



## AGENDA REPORT SUMMARY

**Meeting Date:** November 30, 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” - in Track Changes
2. Draft Ordinance Adding a New Chapter 11.13, Entitled “Restrictions on the City-Owned Property Commonly Known as the Los Altos Community Center Site” - Clean Version

**Initiated by:**  
City Council

**Previous Council Consideration**

September 8, 2020, November 10, 2020, September 21, 2021, and November 9, 2021

**Fiscal Impact:**

No fiscal impact has occurred as work on the ordinance has been accomplished 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for the sale or transfer of title of all or portions of the Los Altos Community Center site unless this ordinance is repealed by a future City Council?



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

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**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for voter approval of the sale or transfer of title of all or a portion of the site, unless the ordinance is repealed or amended by a future City Council.

**Staff Recommendation:**

Staff recommends adoption of this ordinance.

**Purpose**

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

**Background**

At its meeting on November 9, 2021, the City Council introduced an 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, which puts in place a requirement for voter approval of the sale or transfer of title of all or a portion of the Community Center site, unless the ordinance is repealed or amended by a future City Council.

In introducing the ordinance, the following amendments were made:

1. Deletion of the subdivision references.
2. Addition of “Whereas” statements for the following existing buildings/uses found on the Community Center site:
  - The Los Altos Youth Center (LAYC)
  - The Green Spaces and Playfields
  - The Neutra House

The ordinance attached with this agenda report, in both a track changes and clean version, has these amendments.

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



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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 the above reasons, staff believes the draft ordinance accomplishes the direction of the City Council and puts in place protections for this important City owned property.

**Discussion**

The City Council is being asked to adopt the attached ordinance.

Note that no substantive changes may be made between the time that an ordinance is introduced and its adoption. Making substantive changes to the ordinance, and introducing the new ordinance, would require that the ordinance return at a future Council meeting for adoption.

**Staff Recommendation**

Staff recommends adoption 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, OR  
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, in the 1960 the Los Altos Youth Center (LAYC) was constructed on the Community Center site and since that time has provided a venue where events for the youth of Los Altos could enjoy and experience activities and programs in a safe and secure setting in addition to being a space that has the flexibility to serve numerous city and private functions that have furthered Los Altos; and

WHEREAS, there are a number of green spaces and playfields in the Community Center that have provided a breadth of opportunities where citizens and visitors of all ages have numerous opportunities to enjoy the out of doors and experience elements that help create a sense of community; and

WHEREAS, the Neutra House, designed by Richard Neutra one of this Nation's leading modernist architects of the 20<sup>th</sup> Century, has been sited on the grounds and demonstrates a commitment to this city's architectural heritage, its preservation efforts, and adaptive re-use endeavors; and

**WHEREAS**, the City Council desires to amend the City of Los Altos Municipal Code to prohibit the sale, or 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, or 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, or 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:

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Neysa Fligor, MAYOR

Attest:

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Andrea Chelemengos, MMC, CITY CLERK

EXHIBIT "A"

CIVIC COMMUNITY CENTER PROPERTY SITE



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

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

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NOES:

ABSENT:

ABSTAIN:

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Neysa Fligor, MAYOR

Attest:

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Andrea Chelemengos, MMC, CITY CLERK

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