

ORDINANCE NO. 2019-462

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE LIST OF PERMITTED AND CONDITIONAL USES IN
THE CRS (COMMERCIAL RETAIL SALES) ZONE DISTRICT AND
MAKING FINDINGS OF CEQA EXEMPTION**

WHEREAS, the City of Los Altos initiated an application (19-CA-03) to amend Title 14 of the Los Altos Municipal Code, the Zoning Ordinance, in order to update the permitted and conditional uses in the CRS District (Chapter 14.48), referred herein as the “CA” or the “amendments”; and

WHEREAS, Chapter 14.48 of the Los Altos Municipal Code, the CRS, Commercial Retail Sales, zone district provides for the retention, enhancement, and attraction of commercial establishments that reflect the characteristics a village atmosphere that is desired in the downtown Los Altos village; and

WHEREAS, the characteristics of a downtown village, as listed at Subsection 14.48.020(A) of the Los Altos Municipal Code, include a mix of uses emphasizing retail businesses and services that meet the needs of community residents and visitors, and with housing located above ground floor businesses; and

WHEREAS, The City Council has recently accepted a community-based vision for downtown Los Altos that encourages a mix of retail and service uses that enhance the character of downtown Los Altos and meet the needs of residents and visitors; and

WHEREAS, Chapter 14.48 allows personal service uses except when located on the ground floor building space that fronts directly onto First Street, Main Street, or State Street; and

WHEREAS, Given that on-going changes to the retail industry have resulted in a decreased demand for commercial retail space and an increased demand for personal service space; and

WHEREAS, Vacant commercial space does not add, enhance or promote a vibrant village atmosphere and detracts from a desirable downtown; and

WHEREAS, This Council seeks to provide flexibility in its zoning code so that adjustments in response to commercial space market fluctuations can be accomplished and a desirable and vibrant downtown can be maintained.

WHEREAS, required public notices and public hearings were duly given and duly held in accordance with the applicable provisions of the California Government Code and Chapter 14.86 of the Los Altos Municipal Code; 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 Commission held a duly noticed public hearing on the CA on July 18, 2019, at which it recommended approval of the CA; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on August 27, 2019; 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, 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 ("CEQA Guidelines"), and CEQA Guidelines Section 15378(b)(5) because the Ordinance implements and clarifies and provides minor changes to the CRS District that will not result in a direct or indirect physical change in the environment and, it can be seen with certainty that there is no possibility of a significant impact to the environment.

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

SECTION 1. AMENDMENT OF CODE: Sections 14.48.030 and 14.48.040 in Chapter 14.48 of Title 14 of the Los Altos Municipal Code are hereby amended as follows:

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. Office-administrative services, which include medical and dental clinics or offices having less than 5,000 gross square feet of floor area and animal clinics having less than 5,000 gross square feet of floor area, except when located in a ground floor building space that fronts directly onto Main Street or State Street; ~~located above the ground floor;~~
- C. Parking spaces and loading areas incidental to a permitted use;
- D. Personal services, ~~except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
- E. Private clubs, lodges, or fraternal organizations located above the ground floor;
- F. Restaurants, excluding drive-through services;
- G. Retail; and
- H. Uses which are determined by the community development director ~~city planner~~ to be of the same general character;
- I. Cocktail lounges.

14.48.040 - Conditional uses and structures (CRS).

Upon the granting of a conditional 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 First Street, 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. ~~C. Day care centers, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
- E. ~~D. Hotels;~~
- F. ~~E. Housing located above the ground floor;~~
- G. ~~Medical and dental clinics, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
- H. ~~F. Medical and dental clinics or offices that area having five thousand (5,000) gross square feet of floor area or more and animal clinics having five thousand (5,000) gross square feet of floor area or more, except when located in a ground floor building that fronts directly onto First Street, Main Street or State Street; and~~
- I. ~~G. Uses which are determined by the planning commission to be of the same general character.~~

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. CEQA. This ordinance is not subject to review under the California Environmental Quality Act (Public Resources Code §§21000, *et seq.*, as further governed by the Guidelines for CEQA, 14 CCR §§15000, *et seq.*) because the ordinance has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, per 14 CCR §15378. The ordinance amends Los Altos Municipal Code provisions pertaining to the permitted and conditional uses in the CRS District. It does not commit the City of Los Altos or any other party to any direct course of action, other than to review and approve uses within the CRS District and will not result in any physical changes in and of itself. Moreover, as a separate and independent basis, to the extent the ordinance was determined to be subject to CEQA, it would be exempt from further review pursuant to the 'common sense' exemption (14 CCR §15061(b)(3)), as it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment.

SECTION 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. 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 August 27, 2019 and was thereafter, at a regular meeting held on September 10, 2019 passed and adopted by the following vote:

AYES: ENANDER, FLIGOR, LEE ENG, PEPPER
NOES: BRUINS
ABSENT: NONE
ABSTAIN: NONE


Lynette Lee Eng, MAYOR

Attest:


Dennis Hawkins, 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. 2019-462, adopted by the Los Altos City Council September 10, 2019 by the following vote:

AYES: ENANDER, FLIGOR, LEE ENG, PEPPER
NOES: BRUINS
ABSTAIN: NONE
ABSENT: NONE

Said ordinance shall be effective October 11, 2019.

Dated this 24 day of March, 2020.


Jon Maginot, CMC
City Clerk