



DISCUSSION ITEM

Agenda Item # 7

AGENDA REPORT SUMMARY

Meeting Date: November 9, 2021

Subject: Restrictions on the City Owned Property Commonly Known as the Los Altos Community Center Site

Prepared by: Jon Biggs, Community Development Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Draft Ordinance Adding a New Chapter 11.13, Entitled “Restrictions on the City-Owned Property Commonly Known as the Los Altos Community Center Site”
2. Aerial Image of Los Altos Community Center Site

Initiated by:
City Council

Previous Council Consideration

September 8, 2020, November 10, 2020, and September 21, 2021

Fiscal Impact:

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

Environmental Review:

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.

Policy Question for Consideration:

Shall the Los Altos Municipal Code be amended by the addition of regulations that will put in place a Voter approval requirement for the sale, transfer of title, or subdivision of all or portions of the Los Altos Community Center site, unless this ordinance is repealed by a future City Council?

Summary:

The addition Chapter 11.13, entitled “Restrictions on the City-Owned properties collectively referred to as the Los Altos Community Center site, to Title 11, Miscellaneous Property Regulations puts in place a requirement for voter approval of the sale, transfer of title or



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subdivision of all or a portion of the site, unless the ordinance is repealed or amended by a future City Council.

Recommendation:

Staff recommends introduction of this Ordinance.

Purpose

The City Council has expressed an interest in enacting rules that would limit the City’s ability to sell, transfer title, or subdivide the Los Altos Community Center site, including the portion of the site known as Hillview Park.

Background

At its meeting on September 21, 2021, the City Council considered an ordinance, the Public Land Preservation Ordinance (PLP), that would require voter approval for the sale, transfer of fee ownership, or zoning re-designation of all or portions of the City owned property to which the PLP overlay designation is applied. Following public comment and its discussion, direction was given to staff to bring back an Ordinance that provides protections that apply to only the Los Altos Community Center site.

Attached with this agenda report is a draft Ordinance that adds Chapter 11.13, entitled “Restrictions on the City-Owned properties collectively referred to as the Los Altos Community Center site, to Title 11, Miscellaneous Property Regulations, that puts in place a requirement for voter approval of the sale, transfer of title, or subdivision of all or a portion of the Community Center site, unless the ordinance is repealed or amended by a future City Council.

The Los Altos Community Center Site is zoned as Public and Community Facilities (PCF), and these zoning regulations provide for a wide range of uses, which are reflected in the many uses and activities that take place across the site.

Discussion

Staff’s understanding of the City Council direction was that an ordinance specific to the Los Altos Community Center site was desired. With this direction, staff has drafted the ordinance that is under consideration.

This new chapter places restriction on the Los Altos Community Center site that will require voter approval for the sale, transfer of title, or subdivision of any portion of this property 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.



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Unlike the PLP regulations, which were an addition to Title 14, Zoning, Chapter 11.13 is an addition to Title 11, Miscellaneous Property Regulations, and because this is not an amendment to the zoning code, a recommendation from the Planning Commission is not required.

Staff notes that this ordinance, like previous ordinances that provide protections in a similar manner, can be repealed or amended by simple vote of a majority of the City Council at any time in the future.

This ordinance is specific to Los Altos Community Center site and is not applicable to other properties the City owns. To further demonstrate Chapter 11.13 applies only the Los Altos Community Center site, an exhibit that includes a diagram of all portions of the Los Altos Community Center site is included as part of the ordinance. For this reason, staff believes the draft ordinance accomplishes the direction of the City Council and puts in place protections for this important City owned property.

Staff Recommendation

For the reasons noted in the staff analysis section of this agenda report, staff recommends introduction of this ordinance.

ORDINANCE NO. 2021-477

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ADDING A NEW CHAPTER, 11.13, ENTITLED “RESTRICTION ON THE
LOS ALTOS COMMUNITY CENTER SITE” TO TITLE 11,
MISCELLANEOUS PROPERTY REGULATIONS, OF THE LOS ALTOS
MUNICIPAL CODE THAT WILL PROHIBIT: (1) THE SALE, TRANSFER
OF TITLE OR SUBDIVISION OF THE LOS ALTOS COMMUNITY CENTER
SITE WITHOUT VOTER APPROVAL**

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

WHEREAS, pursuant to the California Constitution, article XI, § 7, the City may make and enforce such laws and regulations that promote the public health, morals, safety or general welfare of the community and adopt such other ordinances and regulations not in conflict with general law, and

WHEREAS, since incorporation of the City, the City-owned property commonly known as the Los Altos Community Center Site was designed and used to provide for public parks, open space and public facilities and services that ensure a high quality of living for residents of and visitors to Los Altos; and

WHEREAS, the Los Altos Community Center Site has a variety of uses, available to the public, that may change over time including, government service buildings, recreation areas, open space area, meeting spaces, sports fields, and their various ancillary uses; and

WHEREAS, these various uses include a City Hall and City Council Chambers where the civic business of the City and its City meetings, such as those of the City Council, are held; and

WHEREAS, a police department is located on the Los Altos Community Center Site where the day to day functions of the city police department take place and provide for the safety and protection of the citizens of Los Altos and its visitors; and

WHEREAS, a newly constructed community center on the site provides a variety of recreational, educational, and extracurricular activities for all segments of the community; and

WHEREAS, a history museum has been built and maintained on the site where the history and past events of importance in Los Altos are recognized, can be observed, and experienced; and

WHEREAS, a working historic orchard demonstrating and showcasing the city’s and region’s historic agricultural roots and heritage is maintained and kept productive; and

WHEREAS, a library, in partnership with other agencies, has been developed on the site and provides a depository for literature and media in all its various forms for the community to enjoy and spaces for meetings along with areas where one can enjoy quiet contemplation and respite; and

WHEREAS, a community theater has been established on the site that provides a venue for thespians and all those that enjoy artistic expressions displayed in a live setting; and

WHEREAS, the City Council desires to amend the City of Los Altos Municipal Code to prohibit the sale, transfer of title, or subdivision of the collected parcels known as the Los Altos Community Center Site 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, by adding a new Chapter 11.13, entitled a “Restriction on the Los Altos Community Center Site,” would require voter approval of the sale, transfer of title, or subdivision of any portion of the property, 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.

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 11.12 to the City’s existing regulations.

SECTION 2. AMENDMENT OF CODE. The following new Chapter 11.12, “Restriction on the Los Altos Community Center Site” is hereby added to Title 11, Miscellaneous Property Regulations, of the Los Altos Municipal Code, is amended to read as follows:

11.13.010. The purpose of this Chapter is to place a “Restriction on the Los Altos Community Center Site,” that will require voter approval for the sale, transfer of title, or subdivision of any portion of this property 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.

11.13.020. The restriction set forth in this Chapter shall only apply to the Los Altos Community Center Site as described in the map, attached hereto as Exhibit “A”, and incorporated by this reference.

11.13.030. For purposes of this Chapter 11.12, 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.

11.13.040. The voter approval requirement may be waived by the City Council at a duly noticed public hearing and 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:

Neysa Fligor, MAYOR

Attest:

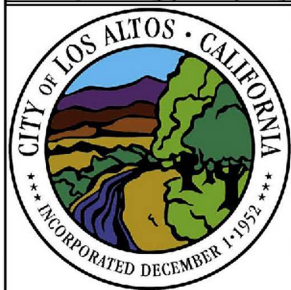
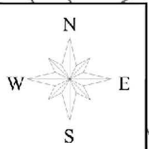
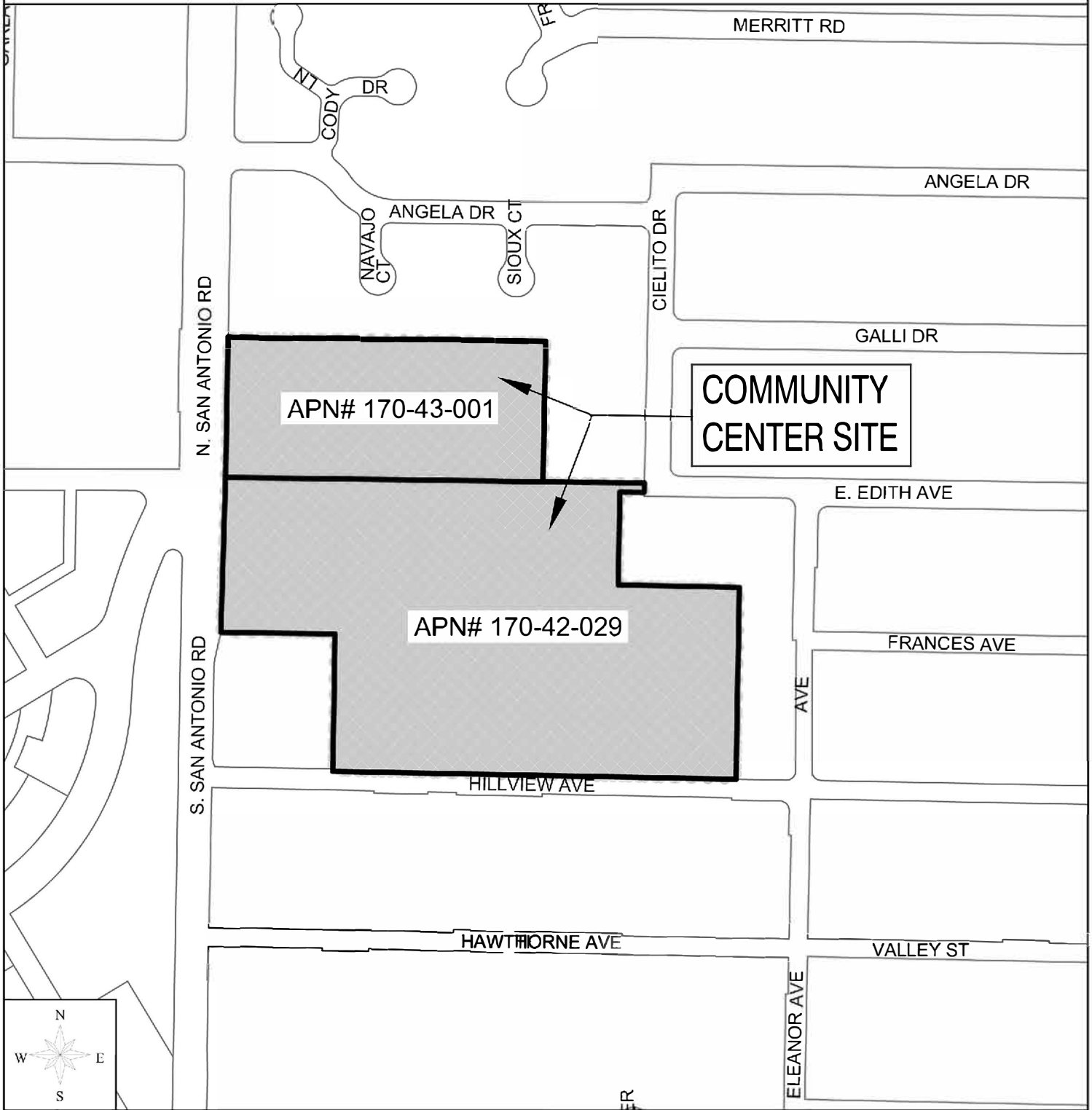
Andrea Chelemengos, MMC, CITY CLERK

EXHIBIT "A"

CIVIC CENTER PROPERTY SITE

COMMUNITY CENTER SITE

EXHIBIT "A" TO ORDINANCE NO. 2021-477



DRAWN	VW
CHECKED	JB
APPROVED	JB
DATE	10/25/2021
SCALE	1" = 300'
DWG NO.	

PLANNING DIVISION	
CITY OF LOS ALTOS	SANTA CLARA COUNTY, CALIFORNIA
<u>APN</u>	<u>ZONING</u>
170-42-029	PCF
170-43-001	PCF

LOS ALTOS COMMUNITY CENTER SITE – AERIAL IMAGE

