

1. ATTACHMENT 1 – Draft Ordinance 2019-467

ORDINANCE NO. 2019-467

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 14.16 OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO THE R3-4.5 MULTIPLE-FAMILY DISTRICT AND MAKING FINDINGS OF CEQA EXEMPTION

WHEREAS, at the request of applicant Paul Lovoi, the City of Los Altos initiated an application (18-CA-03) to amend Title 14 of the Los Altos Municipal Code in order to amend the uses, and establish site development standards and design review process of the R3-4.5 Multiple-Family District (Chapter 14.16), referred herein as the “Amendments”; 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 establish assurances and protections for property owners within and around the R3-4.5 District as it relates to land uses and land development standards and a requirement for a design review process for additions and exterior modifications; and

WHEREAS, the Amendments are in conformance with the City of Los Altos General Plan because they will establish the R3-4.5 District development standards consistent with other similar residential zoning districts and will establish the design review process for the District which are implementation objectives of the Land Use Element of the General Plan; 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 Amendments were 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 Amendments on June 6, 2019, and at the conclusion of the hearing, made findings pursuant to Los Altos Municipal Code Section 14.86.060 and recommended the City Council adopt the Amendments; and

WHEREAS, upon receiving the recommendation of the Planning Commission for approval of the Amendments, the City Council held a duly noticed public hearing on the Amendments on August 27, 2019, November 12, 2019, and January 14, 2020 and upon the conclusion of the public hearing the City Council reviewed the report of the Planning Commission and the evidence received at the hearing and, in accordance with Los Altos Municipal Code Section 14.86.080, based thereon and the entire record before the Council, hereby finds that the Amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, or welfare; 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

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WHEREAS, this Ordinance is exempt from further environmental review pursuant to each as a separate and independent basis (1) Section 15378 of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended (“CEQA Guidelines”) 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; (2) Section 15305 of the CEQA Guidelines because the Ordinance involves minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density; and (3) Section 15061(b)(3) because CEQA applies to projects which have the potential for causing a significant effect on the environment. The proposed code amendment serves to establish development standards for existing parcels that are already developed. Future alteration of structures on those parcels are still subject to CEQA and would still require individual review for compliance with CEQA.

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

SECTION 1. AMENDMENT OF CODE: Chapter 14.16 (R3-4.5 Multiple-Family District) in Title 14 of the Los Altos Municipal Code is hereby deleted and replaced in its entirety as follows:

14.16.010 - R3-4.5 District.

The regulations, general provisions, and exceptions set forth in this chapter and in Chapter 14.66 shall apply in the R3-4.5 District.

14.16.020 - Specific Purpose

The specific purpose of the R3-4.5 District is to retain and enhance the character of the Stevens Place and Marshall Court area as a two-family dwelling unit neighborhood.

14.16.030 - Permitted uses (R3-4.5).

The following uses shall be permitted in the R3-4.5 District:

- A. Two-family dwelling units, with not more than one two-family dwelling unit for each nine thousand (9,000) square feet of lot area;
- B. Home occupations
- C. Animals as provided in Chapter 5.10 of this code; and
- D. Small family day care.

14.16.040 - Site area (R3-4.5).

The minimum site area shall be nine thousand (9,000) square feet for each two-family dwelling unit.

14.16.050 - Coverage (R3-4.5)

- A. The maximum coverage for all structures in excess of six feet in height shall be forty (40) percent of the total gross site area where the height of one-story development does not exceed twenty (20) feet.
- B. On sites where the lot coverage exceeds thirty (35) percent, two-story structures shall not be allowed.

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14.16.060 - Floor area ratio (R3-4.5)

- A. For lots with a gross site area not exceeding eleven thousand (11,000) square feet, the maximum floor area shall be thirty five(35) percent of the gross lot area.
- B. For lots with a gross site area exceeding eleven thousand (11,000) square feet, the maximum floor area shall be three thousand eight hundred fifty (3,850) square feet plus ten (10) percent times the lot area minus eleven thousand (11,000) square feet.

14.16.070 – Unit Size

The floor area of the smaller of the two units can be no less than 900 square feet.

14.16.080 - Setbacks (R3-4.5)

- A. The minimum setbacks shall be as follows:

Property line abutting Fallen Leaf Lane	30 feet
Property line abutting Homestead Road, Stevens Place or Marshall Court frontage	20 feet
Property lines abutting to an R1-10 District	20 feet
Abutting to Stevens Creek property line (measured from top of creek bank)	20 feet
Other Interior property line not listed above	
First story	5 feet
Second story	10 feet

- B. The second story setback shall be measured from the wall of the second story, or in the case of a sloping ceiling or roof where there is no exterior wall, from the point the second story ceiling has a height of five feet or greater from the finished floor.
- C. When a unit has an existing nonconforming setback and fifty (50) percent or more of the floor area of that unit is voluntarily being rebuilt or replaced, the entire unit shall be brought into conformance with current setback requirements. This threshold is applied to each unit within a two-family dwelling and does not require both units to be brought into conformance when only one unit is being modified under the threshold above. For the purposes of this section, the garage portion of the structure shall be considered a separate unit.

14.16.090 - Height of structures (R3-4.5)

- A. No structure shall exceed one story or twenty (20) feet in height from the natural grade, except for those structures indicated in Subsection B.
- B. On lots with two-story structures as of December 10, 2019, no structure shall exceed two stories or twenty-seven (27) feet in height from the natural grade.

14.16.100 - Design control (R3-4.5).

Any new structure, or addition or alteration to an existing structure shall be subject to the design review requirements specified in Chapter 14.76 of this title.

14.16.110 - Off-street parking (R3-4.5).

As provided in Chapter 14.74 of this title.

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14.06.120 - Basements (R3-4.5).

Basements shall be regulated as follows:

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

14.16.130 - Signs (R3-4.5).

As provided in Chapter 14.68 of this title.

14.16.140 - Fences (R3-4.5).

As provided in Chapter 14.72 of this title.

14.16.150 - Nonconforming use regulations (R3-4.5).

As provided in Chapter 14.66 of this title.

14.16.160 - Accessory structures.

As provided in Chapter 14.15 of this title, and with the following parameters:

- A. Yard areas adjacent to Homestead Road or an R1 District shall be treated as the rear yards for the purposes of this section.
- B. Accessory structures will not be permitted in any other setback area.

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. CEQA EXEMPTIONS. This Ordinance is exempt from the requirements of the California Environmental Quality Act (Public Resources Code §§21000, *et seq.*, as further governed by the Guidelines for CEQA, 14 CCR §§15000, *et seq.*). 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 land uses and site development standards that are similarly regulated in other residential zoning districts, but it does not commit the City of Los Altos or any other party to any direct course of action, other than to review land entitlement applications for compliance with the amended requirements as described herein, and will not result in any physical changes in and of itself. Moreover, to the extent the Ordinance was determined to be subject to CEQA, it would be exempt from further review pursuant to the ‘common sense’ exemption (14 CCR §15061(b)(3)), as it can be seen with certainty that there is no possibility that the adoption of the Ordinance may have a significant effect on the environment. The Ordinance also is exempt from CEQA review because is not intended to apply to specifically identified projects and, as such, it is speculative

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to evaluate any such future project now and, moreover, such projects will be subject to appropriate environmental review at such time as approval for such projects are considered and/or it is not intended to, nor does it, provide CEQA clearance for future development-related projects by mere establishment of the requirements herein. The Ordinance also is exempt pursuant to CEQA Guidelines Section 15305, because it involves minor alterations to land use limitations in areas with an average slope of not less than 20%, which do not result in any changes in land use or density. Each of the foregoing provides a separate and independent basis for CEQA compliance and provides an overall basis for CEQA compliance.

SECTION 4. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 5. 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 November 12, 2019 and was thereafter, at a regular meeting held on _____, 2020 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jan Pepper, MAYOR

Attest:

Dennis Hawkins, CMC, CITY CLERK