

ORDINANCE NO. 05-280

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTERS 14.02, 14.40, 14.44, 14.46, 14.48 AND 14.50 OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO PERMITTED AND CONDITIONALLY PERMITTED USES IN THE COMMERCIAL NEIGHBORHOOD, COMMERCIAL DOWNTOWN, COMMERCIAL SERVICE, COMMERCIAL RETAIL SALES AND COMMERCIAL THOROUGHFARE ZONING DISTRICTS, RESPECTIVELY.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Section 14.02.070 of Chapter 14.02 of Title 14 of the Los Altos Municipal Code entitled "General Provisions and Definitions" is hereby replaced in its entirety with the following:

"Commercial recreation" means a use providing recreation, amusement, or entertainment services, including theaters, bowling lanes, billiard parlors, skating arenas, and similar services, operated on a private or for-profit basis, but excluding uses defined as outdoor recreation services. Commercial recreation also includes art, dance, music and fitness studios and health clubs that exceed seven thousand (7,000) gross square feet.

"Day-care center" means any group day-care program, except regular elementary schools. Included are day nurseries, nursery schools, preschools, play-groups, and after-school groups.

"Maintenance and repair services" means a use, not conducted within an office, providing services for the maintenance or repair of personal effects and not primarily for the sale of goods or merchandise.

"Personal Service" means a use, not conducted within an office, providing services for the personal care of an individual or the fitting, cleaning, repair or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal services include beauty shops, barber shops and nail salons, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services. Personal services also include art, dance, music and fitness studios and health clubs that do not exceed seven thousand (7,000) gross square feet.

SECTION 2. AMENDMENT OF CODE: Page 365 of the Los Altos Municipal Code containing the Title 14 table of contents entitled "Zoning" is hereby replaced with the following:

14.40 CN Commercial Neighborhood District

SECTION 3. AMENDMENT OF CODE: Page 435 of the Los Altos Municipal Code containing the Chapter 14.40 of Title 14 table of contents entitled "Chapter 14.40" is hereby replaced with the following:

CN COMMERCIAL NEIGHBORHOOD DISTRICT

SECTION 4. AMENDMENT OF CODE: Sections 14.40.030 and 14.40.040 of Chapter 14.40 of Title 14 of the Los Altos Municipal Code entitled "Commercial Neighborhood District" is hereby replaced with the following:

14.40.030 Permitted uses (CN).

The following uses shall be permitted in the CN District:

- A. Offices located above the ground floor;
- B. Offices located on the ground floor on Sherwood Avenue within the Sherwood Gateway specific plan area;
- C. Parking spaces and loading areas;

- D. Recycling facilities: (i) small collection facilities, and (ii) reverse vending machines, as provided for in Chapter 14.68;
- E. Restaurants up to twenty (20) seats, excluding drive-through services;
- F. Retail and personal service establishments; and
- G. Uses which are determined by the city planner to be of the same general character.

14.40.040 Conditional uses (CN).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CN District:

- A. Day care centers that do not displace a retail business. If the space had been a retail business, but that use was vacated for a minimum of one hundred and twenty (120) days, it would not be considered to be displacing a retail business;
- B. Housing located above the ground floor;
- C. Mixed use projects, including a combination of retail, service, office, and/or residential uses, which are found to be compatible with the intent of the CN District and surrounding uses and consistent with the provisions of Section 14.02.020 of Article 1 of Chapter 14.02;
- D. Nurseries or garden supply provided all equipment, supplies and merchandise, other than plants, shall be kept within an enclosed structure;
- E. Restaurants greater than twenty (20) seats, excluding drive-through services; and
- F. Uses which are determined by the planning commission and the city council to be of the same general character.

SECTION 3. AMENDMENT OF CODE: Sections 14.44.030 and 14.44.040 of Chapter 14.44 of Title 14 of the Los Altos Municipal Code entitled “Commercial Downtown District” is hereby replaced with the following:

14.44.030 Permitted uses (CD).

The following uses shall be permitted in the CD District:

- A. Banks and savings and loan institutions, excluding drive-through facilities;
- B. Business, professional, and trade schools;
- C. Maintenance and repair services;
- D. Offices, except as provided in Section 14.44.060(D) of this chapter;
- E. Parking spaces and loading areas;
- F. Restaurants up to twenty (20) seats, excluding drive-through services;
- G. Retail and personal services; and
- H. Uses which are determined by the city planner to be of the same general character.

14.44.040 Conditional uses (CD).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CD District:

- A. Cocktail lounges;
- B. Commercial recreation;
- C. Day care centers;
- D. Laboratories;
- E. Housing located above the ground floor,
- F. Restaurants over twenty (20) seats, excluding drive-through services; and
- G. Uses which are determined by the planning commission and the city council to be of the same general character.

SECTION 4. AMENDMENT OF CODE: Sections 14.46.030 and 14.46.040 of Chapter 14.46 of Title 14 of the Los Altos Municipal Code entitled “Commercial Service District” is hereby replaced with the following:

14.46.030 Permitted uses (CS).

The following uses shall be permitted in the CS District:

- A. Business, professional, and trade schools;
- B. Maintenance and repair services;
- C. Parking spaces and loading areas;
- D. Restaurants up to twenty (20) seats, excluding drive-through services;
- E. Retail and personal services; and
- F. Uses which are determined by the city planner to be of the same general character.

14.46.040 Conditional uses (CS).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CS District:

- A. Cocktail lounges;
- B. Commercial recreation;
- C. Day care centers;
- D. Housing located above the ground floor;
- E. Laboratories;
- F. Restaurants over twenty (20) seats, excluding drive-through services; and
- G. Uses which are determined by the planning commission and the city council to be of the same general character.

SECTION 5. AMENDMENT OF CODE: Sections 14.48.030 and 14.48.040 of Chapter 14.48 of Title 14 of the Los Altos Municipal Code entitled "Commercial Retail Sales District" is hereby replaced with the following:

14.48.030 Permitted uses (CRS).

The following uses shall be permitted in the CRS District:

- A. Business, professional, and trade schools located above the ground floor;
- B. Hotels located above the ground floor;
- C. Offices located above the ground floor;
- D. Parking spaces and loading areas incidental to a permitted use;
- E. Personal services, except when located in a ground floor building space that fronts directly onto Main Street or State Street;
- F. Private clubs, lodges, or fraternal organizations located above the ground floor;
- G. Restaurants, excluding restaurants with take-out services when located in a ground floor building space that fronts directly onto Main Street or State Street. Drive through restaurants are prohibited; and
- H. Retail; and
- I. Uses which are determined by the city planner to be of the same general character. A

determination made by the city planner as to whether a use is permitted within the CRS zone may be appealed to the planning commission, and a decision made by the planning commission may be appealed to the city council. All appeals shall be made in writing within fifteen (15) days of the date of the action, and shall be accompanied by the appropriate fee as set forth by resolution of the city council. A decision made by the planning commission may be appealed if so requested by two city council members at the next regular meeting of the city council.

14.48.040 Conditional uses and structures (CRS).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CRS District, except when they displace a retail business located in a ground floor building space that fronts directly onto Main Street or State Street:

- A. Any new building that has an area greater than seven thousand (7,000) gross square feet, and any addition to an existing building which would result in the total building area exceeding seven

thousand (7,000) gross square feet, including additions to buildings which presently exceed seven thousand (7,000) gross square feet in area;

- B. Cocktail lounges;
- C. Commercial recreation;
- D. Day care centers, except when located in a ground floor building space that fronts directly onto Main Street or State Street;
- E. Farmers' markets;
- F. Hotels;
- G. Housing located above the ground floor,
- H. Interior decorating shops;
- I. Take-out services associated with a permitted uses, so long as any such take-out service located in a ground floor building space that fronts directly onto Main Street or State Street is more than one hundred fifty (150) feet from another take-out service use located in a ground floor building space on Main Street or State Street as measured along the same side of the same street; and
- J. Uses which are determined by the planning commission to be of the same general character.

SECTION 6. AMENDMENT OF CODE: Sections 14.50.030 and 14.50.040 of Chapter 14.50 of Title 14 of the Los Altos Municipal Code entitled "Commercial Thoroughfare District" is hereby replaced with the following:

14.50.030 Permitted uses (CT).

The following uses shall be permitted in the CT District:

- A. Professional and administrative offices; and
- B. Restaurants, excluding drive-through facilities.
- C. Retail and personal services; and
- D. Uses which are determined by the city planner to be of the same general character.

14.50.040 Conditional uses (CT).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CT District:

- A. Animal clinics, hospitals and kennels;
- B. Business, professional and trade schools;
- C. Cocktail lounges;
- D. Commercial recreation;
- E. Day care centers;
- F. Hotels and motels;
- G. Mixed use projects, including a combination of multiple-family dwelling units and nonresidential uses;
- H. Mortuaries;
- I. Multiple-family housing;
- J. Pet shops;
- K. Printing shops;
- L. Upholstery shops; and
- M. Uses which are determined by the planning commission and the city council to be of the same general character.

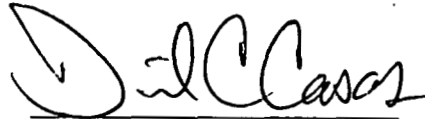
SECTION 7. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 8. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 9. 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 regularly introduced at a meeting of the City Council of the City of Los Altos on March 22, 2005 and was thereafter, at a regular meeting held on April 26, 2005 passed and adopted by the following vote:

Ayes: COLE, MOSS, PACKARD, LEAR, CASAS
Noes: NONE
Absent: NONE



David Casas, MAYOR

Attest:


Susan Kitchens, CITY CLERK

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