

RESOLUTION NO. 2018-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE GENERAL PLAN TO REQUIRE VOTER APPROVAL FOR: (1)
THE SALE OR TRANSFER OF TITLE OF CITY-OWNED LAND; AND (2) THE RE-
DESIGNATION OF CITY-OWNED LAND DESIGNATED AS “PARKS” OR “OTHER
OPEN SPACE”**

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 community values, beauty, health, safety, and welfare; and

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

WHEREAS, the “Other Open Space” and “Parks” 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 General Plan to prohibit the sale, transfer of title, or re-designation of City-owned lands with a “Other Open Space” and “Parks” General Plan Land Use Designation without voter approval; and

WHEREAS, the amendments to the General Plan would require voter approval of: (i) the sale or transfer of title of any City-owned land; and (ii) the re-designation of any City-owned land with a General Plan land use designation of “Other Open Space” and “Parks” to any other use; and

WHEREAS, at its September 6, 2018 meeting, the Planning Commission of the City of Los Altos reviewed the amendments to the Los Altos General Plan and voted to recommend its approval to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby adopts the following:

SECTION 1. the Los Altos General Plan is hereby amended by adding or amending the following Goals and Policies, to read as follows:

- A. Additions to General Plan.** The following Goal 1A and Policies 1A.1, 1A.2, and 1A.3 are hereby added to the General Plan immediately following Goal 1 on page 10 of the Open Space, Conservation and Community Facilities Element of the General Plan:

Goal 1A: Require voter approval for the sale or transfer of title of City-owned land or re-designation of City-owned land designated as “Parks” or “Other Open Space” in the General Plan.

Policy 1A.1: Voter approval shall be required for any of the following:

- a. The sale or transfer of title of any City-owned land to another party, whether public or private, with a land use designation of “Parks” or “Other Open Space”; and
- b. The re-designation of City-owned land with a land use designation of “Parks” or “Other Open Space” to a different land use designation, except that the re-designation of any City-owned land from “Parks” to “Other Open Space”, and vice versa, shall not require voter approval.

Policy 1A.2: Procedure and Exemptions. For purposes of this Policy, approval by a vote of the People is accomplished when an action is placed on the ballot at a general or special election through any procedure authorized in the California Elections Code, and a majority of the voters voting on the measure vote in favor of it.

Policy 1A.3 The voter approval requirement contained in Policy 1.A.1 may be waived by the City Council where necessary to comply with State or Federal law governing the provision of housing, including but not limited to affordable housing requirements.

B. Conforming Amendments to General Plan. To promote internal consistency among the various sections of the General Plan amended by Section 1(A) above, the following Policies of the General Plan are hereby amended:

1. Policy 3.6 on page 12 of the General Plan Community Design & Historic Resources Element is amended as follows:

“Evaluate the public benefit of City-owned parking plazas and the best use thereof, while preserving or increasing public parking Downtown, *consistent with the requirements of Goal 1A of the Open Space, Conservation and Community Facilities Element of the General Plan and its respective Policies.*”

2. The Open Space and Conservation Plan on page 3 of the General Plan Open Space, Conservation and Community Facilities Element is amended as follows:

“In order to preserve and enhance community open space resources, *and consistent with the requirements of Goal 1A of the Open Space, Conservation and Community Facilities Element of the General Plan and its respective Policies.* the City will implement a program that supports the joint-venture use of open space areas to reduce City maintenance costs and increase City revenues for maintaining open space resources. Joint ventures could involve other local government agencies, non-profits, and private development of commercial recreation facilities. The City

will also coordinate with public and private organizations to provide revenue generating open space uses to protect important open space resources, *consistent with the requirements of Goal 1A of the Open Space, Conservation and Community Facilities Element of the General Plan and its respective Policies.*

3. Goal 11 on page 14 of the Open Space, Conservation and Community Facilities Element is amended as follows:

“Maximize opportunities for joint public and private utilization of City, private sector, private school land and facilities, and public school district land, facilities, programs and resources to provide the most cost efficient and effective services for present and future Los Altos residents, *consistent with the requirements of Goal 1A of the Open Space, Conservation and Community Facilities Element of the General Plan and its respective Policies.*”

4. Policy 11.4 on page 14 of the Open Space, Conservation and Community Facilities Element is amended as follows:

“Encourage private sector provision of facilities and/or services, *consistent with the requirements of Goal 1A of the Open Space, Conservation and Community Facilities Element of the General Plan and its respective Policies.*”

SECTION 2. SEVERABILITY. If any portion of the Resolution is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Resolution that is not deemed invalid. The City Council hereby declares that they would have voted for the adoption of this Resolution, and each portion thereof, regardless of the fact that any portion of the Resolution may be subsequently deemed invalid.

SECTION 3. CEQA. The City Council hereby finds and determines that the amendments relate to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, sections 15378(b)(5). Alternately, these amendments are exempt from CEQA pursuant to State CEQA Guidelines, section 15061(b)(3), “the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment” as the amendments have no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 25th day of September 2018 by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW
NOES: LEE ENG
ABSENT: NONE
ABSTAIN: NONE



Jean Mordo, MAYOR

Attest:



Jon Magnot, CMC, CITY CLERK