



CONSENT CALENDAR

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: October 9, 2018

Subject: Ordinance No. 2018-450: Zoning Code Amendments regarding the disposition of City-owned property

Prepared by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Ordinance No. 2018-450

Initiated by:

City Council

Previous Council Consideration:

May 22, 2018; June 12, 2018; June 26, 2018; July 10, 2018; August 7, 2018; and September 25, 2018

Fiscal Impact:

None anticipated

Environmental Review:

The proposed amendments to the Zoning Ordinance relate to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, sections 15378(b)(5). Alternately, these amendments are exempt from CEQA pursuant to State CEQA Guidelines, section 15061(b)(3), “the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the amendments have no potential to result in a direct, or reasonably foreseeable indirect impact on the environment.

Policy Question(s) for Council Consideration:

- Does the City Council wish to amend Title 14, Zoning, of the Los Altos Municipal Code to prohibit the sale or transfer of City owned land with an “Other Open Space” or “Parks” land use designation and prohibit the re-designation of these lands to a different land use designation without voter approval?

Summary:

- The City Council is considering a draft ordinance that requires voter approval for the sale, transfer title, or re-designation of City-owned lands with an “Other Open Space” or “Parks” designation on the Land Use Policy Map of the Land Use Element of the Los Altos General Plan



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Staff Recommendation:

Adopt Ordinance No. 2018-450 regarding the disposition of City-owned property with an “Other Open Space” and “Parks” land use designation



Subject: Ordinance No. 2018-450: Zoning Code Amendments regarding the disposition of City-owned property

Purpose

The City Council has expressed an interest in enacting general plan goals and policies and zoning regulations that would limit the City's ability to sell, transfer ownership, or re-designate certain City-owned property. This report includes an ordinance that would put in place land use policies and zoning code requirements for voter approval before disposing of any City-owned properties or re-designating them with a different land use designation.

Background

The City Council met several times in the spring and summer and discussed various options for placing a ballot measure before the voters in November that would limit or prohibit the City's ability to dispose of its property.

Rather than placing an item on the ballot, at a special meeting on August 7, 2018, the City Council directed staff to begin the process of amending the General Plan, and any necessary ordinances, to require voter approval for the sale, transfer of title, or re-designation of City-owned land with an "Other Open Space" or "Parks" land use designation.

The City Council is considering an ordinance that:

- Prohibits the sale or transfer of City-owned land with a "Parks" or "Other Open Space" General Plan Land Use Designation without voter approval; and
- Prohibits the re-designation of City-owned land with a "Parks" or "Other Open Space" General Plan Land Use Designation to another General Plan Land Use Designation without voter approval.

The proposed amendments also provide that the voter approval requirement may be waived by Council to comply with Federal or State law governing the provision of housing.

At its meeting of September 25, 2018, the City Council introduced and waived further reading of Ordinance No. 2018-450.

Discussion/Analysis

Ordinance No. 2018-450 will go into effect 31 days after adoption.

Options

- 1) Adopt Ordinance No. 2018-450

Advantages: Helps protect and preserve City-owned lands with the "Other Open Space" and "Parks" land use designations by making certain land use actions for these lands subject to voter approval



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Disadvantages: May limit the City's ability to efficiently address future unknown circumstances regarding City-owned properties with these land use designations

2) Do not adopt Ordinance No. 2018-450

Advantages: May provide the City with flexibility to address future unknown circumstances in an efficient manner

Disadvantages: Does not provide for the additional protective and preservation measures for City-owned lands with the "Other Open Space" and "Parks" land use designations

Recommendation

Staff recommends Option 1.

ORDINANCE NO. 2018-450

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 14.66, GENERAL PROVISIONS, BY ADDING SECTION 14.66.271, TO TITLE 14, ZONING, OF THE LOS ALTOS MUNICIPAL CODE THAT PROHIBITS: (1) THE SALE OR TRANSFER OF TITLE OF CITY-OWNED LAND; AND (2) THE RE-DESIGNATION OF CITY-OWNED LAND DESIGNATED AS “PARKS” OR “OTHER OPEN SPACE” WITHOUT VOTER APPROVAL

WHEREAS, the City of Los Altos has a unique arrangement of land uses that require regulations and standards that preserve the character of the community and provide for compatibility of adjacent uses; and

WHEREAS, under the City’s police power, the City may enact comprehensive land-use and zoning regulations to promote community values, beauty, health, safety and welfare; and

WHEREAS, the Open Space, Conservation, and Community Facilities Element of the Los Altos General Plan provide for public facilities and services and ensure a high quality of living for residents of and visitors to Los Altos; and

WHEREAS, the “Other Open Space” and “Parks” General Plan Land Use designations provide for appropriate land uses and certain site development standards that help protect and maintain public parks, open space, facilities and services; and

WHEREAS, the City Council desires to amend the City of Los Altos General Plan to prohibit the sale, transfer of title, or re-designation of City owned lands with a “Other Open Space” or “Parks” General Plan Land Use Designation without voter approval; and

WHEREAS, the amendments to the General Plan would require voter approval of: (i) the sale or transfer of title of any City-owned land; and (ii) the re-designation of any City-owned land with a General Plan land use designation of “Other Open Space” or “Parks” to any other use; and

WHEREAS, at its September 6, 2018 meeting the Planning Commission of the City of Los Altos reviewed the amendments to Chapter 14.66, General Provisions and voted to recommend their approval to the City Council.

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

SECTION 1. FINDINGS. After considering the record before it, including but not limited to the agenda report, presentation of staff, public comment, and discussion, the City Council hereby finds that adoption of this Ordinance will help protect and promote public health, safety, comfort, convenience, prosperity and welfare by clarifying the City’s existing regulations.

SECTION 2. AMENDMENT OF CODE. The following Section, is hereby added to Chapter 14.66, General Provision, of Title 14, Zoning, of the Los Altos Municipal Code.

14.66.271 Voter Approval Required for Sale, Transfer, or Re-designation of City Owned “Parks” and “Other Open Space” Lands

A. Voter approval shall be required for any of the following:

1. The sale or transfer of title of any City-owned land to another party, whether public or private, with a General Plan land use designation of “Parks” or “Other Open Space”; and

2. The re-designation of City-owned land with a General Plan land use designation of “Parks” or “Other Open Space” to a different land use designation, except that the re-designation of any City-owned land from “Parks” to “Other Open Space”, and vice versa, shall not require voter approval.

B. For purposes of this Policy, approval by a vote of the People is accomplished when an action is placed on the ballot at a general or special election through any procedure authorized in the California Elections Code, and a majority of the voters voting on the measure vote in favor of it.

C. The voter approval requirement may be waived by the City Council where necessary to comply with State or Federal law governing the provision of housing, including but not limited to affordable housing requirements.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based on all the evidence presented in the administrative record, including but not limited to the staff report for the proposed Ordinance, the City Council hereby finds and determines that the proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, sections 15378(b)(5). Alternately, this Measure is exempt from CEQA pursuant to State CEQA Guidelines, section 15061(b)(3), “the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment.

SECTION 5. CUSTODIAN OF RECORDS. The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council’s findings and determinations are based are located at Los Altos City Hall, One North San Antonio Road, Los Altos, California. The City Clerk is the custodian of the record of proceedings.

SECTION 6. NOTICE OF EXEMPTION. The City Council hereby directs City staff to prepare and file a Notice of Exemption with the County, County Clerk within five working days of the adoption of this Ordinance.

SECTION 7. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 8. 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 September 25, 2018 and was thereafter, at a regular meeting held on October 9, 2018 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK