



CONSENT CALENDAR

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: November 10, 2020

Subject: Civic Center Lands Protection

Prepared by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Draft Public Lands Protection Ordinance

Initiated by:

City Council

Previous Council Consideration:

- The City Council considered this at its priority setting meetings for 2020.
- September 8, 2020

Fiscal Impact:

No fiscal impact is anticipated as work on ordinance is being developed using existing resources.

Environmental Review:

This draft amendment to Title 14 of the Los Altos Municipal has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is found to be categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. In addition, the adoption of Amendments to Title 14 of the Los Altos Municipal Code would not be an activity with potential to cause significant adverse effect on the environment because the proposed changes relate to organizational or administrative activities of the City that will not result in direct or indirect physical changes in the environment, and therefore is exempt from CEQA.

Policy Question(s) for Council Consideration:

- Does the City Council agree with the staff’s suggested municipal code change that will put in place regulations that, if applied, will preserve park and open space areas within the Civic Center Complex.



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Summary:

Staff is suggesting the addition of a Public Land Protection (PLP) overlay district to Title 14, Zoning, of the Los Altos Municipal Code that will provide for the protection of City owned property by requiring voter approval of the sale or transfer of title of any City-owned land to which this overlay designation is applied and voter approval to remove the PLP designation once it has been applied.

Staff Recommendation:

Concur with staff's proposal.

Purpose

The City Council has expressed an interest in enacting rules that would limit the City's ability to sell, transfer fee ownership, or re-designate lands of the Los Altos Civic Center.

Background

At its meeting of September 9, 2020, the City Council considered some options that would limit the City's ability to sell, transfer fee ownership, or re-designate lands of the Los Altos Civic Center. Staff recommended that a new zoning or land use designation and/or possibly an overlay district to the entire Civic Center complex be developed. Following a deliberation, the City Council voted to direct staff to proceed with developing a change to the zoning or land use designation to achieve the desired protection. The City Council also asked that staff check in once the code amendments to achieve this were developed, prior to taking the amendments through the zoning ordinance amendment process.

Attached with this agenda report is a draft ordinance that adds a Public Land Protection overlay district to the Municipal Code. This overlay district will work in conjunction with the underlying zone district of a property but provides that those properties with this overlay designation would require 1. Voter approval of the sale or transfer of title of any City-owned land to which this overlay designation is applied and 2. Voter approval to remove the PLP designation once applied.

This new overlay district will provide a City Council with the ability to protect other City owned properties with a precision that could not be achieved by amending the standards or language of an entire zone district. This is achievable because the PLP overlay designation can be applied to specific sites and memorialized on the City's zoning map.



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If Council concurs with the addition of this code amendment, staff will proceed with the review of the code by the Planning Commission, and an amendment to the Zoning Map that reflects this overlay district applies to the Civic Center complex.

Options

1) Agree with the suggestion of staff.

Advantages: Provides a path that provides for the protection of the Civic Center complex.

Disadvantages: None identified.

2) Decline suggestion by staff.

Advantages: Other alternatives may seem more appropriate.

Disadvantages: Maintains current status.

Recommendation

Staff recommends Option 1.

ORDINANCE NO. 2020-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
 ADDING CHAPTER, 14.64, A PUBLIC LAND PRESERVATION (PLP)
 OVERLAY DISTRICT TO TITLE 14, ZONING, OF THE LOS ALTOS
 MUNICIPAL CODE THAT PROHIBITS: (1) THE SALE OR TRANSFER OF
 TITLE OF CITY-OWNED LAND WITH THE PLP OVERLAY
 DESIGNATION; AND (2) THE REMOVAL OF A PLP DESIGNATION
 WITHOUT VOTER APPROVAL**

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

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

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

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

WHEREAS, the City Council desires to amend the City of Los Altos Municipal Code to prohibit the sale, transfer of title, or re-designation of certain City owned lands without voter approval, except that voter approval shall not be required for leases (including ground leases), licenses and/or any other instruments which do not convey fee title interest; and

WHEREAS, Chapter 14.64, Public Property Preservation Overlay District (PLP), would require 1. Voter approval of the sale or transfer of title of any City-owned land to which this overlay designation is applied, except that voter approval shall not be required for leases (including ground leases), licenses and/or any other instruments which do not convey fee title interest; and 2. Voter approval to remove the PLP designation once applied; and

WHEREAS, at its XXXXX meeting the Planning Commission of the City of Los Altos reviewed the proposed addition of Chapter 14.64, to the Los Altos Municipal Code and voted to recommend their approval to the City Council.

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

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

SECTION 2. AMENDMENT OF CODE. The following Chapter, 14.64, Public Property Preservation Overlay District, is hereby added to Title 14, Zoning, of the Los Altos Municipal Code.

14.64.010. Public Land Preservation Overlay District (PLP). The purpose of the PLP district is to require voter approval for the sale or transfer of title of any City-owned land to which this overlay designation is applied, except that voter approval shall not be required for leases (including ground leases), licenses and/or any other instruments which do not convey fee title interest.

The regulations set forth in this chapter shall apply to all properties to which this overlay designation has been applied and shall supplement and be used in conjunction with the standards and requirements of the underlying zoning district.

14.66.020. Voter approval shall be required for the sale or transfer of title of any City-owned land to another party, whether public or private, with a PLP overlay designation, except that voter approval shall not be required for leases (including ground leases), licenses and/or any other instruments which do not convey fee title interest.

14.66.030. Once adopted, the PLP overlay designation shall not be removed unless by voter approval. The PLP shall be as set forth in the PLP Map Exhibit “A” and incorporated by this reference.

14.66.040. For purposes of this Ordinance, voter approval is accomplished when a City measure is placed on the ballot at a general or special election as authorized by the California Elections Code, and a majority of the voters voting on the measure vote in favor of it.

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

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

SECTION 4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based on all the evidence presented in the administrative record, including but not limited to the staff reports, the proposed Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is exempt from California Environmental Quality Act (“CEQA”) CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment.

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

SECTION 6. NOTICE OF EXEMPTION. The City Council hereby directs City staff to prepare and file a Notice of Exemption with the Santa Clara County Clerk.

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

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on XXXXXX and was thereafter, at a regular meeting held on XXXXXX passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jan Pepper, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK