

ORDINANCE NO. 2012-375

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LOS ALTOS AMENDING CHAPTERS 14.02, 14.04, 14.06, 14.08, 14.10, 14.12,
14.22, 14.48, 14.66 AND 14.74 OF THE LOS ALTOS MUNICIPAL CODE

WHEREAS, the City of Los Altos initiated an application (11-CA-03) to amend Title 14 of the Los Altos Municipal Code pertaining to updating definitions for cul-de-sac, gross floor area, porte cochere and residential care homes, removing old district references, clarifying accessory structure setbacks in single-family districts, requiring a minimum setback for garages on narrow corner lots, restricting daycare uses on the ground floor of buildings on First Street in the CRS District, requiring a minimum clearance in side yards, requiring visitor parking for multiple-family development and defining net square footage for the purpose of parking requirements, referred herein as the "CA"; 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; and

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

WHEREAS, the Planning Commission held a duly noticed public hearing on the CA on November 17, 2011 and the City Council held a duly noticed public hearing on the CA on January 10, 2012; 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 location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council's decision is based in the Office of the City Clerk.

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

SECTION 1. AMENDMENT OF CODE: Portions of Section 14.02.070 of Chapter 14.02 of the Los Altos Municipal Code entitled "Definitions" are hereby amended as follows:

"Cul-de-sac" means any street having but one outlet for vehicular traffic.

"Gross floor area" means the total floor space under roof of all floors of a building measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, ducts, service and mechanical equipment rooms, interior courts, garages, ~~and~~ enclosed accessory structures, and carports. In the case of a sloped ceiling or ground surface, the floor area shall be measured to the point at which the interior height is five feet.

“Gross floor area” does not include: porches, verandas, balconies, alcoves, or other similar elements, which are open on at least one side; basements or attic areas; unenclosed accessory structures; exterior roof overhangs or chimney projections; porte cocheres; interior heights less than five feet; or structures under six feet in height.

“Porte cochere” means a roofed structure covering a driveway that is not designed for the storage of automobiles.

“Residential care home ~~for aged persons~~” means a structure in which nonmedical services are provided for persons sixty-two (62) (60) years of age and over in accordance with standards set forth by the Social Welfare Department of the state. California Health and Safety Code Section 1569.2.

SECTION 2. AMENDMENT OF CODE: Section 14.04.010 of Chapter 14.04 of the Los Altos Municipal Code entitled “Districts” is hereby amended as follows:

Districts.

The districts established by this chapter shall be designated as follows:

- A. Single-Family District (R1-10);
- B. Single-Family District (R1-H);
- C. Single-Family District (R1-20);
- D. Single-Family District (R1-40);
- E. Single-Story Single-Family Overlay District (R1-S);
- F. Multiple-Family District (R3-4.5);
- G. Multiple-Family District (R3-5);
- H. Multiple-Family District (R3-3);
- I. Multiple-Family District (R3.1.8);
- J. Multiple-Family District (R3-1);
- ~~K. Office-Administrative District (OAD);~~
- K. Office-Administrative District (OA);
- L. Office-Administrative District (OA-1 and OA-4.5);
- M. ~~Office Multiple District (OAD/R3-1);~~ Commercial Downtown/Multiple-Family District (CD/R3);
- N. Commercial Neighborhood District (CN);
- ~~P. Commercial District (CN-T);~~
- O. Commercial Downtown District (CD);
- P. Commercial Retail Sales District (CRS);
- Q. Commercial Thoroughfare District (CT);
- ~~T. Affordable Housing/Mixed-Use Overlay District Regulations (AH/MV);~~
- R. Commercial Retail Sales/Office District (CRS/OAD);
- S. Public and Community Facilities District (PCF);
- T. Public and Community Facilities/Single-Family District (PCF/R1-10);
- U. Planned Community (PC);
- V. Loyola Corners Specific Plan Overlay District (LCSPZ); and
- W. Planned Unit Development (PUD).
- ~~W. Planned Unit Development/Senior Citizen Housing.~~

The city is divided into districts in which certain uses are permitted. The districts are as shown on the zoning map of the city which is incorporated in this chapter by reference.

SECTION 3. AMENDMENT OF CODE: A portion of Section 14.06.120 of Chapter 14.06, Section 14.08.120 of Chapter 14.08, Section 14.10.120 of Chapter 14.10 and Section 14.12.120 of Chapter 14.12 of the Los Altos Municipal Code entitled "Accessory structures, outdoor barbeques and swimming pools" is hereby amended as follows:

- B. Accessory structures that are more than six feet in height may be located in the required rear yard setback area or in the main structure's building envelope, subject to the following provisions:
1. Accessory structures shall have a minimum setback of two and one-half feet from the side ~~and rear~~ property line and a minimum setback from the rear property line as follows:
 - i. Two and one-half feet when the structure is under eight feet in height;
 - ii. Five feet when the structure is between eight and ten (10) feet in height;
 - iii. Seven and one-half feet when the structure is between ten (10) and twelve (12) feet in height; and
 - iv. Two and one-half feet when the rear property line abuts an alley.
 2. No portion of any accessory structure shall project above a daylight plane, beginning at a height of six feet at the side property line and increasing at a slope of four feet for each ten (10) feet of distance from the side property line to a distance of ten (10) feet from the side property line.
 3. The maximum allowable height for accessory structures shall be twelve (12) feet, as follows:
 - i. ~~Eight feet in height when located within five feet of a rear property line.~~
 - ii. ~~Ten (10) feet in height when located within seven and one-half feet of a rear property line.~~
 - iii. ~~Twelve (12) feet in height when located a minimum of seven and one-half feet from a rear property line, or two and one-half feet from a rear property line that abuts an alley.~~

SECTION 4. AMENDMENT OF CODE: A portion of Section 14.06.080 of Chapter 14.06 of the Los Altos Municipal Code entitled "Setbacks (R1-10)" is hereby amended as follows:

- E. On a lot less than eighty (80) feet in width, or in the case of a corner lot less than ninety (90) feet in width (hereinafter referred to as "narrow" lots), the minimum width of side yards shall be as follows:
1. On a narrow corner lot, the minimum width of the side yard adjoining the street shall be twenty (20) percent of the average lot width but in no case less than ten (10) feet, whichever is greater. The minimum interior side yard setback for corner lots greater than eighty (80) feet in width shall be as provided in subsection A of this section. The minimum interior side yard setback for corner lots less than eighty (80) feet in width shall be as provided in subsection (E)(2) of this section. For a garage or carport facing an exterior side yard, the minimum setback to the face of the structure shall be twenty (20) feet.

SECTION 5. AMENDMENT OF CODE: Section 14.22.070 of Chapter 14.22 of the Los Altos Municipal Code entitled "Side yards (R3-1.8)" is hereby amended as follows:

Side yards (R3-1.8).

The minimum width of side yards shall be seven and one-half feet, except that on a corner lot, the minimum width of the side yard adjoining the street shall be fifteen (15) feet. Five

feet shall be added to each side yard for each story above the first story or for each ten (10) feet of height, or fraction thereof, above the lowest twelve (12) feet of the height of the structure, whichever is the lesser, except on the secondary setback on a corner lot. When a garage or carport faces a side yard adjoining a street, the minimum setback to the face of the structure shall be twenty (20) feet. Where R3-1.8 District property abuts on R1-10 District property, the minimum side yard shall be twenty-five (25) feet for one-story structures, of which the ten (10) feet abutting the property in the R1-10 District shall have a six-foot solid fence or wall outside a planting screen of evergreen trees or bushes of a variety, height, and spacing as approved by the building and planning department, all of which shall be permanently maintained by the property owner. Such ten (10) foot planting strip shall be used exclusively for landscaping purposes.

SECTION 6. AMENDMENT OF CODE: Portions of Section 14.48.040 of Chapter 14.48 of the Los Altos Municipal Code entitled “Conditional uses and structures (CRS)” are hereby amended as follows:

Conditional uses and structures (CRS).

Upon the granting of a 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:

D. Day care centers, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;

SECTION 7. AMENDMENT OF CODE: Section 14.66.190 of Chapter 14.66 of the Los Altos Municipal Code entitled “Distances between structures” is hereby amended as follows:

Distances between structures.

Where there is more than one structure on a site, the minimum distance between a main structure and an accessory structure which exceeds six feet in height shall be ten (10) feet; provided, however, if the open spaces surrounding the accessory structure conform with the regulations for the main structure in the district in which they are located, the accessory structure may be located nearer than ten (10) feet from the main structure. No minimum distance shall be required between main structures, between accessory structures, or between a main structure and an accessory structure which does not exceed six feet in height; provided, however, in no case shall there be less than a five-foot wide unobstructed passageway adjacent to a main structure or an accessory structure. For the purposes of this section, the vertical dimension of the structure shall be measured from the elevation of the finished lot grade to the highest point of the structure.

SECTION 8. AMENDMENT OF CODE: Section 14.74.020 of Chapter 14.74 of the Los Altos Municipal Code entitled “R1-10 District requirements” is hereby deleted.

R1-10 District requirements:

~~Not less than one garage or carport, plus one parking space for each single family residence, plus one parking space for each roomer, shall be required.~~

SECTION 9. AMENDMENT OF CODE: Section 14.74.070 of Chapter 14.74 of the Los Altos Municipal Code entitled "R3-1 District requirements" is hereby amended as follows:

R3-1 District requirements.

- A. There shall be two underground off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having two rooms or more in addition to the kitchens and bathrooms.
- B. There shall be one and one-half underground off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having less than two rooms in addition to the kitchens and bathrooms.
- C. Projects with a site area less than thirty thousand (30,000) square feet may provide up to a maximum of one-half of the required parking above-ground. The proposed parking plan shall be subject to the approval of the commission and council.
- D. One on-site visitor space shall be required for every four multiple-family residential dwelling units or fraction thereof.

SECTION 10. AMENDMENT OF CODE: Section 14.74.080 of Chapter 14.74 of the Los Altos Municipal Code entitled "Residential uses in CN, CS, CD, CRS and CT districts" is hereby amended as follows:

Residential uses in CN, ~~CS~~, CD, CD/R3, CRS/OAD, CRS and CT Districts.

For those properties which participated in a public parking district, no parking shall be required for the ~~gross net~~ square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required as follows for any ~~gross net~~ square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district:

- A. There shall be two off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having two rooms or more in addition to the kitchens and bathrooms.
- B. There shall be one and one-half off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having less than two rooms in addition to the kitchens and bathrooms.
- C. One on-site visitor space shall be required for every four multiple-family residential dwelling units or fraction thereof. Mixed use projects may substitute non-residential parking spaces for visitor use in-lieu of providing dedicated visitor parking spaces, subject to approval of the commission and council.

SECTION 11. AMENDMENT OF CODE: Section 14.74.090 of Chapter 14.74 of the Los Altos Municipal Code entitled "Office uses in the OA-1, OA-4.5 and CN district" is hereby deleted.

Office uses in OA-1, OA-4.5 and CN Districts.

~~Parking space requirements shall be not less than one parking space for each three hundred (300) square feet of gross square footage. For the purposes of this section, "gross square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.~~

SECTION 12. AMENDMENT OF CODE: Section 14.74.100 of Chapter 14.74 of the Los Altos Municipal Code entitled "Office uses in OAD, OA, CS, CD, CRS and CT districts" is hereby amended as follows:

Office uses in CRS/OAD, OA, ~~CS~~, ~~CN~~, CD, CD/R3, CRS and CT Districts.

For those properties which participated in a public parking district, no parking shall be required for the gross net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required for any gross net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district and shall be not less than one parking space for each three hundred (300) square feet of gross net floor area. ~~For the purposes of this section, "gross square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.~~

SECTION 13. AMENDMENT OF CODE: A portion of Section 14.74.110 of Chapter 14.74 of the Los Altos Municipal Code entitled "Commercial uses in OAD, OA, CN, CS, CD, CRS and CT districts" is hereby amended as follows:

Commercial uses in CRS/OAD, OA, CN, ~~CS~~, ~~CD~~, CD/R3, CRS and CT Districts.

For those properties which participated in a public parking district, no parking shall be required for the gross net square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required as follows for any gross net square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district. ~~For the purposes of this section, "gross square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.~~

- A. For intensive retail uses and personal services, not less than one parking space for each two hundred (200) square feet of gross net floor area;
- B. For extensive retail uses, not less than one parking space for each five hundred (500) square feet of gross net floor area;

SECTION 14. AMENDMENT OF CODE: A subsection of Section 14.74.200 of Chapter 14.74 of the Los Altos Municipal Code entitled "Development standards for off-street parking and truck loading spaces" is hereby amended as follows:

Q. For the purposes of this section, "net square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.

SECTION 15. FINDINGS. The City Council finds in accordance with Chapter 14.86 of the Los Altos Municipal Code that the amendment is in the best interest of the City for the protection and/or promotion of the public health, safety, comfort, convenience, prosperity and welfare; and that the amendment is in conformance with the City of Los Altos General Plan.

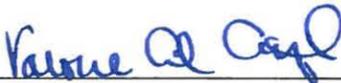
SECTION 16. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 17. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 18. 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 regularly introduced at a meeting of the City Council of the City of Los Altos on January 10, 2012 and was thereafter, at a regular meeting held on January 24, 2012 passed and adopted by the following vote:

AYES: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Valorie Cook Carpenter, MAYOR

Attest:


Lee Price, MMC, CITY CLERK

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

I, Lee Price, 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. 2012-375, adopted by the Los Altos City Council on January 24, 2012 by the following vote:

AYES: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER
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: January 18, 2012 and February 1, 2012. Said ordinance shall be effective February 25, 2012

Dated this 15th day of February, 2012.


Lee Price, MMC
City Clerk