

ORDINANCE NO. 2012-388

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE PERTAINING TO THE PUBLIC BENEFIT FINDINGS CONTAINED IN SECTION 14.48.180 – EXCEPTIONS FOR PUBLIC BENEFIT IN THE COMMERCIAL RETAIL SALES DISTRICT; THE HEIGHT MEASUREMENT DEFINITION FOR COMMERCIAL AND MULTIPLE-FAMILY STRUCTURES CONTAINED IN SECTION 14.66.230 HEIGHT LIMITATIONS – MEASUREMENT; AND ADOPTING A DEFINITION OF A BUILDING “PARAPET” IN CHAPTER 14.02 – DEFINITIONS

SECTION 1. AMENDMENT OF CODE: Amend the public benefit findings contained in section 14.48.180 – Exceptions for Public Benefit per the following:

- A. To implement the Downtown Design Plan, minor exceptions from the provisions of this chapter may be granted in the context of the project’s benefit relative to its location. Since these are not required by law, they are to be allowed at the complete discretion of the City, provided the following findings are made:
 - 1. The benefits to the downtown will be significant;
 - 2. The benefits to the City derived from granting the exception is an appropriate mitigation when considered against the cost to the developer;
 - 3. The project and mitigation will result in a public benefit to the downtown; and
 - 4. The resultant project and mitigation are consistent with the General Plan and promote or accomplish objectives of the Downtown Design Plan.
- B. For the purposes of this chapter, such exceptions may include, but are not limited to, setbacks, height of structure, height of the first floor, on-site parking, and other zoning regulations. “Height of structure” shall only apply to building height exceptions that support the project’s architectural integrity.
- C. For the purposes of this section, significant public benefits identified in the Downtown Design Plan, include, but are not limited to, projects that accomplish the following:
 - 1. Provide for additional public parking, beyond minimum code requirement project needs;
 - 2. Provide additional public outdoor plazas and gathering and eating spaces, visible from the public right-of-way, to enhance the ambiance of the downtown;
 - 3. Create prominent, recognizable, entry points into the downtown area;
 - 4. Preserve the historic character of downtown by renovating existing historic buildings;
 - 5. Create strong pedestrian linkages to the Civic Center and residential areas adjacent to downtown; and
 - 6. Develop pedestrian walkways or “paseo” passage ways where they are needed, to better link rear parking plazas to the businesses along State and Main Streets.

SECTION 2. AMENDMENT OF CODE: Amend the height measurement definition for commercial and multiple-family structures contained in section 14.66.230 Height Limitations – Measurement per the following:

14.66.230 - Height Limitations—Measurement.

The vertical dimension shall be measured from the average elevation of the finished lot grade at the front, rear, or side of the building, whichever has the greater height, to the highest point of the roof deck of the top story in the case of a flat roof or a mansard roof; and to the average

height between the plate and ridge of a gable, hip, or gambrel roof. A mansard roof is defined as any roof element with a slope of 60 degrees or greater.

SECTION 3. AMENDMENT OF CODE: Adopt a definition of what a building “parapet” is in chapter 14.02 – Definitions per the following:

“Parapet” means a wall or roof structure projecting up from the roof to define a roof line and/or to screen mechanical equipment. Roof elements with a 60 degree slope or greater may be considered parapets. Parapets may not be used to provide additional usable floor space for dwelling, commercial use, or storage of any type. Parapets shall be integral to the architectural design of the building.

SECTION 4. ENVIRONMENTAL ANALYSIS: The amended zoning regulations set forth herein have been reviewed and considered by the Planning and Transportation Commission and the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder, and Council finds that it can be seen with certainty that there is no possibility that these amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

SECTION 5. 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 6. PUBLICATION: This ordinance shall be published as provided in Government Code section 36933.

SECTION 7. EFFECTIVE DATE: This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

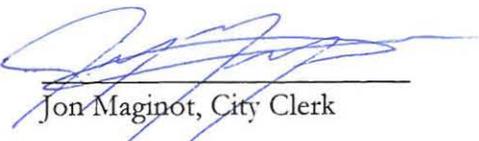
The foregoing ordinance was heard and recommended for approval by the Planning and Transportation Commission at a duly noticed public hearing on October 4, 2012 and regularly introduced at a meeting of the City Council of the City of Los Altos on October 23, 2012 and was thereafter, at a regular meeting held on November 13, 2012 passed and adopted by the following vote:

Ayes: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER
Noes: NONE
Abstain: NONE
Absent: NONE



Valorie Cook Carpenter, Mayor

Attest:



Jon Maginot, City Clerk

