

ORDINANCE NO. 2021-478

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING TITLE 14 (ZONING) BY CREATING OBJECTIVE ZONING
STANDARDS FOR RESIDENTIAL DEVELOPMENT**

WHEREAS, the Housing Accountability Act, Government Code Section 65589.5, limits a public agency's ability to deny approval of a housing development project or to approve the project at a lower density if the project complies with any and all objective general plan, zoning, design, and subdivision standards applicable to the project; and

WHEREAS, on January 1, 2018, Senate Bill 35, intended to help address California's housing shortage, went into effect requiring streamlined and ministerial review process for multifamily and mixed-use housing projects meeting specific qualifications; and

WHEREAS, on January 1, 2020, Senate Bill 330 went into effect encouraging the use of objective design standards and discouraging the adoption of new subjective design standards; and

WHEREAS, as defined by the Housing Accountability Act and Senate Bill 35 (Government Code Sections 65589.5 and 65913.4), objective zoning standards and objective design review standards mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal; and

WHEREAS, on November 5, 2020, December 3, 2020, and January 21, 2021, the Planning Commission held a duly noticed public hearings on Zoning Code Text Amendment (ZTA 20-003); and

WHEREAS, on January 21, 2021, the Planning Commission recommended approval of the proposed zoning text amendment Zoning Text Amendment (ZTA 20-003) to the City Council; and

WHEREAS, on February 23, 2021, March 16, 2021, and July 13, 2021, the City Council reviewed Zoning Text Amendments (ZTA 20-0003); and

WHEREAS, this Ordinance implements Policy 1.4 and Policy 2.4 of the of the City's 2015-2023 Housing Element by evaluating the design review process and by ensuring the orderly development of multifamily housing within Los Altos; and

WHEREAS, based on all the evidence presented in the administrative record, including but not limited to the staff reports for the proposed Objective Standards, 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 exempt from California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which states 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; and pursuant to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment), in that the proposed Objective Standards will preserve the scenic quality of the City of Los Altos by establishing enforceable development standards and design guidelines that are intended to protect the existing community character.

WHEREAS, the streamlining of multifamily housing development projects will assist the City of Los Altos in achieving State and regional goals for the construction of new affordable units as defined in the Regional Housing Needs Allocation (RHNA) process;

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

SECTION 1. AMENDMENT OF CODE: Title 14 of the Los Altos Municipal Code is hereby amended and replaced with the new standards and shall read as follows:

R3-4.5-14.16.100- Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

R3-5-14.18.120-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

R3-3-14.20.120-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

R3-1.8-14.22.110-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

R3-14.24.110-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CN-14.40-150-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CD-14.44.130-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CRS-14.48.130-Design Controls- repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CT-14.50.170-Design Controls- repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CD/R3-14.52.110-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

CRS/OAD-14.54.130-Design Controls-repealed and replaced with Objective Design Standards, identified as Exhibit A to this ordinance, which are incorporated herein by this reference.

SECTION 2. 14.66.275 and 14.66.280 ADDED: The Los Altos Municipal Code is hereby amended to add the following new subsections:

14.66.275-Entrance Type Standards-as referenced in Exhibit A (Objective Design Standards)

14.66.280-Design Standards to All Multi-Family Zones and Commercial Zones that Support Residential Mixed-Use Development as referenced in Exhibit A (Objective Design Standards).

SECTION 3. SEVERABILITY. 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 4. CEQA. The City Council finds the adoption of this ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to pursuant to Sections 15061(b)(3) and 15308, of the CEQA Guidelines.

SECTION 5. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933. Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in an adjudicated newspaper. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in an adjudicated newspaper, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code Section 36933(c)(1) are met.

SECTION 6. 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 July 13, 2021 and was thereafter, at a regular meeting held on _____, 2021 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

Exhibit A-City of Los Altos Objective Design Standards