



CONSENT CALENDAR

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: July 10, 2018

Subject: Ordinance No. 2018-447: Accessory Structures

Prepared by: Zachary Dahl, Planning Services Manager

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Ordinance No. 2018-447

Initiated by:

City Council

Previous Council Consideration:

February 27, 2018, March 13, 2018 and June 26, 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 Questions for Council Consideration:

- Should the Accessory Structure Ordinance be amended to limit the overall size of an accessory structure to 800 square feet and should basements under an accessory structure count toward that 800 square-foot limit?
- 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 limit the overall size of an accessory structure to 800 square feet and count basements under an accessory structure toward the 800 square-foot size limit.

Staff Recommendation:

Move to adopt Ordinance No. 2018-447 to amend Title 14 of the Los Altos Municipal Code pertaining to an 800 square-foot size limit for accessory structures in residential districts



Subject: Ordinance No. 2018-447: Accessory Structures

Purpose

The purpose of the proposed amendment is to limit the overall size of detached accessory structures located in residential zone districts.

Background

On June 26, 2018, the City Council held a public hearing and voted to introduce and waive further reading of Ordinance No. 2018-447, which will limit the overall size of an accessory structure in any residential zone district to 800 square feet and require that basements under an accessory structure count toward that 800 square-foot limit.

Discussion/Analysis

This Ordinance will go into effect 31 days after adoption.

Options

- 1) Adopt Ordinance No. 2018-447

Advantages: The City's accessory structure regulations will be updated to ensure that accessory structures in residential zone districts are not excessive in size and have an appropriate relationship to the principle residence on a property.

Disadvantages: None

- 2) Do not adopt Ordinance No. 2018-447

Advantages: None

Disadvantages: Accessory structures that exceed 800 square feet could be constructed on properties in residential zone districts.

Recommendation

The staff recommends Option 1.

ORDINANCE NO. 2018-447

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING ZONING CODE CHAPTER 14.15 (ACCESSORY STRUCTURES IN R DISTRICTS) PERTAINING TO OVERALL STRUCTURE SIZE LIMITS

WHEREAS, the City of Los Altos initiated an application (18-CA-01) 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 ensure that accessory structures are incidental and subordinate to the primary structure and/or use on a site; and

WHEREAS, the amendments are in conformance with the City of Los Altos General Plan because the size limit will ensure that the appearance of bulk for new accessory structures is minimized; 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 a duly noticed public hearing on the CA on May 3, 2018, at which it recommended adoption of the CA; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on June 26, 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: Section 14.15.020 in Chapter 14.15 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

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:

Table 1			
Location	Maximum Size	Max. Height	Minimum Setback
Required side yard setback area (interior and exterior)	120 square feet	6 feet	None
Required rear yard setback area	800 square feet	12 feet	0 feet when under 6 feet in height
			5 feet when between 6-12 feet in height
			2.5 feet for an eave overhang, or similar projection, when over 6 feet in height
Main structure's building envelope (meets all required setbacks)	No size limit 800 square feet	12 feet	Not Applicable

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.
3. When a basement is located under an enclosed accessory structure, the floor area of that basement shall count toward the maximum size limit specified in Table 1.

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 size 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 were 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 June 26, 2018 and was thereafter, at a regular meeting held on July 10, 2018 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK