

**ORDINANCE NO. 2018-450**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 14.66, GENERAL PROVISIONS, BY ADDING SECTION 14.66.271, TO TITLE 14, ZONING, OF THE LOS ALTOS MUNICIPAL CODE THAT PROHIBITS: (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” WITHOUT VOTER APPROVAL**

**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 provide for public facilities and services and ensure 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” or “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” or “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 Chapter 14.66, General Provisions and voted to recommend their approval to the City Council.

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

**SECTION 1. FINDINGS.** After considering the record before it, including but not limited to the agenda report, presentation of staff, public comment, and discussion, the City Council hereby finds that adoption of this Ordinance will help protect and promote public health, safety, comfort, convenience, prosperity and welfare by clarifying the City’s existing regulations.

**SECTION 2. AMENDMENT OF CODE.** The following Section, is hereby added to Chapter 14.66, General Provision, of Title 14, Zoning, of the Los Altos Municipal Code.

14.66.271 Voter Approval Required for Sale, Transfer, or Re-designation of City Owned “Parks” and “Other Open Space” Lands

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

1. The sale or transfer of title of any City-owned land to another party, whether public or private, with a General Plan land use designation of “Parks” or “Other Open Space”; and

2. The re-designation of City-owned land with a General Plan 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.

B. 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.

C. The voter approval requirement 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.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION 4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.** Based on all the evidence presented in the administrative record, including but not limited to the staff report for the proposed Ordinance, the City Council hereby finds and determines that the proposed Ordinance relates 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, this Measure is 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 Ordinance has no potential to result in a direct, or reasonably foreseeable, indirect impact on the environment.

**SECTION 5. CUSTODIAN OF RECORDS.** The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council’s findings and determinations are based are located at Los Altos City Hall, One North San Antonio Road, Los Altos, California. The City Clerk is the custodian of the record of proceedings.

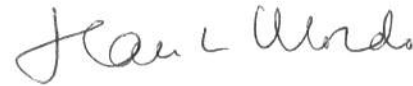
**SECTION 6. NOTICE OF EXEMPTION.** The City Council hereby directs City staff to prepare and file a Notice of Exemption with the County, County Clerk within five working days of the adoption of this Ordinance.

**SECTION 7. PUBLICATION.** This Ordinance shall be published as provided in Government Code section 36933.

**SECTION 8. 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 25, 2018 and was thereafter, at a regular meeting held on October 9, 2018 passed and adopted by the following vote:

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



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Jean Mordo, MAYOR

Attest:



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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. 2018-450, adopted by the Los Altos City Council on October 9, 2018 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 3, 2018 and October 17, 2018. Said ordinance shall be effective November 9, 2018.

Dated this 5 day of November, 2018.

  
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Jon Maginot, CMC  
City Clerk