

ORDINANCE NO. 2012-381

AN ORDINANCE OF THE LOS ALTOS CITY COUNCIL AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 14, CHAPTER 14.76 ENTITLED "DESIGN REVIEW – SINGLE-FAMILY DISTRICT"

WHEREAS, the Ordinance amendments set forth below further the goals and policies of the City's General Plan and are necessary to promote the health, safety and welfare of the City; and

WHEREAS, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder and, further, the Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant adverse effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

THE CITY COUNCIL OF THE CITY OF LOS ALTOS ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE: Los Altos Municipal Code, Title 14, Chapter 14.76 is hereby replaced with the following:

Chapter 14.76

DESIGN REVIEW – SINGLE-FAMILY DISTRICT

**14.76.010 - Purpose.**

It is the policy of the City to review the proposed construction or exterior alterations of single-family dwellings and accessory structures under circumstances which include, but are not limited to, where such structures might constitute an unreasonable invasion of privacy, unreasonable interference with views, light and air, or create adverse impacts upon the aesthetic character of neighboring residential structures. The purpose of this section is to establish a set of criteria, objectives and procedures to be followed with respect to the design review of any proposed single-family main or accessory structure, or addition or alteration thereto, and to insure that the new development occurs in a manner which is consistent with the objectives of this chapter, the design criteria of single-family residential design guidelines, and the goals and policies of the General Plan.

**14.76.020 - Single-family residential design guidelines.**

Any new main or accessory structure, or addition or alteration thereto, shall be consistent with the policies and implementation techniques described in the single-family residential design guidelines as adopted by the City Council.

**14.76.030 - Requirement for administrative design review.**

No building permit shall be issued for any new main or accessory structure, or addition or alteration thereto, until such construction has received administrative design review approval by the City Planner. Window replacements, reroofing and rooftop venting and exhausting equipment, and mechanical equipment are exempt from this requirement.

**14.76.040 - Requirement for Design Review Commission design review.**

In each of the following cases, no building permit shall be issued for the construction, addition or alteration of any main or accessory structure in any R-1 District until such structure has received design review approval by the Design Review Commission pursuant to this chapter:

- A. Any new two-story structure;
- B. Any conversion of a one-story structure to a two-story structure;
- C. Any addition of habitable area to the second floor of an existing two-story structure;
- D. Any new one-story structure over twenty (20) feet in height;
- E. Whenever design review is specifically required under the terms or conditions of any tentative subdivision map, use permit, variance or conditional rezoning; and
- F. Whenever, in the opinion of the City Planner, the construction or expansion of a main or accessory structure may be in conflict with the design review findings contained in section 14.76.050 of this chapter.

**14.76.050 - Design review findings.**

In approving an application for design review, the approving authority shall make the following findings:

- A. The proposed structure or alteration complies with all provisions of this chapter;
- B. The height, elevations and placement on the site of the proposed main or accessory structure or addition, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy, and will consider the topographic and geologic constraints imposed by particular building site conditions;
- C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized and will be in keeping with the general appearance of neighboring developed areas;
- D. The orientation of the proposed main or accessory structure or addition in relation to the immediate neighborhood will minimize the perception of excessive bulk;
- E. General architectural considerations, including the character, size, scale and quality of the design, the architectural relationship with the site and other buildings, building materials and similar elements have been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings; and
- F. The proposed structures have been designed to follow the natural contours of the site with minimal grading, minimal impervious cover and maximum erosion protection. A stepped foundation shall generally be required where the average slope beneath the proposed structure is ten (10) percent or greater.

**14.76.060 - Variance findings.**

- A. In order to avoid such practical difficulties, unnecessary physical hardships and results inconsistent with the objectives of the zoning plans stated in Article 1 of Chapter 14.02, as would result from a strict or literal application of the provisions of this chapter, the Design Review Commission may grant variances to the regulations controlling site area, width, depth and coverage, yards and other open spaces, parking spaces, loading spaces, height of structures, allowable building floor area and fences for those properties located in single-family zoning districts.
- B. The Design Review Commission may grant a variance as applied for if, on the basis of the application and the evidence submitted, the Commission makes the following positive findings:
  - 1. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;

2. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and

3. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

C. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

**14.76.070 - Application requirements.**

Plans and applications for design review and/or variance approval shall be filed with the Planning Division in such form as the City Planner shall prescribe. The application shall be accompanied by the payment of a processing fee in such amount as established by resolution of the City Council.

**14.76.080 - Notification.**

Notification shall be provided whenever an application for Design Review Commission design review or variance is required pursuant to this chapter via first-class mail to the adjoining property owners, in the manner set forth by the City Planner, at least ten (10) days prior to the meeting at which the application is to be reviewed. The property owners who shall be mailed notice include, but are not limited to, the following:

A. The two adjoining property owners on each side;

B. The three adjoining rear property owners; and

C. The five adjoining front property owners across the street.

D. As deemed appropriate or necessary, the City Planner may require that notification be mailed to a greater or lesser number of property owner(s) than are identified above based on the configuration of the properties adjoining the site of the application.

E. Notice shall also be posted on the project site near the front property line in accordance with the standards set by the City Planner.

**14.76.90 - Expiration of design review and/or variance approval—Extensions.**

A. Design review and/or variance approvals granted pursuant to this chapter shall expire twenty-four (24) months from the date on which the approval became effective, unless prior to such expiration date a building permit is issued for the improvements constituting the subject of the design review and/or variance approval and construction thereof is commenced and prosecuted diligently toward completion.

B. Design review and/or variance approvals may be extended for a period of time not exceeding twelve (12) months. The application for extension shall be filed prior to the expiration date and shall be accompanied by the payment of a fee in such amount as established from time to time by resolution of the City Council. Extensions of design review and/or variance approval are contingent on the City Planner finding that the project complies with all current zoning ordinance regulations.

**14.76.100 - Appeals.**

A. Within fifteen (15) days of any denial of an administrative design review request, the decision may be appealed to the Design Review Commission.

B. Within fifteen (15) days of any approval or denial of a Design Review Commission design review and/or variance request, the decision may be appealed to the City Council.

**SECTION 2. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 3. PUBLICATION.** This Ordinance shall be published as provided in Government Code section 36933.

**SECTION 4. 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 May 8, 2012 and was thereafter, at a regular meeting held on May 22, 2012 passed and adopted by the following vote:

Ayes: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER  
Noes: NONE  
Absent: NONE  
Abstain: NONE

  
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Valorie Cook Carpenter, MAYOR

Attest:

  
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Jon Maginot, DEPUTY CITY CLERK

