows:

Accessory Structures.

As provided in Chapter 14.15 of this title.

SECTION 4. AMENDMENT OF CODE: Section 14.66.190 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

14.66.190 – ~~Reserved Distances between structures.~~

~~Where there is more than one structure on a site, the minimum distance between a main structure and an accessory structure which exceeds six feet in height shall be ten (10) feet; provided, however, if the open spaces surrounding the accessory structure conform with the regulations for the main structure in the district in which they are located, the accessory structure may be located nearer than ten (10) feet from the main structure. No minimum distance shall be required between main structures, between accessory structures, or between a main structure and an accessory structure which does not exceed six feet in height; provided, however, in no case shall there be less than a five-foot-wide unobstructed passageway adjacent to a main structure or an accessory structure. For the purposes of this section, the vertical dimension of the structure shall be measured from the elevation of the finished lot grade to the highest point of the structure.~~

SECTION 5. AMENDMENT OF CODE: Section 14.66.220 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

14.66.220 - ~~Reserved Lot coverage—Exception for arbor (gazebo) and pergola (trellis) structures.~~

~~Up to five percent of the lot area, but not more than seven hundred fifty (750) square feet (not including open eaves and/or overhangs up to four feet, may be occupied by arbor (gazebo) and pergola (trellis) structures, with such area not being counted as lot coverage in~~

~~residential zoning districts. However, no more than two hundred (200) square feet of the arbor (gazebo) structure(s) which are exempt from lot coverage on a lot may have a solid roof.~~

SECTION 6. 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 7. CEQA. This ordinance is not subject to review under the California Environmental Quality Act (Public Resources Code §§21000, *et seq.*, as further governed by the Guidelines for CEQA, 14 CCR §§15000, *et seq.*) because the ordinance has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, per 14 CCR §15378. The ordinance amends Los Altos Municipal Code provisions pertaining to the site standards for size and placement of accessory structures on a residential property. It does not commit the City of Los Altos or any other party to any direct course of action, other than to review applications for compliance with the amended site standards as described herein, and will not result in any physical changes in and of itself. Moreover, to the extent the ordinance was determined to be subject to CEQA, it would be exempt from further review pursuant to the ‘common sense’ exemption (14 CCR §15061(b)(3)), as it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment.

SECTION 8. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 9. 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 February 27, 2018 and was thereafter, at a regular meeting held on March 13, 2018 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK