



**PUBLIC HEARING**

**Agenda Item #1**

**AGENDA REPORT SUMMARY**

**Meeting Date:** January 14, 2020  
**Subject:** Ordinance No. 2019-467: Zoning Code Text Amendment to Chapter 14.16 of the Los Altos Municipal Code regarding the R3-4.5 Multiple-Family District

**Prepared by:** Steve Golden, Senior Planner  
**Reviewed by:** Jon Biggs, Community Development Director  
**Approved by:** Chris Jordan, City Manager

**Attachment(s):**

1. Ordinance No. 2019-467
2. R3-4.5 Zoning District Area Map
3. Public Correspondence

**Initiated by:**

Lenore and Paul Lovoi, Applicant and Property Owners

**Previous Council Consideration:**

August 27, 2019  
November 12, 2019  
December 10, 2019 (Continued)

**Fiscal Impact:**

None

**Environmental Review:**

Amendments to the Zoning Code generally may be considered a project under the California Environmental Quality Act (CEQA); however, this Ordinance is exempt from CEQA review because it has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Moreover, to the extent the Ordinance is exempt from CEQA 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 pursuant to CEQA Guidelines Section 15305, because it involves minor alterations to land use limitations in areas with an average slope of not more than 20%, which do not result in any changes in land use or density. The proposed code amendment is also exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines because CEQA only 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. Each of the foregoing provides a separate and independent basis for CEQA compliance and provides an overall basis for CEQA compliance. Future alteration of structures on those parcels are still subject to permitting and, would still require individual review for compliance with CEQA.

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**Reviewed By:**

City Manager

CJ

City Attorney

CD

Finance Director

SE

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**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 ordinance is to amend the Zoning Code Chapter 14.16, R3-4.5 Multiple-Family District to adopt site development standards for the District where none currently exist; establish a design review process for additions and exterior modifications; and update other provisions of the District regulations to be consistent with other similar residential zoning districts.
- The Planning Commission held a public hearing and recommended approval of the proposed Code amendments on June 6, 2019
- The City Council held a public hearing on August 27, 2019 and voted to continue the ordinance with direction to staff for revisions to the ordinance.
- The City Council held a public hearing on November 12, 2019 and approved the ordinance with revisions.

**Staff Recommendation:**

Move to adopt Ordinance No. 2019-467 to amend Chapter 14.16 of the Los Altos Municipal Code regarding the R3-4.5 Multiple-Family District.

**Purpose**

Adopt an ordinance to amend the R3-4.5 Multiple-Family District (Zoning Code Chapter 14.16) to establish site development standards for the District where none currently exist; establish a design review process for additions and exterior modifications; and update other provisions of the District regulations to be consistent with other similar residential zoning districts.

**Background**

On November 12, 2019 the City Council held a public hearing and voted to introduce and waive further reading of Ordinance No. 2019-467, to amend the R3-4.5 Multiple-Family District (Zoning Code Chapter 14.16). The Council also approved changes to the ordinance as follows:

- In Section 14.15.050, remove Subsection (B) referring lot coverage of two-story structures;
- In Section 14.15.070, modify the proportionality of the floor area of the units in a two-unit residence so that the floor area of the smaller of the two units can be no less than 900 square feet;
- In Section 14.15.080, reduce the setback of property lines abutting the R1 District zoned properties to 20 feet; and



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- In Section 14.15.090, remove and replace Subsection (B) to state that two-story units as of December 10, 2019 are excluded from the limitation under Section 14.15.090(A).

### **Discussion/Analysis**

There are four lots in the only area zoned R3-4.5 in Los Altos that are located east of the Marshall Ct cul-de-sac (see Attachment 2). Staff analyzed the proposed ordinance revisions adopted by Council and found there was ambiguity in the proposed height limitation for the lots with existing two-story structures. If the ordinance is approved with the proposed modification to Section 14.15.080(B), it will have the effect of implementing no building height development standard for the existing lots with two-story structures since the language proposes to exclude those lots from Section 14.15.080(A); therefore, it would be unclear whether a property owner could propose a two-story addition, demolish the existing structure and rebuild a new two-story structure, or even propose a one-story addition or new one-story structure.

Staff understood that the Council wanted to recognize the original development of the two-story structures, not create non-conforming structures because of their height, and not to have the same one-story limitation as the other lots in the zoning district. Therefore, staff recommends the following revised language for Section 14.15.080(B), which has been modified (and highlighted) in the attached ordinance (Attachment 1):

*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.*

This change would constitute an alteration of the Ordinance as originally introduced at the November 12, 2019 meeting. If an ordinance is altered after introduction, it may only be passed at a regular meeting held at least five days after alteration. The Ordinance would therefore have to be adopted at a future regular meeting.

Should the Council disagree with staff's interpretation and proposed modifications, the Council should provide further revisions. The Ordinance will go into effect 31 days after adoption.

### **Options**

- 1) Introduce Ordinance No. 2019-467 with the recommended alteration

**Advantages:** Adoption of the ordinance will establish site development standards to allow property owners to make reasonable improvements and additions to their properties while maintaining the character of the District as a duplex style neighborhood and limiting impacts to the surrounding neighborhood



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**Disadvantages:** Additions and modifications to residences may result in some minor, but reasonable impacts to residents in Marshall Meadows and surrounding properties.

2) Do not introduce Ordinance No. 2019-467 with the recommended alteration

**Advantages:** The R3-4.5 Multiple-Family Zoning District will be maintained in its current form.

**Disadvantages:** The lack of specific site development standards will continue to create ambiguity for current and future property owners and city staff on how to address lawful additions and/or exterior modifications within this District.

**Recommendation**

Staff recommends Option 1.