

ORDINANCE NO. 2017-436

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS AMENDING CHAPTER 14.50, CT COMMERCIAL
THOROUGHFARE ZONE DISTRICT AND SECTION 14.66.240 F.,
HEIGHT LIMITATIONS - EXCEPTIONS, OF THE LOS ALTOS
MUNICIPAL CODE**

WHEREAS, in response to recent development within the CT, Commercial Thoroughfare, Zone District along the El Camino Real Corridor, the City Council directed staff to develop amendments to Chapter 14.50 of the Municipal Code in an effort to achieve development that is more in keeping with the area character, protects adjacent residential uses, and addresses land use issues unique to this special planning area; and

WHEREAS, staff has reviewed and evaluated Chapter 14.50 and Section 14.66.240 F. of the Municipal Code, including the Los Altos General Plan Land Use Element, to identify appropriate amendments that achieve City Council direction; and

WHEREAS, staff has drafted amendments to Chapter 14.50 and Section 14.66.240 F. of the Municipal Code to address setback requirements, access and screening of refuse collection, height limits, permitted uses, public and private open space requirements, service vehicle access and parking, roof top uses, and mechanical parking standards, among other modifications to the code; and

WHEREAS, on August 17, 2017 the Planning and Transportation Commission reviewed the proposed ordinance amendments and voted 4-2, to recommend that the City Council approve the amendments to Chapter 14.50 and Section 14.66.240 F. of the Municipal Code finding that the proposed amendments are in the best interest for the protection or promotion of public health, safety, comfort, convenience, prosperity, or welfare and is in conformance with the adopted general plan of the City; and

WHEREAS, the City Council, in consideration of the Planning and Transportation Commission, determines that the amendments to Chapter 14.50 and Section 14.66.240 F. of the Municipal Code will result in future projects that achieve development that is more in keeping with the character of the area, provide appropriate protection to adjacent residential uses, and address land use issues unique to El Camino Real Corridor; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

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

SECTION 1. AMENDMENT OF CODE: The following Sections of Title 14 (Zoning) of the Los Altos Municipal Code shall be revised per the following modifications that are reflected by strikethroughs indicating deletions and underlining indicating additions to read as follows:

14.50.020 - Specific purposes (CT).
Specific purposes for CT Districts are as follows:

- A. To encourage a variety of residential developments, including affordable housing development;
- B. To promote the economic and commercial success of Los Altos;
- C. To encourage aggregation of parcels;
- D. To buffer the impacts of commercial and multi-family land uses on neighboring residential properties;
- E. To emphasize a healthy proportion of retail uses as opposed to office and service uses; and
- F. To allow for mixed uses of commercial and residential.

14.50.060 - Required conditions (CT).

The following conditions shall be required of all uses in the CT District:

C. No property owner, business owner, or tenant shall permit or allow activities the operation of a business, which violates the requirements of this chapter, including the following general criteria:

1. General screening standard. Every development shall provide sufficient screening to reasonably protect the privacy, safety, and environment of neighboring residential properties and shield them from adverse external effects of that development.

Walls up to twelve (12) feet in height shall be required for the purpose of attenuating noise, odor, air pollution, artificial light, mitigation for grade differential between properties, and providing privacy and safety.

2. Sites for Access and screening of refuse collection. Every development will be required to provide suitable space on-site for solid waste separation, collection, ~~and~~ storage, and pick up and shall ~~provide sites for such that are located so as to~~ site these in locations that facilitate access, collection, and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way.

14.50.100 - Side yards (CT).

~~No side yards shall be required, unless the property abuts an R district (excluding access corridors) in which case the following requirements shall apply:~~ Side yard width shall average seven feet six inches (7' 6") with a minimum setback of four feet (4') over the length of the wall of the structure at the side yard, except that on a corner lot, the width of the side yard adjoining the street shall average fifteen (15) feet with a minimum setback of four feet (4'). For a property that abuts an R district (excluding access corridors), the following requirements shall apply:

- A. When the side property line of the site is across a street or alley from property in an R District, in which instance the minimum width of that side yard shall be thirty (30) feet;
- B. When the side property line of the site abuts on property in an R District, in which instance the minimum width of that side yard shall be forty (40) feet for any portion of a structure thirty (30) feet or less in height and one hundred (100) feet for any portion of a structure over thirty (30) feet in height;

- C. A minimum twenty (20) foot landscape buffer of evergreen trees and shrubs to provide screening shall be provided, all of which shall be permanently maintained by the property owner. No below grade garage construction or excavation is permitted within this landscape buffer.

14.50.150 – Open space (CT).

All multiple-family residential projects, including mixed-use projects with multiple-family dwelling units, except duplexes, shall provide permanently maintained outdoor open space, subject to the following requirements:

- A. Although not required for each dwelling unit, an average of fifty (50) square feet of private open space shall be provided for the total number of dwelling units within a project.
- B. Any private open space provided shall be at the same level and immediately accessible from the unit it serves. The provision of private open space shall not reduce the common open space requirements of this section.
- C. Depending on the number of dwelling units in a multiple-family project, common open space shall be provided to meet the following criteria:
1. Two (2) to ten (10) units: a minimum of eight hundred (800) square feet of common open space shall be provided.
 2. Eleven (11) to twenty-five (25) units: a minimum of one thousand six hundred (1,600) square feet of common open space shall be provided.
 3. Twenty-six (26) to fifty (50) units: a minimum of two thousand four hundred (2,400) square feet of common open space shall be provided.
 4. Fifty-one (51) or more units: a minimum of three thousand two hundred (3,200) square feet of common open space shall be provided.

D. Common Open Space Areas:

1. Shall be designed to be easily accessible and shall be available for passive and active outdoor recreational purposes for the enjoyment of all residents of the project;
2. Shall be provided as continuous, usable site elements of sufficient size to be usable by residents that may be within the rear yard setback;
3. Shall not include driveways, public or private streets, or utility easements where the ground surface cannot be used appropriately for open space.
4. Common open space areas shall be surfaced with any practical combination of landscaping, paving, decking, concrete, or other serviceable material with no more than 50% of the area at grade level covered with a non-permeable surface.

- E. Required common open space shall be controlled and permanently maintained by the owner of the property or by a homeowners' association. Provisions for control and maintenance shall be included in any property covenants of common interest developments.

14.50.160 - Rooftop uses (CT).

Rooftop activities or uses are permitted within the perimeter walls of a structure that meet all setback standards provided also that any such activities or uses are accessory to the

principal use or uses of the development, and provided further, activities shall comply with the following performance standards:

- A. No use shall be established or activity conducted that violates the noise standards and limits identified in Chapter 6.16, Noise Control, of the Municipal Code.
- B. No activity shall be conducted which causes ground vibrations perceptible at the property line.
- C. No lighting or illuminated device shall be operated so as to create glare which creates a hazard or nuisance on other properties.
- D. No use or activity shall be conducted without first obtaining any required permit from the county air pollution control district. Uses shall be conducted to prevent dust or other airborne material from crossing property lines.
- E. Solid wastes shall be handled and stored so as to prevent nuisances, health and fire hazards, and to facilitate recycling. Suitable containers shall be provided to prevent blowing or scattering of trash and screened by an enclosure. Suitable concealed space and containers shall be provided at the roof top to encourage the appropriate sorting and collection of discarded materials.
- F. No use may generate any odor that reasonably may be found objectionable as determined by an appropriate agency such as the Santa Clara County Health Department and the Bay Area Air Quality Management District beyond the boundary occupied by the enterprise generating the odor. All mechanical, venting, and/or exhausting equipment that generates odors shall be located away from residential properties.
- G. The use of conventional energy sources for space heating and cooling, water heating, and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure.
- H. These performance standards are general requirements and shall not be construed to prevent the council, boards or commission with review authority or staff from imposing, as part of project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.

14.50.450. 170 - Design control (CT).

All structures in the CT District shall be subject to the provisions of Chapter 14.78 of this title.

- A. No structure shall be built or altered including exterior changes in color, materials, and signage except as prescribed in Chapter 14.78 of this title.
- B. Scale: Because of the relationship of this district to a larger region, a mixture of scales may be appropriate with some elements scaled for appreciation from the street and moving automobile and others for appreciation by pedestrians.
- C. The proportions of building elements, especially those at ground level, should be kept close to human scale by using recesses, courtyards, entries, or outdoor spaces.
- D. The proportions of building elements at a commercial or residential interface shall be designed to limit bulk and to protect residential privacy (including but not limited to window placement), daylight and environmental quality.
- E. Rooftop mechanical equipment must ~~be within the height limit~~ comply with Municipal Code Section 14.66.240 E. and screened architecturally from public view.

F. Firewalls: Consideration should be given to the aesthetic treatment of firewalls including increased side yard setback, contouring the firewall to the building, use of noncombustible roofing materials, and creative use of architectural features in the firewall.

14.50.180 Off-Street Loading for Residential (CT).

In order to accommodate the delivery or shipping of goods at a multiple-family residential project, on-site loading / unloading space shall be provided:

- A. There shall be at least one loading/unloading space provided, which shall have minimum dimensions of at least 10 feet by 25 feet, with 14 feet of vertical clearance;
- B. Loading and unloading spaces shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way without interfering with the orderly movement of traffic and pedestrians on any public way and complete the loading and unloading operations without obstructing or interfering with any parking space or parking lot aisle;
- C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any of off-street parking area be used to satisfy the area requirements for loading and unloading facilities;
- D. A loading/unloading space may be located in the front yard setback, but shall comply with other required setbacks;
- E. All loading spaces shall be designed and maintained so that vehicles do not back in from, or onto, a public street;
- G. Loading spaces shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times; and
- H. Adequate signage shall be provided that directs delivery vehicles to the loading space.

14.50.160 190 - Signs (CT).

As provided in Chapter 14.68 of this code.

14.50.170 200 - Fences (CT).

As provided in Chapter 14.72 of this title.

14.50.180 210- Nonconforming use regulations (CT).

As provided in Chapter 14.66 of this title.

14.66.240 Height limitations—Exceptions.

F. An enclosed penthouse or roof structure, housing an elevator or stairwell that provides access to a roof top, or a tower may exceed the allowed height limit by no more than twelve feet (12') and shall be integrated into the exterior architectural style of the building provided such structure shall not exceed the minimum size required by Title 12 of the Municipal Code (Buildings and Construction). However, none of these structures shall be allowed for the purpose of providing additional usable floor space for dwellings, commercial space, or storage of any type.

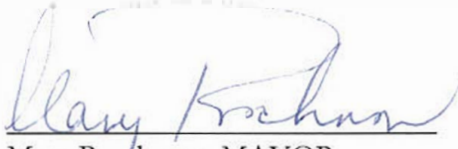
SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 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 properly introduced at a regular meeting of the City Council of the City of Los Altos held on September 26, 2017 and was thereafter, at a regular meeting held on October 10, 2017 passed and adopted by the following vote:

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


Mary Prochnow, 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. 2017-436, adopted by the Los Altos City Council on October 10, 2017 by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW
NOES: LEE ENG
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: October 4, 2017 and October 25, 2017. Said ordinance shall be effective November 10, 2017.

Dated this 10th day of November, 2017.


Jon Maginot, CMC
City Clerk