

ORDINANCE NO. 2016-423

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING TITLE 14 ZONING OF THE LOS ALTOS MUNICIPAL CODE
PERTAINING TO THE PROCESSING REQUIREMENTS FOR DESIGN
REVIEW, VARIANCE AND USE PERMIT APPLICATIONS

WHEREAS, the City of Los Altos initiated an application (16-CA-01) to amend Title 14 of the Los Altos Municipal Code pertaining to the establishment of a timeframe of 180 days for planning applications to submit all materials required for a complete application, establishment of an appeals process for administrative commercial and multiple-family design review applications, replace “City Planner” with “Community Development Director or their designee” where indicated and clarification of the processing requirements for single-family and commercial/multiple-family design review, variance and use permit applications, referred herein as the “CA”; and

WHEREAS, the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because they clarify the process and requirements for certain discretionary permit applications and ensure that sufficient information is provided to the public, staff and the decision-makers to evaluate a proposed project; and

WHEREAS, the amendments are in conformance with the City of Los Altos General Plan because they will improve enforcement of the Zoning Ordinance and enhance the site development and design review process; and

WHEREAS, required public notices and public hearings were duly given and duly held according to law; and

WHEREAS, the CA was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the Planning and Transportation Commission held duly noticed public hearings on the CA on April 21, 2016, May 19, 2016 and July 21, 2016; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on September 13, 2016; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council’s decision are based in the Office of the City Clerk; and

WHEREAS, said CA has been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970 (CEQA), as amended, and the guidelines promulgated thereunder, and Council finds that it can be seen with certainty that there are no significant environmental impacts on the environment resulting

from these amendments and said amendments are therefore exempt from the requirements of the CEQA.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapters 14.76, 14.78 and 14.80 in Title 14 of the Los Altos Municipal Code are hereby amended as follows:

Eliminate the title “~~city planner~~” and replace with “community development director or their designee.”

SECTION 2. AMENDMENT OF CODE: Sections 14.76.030 and 14.76.040 of Chapter 14.76 in Title 14 of the Los Altos Municipal Code are hereby amended as follows:

Requirement for administrative design review.

No building permit shall be issued for any new main or accessory structure, or addition or alteration thereto within a single-family district, until such construction has received administrative design review approval by the ~~city planner~~ community development director or their designee. Window replacements, reroofing and rooftop venting and exhausting equipment, and mechanical equipment are exempt from this requirement.

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~~ within a single-family 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~~ as determined by the community development director or their designee, 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.

SECTION 3. AMENDMENT OF CODE: Chapter 14.76 in Title 14 of the Los Altos Municipal Code entitled “Design Review – Single-Family Districts” is hereby amended to be modified and include the following new section 14.76.050; and the remaining sections renumbered accordingly:

Initial application review

All applications filed with the community development department in compliance with this zoning code shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council and initially processed as follows:

- A. Review for completeness. The community development director or their designee shall review all applications for completeness and accuracy before accepting them as complete. The determination of completeness shall be based on the city's list of required application contents as proscribed in the "submittal requirements" documents provided by the community development department.
- B. Notification of applicant. The community development director or their designee shall notify the applicant in writing within thirty (30) days of the filing of the application with the community development department that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, as specified in the letter, shall be provided. If subsequent written comments from the community development director or their designee identify deficiencies not initially raised within thirty (30) days of the filing of the application, then this subsequent letter will be considered the notification of incompleteness for the purposes of determining the application expiration date.
- C. Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).
- D. Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.
- E. Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred eighty (180) days to the community development director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.
- F. Environmental information. After an application has been accepted as complete, the community development director or their designee may require additional information as necessary for the project's environmental review.

SECTION 4. AMENDMENT OF CODE: Section 14.76.070 of Chapter 14.76 in Title 14 of the Los Altos Municipal Code entitled "Application Requirements" is hereby deleted; and the remaining sections renumbered accordingly:

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.~~

SECTION 5. AMENDMENT OF CODE: Sections 14.78.020 and 14.78.030 of Chapter 14.78 in Title 14 of the Los Altos Municipal Code are hereby amended as follows:

Requirement for administrative design review.

- A. No building permit shall be issued for any new main or accessory structure, or addition or alteration thereto within an R3, PCF, PUD, PC, OA or C district, until such construction has received administrative design review approval by the city planner community

development director or their designee. Window replacements, reroofing and rooftop venting and exhausting equipment, and mechanical equipment are exempt from this requirement.

- B. Whenever, as determined by the community development director or their designee, the construction, expansion or modification of a main or accessory structure may be in conflict with the design review findings contained in this chapter, the project shall be referred to the planning and transportation commission for action on the design review approval.

Requirement for public hearing design review.

- A. In each of the following cases, no building permit shall be issued for property within an R3, PCF, PUD, PC, OA or C district until the proposed improvements have received design review approval by the city council pursuant to this chapter:
1. Any new main structure or accessory structure over five hundred (500) square feet;
 2. Any expansion over five hundred (500) square feet to an existing main or accessory structure;
 3. ~~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 this section.~~
- B. Applications for design review shall be reviewed in the following manner:
1. The planning and transportation commission shall review the application as a whole. The planning and transportation commission shall forward a recommendation to the city council.
 2. The city council shall be the approving authority for applications for design review under this chapter.
- C. A public meeting notice for the planning and transportation commission meeting and the city council meeting shall be required. Notice of the meeting shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the meeting by mailing, postage prepaid, a notice of the time and place of the meeting to the applicant and to the recorded legal owners of all properties within five hundred (500) feet of the boundaries of the site at the address shown on the last equalized assessment roll. The planning and transportation commission meeting shall also constitute a public hearing and a notice of that hearing shall be published in a newspaper of general circulation within the city.
- D. ~~Plans and applications for design review 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.~~

SECTION 6. AMENDMENT OF CODE: Chapter 14.78 in Title 14 of the Los Altos Municipal Code entitled “Design and Transportation Review – Multiple-Family, Public and Community Facilities, Office and Administrative, and Commercial Districts” is hereby amended to be modified and include the following new section 14.78.050; and the remaining sections renumbered accordingly:

Initial application review

All applications filed with the community development department in compliance with this zoning code shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council and initially processed as follows:

- A. Review for completeness. The community development director or their designee shall review all applications for completeness and accuracy before accepting them as complete. The determination of completeness shall be based on the city's list of required application contents as proscribed in the "submittal requirements" documents provided by the community development department.
- B. Notification of applicant. The community development director or their designee shall notify the applicant in writing within thirty (30) days of the filing of the application with the community development department that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, as specified in the letter, shall be provided. If subsequent written comments from the community development director or their designee identify deficiencies not initially raised within thirty (30) days of the filing of the application, then this subsequent letter will be considered the notification of incompleteness for the purposes of determining the application expiration date.
- C. Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).
- D. Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.
- E. Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred eighty (180) days to the community development director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.
- F. Environmental information. After an application has been accepted as complete, the community development director or their designee may require additional information as necessary for the project's environmental review.

SECTION 7. AMENDMENT OF CODE: A portion of Section 14.78.060 of Chapter 14.78 in Title 14 of the Los Altos Municipal Code entitled "Variances" is hereby amended as follows:

- A. Purpose. 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 planning and transportation commission may approve or recommend 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 within an R3, PCF, PUD, PC, OA or C district, ~~in multiple-family, public and community facilities, office and administrative and commercial zoning districts.~~

SECTION 8. AMENDMENT OF CODE: Section 14.78.070 of Chapter 14.78 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

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~~ 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~~ the approval are contingent on the ~~city planner~~ community development director or their designee finding that the project complies with all current zoning ordinance regulations.

SECTION 9. AMENDMENT OF CODE: Chapter 14.78 in Title 14 of the Los Altos Municipal Code entitled “Design and Transportation Review – Multiple-Family, Public and Community Facilities, Office and Administrative, and Commercial Districts” is hereby amended to be modified and include the following new section at the end of the chapter:

Appeals.

- A. Within fifteen (15) days of an approval or denial of an administrative design review application, the decision may be appealed to the planning and transportation commission.
- B. Within fifteen (15) days of an approval or denial of a design review and/or variance application by the planning and transportation commission, the decision may be appealed to the city council.

SECTION 10. AMENDMENT OF CODE: Section 14.80.020 of Chapter 14.80 in Title 14 of the Los Altos Municipal Code entitled “Application - Fees” is hereby deleted; and the remaining sections renumbered accordingly:

Application—Fees.

- ~~A. Applications for use permits shall be made to the commission on forms prescribed by the commission, which applications shall include the following data:
 - 1. The name and address of the applicant;
 - 2. A statement that the applicant is the owner of the property, or is the authorized agent of the owner, or is the purchaser under contract;
 - 3. The address or description of the property; and
 - 4. A statement indicating the precise manner of compliance with each of the applicable district regulations and the general provisions of this chapter.~~
- ~~B. Such applications shall be accompanied by the same plans and drawings as set forth in Chapter 14.66 of this title for architecture and site control and a fee set by the council by resolution.~~

SECTION 11. AMENDMENT OF CODE: Chapter 14.80 in Title 14 of the Los Altos Municipal Code entitled “Use Permits” is hereby amended to be modified and include the following new section 14.80.020; and the remaining sections renumbered accordingly:

Initial application review

All applications filed with the community development department in compliance with this zoning code shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council and initially processed as follows.

- A. Review for completeness. The community development director or their designee shall review all applications for completeness and accuracy before accepting them as complete. The determination of completeness shall be based on the city's list of required application contents as proscribed in the "submittal requirements" documents provided by the community development department.
- B. Notification of applicant. The community development director or their designee shall notify the applicant in writing within thirty (30) days of the filing of the application with the community development department that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, as specified in the letter, shall be provided. If subsequent written comments from the community development director or their designee identify deficiencies not initially raised within thirty (30) days of the filing of the application, then this subsequent letter will be considered the notification of incompleteness for the purposes of determining the application expiration date.
- C. Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).
- D. Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.
- E. Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred eighty (180) days to the community development director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.
- F. Environmental information. After an application has been accepted as complete, the community development director or their designee may require additional information as necessary for the project's environmental review.

SECTION 12. AMENDMENT OF CODE: Section 14.80.045 of Chapter 14.80 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

Hearings - Procedures for office and commercial districts.

Notwithstanding the provisions of Section 14.80.040 of this chapter, the planning and transportation commission shall be the decision-making body for conditional use permit applications in all OA and C ~~the CRS, CD, CS, CN or CT~~ districts for businesses proposed in existing structures. This section shall not apply to conditional use permit applications that are subject to the requirements of Chapter 14.78 of this title. All other applicable provisions of this chapter shall remain in effect. The action of the planning and transportation commission shall be final unless it is appealed in writing to the city council, and the appropriate fee is paid, within fifteen (15) days of the date of the action.

SECTION 13. AMENDMENT OF CODE: Chapter 14.80 in Title 14 of the Los Altos Municipal Code entitled "Use Permits" is hereby amended to be modified and include the following new section at the end of the chapter:

Modification of a use permit

For modifications to an approved use permit, the planning and transportation commission shall be the decision-making body. The action of the planning and transportation commission shall be final unless:

- A. It is appealed in writing to the city council, and the appropriate fee is paid, within fifteen (15) days of the date of the action;
- B. Two members of the city council submit requests to the city clerk to reconsider the action within fifteen (15) days of the date of the action.

SECTION 14. AMENDMENT OF CODE: Section 14.02.070 of Chapter 14.02 in Title 14 of the Los Altos Municipal Code entitled "Definitions" is hereby amended to include the following:

"C District" means any zone district with a commercial designation.

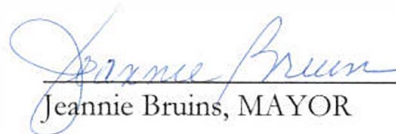
SECTION 15. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 16. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 17. 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 September 13, 2016 and was thereafter, at a regular meeting held on September 27, 2016 passed and adopted by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Jeannie Bruins, MAYOR

Attest:



Jon Maginot, CMC, CITY CLERK



STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Jon Maginot, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2016-423, adopted by the Los Altos City Council on September 27, 2016 by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: September 21, 2016 and October 5, 2016. Said ordinance shall be effective October 28, 2016

Dated this 18th day of October, 2016.



Jon Maginot, CMC
City Clerk