



PUBLIC HEARING

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: May 14, 2019

Subject: Ordinance No. 2019-458: Development Review Process 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. 2019-458
2. Planning Commission Meeting Minutes, March 21, 2019
3. Planning Commission Agenda Report, March 21, 2019

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

This Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act of 1970 as amended. It is also exempt from environmental review pursuant to CEQA Guidelines Section 15378(b)(5) because the Ordinance implements an organizational or administrative activity that will not result in a direct or indirect physical change in the environment and, it can be seen with certainty that there is no possibility of a significant impact to the environment.

Policy Question(s) for Council Consideration:

- Are the amendments in conformance with the General Plan?
- 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 proposed Code amendments to the City's design review and use permit review processes (Zoning Code Chapters 14.78 and 14.80) are intended to clarify the role of the Complete Streets Commission in the design review process, formalize the public notification

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



Subject: Ordinance No. 2019-458: Development Review Process Code Amendments

requirements for design review study sessions, update the review requirements for use permits and design review applications, and remove antiquated and outdated language

- The Planning Commission held a public hearing and recommended approval of the proposed Code amendments on March 21, 2019

Staff Recommendation:

Introduce and waive further reading of Ordinance No. 2019-458 to amend chapters 14.78 and 14.80 of the Los Altos Municipal Code regarding the Development Review Process



Subject: Ordinance No. 2019-458: Development Review Process Code Amendments

Purpose

Review and adopt an ordinance that amends the City's design review and use permit review processes (Zoning Code Chapters 14.78 and 14.80) to clarify the role of the Complete Streets Commission in the design review process, formalize the public notification requirements for design review study sessions, update the review requirements for use permits and design review applications, and remove antiquated and outdated language.

Background

As part of the continuing effort to maintain and update the City's ordinances, staff periodically identifies Zoning regulations that need to be amended to meet the current and future needs of the community. The recommended amendments relating to the review and processing of design review and use permit applications were identified by staff as meriting consideration. In particular, the Code needs to be amended to clarify the role of the Complete Streets Commission in the design review process and formalize the public notification requirements for design review study sessions before the Planning Commission. In addition, staff identified an opportunity to update the review requirements for minor and non-controversial use permits and design review applications to better utilize the Planning Commission as a decision-making body while preserving the ability of the City Council to be the final decision-maker when necessary or desired.

On March 21, 2019, the Planning Commission held a public hearing to consider the proposed Code amendments. There were no public comments provided at the meeting or any written correspondence submitted on the proposed Code amendments. The Commission expressed general support for the Code amendments as drafted. Following the discussion, the Commission voted 5-0, with Commissioner Ahi absent, to recommend approval of the ordinance, with a few minor grammatical edits. The Planning Commission agenda report and meeting minutes are included as Attachments 2 and 3.

Discussion/Analysis

The proposed code amendments will update the City's design review and use permit review processes to clarify the role of the Complete Streets Commission in the design review process, formalize the public notification requirements for design review study sessions, update the review process to allow the Planning Commission to be the decision-making body for use permits and design review applications for smaller additions in commercial, office, multi-family and public facility districts, and remove antiquated and outdated language. However, the amendments include specific provisions that allow the City Council to call-up any decision made by the Planning Commission or any member of the public to appeal a decision to the City Council. In response to comments provided by the Planning Commission, some minor edits to Section 14.78.020 (Requirement for design review) were made to improve its intent and clarity. Otherwise, no changes have been made to the amendments based on the Commission's recommendation. A detailed



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breakdown of the proposed amendments can be found in the Planning Commission's agenda report (Attachment 3).

Overall, the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, or welfare, and are in conformance with the General Plan. As outlined in Ordinance No. 2019-458, the proposed amendments do appear to be in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because they will clarify the role of the Complete Streets Commission within the design review process, formally establish the public notification requirements for design review study sessions, update the review requirements for use permits and design review applications to better utilize the Planning Commission as a decision-making body for certain applications, and update or remove antiquated and outdated language. The proposed amendments are also in conformance with the City of Los Altos General Plan because they will update the Code to be consistent with current practices and procedures for processing design review and use permit applications.

Options

- 1) Introduce and waive further reading of Ordinance No. 2019-458

Advantages: The role and responsibilities of the Complete Streets Commission within the design review process will be clarified, the public notification requirements for design review study sessions will be established, the review requirements for use permits and design review applications would be updated to better utilize the Planning Commission as a decision-making body for minor and non-controversial applications and antiquated and outdated language will be updated

Disadvantages: None identified

- 2) Decline to introduce Ordinance No. 2019-458

Advantages: The Zoning Code will be maintained in its current form

Disadvantages: The role of the Complete Streets Commission within the design review process will remain undefined and public notification for design review study sessions will not be provided

Recommendation

Planning Commission and staff recommend Option 1.

ORDINANCE NO. 2019-458

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS AMENDING CHAPTERS 14.78 AND 14.80 OF THE
LOS ALTOS MUNICIPAL CODE PERTAINING TO THE CITY'S
DESIGN REVIEW AND USE PERMIT APPROVAL PROCESSES
AND MAKING FINDINGS OF CEQA EXEMPTION**

WHEREAS, the City of Los Altos initiated an application (19-CA-01) to amend Title 14 of the Los Altos Municipal Code, the Zoning Ordinance, in order to clarify and update the requirements and processes related to design review (Chapter 14.78) and use permits (Chapter 14.80), referred herein as the “CA” or the “amendments”; and

WHEREAS, the amendments are in the best interest for the protection and/or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because they will clarify the role of the Complete Streets Commission in the design review process, formalize the public notification requirements for design review study sessions, update the review requirements for use permits and design review applications, and remove antiquated and outdated language; and

WHEREAS, the amendments are in conformance with the City of Los Altos General Plan, specifically Land Use Element Implementation Programs LU 2 and LU 3, because they will update the Zoning Ordinance to be consistent with current practices and procedures for processing design review and use permit applications; 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 March 21, 2019, at which it recommended approval of the CA; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on May 14, 2019; 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, each as a separate and independent basis, pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended (“CEQA Guidelines”), and CEQA Guidelines Section 15378(b)(5) because the Ordinance implements an organizational or administrative activity that will not result in a direct or indirect physical change in the Ordinance No. 2019-458

environment and, it can be seen with certainty that there is no possibility of a significant impact to the environment.

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

SECTION 1. AMENDMENT OF CODE: Sections 14.78.020, 14.78.030 and 14.78.040 in Chapter 14.78 of Title 14 of the Los Altos Municipal Code are hereby replaced in their entirety as follows:

14.78.020 - Requirement for design review.

Any work that requires a building permit, including new building construction, existing building alterations and expansions, and site improvements, but excluding properties in an R1 or R3-4.5 district, shall be subject to design review pursuant to this chapter as follows:

- A. Administrative Design Review.
 - 1. Site improvements, exterior alterations or modification, or additions to existing buildings of up to 500 square feet require approval by the community development director.
- B. Planning Commission Design Review.
 - 1. Additions to existing buildings that exceed 500 square feet but are equal to or less than 50 percent of the floor area of an existing structure require approval by the planning commission at a public meeting.
- C. City Council Design Review.
 - 1. All new buildings, and additions to existing buildings that exceed 50 percent of the floor area of an existing structure, require approval by the city council at a public meeting.
 - 2. Prior to consideration by the city council, the planning commission shall review the application at a public meeting and provide a recommendation to the city council.

14.78.030 - Public meeting requirements.

Notice of public meetings shall be given at least ten (10) days prior to the date of the meeting by all of the following methods:

- A. Mailing of notices via first-class mail to all property owners within five hundred (500) feet of the project site at the mailing address on record with the County Assessor; and
- B. Mailing of notices via first-class mail to all commercial business tenants within five hundred (500) feet of the project site at the addresses shown on the latest city business license records; and
- C. Posting of a notice on the project site in accordance with the standards set by the community development director; and
- D. All meetings before the planning commission conducted under this section, excluding study sessions, shall be noticed and conducted as public hearings and shall satisfy all notification requirements applicable to public hearings, including a notice published in a newspaper of general circulation within the city.

14.78.040 - Design review study session.

- A. Projects subject to design review pursuant to Section 14.78.020 of this chapter are eligible for a design review study session before the planning commission.

- B. Projects subject to City Council Design Review pursuant to Section 14.78.020(C) of this chapter shall be required to have a pre-application design review study session before the planning commission.
- C. Study session review is available at any point in the application process and may be requested by an applicant.
- D. Public notice shall be given at least ten (10) days prior to the date of the study session by the methods required in Section 14.78.030 (A-C).

SECTION 2. AMENDMENT OF CODE: Sections 14.78.090 and 14.78.100 in Chapter 14.78 of Title 14 of the Los Altos Municipal Code are hereby replaced as follows:

14.78.090 - Transportation review.

- A. An application for planning commission or city council design review pursuant to 14.78.020 shall be subject to a transportation review as part of the approval process in order to assess potential project bicycle, pedestrian, parking and/or traffic impacts on public streets when the project generates 50 or more net new daily trips and is required to prepare a transportation impact analysis.
- B. Projects subject to a transportation review pursuant to this section shall be reviewed by the complete streets commission at a public meeting with the commission providing a recommendation to the planning commission and/or the city council on the transportation impact analysis and on the elements of the project that pertain to bicycle, pedestrian, parking and traffic issues.

14.78.100 - Appeals.

- A. Within fifteen (15) days of an action (approval or denial) on an administrative design review application, the decision may be appealed to the planning commission by any interested party.
- B. Within fifteen (15) days of an action (approval or denial) on a design review and/or variance application by the planning commission, the decision may be appealed to the city council by any interested party.
- C. The action (approval or denial) on a design review and/or variance application by the planning commission may be called up for review by the city council if two members of the city council submit requests to the city clerk pursuant to Section 1.12.040.

SECTION 3. AMENDMENT OF CODE: The title of Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

Chapter 14.80 - CONDITIONAL USE PERMITS

SECTION 4. AMENDMENT OF CODE: Sections 14.80.030 and .040 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code are hereby replaced as follows:

14.80.030 - Public meeting notification requirements

Notice of public meetings shall be given at least ten (10) days prior to the date of the meeting by all of the following methods:

- A. Mailing of notices via first-class mail to all property owners within five hundred (500) feet of the project site at the mailing address on record with the County Assessor; and

- B. Mailing of notices via first-class mail to all commercial business tenants within five hundred (500) feet of the project site at the addresses shown on the latest city business license records; and
- C. Posting of a notice on the project site in accordance with the standards set by the community development director; and
- D. All meetings before the planning commission conducted under this section, excluding study sessions, shall be noticed and conducted as public hearings and shall satisfy all notification requirements applicable to public hearings, including a notice published in a newspaper of general circulation within the city.

14.80.040 – Hearings - planning commission review and action

- A. The planning commission is the decision-making body for all use permits.
- B. The planning commission shall review the use permit application and all support information, receive public comment and any pertinent evidence concerning the proposed use and the conditions under which it would be operated or maintained, and shall make findings as specified in Section 14.80.060 of this chapter.
- C. The commission may add conditions as necessary to ensure compliance with the findings specified in Section 14.80.060 of this chapter.
- D. The commission shall take action on the use permit as follows:
 - 1. Approve the conditional use, with or without conditions.
 - 2. Approve the conditional use for a limited period of time, with or without conditions.
 - 3. Deny the conditional use per negative findings as specified in Section 14.80.060 of this chapter.

SECTION 5. AMENDMENT OF CODE: Section 14.80.045 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby removed.

~~14.80.045 – Hearings – Procedures for office and commercial districts:~~

~~Notwithstanding the provisions of Section 14.80.040 of this chapter, the planning and transportation commission shall be the decision-making body for conditional use permit applications in all OA and C districts for businesses proposed in existing structures. This section shall not apply to conditional use permit applications that are subject to the requirements of Chapter 14.78 of this title. All other applicable provisions of this chapter shall remain in effect. The action of the planning and transportation commission shall be final unless it is appealed in writing to the city council, and the appropriate fee is paid, within fifteen (15) days of the date of the action.~~

SECTION 6. AMENDMENT OF CODE: Section 14.80.050 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby amended to replace all references to “~~planning and transportation commission~~” with “planning commission”.

SECTION 7. AMENDMENT OF CODE: Section 14.80.060 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby amended to change the title of the Section from “~~Commission and council action~~” to “Conditional use permit findings” and to replace all references to “~~commission and council~~” with “commission”.

SECTION 8. AMENDMENT OF CODE: Section 14.80.070 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby replaced as follows:

14.80.070 - Appeals.

- A. Within fifteen (15) days of an action (approval or denial) on a use permit by the planning commission, the decision may be appealed to the city council by any interested party.
- B. The action (approval or denial) on a use permit by the planning commission may be called up for review by the city council if two members of the city council submit requests to the city clerk pursuant to Section 1.12.040.

SECTION 9. AMENDMENT OF CODE: Sections 14.80.080 and .090 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code are hereby amended as follows:

14.80.080 - Revocation.

A use permit may be revoked by the ~~community development director or their designee,~~ community development director or their designee, ~~planning and transportation~~ commission and/or city council, whichever body initially approved the permit, based upon a determination by the community development director that the holder of the permit has failed to comply with any condition thereof or has violated any applicable provision of this chapter. The revocation procedure shall be the same as prescribed in this chapter for the initial use permit.

14.80.090 - New applications.

Following the denial of a use permit application or the revocation of a use permit by the commission or council, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within six months after the date of the denial or revocation of the use permit.

SECTION 10. AMENDMENT OF CODE: Section 14.80.110 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

14.80.110 - Modification of a use permit

For modifications to an approved use permit, ~~the planning and transportation commission~~ shall be the decision-making body. The action of the ~~planning and transportation commission~~ shall be final unless:

- A. It is appealed in writing to the city council, and the appropriate fee is paid, within fifteen (15) days of the date of the action;
- B. Two members of the city council submit requests to the city clerk pursuant to Section 1.12.040. to reconsider the action within fifteen (15) days of the date of the action.

SECTION 11. 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 12. 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 Ordinance No. 2019-458

indirect physical change in the environment, per 14 CCR §15378. The ordinance amends Los Altos Municipal Code provisions pertaining to the review and processing of design review and use permit applications. It does not commit the City of Los Altos or any other party to any direct course of action, other than to review and process design review and use permit applications in an updated manner and will not result in any physical changes in and of itself. Moreover, as a separate and independent basis, 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 13. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 14. 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 May 14, 2019 and was thereafter, at a regular meeting held on _____, 2019 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF LOS ALTOS, HELD ON THURSDAY, MARCH 21, 2019 BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA

ESTABLISH QUORUM

PRESENT: Chair Samek, Vice-Chair Lee, Commissioners Bodner, Bressack and Meadows
ABSENT: Commissioner Ahi and One Vacancy
STAFF: Community Development Director Biggs, Planning Services Manager Dahl and City Attorney Lee

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

1. Planning Commission Minutes

Approve minutes of the regular meeting of February 21, 2019.

Action: Upon motion by Commissioner Meadows, seconded by Commissioner Bressack, the Commission approved the minutes from the February 21, 2019 Regular Meeting as written.

The motion was approved (5-0) by the following vote:

AYES: Samek, Lee, Bressack, Bodner and Meadows

NOES: None

ABSENT: Ahi

PUBLIC HEARING

2. 19-CA-01 – City of Los Altos – Planning Process Amendments

Code amendments to the City's design review and use permit review processes (Zoning Code Chapters 14.78 and 14.80) to clarify the role of the Complete Streets Commission in the design review process, formalize the public notification requirements for design review study sessions, update the review requirements for use permits and design review applications and remove antiquated and outdated language. *Project Planner: Dahl*

Planning Services Manager Dahl presented the staff report recommending approval of Code Amendment 19-CA-01 to the City Council subject to the listed findings.

Public Comment

None.

Commission Discussion

The Commission discussed the proposed amendments and expressed general support for the amendments as drafted.

Action: Upon motion by Commissioner Bressack, seconded by Commissioner Meadows, the Commission recommended approval of Code Amendment 19-CA-01 to the City Council, subject to the listed findings.

The motion was approved (5-0) by the following vote:

AYES: Samek, Lee, Bressack, Bodner and Meadows

NOES: None

ABSENT: Ahi

DISCUSSION

3. Downtown Buildings Committee (DBC) Recommendation Review

Project Manager: Biggs

Community Development Director Biggs presented the staff report on the Downtown Buildings Committee Recommendations and Floor Area Ratios for the Commission to evaluate and develop draft recommendations and tools that can be implemented to achieve a desired look and feel for future development in Los Altos.

Public Comment

Commercial property owner Mircea Voskerician expressed concern about implementing an FAR requirement, noting that without an appropriate density, FAR does not make sense and that the evaluation should be more comprehensive before moving forward.

Alex Cosma encouraged the development of a City-wide comprehensive plan and went through a slide presentation, that supported his recommendation for a comprehensive plan.

Resident Eric Steinle spoke about the City's noticing requirements, noting that the notification radius needs to be increased to 1,000 feet, especially in the commercial districts, to ensure that affected residents are properly notified.

Commissioner Discussion

The Commission discussed the topic and provided the following comments:

- Commissioner Bressack:
 - What is the goal of implementing an FAR; what is trying to be accomplished;
 - Commission needs to review the Downtown Vision Plan;
 - Should be linked to the SB35 objective criteria;
 - FAR is a tool – not a cure all; and
 - FAR can be burdensome on development; may not get the results we want; and
- Commissioner Bodner:
 - FAR is one tool in a complex tool box;
 - Need to see how FAR would align with Downtown Vision Plan;
 - The Downtown Vision recommendations should take precedent over DBC recommendations since it is more recent, more comprehensive and had more community outreach and buy-in;
 - More information is needed to before moving forward.

- Vice-Chair Lee:
 - Need more background information;
 - FAR is a tool that can be used first to evaluate what can be done on a site;
 - Higher density areas have hierarchy to their buildings; and
 - Downtown needs development and vitality; FAR could hinder these objectives.

- Commissioner Meadows:
 - Need examples of where FAR's have been used successfully.

- Chair Samek:
 - What is the goal trying to be achieved with an FAR;
 - FAR is only one tool; evaluation of density and site development standards also needed; and
 - Development of a specific plan for the El Camino Corridor would be a multi-year process.

Action: None

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Bressack reported on the February 26, 2019 City Council meeting, Vice-Chair Lee reported on the March 12, 2019 City Council meeting, and Chair Samek reported on his Commissioner Chair meeting with Mayor Eng.

POTENTIAL FUTURE AGENDA ITEMS

Planning Services Manager Dahl reported that the Planning Commission meeting for April and May are going to be held in the Hillview Social Hall at 97 Hillview Avenue and reviewed the tentative agendas for the upcoming meeting.

Chair Samek, Vice-Chair Lee and Commissioners Bodner noted that they would be available to attend the April 18, 2019 meeting.

ADJOURNMENT

Chair Samek adjourned the meeting at 8:57 P.M.

Zachary Dahl, AICP
Planning Services Manager



PLANNING COMMISSION AGENDA REPORT

Meeting Date: March 21, 2019

Subject: 19-CA-01 – Development Review Process Code Amendments

Prepared by: Zachary Dahl, Planning Services Manager

Initiated by: Staff

Attachments:

- A. Draft Ordinance Amending Zoning Code Chapters 14.78 and 14.80
- B. Zoning Code Chapters 14.78 and 14.80 – Current Language
- C. Ordinance No. 2017-434

Recommendation:

Recommend approval of amendments to Zoning Code Chapters 14.78 and 14.80 to the City Council subject to the listed findings

Environmental Review:

This Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (“CEQA”) Guidelines. The Ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical changes in the environment, directly or indirectly.

Summary:

The proposed Code amendments to the City’s design review and use permit review processes (Zoning Code Chapters 14.78 and 14.80) are intended to clarify the role of the Complete Streets Commission in the design review process, formalize the public notification requirements for design review study sessions, update the review requirements for use permits and design review applications, and remove antiquated and outdated language.

Background

As part of the continuing effort to maintain and update the City’s ordinances, staff periodically identifies Zoning regulations that need to be amended to meet the current and future needs of the community. The recommended amendments related to the review and processing of design review and use permit applications has been identified by staff as meriting consideration. In particular, the Code needs to be amended to clarify the role of the Complete Streets Commission in the design review process and formalize the public notification requirements for design review study sessions. For reference purposes, underlined text is proposed language and ~~strike through text~~ is language proposed to be removed. Also, the existing language in Zoning Code Chapters 14.78 and 14.80 is included as Attachment B.

Discussion/Analysis

Complete Streets Commission Review Process

In 2012, the City Council expanded the charter of the Planning Commission to include transportation related roles and created the Bicycle and Pedestrian Advisory Commission (BPAC). One of the roles of the BPAC was to review development applications and act in an advisory capacity to the Planning and Transportation Commission on bicycle and pedestrian matters. The Zoning Code was amended to reflect the BPAC's role in the development review process (Zoning Code Section 14.78.090).

In 2017, the City Council adjusted the charter of the Planning Commission and created the Complete Streets Commission (CSC) to replace the BPAC. Ordinance No. 2017-434, which codified this change, is included at Attachment C. The powers and duties of the newly created CSC included an advisory role for all areas related to transportation. However, the Zoning Code (Section 14.78.090) was not amended to reflect the newly created CSC or its role within the development review process. Since the creation of the CSC in September 2017, staff has continued to route all development applications to the CSC for review, and expanded their purview to include bicycle, pedestrian, parking and traffic issues. But, an amendment to the Code is necessary to clarify the role of the CSC within the development review process.

To update the role and capacity of the CSC within the development review process, staff considered the Commission's powers and duties specified in Section 2.08.160, which generally includes an advisory role for bicycle, pedestrian, parking and traffic projects and issues within the City, and the General Plan's Circulation Element, which provides guidance on how transportation analysis should be conducted for new development projects. Within the Circulation Element, there is a specific implementing program (C8) that outlines the criteria for reviewing traffic and circulation for new development, and it requires the preparation of a transportation impact analysis for all projects that generate 50 or more net new daily trips. Therefore, to clarify the CSC's role within the development review process, staff recommends amending the Code as follows:

14.78.090 - Transportation review.

- A. An application for planning commission of city council design review pursuant to 14.78.020 shall be subject to a transportation review as part of the approval process in order to assess potential project bicycle, pedestrian, parking and/or traffic impacts on public streets when the project generates 50 or more net new daily trips and is required to prepare a transportation impact analysis.
- B. Projects subject to this section shall be reviewed by the complete streets commission at a public meeting with the commission providing a recommendation to the planning commission and/or the city council on the transportation impact analysis and on the elements of the project that pertain to bicycle, pedestrian, parking and traffic issues.

Since this threshold for a transportation review is specified in the General Plan, it is appropriate for the review specified in the Zoning Code to be in alignment. This proposed amendment would continue to require that all new development applications, except for the smallest ones that generate a minimal number of new trips, to be reviewed by the CSC before it is scheduled for review by the Planning Commission.

Design Review Study Sessions

In 2012, the Zoning Code was amended to include a section that provided criteria for design review study sessions before the Planning Commission. The goal was to encourage potential projects to schedule a pre-application study session in order to receive early design input from the Commission while the project's architectural design was still in the conceptual design phase. Since 2012, every large development application approved by the City has utilized the design review study session process to help guide its architectural and site design choices. And, following the City Council's adoption of the Downtown Building Committee recommendations in 2016, staff began including public notification (mailed and posted on the site) for study sessions to increase public awareness of new development proposals. The design review study session process has now become a standard first step for new development applications and an important early notification tool for interested members of the public. Therefore, staff recommends amending the Code to codify the role of the design review study session within the development review process as follows:

14.78.040 - Design review study session.

- A. Projects subject to design review pursuant to Section 14.78.020 of this chapter are eligible for design review study session before the planning commission.
- B. Projects subject to City Council Design Review pursuant to Section 14.78.020(C) of this chapter are required to have a pre-application design review study session before the planning commission in order to receive early design input.
- C. Study session review is available at any point in the application process and may be requested by an applicant or required by the community development director.
- D. Public notice shall be given at least ten (10) days prior to the date of the study session by the methods required in Section 14.78.030 (A-C).

The proposed amendment would now require large projects to have a pre-application study session, still allow any design review application to request a study session if appropriate and codify the requirement that all study sessions provide public notification.

Design Review Approval Process

As currently specified in the Zoning Code, there are two levels of design review required in a non-single-family (R1) zone district. Small projects that include exterior alterations, renovations and additions up to 500 square feet are subject to administrative design review that is approved by the Community Development Director or their designee. Any project that includes a new building or addition that exceeds 500 square feet is subject to a public design review process that currently includes review by the Complete Streets Commission, Planning Commission and City Council. This requirement for larger projects to be subject to a more intensive public review process before approval is a long-standing City requirement and community expectation.

However, for additions to existing buildings that exceed 500 square feet, but are non-controversial and do not meaningfully changing the use or character of the building or site, this review process can be excessive. A good example of this type of project is the renovation and expansion of the existing clubhouse for the apartment complex at 2270 Homestead Court that was approved by the City in 2017. The project included an increase in the size of the clubhouse from 1,900 square feet to 3,970 square feet in order to better meet the needs of the 216 apartment units in the complex. This was a relatively small project and generated no public interest or concern, but because it was an addition of more than 500 square feet, it was subject to a public design review process that included three public

meetings and took over six months to complete. Therefore, to allow smaller additions to existing buildings to be subject to a public design review process that is more equivalent to the magnitude of the project, staff recommends amending the Code as follows:

14.78.020 - Requirement for design review.

All new building construction, existing building alterations and expansions, and site improvements, excluding properties in an R1 or R3-4.5 district, shall be subject to design review pursuant to this chapter as follows:

- A. Administrative Design Review.
 - 1. Site improvements, exterior alterations or modification, or additions of up to 500 square feet shall be reviewed and approved by the community development director.
 - 2. The community development director in his or her discretion may refer any project to the planning commission for review and approval.
- B. Planning Commission Design Review.
 - 1. Additions to an existing building that exceeds 500 square feet and are equal to or less than 50 percent of the floor area of an existing structure shall be reviewed and approved by the planning commission at a public meeting.
- C. City Council Design Review.
 - 1. All new buildings and additions to existing buildings that exceed that exceed 50 percent of the floor area of an existing structure shall be reviewed and approved by the city council at a public meeting.
 - 2. Prior to consideration by the city council, the planning commission shall review the application at a public meeting and provide a recommendation to the city council.

The proposed amendment would still require public design review for an addition that exceed 500 square feet but is less than 50 percent of the size of the existing building, but it would allow the project to be approved by the Planning Commission. The Commission's action could be appealed to the City Council or rereviewed by the City Council if requested by two or more council members (see proposed amendment below), but otherwise, would allow smaller, non-controversial projects to have a less intensive and time-consuming public design review process.

Use Permit Approval Process

Similar to the proposed amendment to the to the design review process, staff has identified an opportunity to improve the City's use permit approval process. Currently, the Planning Commission is the decision-making body for use permits related to businesses proposed to occupy existing buildings in commercial and office districts. But all other use permits require review and approval by both the Planning Commission and City Council. In some cases, when a use permit generates a significant amount of public interest or concern, it is appropriate for the City Council to be the decision-making body. However, when a use permit is more minor in its request and non-controversial, it appears appropriate to allow the Planning Commission to be the decision-making body. Therefore, to allow the Planning Commission to be the decision-making body for all use permits unless appealed or called-up by the City Council, staff recommends amending the Code as follows:

14.80.040 - Use permit review

- A. The planning commission is the decision-making body for all use permits.
- B. The commission shall review the use permit application and all support information, receive public comment and any pertinent evidence concerning the proposed use and the

- conditions under which it would be operated or maintained, and shall make findings as specified in Section 14.80.060 of this chapter.
- C. The commission may add conditions as necessary to ensure compliance with the findings specified in Section 14.80.060 of this chapter.
 - D. The commission shall take action on the use permit as follows:
 - 1. Approve the conditional use, with or without conditions.
 - 2. Approve the conditional use for a limited period of time, with or without conditions.
 - 3. Deny the conditional use per negative findings as specified in Section 14.80.060 of this chapter.

The proposed amendment would allow the Planning Commission to be the decision-making body for all use permits, but allow the Commission's action to be appealed to the City Council or rereviewed by the City Council if requested by two or more council members (see proposed amendment below). This would allow minor and non-controversial use permits to have a less intensive and time-consuming approval process while still preserving the Council's ability to be the decision-maker if necessary.

Public Notification, Appeals and Call-Ups

In order to remove outdated and antiquated language and improve internal consistency between the design review and use permit chapters, staff is recommending the following amendments:

(14.78.030 and 14.80.030) - Public meeting requirements.

Notice of public meetings shall be given at least ten (10) days prior to the date of the meeting by all of the following methods:

- A. Mailing of notices via first-class mail to all property owners within five hundred (500) feet of the project site at the mailing address on record with the County Assessor;
- B. Mailing of notices via first-class mail to all commercial business tenants within five hundred (500) feet of the project site at the addresses shown on the latest city business license records; and
- C. Posting of a notice on the project site in accordance with the standards set by the community development director.
- D. All meetings before the planning commission conducted under this section, excluding study sessions, shall be noticed and conducted as public hearings and shall satisfy all notification requirements applicable to public hearings, including a notice published in a newspaper of general circulation within the city.

14.78.100 - Appeals or call-ups.

- A. Within fifteen (15) days of an action (approval or denial) on an administrative design review application, the decision may be appealed to the planning commission by any interested party.
- B. Within fifteen (15) days of an action (approval or denial) on a design review and/or variance application by the planning commission, the decision may be appealed to the city council by any interested party.
- C. The action (approval or denial) on a design review and/or variance application by the planning commission may be called up for review by the city council if two members of the city council submit requests to the city clerk to reconsider the action within fifteen (15) days of the date of the action. No fee shall be required for such a call up.

14.80.070 - Appeals or call-ups.

- A. Within fifteen (15) days of an action (approval or denial) on a use permit by the planning commission, the decision may be appealed to the city council by any interested party.
- B. The action (approval or denial) on a use permit by the planning commission may be called up for review by the city council if two members of the city council submit requests to the city clerk to reconsider the action within fifteen (15) days of the date of the action. No fee shall be required for such a call up.

The proposed amendments would create consistent public notification requirements for both design review and use permit applications, create a process for the City Council to call-up Planning Commission actions if so desired, and remove outdated and conflicting language.

A couple of other minor clean-ups to Chapter 14.80 include replacing the title of Section 14.80.060 “~~Commission and council action~~” with “Use permit findings,” which more accurately reflects the provisions in this section, and removing “transportation” from when the Planning Commission is referenced.

Code Amendment Findings

In order to approve amendments to the Zoning Code, the Planning Commission needs to find that the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, or welfare, and are in conformance with the General Plan. As outlined in the draft ordinance (Attachment A) the proposed amendments do appear to be in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because they will clarify the role of the Complete Streets Commission in the design review process, formalize the public notification requirements for design review study sessions, update the review requirements for use permits and design review applications, and remove antiquated and outdated language. The proposed amendments are in conformance with the City of Los Altos General Plan because they will update the Code to be consistent with current practices and procedures for processing design review and use permit applications.

Options

The Planning Commission can recommend approval, approval with modifications, or denial of the proposed amendments. The advantages of the proposed amendments would be that the role of the Complete Streets Commission within the design review process would be clarified, the public notification requirements for a design review study session would be formalized, antiquated and outdated language would be updated or removed, and the review requirements for use permits and design review applications would be updated to better utilize the Planning Commission as a decision-making body for minor and non-controversial applications. Since the proposed amendments are intended to codify existing practices and policies that are already in place, staff has not identified any disadvantages.

Once the Planning Commission makes a recommendation, the amendments will be forwarded to the City Council for consideration and adoption.

ATTACHMENT A

ORDINANCE NO. 2019-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTERS 14.78 AND 14.80 OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO THE CITY'S DESIGN REVIEW AND USE PERMIT APPROVAL PROCESSES AND MAKING FINDINGS OF CEQA EXEMPTION

WHEREAS, the City of Los Altos initiated an application (19-CA-01) to amend Title 14 of the Los Altos Municipal Code in order to clarify and update the requirements and processes related to design review (Chapter 14.78) and use permits (Chapter 14.80), 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 will clarify the role of the Complete Streets Commission in the design review process, formalize the public notification requirements for design review study sessions, update the review requirements for use permits and design review applications, and remove antiquated and outdated language; and

WHEREAS, the amendments are in conformance with the City of Los Altos General Plan because they will update the Code to be consistent with current practices and procedures for processing design review and use permit applications; 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 March 21, 2019, at which it recommended _____ of the CA; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on _____, 2019; 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, each as a separate and independent basis, pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended (“CEQA Guidelines”), and CEQA Guidelines Section 15378(b)(5) the Ordinance implements an organizational or administrative activity that will not result in a direct or indirect physical change in the environment and, it can be seen with certainty that there is no possibility of a significant impact to the environment..

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

SECTION 1. AMENDMENT OF CODE: Sections 14.78.020, .030 and .040 in Chapter 14.78 in Title 14 of the Los Altos Municipal Code are hereby replaced as follows:

14.78.020 - Requirement for design review.

All new building construction, existing building alterations and expansions, and site improvements, excluding properties in an R1 or R3-4.5 district, shall be subject to design review pursuant to this chapter as follows:

A. Administrative Design Review.

1. Site improvements, exterior alterations or modification, or additions of up to 500 square feet shall be reviewed and approved by the community development director.
2. The community development director in his or her discretion may refer any project to the planning commission for review and approval.

B. Planning Commission Design Review.

1. Additions to an existing building that exceeds 500 square feet and are equal to or less than 50 percent of the floor area of an existing structure shall be reviewed and approved by the planning commission at a public meeting.

C. City Council Design Review.

1. All new buildings and additions to existing buildings that exceed that exceed 50 percent of the floor area of an existing structure shall be reviewed and approved by the city council at a public meeting.
2. Prior to consideration by the city council, the planning commission shall review the application at a public meeting and provide a recommendation to the city council.

14.78.030 - Public meeting requirements.

Notice of public meetings shall be given at least ten (10) days prior to the date of the meeting by all of the following methods:

- A. Mailing of notices via first-class mail to all property owners within five hundred (500) feet of the project site at the mailing address on record with the County Assessor;
- B. Mailing of notices via first-class mail to all commercial business tenants within five hundred (500) feet of the project site at the addresses shown on the latest city business license records;
and
- C. Posting of a notice on the project site in accordance with the standards set by the community development director.
- D. All meetings before the planning commission conducted under this section, excluding study sessions, shall be noticed and conducted as public hearings and shall satisfy all notification requirements applicable to public hearings, including a notice published in a newspaper of general circulation within the city.

14.78.040 - Design review study session.

- A. Projects subject to design review pursuant to Section 14.78.020 of this chapter are eligible for design review study session before the planning commission.
- B. Projects subject to City Council Design Review pursuant to Section 14.78.020(C) of this chapter are required to have a pre-application design review study session before the planning commission in order to receive early design input.
- C. Study session review is available at any point in the application process and may be requested by an applicant or required by the community development director.

- D. Public notice shall be given at least ten (10) days prior to the date of the study session by the methods required in Section 14.78.030 (A-C).

SECTION 2. AMENDMENT OF CODE: Sections 14.78.090 and .100 in Chapter 14.78 in Title 14 of the Los Altos Municipal Code are hereby replaced as follows:

14.78.090 - Transportation review.

- A. An application for planning commission of city council design review pursuant to 14.78.020 shall be subject to a transportation review as part of the approval process in order to assess potential project bicycle, pedestrian, parking and/or traffic impacts on public streets when the project generates 50 or more net new daily trips and is required to prepare a transportation impact analysis.
- B. Projects subject to this section shall be reviewed by the complete streets commission at a public meeting with the commission providing a recommendation to the planning commission and/or the city council on the transportation impact analysis and on the elements of the project that pertain to bicycle, pedestrian, parking and traffic issues.

14.78.100 - Appeals or call-ups.

- A. Within fifteen (15) days of an action (approval or denial) on an administrative design review application, the decision may be appealed to the planning commission by any interested party.
- B. Within fifteen (15) days of an action (approval or denial) on a design review and/or variance application by the planning commission, the decision may be appealed to the city council by any interested party.
- C. The action (approval or denial) on a design review and/or variance application by the planning commission may be called up for review by the city council if two members of the city council submit requests to the city clerk to reconsider the action within fifteen (15) days of the date of the action. No fee shall be required for such a call up.

SECTION 3. AMENDMENT OF CODE: Sections 14.80.030 and .040 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code are hereby replaced as follows:

14.80.030 - Public meeting requirements

Notice of public meetings shall be given at least ten (10) days prior to the date of the meeting by all of the following methods:

- A. Mailing of notices via first-class mail to all property owners within five hundred (500) feet of the project site at the mailing address on record with the County Assessor;
- B. Mailing of notices via first-class mail to all commercial business tenants within five hundred (500) feet of the project site at the addresses shown on the latest city business license records; and
- C. Posting of a notice on the project site in accordance with the standards set by the community development director.
- D. All meetings before the planning commission conducted under this section, excluding study sessions, shall be noticed and conducted as public hearings and shall satisfy all notification requirements applicable to public hearings, including a notice published in a newspaper of general circulation within the city.

14.80.040 - Use permit review

- A. The planning commission is the decision-making body for all use permits.
- B. The commission shall review the use permit application and all support information, receive public comment and any pertinent evidence concerning the proposed use and the conditions under which it would be operated or maintained, and shall make findings as specified in Section 14.80.060 of this chapter.
- C. The commission may add conditions as necessary to ensure compliance with the findings specified in Section 14.80.060 of this chapter.
- D. The commission shall take action on the use permit as follows:
 - 1. Approve the conditional use, with or without conditions.
 - 2. Approve the conditional use for a limited period of time, with or without conditions.
 - 3. Deny the conditional use per negative findings as specified in Section 14.80.060 of this chapter.

SECTION 4. AMENDMENT OF CODE: Section 14.80.045 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby removed.

~~14.80.045 - Hearings - Procedures for office and commercial districts.~~

~~Notwithstanding the provisions of Section 14.80.040 of this chapter, the planning and transportation commission shall be the decision-making body for conditional use permit applications in all OA and C districts for businesses proposed in existing structures. This section shall not apply to conditional use permit applications that are subject to the requirements of Chapter 14.78 of this title. All other applicable provisions of this chapter shall remain in effect. The action of the planning and transportation commission shall be final unless it is appealed in writing to the city council, and the appropriate fee is paid, within fifteen (15) days of the date of the action.~~

SECTION 5. AMENDMENT OF CODE: The title of Section 14.80.060 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

14.80.060 - Use permit findings. ~~Commission and council action.~~

SECTION 6. AMENDMENT OF CODE: Section 14.80.070 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby replaced as follows:

14.80.070 - Appeals or call-ups.

- A. Within fifteen (15) days of an action (approval or denial) on a use permit by the planning commission, the decision may be appealed to the city council by any interested party.
- B. The action (approval or denial) on a use permit by the planning commission may be called up for review by the city council if two members of the city council submit requests to the city clerk to reconsider the action within fifteen (15) days of the date of the action. No fee shall be required for such a call up.

SECTION 7. AMENDMENT OF CODE: Sections 14.80.080 and .090 in Chapter 14.80 in Title 14 of the Los Altos Municipal Code are hereby amended as follows:

14.80.080 - Revocation.

A use permit may be revoked by the community development director, planning ~~and transportation~~ commission and/or city council, whichever body initially approved the permit, based upon a

determination by the community development director that the holder of the permit has failed to comply with any condition thereof or has violated any applicable provision of this chapter. The revocation procedure shall be the same as prescribed in this chapter for the initial use permit.

14.80.090 - New applications.

Following the denial of a use permit application or the revocation of a use permit by the commission or council, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within six months after the date of the denial or revocation of the use permit.

SECTION 8. 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 9. 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 review and processing of design review and use permit applications. It does not commit the City of Los Altos or any other party to any direct course of action, other than to review and process design review and use permit applications in an updated manner and will not result in any physical changes in and of itself. Moreover, as a separate and independent basis, 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 10. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 11. 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 _____, 2019 and was thereafter, at a regular meeting held on _____, 2019 passed and adopted by the following vote:

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

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

Chapter 14.78

DESIGN AND TRANSPORTATION REVIEW—MULTIPLE-FAMILY, PUBLIC AND COMMUNITY FACILITIES, OFFICE AND ADMINISTRATIVE, AND COMMERCIAL DISTRICTS*

Sections:

- 14.78.010 Purpose.
- 14.78.020 Requirement for administrative design review.
- 14.78.030 Requirement for public hearing design review.
- 14.78.040 Recommendation for pre-application study session design review.
- 14.78.050 Initial application review.
- 14.78.060 Design review findings.
- 14.78.070 Variances.
- 14.78.080 Expiration of design review and/or variance approval—Extensions.
- 14.78.090 Requirement for transportation review.
- 14.78.100 Appeals.

14.78.010 Purpose.

The purpose of this chapter is to preserve and protect the character and public safety of the city and to enhance the aesthetic qualities and bicycle and pedestrian safety and functionality of its multiple-family, public and community facilities, office and administrative and commercial districts by requiring design and transportation review of new structures and certain expansions of existing structures.

(Ord. No. 2012-382, § 1, 5-22-2012)

*Editor's note—Ord. No. 2012-382, § 1, adopted May 22, 2012, amended Ch. 14.78 in its entirety, in effect repealing and reenacting said chapter to read as herein set out. Former Ch. 14.79, §§ 14.78.010—14.78.050, pertained to similar subject matter and derived from Ord. No. 04-260, § 1; and Ord. No. 07-306, § 9.

14.78.020 Requirement for administrative design review.

A. No building permit shall be issued for any new main or accessory structure, or addition or alteration thereto within an R3, PCF, PUD, PC, OA or C district, until such construction has received administrative design review approval by the community development director or their designee. Window replacements, reroofing and rooftop venting and exhausting equipment, and mechanical equipment are exempt from this requirement.

B. Whenever, as determined by the community development director or their designee, the construction, expansion or modification of a main or accessory structure may be in conflict with the design review findings contained in this chapter, the project shall be referred to the planning and transportation commission for action on the design review approval.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 1, 5, 9-27-2016)

14.78.030 Requirement for public hearing design review.

A. In each of the following cases, no building permit shall be issued for property within an R3, PCF, PUD, PC, OA or C district until the proposed improvements have received design review approval by the city council pursuant to this chapter:

1. Any new main structure or accessory structure over five hundred (500) square feet;
2. Any expansion over five hundred (500) square feet to an existing main or accessory structure;

B. Applications for design review shall be reviewed in the following manner:

1. The planning and transportation commission shall review the application as a whole. The planning and transportation commission shall forward a recommendation to the city council.

2. The city council shall be the approving authority for applications for design review under this chapter.

C. A public meeting notice for the planning and transportation commission meeting and the city council meeting shall be required. Notice of the meeting shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the meeting by mailing, postage prepaid, a notice of the time and place of the meeting to the applicant and to the recorded legal owners of all properties within five hundred (500) feet of the boundaries of the site at the address shown on the last equalized assessment roll. The planning and transportation commission meeting shall also constitute a public hearing and a notice of that hearing shall be published in a newspaper of general circulation within the city.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 5, 9-27-2016)

14.78.040 Recommendation for pre-application study session design review.

Projects subject to design review pursuant to Section 14.78.030 of this chapter are eligible for pre-application design review before the planning and transportation commission. This review is in a study session format and is best served early in the design preparation process. This review is encouraged to receive early design input from the commission. Study session review is also available at any point in the application process, and may be requested by an applicant or may be required by the community development director or their designee.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 1, 9-27-2016)

14.78.050 Initial application review.

All applications filed with the community development department in compliance with this zoning code shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council and initially processed as follows:

A. Review for completeness. The community development director or their designee shall re-

view all applications for completeness and accuracy before accepting them as complete. The determination of completeness shall be based on the city's list of required application contents as prescribed in the "submittal requirements" documents provided by the community development department.

B. Notification of applicant. The community development director or their designee shall notify the applicant in writing within thirty (30) days of the filing of the application with the community development department that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, as specified in the letter, shall be provided. If subsequent written comments from the community development director or their designee identify deficiencies not initially raised within thirty (30) days of the filing of the application, then this subsequent letter will be considered the notification of incompleteness for the purposes of determining the application expiration date.

C. Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).

D. Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.

E. Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred eighty (180) days to the community development director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.

F. Environmental information. After an application has been accepted as complete, the community development director or their designee may require additional information as necessary for the project's environmental review.
(Ord. No. 2016-423, § 6, 9-27-2016)

14.78.060 Design review findings.

In approving applications for design review approval under this chapter, the planning and transportation commission and the city council shall make the following findings:

A. The proposal meets the goals, policies and objectives of the general plan and any specific plan, design guidelines and ordinance design criteria adopted for the specific district or area.

B. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design.

C. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth, and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays and balconies.

D. Exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area.

E. Landscaping is generous and inviting, and landscape and hardscape features are designed to complement the building and parking areas, and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage.

F. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions.

G. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing.

H. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 6, 9-27-2016; Ord. No. 2016-427, § 3, 11-8-2016)

Editor's note—Ord. No. 2016-423, § 6, adopted September 27, 2016, enacted a new § 14.78.050 and renumbered the remaining §§ 14.78.050—14.78.080 as §§ 14.76.060—14.76.090. The historical notation has been retained with the amended provisions for reference purposes.

14.78.070 Variances.

A. Purpose. In order to avoid such practical difficulties, unnecessary physical hardships and results inconsistent with the objectives of the zoning plans stated in Article 1 of Chapter 14.02, as would result from a strict or literal application of the provisions of this chapter, the planning and transportation commission may approve or recommend variances to the regulations controlling site area, width, depth and coverage, yards, and other open spaces, parking spaces, loading spaces, height of structures, allowable building floor area and fences for those properties located within an R3, PCF, PUD, PC, OA or C district.

B. Procedure. The approving authority for variance applications shall be as follows:

1. The planning and transportation commission shall be the approving authority for all variance applications that are not subject to Section 14.78.030 of this chapter. A public hearing shall be required. Notice of the meeting shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the meeting by mailing, postage prepaid, a notice of the time and place of the meeting to the applicant and to the recorded legal owners of all properties within five hundred (500) feet of the boundaries of the site at the address shown on the last equalized assessment roll.

2. The city council shall be the approving authority for all variance applications that are subject to Section 14.78.030 of this chapter. The planning and transportation commission shall review the variance application and forward a recommendation to the city council.

C. Findings. A variance request may be granted as applied for if, on the basis of the application and the evidence submitted, the following positive findings can be made:

1. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;

2. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and

3. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

D. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, §§ 6, 7, 9-27-2016)

Editor's note—See editor's note, § 14.78.060.

14.78.080 Expiration of design review and/or variance approval—Extensions.

A. Design review and/or variance approvals granted pursuant to this chapter shall expire twenty-four (24) months from the date on which the approval became effective, unless prior to such expiration date a building permit is issued for the improvements constituting the subject of the approval and construction thereof is commenced and prosecuted diligently toward completion.

B. Design review and/or variance approvals may be extended for a period of time not exceeding twelve (12) months. The application for extension shall be filed prior to the expiration date and shall be accompanied by the payment of a fee in such amount as established from time to time by resolution of the city council. Extensions of the approval are contingent on the community development director or their designee finding that the project complies with all current zoning ordinance regulations.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, §§ 6, 8, 9-27-2016)

Editor's note—See editor's note, § 14.78.060.

14.78.090 Requirement for transportation review.

A. Purpose. Projects subject to design review pursuant to Section 14.78.030 of this chapter shall also be subject to a transportation review in order to assess potential project bicycle, pedestrian, parking and/or traffic impacts on public streets.

B. Procedure. Projects subject to this section shall be reviewed in the following manner:

1. The bicycle and pedestrian advisory commission shall consider the project/subject at a public meeting and shall act in an advisory capacity to the planning and transportation commission on bicycle and pedestrian matters.

2. The planning and transportation commission shall also consider the project/subject at a public meeting and act in an advisory capacity to the city council on bicycle, pedestrian, parking and traffic matters.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 6, 9-27-2016)

Editor's note—See editor's note, § 14.78.060.

14.78.100 Appeals.

A. Within fifteen (15) days of an approval or denial of an administrative design review application, the decision may be appealed to the planning and transportation commission.

B. Within fifteen (15) days of an approval or denial of a design review and/or variance applica-

14.78.100

tion by the planning and transportation commission, the decision may be appealed to the city council.

(Ord. No. 2016-423, § 9, 9-27-2016)

Chapter 14.80

USE PERMITS*

Sections:

- 14.80.010 Conditional uses.**
- 14.80.020 Initial application review.**
- 14.80.030 Hearings—Notices.**
- 14.80.040 Hearings—Procedure.**
- 14.80.045 Hearings—Procedures for office and commercial districts.**
- 14.80.050 Hearings—Procedures for personal wireless communication facilities.**
- 14.80.060 Commission and council action.**
- 14.80.070 Council action.**
- 14.80.080 Revocation.**
- 14.80.090 New applications.**
- 14.80.100 Expiration of use permit approval—Extensions.**
- 14.80.110 Modification of a use permit.**

14.80.010 Conditional uses.

Uses which are permitted in certain districts upon the granting of a use permit shall be deemed conditional uses. Such uses, because of their unusual characteristics, shall be given special consideration to the end that they be located properly with respect to the objectives of the zoning plan and with respect to their effects upon surrounding properties. The specific conditions under which each such use is permitted shall be considered in the light of general public interests and the interests of persons residing or working in the vicinity of the use. (Prior code § 10-2.2801)

14.80.020 Initial application review.

All applications filed with the community development department in compliance with this zoning code shall be accompanied by the payment

*Editor's note—Ord. No. 2012-383, § 3, adopted May 22, 2012, changed all references to the "planning commission" within Ch. 14.80 to the "planning and transportation commission."

of a processing fee in such amount as established by resolution of the city council and initially processed as follows.

A. Review for completeness. The community development director or their designee shall review all applications for completeness and accuracy before accepting them as complete. The determination of completeness shall be based on the city's list of required application contents as prescribed in the "submittal requirements" documents provided by the community development department.

B. Notification of applicant. The community development director or their designee shall notify the applicant in writing within thirty (30) days of the filing of the application with the community development department that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, as specified in the letter, shall be provided. If subsequent written comments from the community development director or their designee identify deficiencies not initially raised within thirty (30) days of the filing of the application, then this subsequent letter will be considered the notification of incompleteness for the purposes of determining the application expiration date.

C. Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).

D. Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.

E. Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred

eighty (180) days to the community development director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.

F. Environmental information. After an application has been accepted as complete, the community development director or their designee may require additional information as necessary for the project's environmental review. (Ord. No. 2016-423, § 11, 9-27-2016)

14.80.030 Hearings—Notices.

The commission shall hold at least one public hearing on each application for a use permit. Notice of such public hearing shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing by all of the following methods:

A. Mailing of notices via first class mail to the owners of all properties within five hundred (500) feet of the boundaries of the site at the addresses shown on the latest equalized assessment roll;

B. For projects in other than R zoning districts, the mailing of notices via first class mail to the business tenants within five hundred (500) feet of the boundaries of the site at the addresses shown on the latest city business license records;

C. Publication of a notice in a newspaper of general circulation within the city; and

D. Posting of a notice on the project site in accordance with the standards set by the planning director.

Notice of the city council meeting at which the use permit is scheduled to be considered shall also be provided as set forth in subsections A and B of this section not less than ten (10) days prior to the meeting. (Ord. 00-382 § 4; prior code § 10-2.2803)

14.80.040 Hearings—Procedure.

At the public hearing the commission shall review the application and statements, plans, and drawings submitted therewith and shall receive

pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the issues set forth in Section 14.80.060 of this chapter on which the commission is required to make findings prior to transmitting its report to the council. (Prior code § 10-2.2804)

14.80.045 Hearings—Procedures for office and commercial districts.

Notwithstanding the provisions of Section 14.80.040 of this chapter, the planning and transportation commission shall be the decision-making body for conditional use permit applications in all OA and C districts for businesses proposed in existing structures. This section shall not apply to conditional use permit applications that are subject to the requirements of Chapter 14.78 of this title. All other applicable provisions of this chapter shall remain in effect. The action of the planning and transportation commission shall be final unless it is appealed in writing to the city council, and the appropriate fee is paid, within fifteen (15) days of the date of the action. (Ord. 07-312 § 11; Ord. 01-394 § 6; Ord. No. 2016-423, § 12, 9-27-2016)

14.80.050 Hearings—Procedures for personal wireless communication facilities.

A. Notwithstanding the provisions of Section 14.80.040 of this chapter, hearings for personal wireless services and facilities shall be conducted in accordance with the provisions of this chapter, except as follows:

1. Administrative review. The community development director or their designee shall be the approving authority for all distributed, repeater, or microcell antenna systems and building-mounted antennas that comply with applicable zoning regulations.

2. Planning and transportation commission review. The planning and transportation commission shall be the approving authority for all monopole antennas that comply with applicable zoning regulations.

3. Planning and transportation commission and city council review. The planning and transportation commission and city council shall be the approving authority for all antennas that require a variance to the applicable zoning regulations.

B. Notice of public hearings shall be in accord with Sections 14.80.030(C) and (D) of this chapter. The action of the community development director or their designee may be appealed to the planning and transportation commission. The action of the planning and transportation commission may be appealed to the city council. Actions of the community development director or their designee and planning and transportation commission are final unless appealed in writing within fifteen (15) days of the date of action. (Ord. 06-304 § 2; Ord. 05-277 § 2; prior code § 10-2.2804.1; Ord. No. 2016-423, § 1, 9-27-2016)

14.80.060 Commission and council action.

The commission and council shall make a specific finding on each of the following issues:

A. That the proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare;

B. That the proposed location of the conditional use is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title;

C. That the proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;

D. That the proposed conditional use will comply with the regulations prescribed for the district in which the site is located and the general provisions of Chapter 14.02;

E. When the proposed conditional use and/or structure is located in the CRS District, the commission and council shall make a specific finding on each of the following issues:

1. That the proposed use and/or structure is in scale with the existing development and it enhances the unique village character of the CRS District; and

2. That the proposed use and/or structure will not cause degradation in the level of service of the streets and intersections within the CRS District;

F. When the proposed conditional use is a flag lot, the commission and council shall make a specific finding on each of the following issues. Any negative findings may result in denial of the use permit or in conditions of approval which alter the minimum development standards, e.g., height, floor area, and setbacks, for the district in which the property is located.

1. That the size of the proposed flag lot is sufficient to mitigate development impacts and is compatible with the existing lots in the immediate neighborhood;

2. That the proposed flag lot will not result in unreasonable noise impacts for neighbors adjoining the access corridor;

3. That the proposed flag lot will not result in unreasonable privacy invasion or unreasonable massing as a result of building height;

4. That the proposed flag lot will not result in incompatible setbacks from neighboring properties;

5. That the allowed floor area ratio in accordance with district regulations will not result in adverse impacts on neighboring properties;

G. When the proposed conditional use is a large family day care home as defined by the California Health and Safety Code, the commission and council shall make a specific finding on each of the following issues:

1. That the day care home provides a minimum of four off-street parking spaces;

2. That the day care home provides staggered drop-off and pick-up times in order to minimize traffic impacts;

3. That the day care home provides noise mitigation measures in order to minimize the noise levels generated by outdoor play areas, and that children's outdoor play only occurs between the hours of 8:00 a.m. and 7:00 p.m.;

4. That the day care home is not located within one thousand five hundred (1,500) feet of another large family day care home, as measured following the street, or within five hundred (500) feet of another large family day care home as measured from any property line;

5. That the day care home is visually incidental and secondary to the residential use of the property;

6. That the day care home is the principal residence of the child care provider;

7. That if the day care home is located on a flag lot, that lot shall be a minimum of fifteen thousand (15,000) square feet;

H. When the proposed conditional use is a nonconforming ground floor office use, the planning and transportation commission and city council shall make one or more of the following findings:

1. That access to the space to be occupied can only be reached through another business;

2. That there is no direct frontage to the space to be occupied from the street or parking plaza; and/or

3. That the building to be occupied is constructed in such a manner that its conversion to retail is infeasible or would cause unreasonable economic hardship due to the type of construction, the structural remodeling required to convert to retail, lack of window display, or other constraint identified with the findings;

I. When a conditional use permit is required for a medical or dental office, or medical, dental or animal clinic or hospital, the planning and transportation commission shall make a specific finding that there is adequate on-site parking to support the facility, including staff, patients, visitors

and other ancillary support services. This determination shall be based on a parking demand analysis prepared by a qualified professional and presented to the planning and transportation commission at a public hearing;

J. When conditional expansion in the LC/SPZ District is requested as provided for in Section 14.42.040, the commission and council shall make a specific finding on each of the following issues:

1. That the proposed construction is found to meet the specific purposes of the district pursuant to Section 14.42.020 of the Los Altos Municipal Code;

2. That the proposed square footage contributes to expansion potential pursuant to Section 14.42.040 of the Los Altos Municipal Code in the following order:

i. The square footage contributes to the permitted fifteen thousand (15,000) square foot new ground-level retail until such total square footage is achieved, at which time,

ii. The square footage contributes to the permitted four thousand (4,000) square foot second-level retail services until such total square footage is achieved, at which time,

iii. The square footage contributes to the permitted four thousand (4,000) square foot second-level office;

3. That the use occupying the proposed square footage builds upon the existing strengths of the Loyola Corners Neighborhood Commercial Center and adds business which is appropriate in terms of use, physical scale, and size of the site.

Notwithstanding the above findings, the planning and transportation commission and city council may find that a use which meets all code criteria may not be in the best interest of the Loyola Corners Commercial Neighborhood Center;

K. When an extension of time is requested for an office use in the LC/SPZ District as provided for in Section 14.42.030 of this chapter, the commission and council may in its sole discretion

make a determination as to the length of the term, provided findings on each of the following issues can be made:

1. That there is a five percent or greater vacancy rate (excluding the space in question) in the LC/SPZ zoning district;

2. That the property owner has demonstrated to the satisfaction of the commission and council that the use has been economically beneficial to the Loyola Corners Neighborhood Commercial Center;

3. That the use has proven to be of a type that receives significant on-site clientele visitations;

4. That the use has maintained a pedestrian-friendly exterior by maintaining visual access into the building interior through windows which are not permanently blocked during business hours; and

5. That continuance of the use would not further move the area from an ideal cost/benefit ratio of seventy (70) percent retail and thirty (30) percent office which is determined necessary to: (i) provide a retail center whose function it is to provide retail services to the surrounding community; (ii) provide a lively, active, and diversified shopping experience; and (iii) ensure that a reasonable portion of the commercial activities are generating taxable retail sales. (Ord. 07-312 § 12; Ord. 05-294 § 4; Ord. 05-271 § 3; prior code § 10-2.2805) (Ord. No. 2015-406, § 6, 2-10-2015)

14.80.070 Council action.

A. In the case of approval or an appeal, the council shall review the use permit application and consider the report of the commission. The council may grant the use permit or deny the use permit application. The council may hold a public hearing if it determines such hearing is necessary or desirable.

B. A use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the council may prescribe. (Prior code § 10-2.2806)

14.80.080 Revocation.

A use permit may be revoked by the community development director or their designee, planning and transportation commission and/or city council, whichever body initially approved the permit, based upon a determination by the community development director or their designee that the holder of the permit has failed to comply with any condition thereof or has violated any applicable provision of this chapter. The revocation procedure shall be the same as prescribed in this chapter for the initial use permit. (Prior code § 10-2.2807)

(Ord. No. 2011-368, § 3, 7-26-2011; Ord. No. 2016-423, § 1, 9-27-2016)

14.80.090 New applications.

Following the denial of a use permit application or the revocation of a use permit by the council, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within six months after the date of the denial or revocation of the use permit. (Prior code § 10-2.2808)

14.80.100 Expiration of use permit approval—Extensions.

A. Use permit approvals granted pursuant to this chapter shall expire twenty-four (24) months from the date on which the approval became effective, unless prior to such expiration date, a building permit is issued for the improvements constituting the subject of the use permit approval, and construction thereof is commenced and prosecuted diligently toward completion.

B. Use permit approvals may be extended for a period of time not exceeding twelve (12) months. The application for extension shall be filed prior to the expiration date and shall be accompanied by the payment of a fee in such amount as established from time to time by resolution of the city council. Extensions of use permit approval are contingent on the community development director or their designee finding that the project com-

plies with all current zoning ordinance regulations. (Ord. 05-279 § 1; prior code § 10-2.2809; Ord. No. 2016-423, § 1, 9-27-2016)

14.80.110 Modification of a use permit.

For modifications to an approved use permit, the planning and transportation commission shall be the decision-making body. The action of the planning and transportation commission shall be final unless:

A. It is appealed in writing to the city council, and the appropriate fee is paid, within fifteen (15) days of the date of the action;

B. Two members of the city council submit requests to the city clerk to reconsider the action within fifteen (15) days of the date of the action. (Ord. No. 2016-423, § 13, 9-27-2016)

ATTACHMENT C

ORDINANCE NO. 2017-434

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS CREATING A COMPLETE STREETS COMMISSION

WHEREAS, issues relating to transportation are a high priority to the Los Altos City Council and to the Los Altos community; and

WHEREAS, since 2012, the City's Planning and Transportation Commission has been responsible for providing recommendations to the City Council regarding all transportation-related matters; and

WHEREAS, the City's Bicycle and Pedestrian Advisory Commission has also provided recommendations to both the Planning and Transportation Commission and the City Council regarding matters related to its focus areas; and

WHEREAS, the City Council has determined that to bring greater focus on transportation-related matters, the City Council desires to create a Complete Streets Commission; and

WHEREAS, the Planning and Transportation Commission will become the Planning Commission; and

WHEREAS, the Bicycle and Pedestrian Advisory Commission will now become the Complete Streets Commission.

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

SECTION 1. AMENDMENT OF CODE:

2.08.060 - Powers and duties of the planning ~~and transportation~~ commission.

The planning ~~and transportation~~ commission shall have those powers and duties given it by the State Planning Act (Title 7 of Chapter 3 of the Government Code of the state, commencing with Section 65100), as amended from time to time, and such other powers as granted it by the other provisions of this Municipal Code, or as may be entrusted to it by the council from time to time, and shall submit an annual report to the council.

~~The planning and transportation commission shall act in an advisory capacity to the council on transportation issues. Transportation issues shall include automobile circulation, pedestrian, bicycle and handicapped access, and public transportation on all public streets, roadways and paths within the city limits of the City of Los Altos.~~

~~The planning and transportation commission shall advise the council on existing and proposed city policies related to traffic calming and traffic enforcement.~~

~~The planning and transportation commission shall advise the council on projects and budget priorities for traffic-related capital improvements.~~

2.08.160 - Powers and duties of the ~~bicycle and pedestrian advisory~~ complete streets commission.

~~The bicycle and pedestrian advisory commission advises the council on bicycle and pedestrian issues, recommends updates to the city's bicycle transportation plan, identifies and prioritizes projects that will improve bicycle and pedestrian safety and access within Los Altos and shall submit an annual report to the council.~~

- Help to create multi-modal transportation solutions and policies that enable safe, attractive, comfortable and independent access and travel for pedestrians, bicyclists, transit users, and motorists of all ages and abilities, including connectivity across jurisdictional boundaries.
- Shall advise the council on existing and proposed city policies related to traffic calming and traffic enforcement.
- Shall advise the council on projects and budget priorities for transportation-related capital improvements.
- Provide for community engagement and serve as a conduit for community input.

SECTION 2. 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 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. 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 12, 2017 and was thereafter, at a regular meeting held on September 26, 2017 passed and adopted by the following vote:

AYES: BRUINS, LEE ENG, MORDO, PEPPER, PROCHNOW
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Mary Prochnow, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK