



**ITEMS FOR
DISCUSSION/ACTION
Agenda Item # 4**

AGENDA REPORT SUMMARY

Meeting Date: January 14, 2020

Subject: Development Review Process Code Amendments

Prepared by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Draft Ordinance Amending Zoning Code Chapters 14.78 and 14.80
2. Minutes of the October 17, 2019 Planning Commission Meeting
3. Minutes of the May 14, 2019 City Council Meeting

Initiated by:

Staff with Direction from the City Council

Previous Council Consideration:

May 14, 2019

Fiscal Impact:

None Anticipated

Environmental Review:

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 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:

- Does the City Council wish to adopt an ordinance intended to clarify the role of the Complete Streets Commission in the design review process, increase the mailed notification area from for projects subject to design review, formalize notification requirements for design review study sessions, update the review requirements for design review applications, update the notification requirements for use permits, and remove antiquated and outdated language?

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, increase the mailed notification area from 500 feet to 1,000 feet for all

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



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commercial, multiple-family, mixed use, and community/public facility development projects subject to design review, formalize the public notification requirements for design review study sessions, update the review requirements for design review applications, update the notification requirements for use permits, and remove antiquated and outdated language.

Recommendation:

The Planning Commission has recommended approval of the amendments to Zoning Code Chapters 14.78 and 14.80 to the City Council, except for the 1000-foot radius notification increase, retaining the current 500-foot requirement.

Purpose

Bring noticing requirements in line with the open government policies, provide clarifications in the code and provide

Background

This item was continued from the Commission’s October 3, 2019 meeting to its October 17, 2019 meeting at the request of staff. The purpose of the continuance was to allow staff time to further evaluate the ordinance. That review is now complete and the ordinance in front of the Commission has been modified to delete the proposed amendments to Municipal Code Sections 14.80.040 and 14.80.045 relating to use permits. A review of the proposed amendments revealed that they would result in a bifurcated and extended process for some projects. For example – a use permit is required for a multi-family residential project in the CT zone district. The amendments proposed in the last draft made the Planning Commission the decision making body for all use permit applications; thus, a multi-family residential project in the CT District needing use permit and design review approvals would need separate approvals from the Planning Commission and City Council and each body would need to make a decision on the application in front of it that is independent of the other permit application. In staff’s opinion, splitting up the permit review for these types of projects is not an efficient or comprehensive way to process and review an application. It is best to maintain the tie between a project’s multiple development applications, so they are considered collectively. The modifications made to the draft ordinance in front of the Commission will maintain the collective review of a project.

The Planning Commission originally considered a set of Code Amendments on March 21, 2019 and recommended approval to the City Council. On May 14, 2019, the City Council held a public hearing and considered the proposed amendments. Following public comment and deliberation, the Council continued the amendments, with direction to increase the number of projects subject to a transportation review and seek input on the amendments from the Complete Streets Commission. At a subsequent meeting, the Council provided direction to staff to amend the Code to increase the mailed notification distance for new development subject to design review (Chapter 14.78 of the Los Altos Municipal Code) from 500 feet to 1,000 feet.



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On August 28, 2019, the Code Amendments were presented to the Complete Streets Commission. Following questions and discussion, the Commission voted unanimously to recommend approval of the Code Amendments as drafted.

Discussion/Analysis

The following revisions are part of the draft ordinance being considered by the Planning Commission:

- The threshold for when a transportation review is required has been updated to include all projects that are subject to City Council design review approval;
- The mailed notification area for all projects subject to design review under Chapter 14.78 has been increased from 500 feet to 1,000 feet; and
- The criteria for when a project is subject to Planning Commission Design Review has been updated as follows: “Additions to existing buildings that exceed 500 square feet but are equal to or less than 50 percent of the total floor area on the subject site and do not increase the existing height of the building(s) require approval by the planning commission at a public meeting.”

The above listed changes were made to address the direction provided by the City Council. With regard to the increase in mailed notification area, this will result in an average of four times more property owners receiving notification when a project is considered by the Planning Commission and/or City Council. The updated language about additions not increasing the height of the existing building in order to receive a Planning Commission only design review is intended to ensure that any project that adds height or an additional floor receives extra public review through the City Council Design Review process.

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 design review applications, update the notification requirements for use permits, and remove antiquated/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.



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Planning Commission Recommendation

The Planning Commission took up consideration of the draft ordinance at its meeting of October 17, 2019. After deliberations the Commission voted to recommend approval of the amendments to Zoning Code Chapters 14.78 and 14.80 to the City Council, except for the 1000-foot radius notification recommendation.

Options

- 1) Introduce the draft ordinance.

Advantages: Updates the zoning regulations and codifies the public notification distance; thus, informing more members of the public about upcoming hearings on development applications

Disadvantages: None identified

- 2) Decline introduction of the draft ordinance

Advantages: None identified

Disadvantages: Does not provide for the codification of the increase in the public notification distance; thus, fewer members of the public will know about upcoming hearings on development applications

Recommendation

The staff recommends Option 1.