



**PUBLIC HEARING**

**Agenda Item # 10**

**AGENDA REPORT SUMMARY**

**Meeting Date:** September 26, 2017

**Subject:** Ordinance No. 2017-436: CT Zone amendments

**Prepared by:** Jon Biggs, Community Development Director

**Approved by:** Chris Jordan, City Manager

**Attachment(s):**

1. Ordinance No. 2017-436, Revised
2. September 12, 2017 Agenda Report (Distributed with the September 12, 2017 City Council Packet)

**Initiated by:**

City Council

**Previous Council Consideration:**

September 27, 2016; October 4, 2016; October 18, 2016; March 14, 2017; and September 12, 2017.

**Fiscal Impact:**

A significant fiscal impact is not anticipated for the preparation and adoption of the amendments to Chapter 14.50 and Section 14.66.240 F. of the Municipal Code.

**Environmental Review:**

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.

**Policy Question(s) for Council Consideration:**

- Do the proposed amendments provide adequate site development standards in the CT zone district and address compatibility concerns with land uses bordering the CT zone district?

**Summary:**

- The City Council is holding a public hearing on proposed amendments to Chapter 14.50, CT Commercial Thoroughfare Zone District, of the Los Altos Municipal Code that reflect access and screening of refuse collection, modified height limits, setback requirements, open space requirements, standards for mechanical parking systems, standards for on-site areas to accommodate delivery and service vehicles, and standards for rooftop uses among other modifications to the chapter; and an amendment to Section 14.66.240, Height Limitations – Exceptions, modifying the height limit exception for an enclosed penthouse or roof structure.



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**Recommendation:**

Introduce and waive further reading of Ordinance No. 2017-436 amending Chapter 14.50 of the Los Altos Municipal Code pertaining to the CT Zone and Section 14.66.240 regarding certain exceptions to the height limits.



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### **Purpose**

The proposed zoning code amendments are intended to put in place standards that result in development that is best suited to the area, minimize impacts to adjacent residential uses, and address the unique circumstances present along the El Camino Real Corridor.

### **Background**

At its meeting on September 12, 2017 the City Council continued the public hearing on the amendments to the CT zone district regulations to allow staff an opportunity to modify the ordinance in line with City Council direction and allow the presence of all Councilmembers.

### **Discussion/Analysis**

The following is a listing of the code sections for which the City Council provided direction on modifications. Following each section number is a brief description or explanation of the change.

#### ***14.50.020 – Specific Purposes***

Changed order of list and added language indicating a variety of residential development are one of the purposes of this zone district. Also, deleted language promoting the El Camino Real as a high-revenue destination given the trend towards housing.

#### ***14.50.030 & 14.50.040 – Permitted Uses & Conditionally Permitted Uses***

Removed proposed changes to the list of permitted and conditionally permitted uses to allow appropriate CEQA review.

#### ***14.50.060 - Refuse collection***

Modified this section to make it clear the conditions applied to all projects.

#### ***14.50.100 – Side yards***

Added language clarifying that setbacks applied to those “portions” of a structure at the indicated heights.

#### ***14.50.150 D – Common open space***

Deleted minimum dimension requirements for private open space and the section designating the percentages of common open for at grade and upper floor levels. Also, added language that non-permeable surfaces could not cover more than 50% of the common open space at grade level.

#### ***14.50.170 E. – Design control***

Modified this section to direct compliance with Municipal Code Section 14.66.240 E. that provides the height limit exceptions for mechanical equipment, which is twelve feet (12”) above the permitted building height.



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***14.66.240 Height limitations - exceptions.***

Added language that clarified the subject structures are to be integrated into the architectural style of the *exterior* of the building.

The changes to the ordinance sections indicated above have been highlighted in Attachment 1 for ease of locating them.

**Conclusion**

The City Council is considering the recommendations of the PTC along with the modifications it provided on September 12. These recommendations put standards in place intended to address issues that have been identified to date. This set of code amendments may not be the last in line for the El Camino Real corridor. In the recent past the City Council has indicated a desire to develop additional policies or land use guidance documents for the El Camino Real at some point in the future.

**Options**

- 1) Adopt Ordinance

**Advantages:** Provides development standards intended to address many of the issues that have been raised in the recent past

**Disadvantages:** Ordinance may not be comprehensive enough to address the future of the El Camino Real corridor

- 2) Decline adoption of ordinance

**Advantages:** It may provide an opportunity for further direction on the regulations and guidance policies to achieve the desired level of change along the El Camino Real.

**Disadvantages:** Would not put in place regulations that address immediate concerns.

**Recommendation**

The staff recommends Option 1.

# DRAFT ORDINANCE

## ORDINANCE NO. 2017-436

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 14.50, CT COMMERCIAL THOROUGHFARE ZONE DISTRICT AND SECTION 14.66.240 F., HEIGHT LIMITATIONS - EXCEPTIONS, OF THE LOS ALTOS MUNICIPAL CODE

**WHEREAS**, in response to recent development within the CT, Commercial Thoroughfare, Zone District along the El Camino Real Corridor, the City Council directed staff to develop amendments to Chapter 14.50 of the Municipal Code in an effort to achieve development that is more in keeping with the area character, protects adjacent residential uses, and addresses land use issues unique to this special planning area; and

**WHEREAS**, staff has reviewed and evaluated Chapter 14.50 and Section 14.66.240 F. of the Municipal Code, including the Los Altos General Plan Land Use Element, to identify appropriate amendments that achieve City Council direction; and

**WHEREAS**, staff has drafted amendments to Chapter 14.50 and Section 14.66.240 F. of the Municipal Code to address setback requirements, access and screening of refuse collection, height limits, permitted uses, public and private open space requirements, service vehicle access and parking, roof top uses, and mechanical parking standards, among other modifications to the code; and

**WHEREAS**, on August 17, 2017 the Planning and Transportation Commission reviewed the proposed ordinance amendments and voted 4-2, to recommend that the City Council approve the amendments to Chapter 14.50 and Section 14.66.240 F. of the Municipal Code finding that the proposed amendments are in the best interest for the protection or promotion of public health, safety, comfort, convenience, prosperity, or welfare and is in conformance with the adopted general plan of the City; and

**WHEREAS**, the City Council, in consideration of the Planning and Transportation Commission, determines that the amendments to Chapter 14.50 and Section 14.66.240 F. of the Municipal Code will result in future projects that achieve development that is more in keeping with the character of the area, provide appropriate protection to adjacent residential uses, and address land use issues unique to El Camino Real Corridor; 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.

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

**SECTION 1. AMENDMENT OF CODE:** The following Sections of Title 14 (Zoning) of the Los Altos Municipal Code shall be revised per the following modifications that are reflected by strikethroughs indicating deletions and underlining indicating additions to read as follows:

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## 14.50.020 - Specific purposes (CT).

Specific purposes for CT Districts are as follows:

- A. To encourage a variety of residential developments, including affordable housing development.
- B. development.
- C. To promote the economic and commercial success of Los Altos;
- D. To encourage aggregation of parcels;
- E. To buffer the impacts of commercial and multi-family land uses on neighboring residential properties;
- F. residential properties;
- G. To emphasize a healthy proportion of retail uses as opposed to office and service uses;
- H. and
- I. To allow for mixed uses of commercial and residential.

## 14.50.030 - Permitted uses (CT).

The following uses shall be permitted in the CT District:

- A. Professional and office-administrative services;
- B. Restaurants, excluding drive-through facilities;
- C. Retail and personal services;
- D. Emergency shelters; and
- E. Uses which are determined by the city planner to be of the same general character.

## 14.50.040 - Conditional uses (CT).

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 CT District:

- A. Animal clinics, hospitals, and kennels;
- B. Business, professional, and trade schools;
- C. Cocktail lounges;
- D. Commercial recreation;
- E. Day care centers;
- F. Hotels and motels;
- G. Medical and dental clinics;
- H. Medical and dental offices that are five thousand (5,000) gross square feet or more;
- I. Mixed-use projects, including a combination of multiple-family dwelling units and nonresidential uses;
- J. Mortuaries;
- K. Multiple-family housing;
- L. Pet shops;
- M. Printing shops;
- N. Single-room occupancy housing;
- O. Upholstery shops; and
- P. Uses which are determined by the planning commission and the city council to be of the same general character.

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## 14.50.060 - Required conditions (CT).

The following conditions shall be required of all uses in the CT District:

C. No property owner, business owner, or tenant shall permit or allow activities ~~the~~ operation of a business, which violates the requirements of this chapter, including the following general criteria:

1. General screening standard. Every commercial or mixed use development shall provide sufficient screening to reasonably protect the privacy, safety, and environment of neighboring residential properties and shield them from adverse external effects of that development.

Walls up to twelve (12) feet in height shall be required for the purpose of attenuating noise, odor, air pollution, artificial light, mitigation for grade differential between properties, and providing privacy and safety.

2. Sites for Access and screening of refuse collection. Every development will be required to provide suitable space on-site for solid waste separation, collection, and storage, and pick up and shall provide sites for such that are located so as to site these in locations that facilitate access, collection, and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way.

## 14.50.100 - Side yards (CT).

~~No side yards shall be required, unless the property abuts an R district (excluding access corridors) in which case the following requirements shall apply:~~ Side yard width shall average seven feet six inches (7' 6") with a minimum setback of four feet (4') over the length of the wall of the structure at the side yard, except that on a corner lot, the width of the side yard adjoining the street shall average fifteen (15) feet with a minimum setback of four feet (4'). For a property that abuts an R district (excluding access corridors), the following requirements shall apply:

- A. When the side property line of the site is across a street or alley from property in an R District, in which instance the minimum width of that side yard shall be thirty (30) feet;
- B. When the side property line of the site abuts on property in an R District, in which instance the minimum width of that side yard shall be forty (40) feet for any portion of a structure thirty (30) feet or less in height and one hundred (100) feet for any portion of a structure over thirty (30) feet in height;
- C. A minimum twenty (20) foot landscape buffer of evergreen trees and shrubs to provide screening shall be provided, all of which shall be permanently maintained by the property owner. No below grade garage construction or excavation is permitted within this landscape buffer.

## 14.50.140 - Height of structures (CT).

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No commercial or multiple-family housing structure shall exceed ~~forty-five (45) feet~~ forty-seven (47) feet in height. No mixed use structure shall exceed forty-nine (49) feet in height. Commercial and mixed-use projects that include ground floor commercial floor area shall provide a ground floor with a minimum interior ceiling height of twelve (12) feet.

### 14.50.150 – Open space (CT).

All multiple-family residential projects, including mixed-use projects with multiple-family dwelling units, except duplexes, shall provide permanently maintained outdoor open space, subject to the following requirements.

- A. Although not required for each dwelling unit, an average of fifty (50) square feet of private open space shall be provided for the total number of dwelling units within a project.
- B. Any private open space provided shall be at the same level and immediately accessible from the unit it serves. The provision of private open space shall not reduce the common open space requirements of this section.
- C. Depending on the number of dwelling units in a multiple-family project, common open space shall be provided to meet the following criteria:
  - 1. Two (2) to ten (10) units: a minimum of eight hundred (800) square feet of common open space shall be provided.
  - 2. Eleven (11) to twenty-five (25) units: a minimum of one thousand six hundred (1,600) square feet of common open space shall be provided.
  - 3. Twenty-six (26) to fifty (50) units: a minimum of two thousand four hundred (2,400) square feet of common open space shall be provided.
  - 4. Fifty-one (51) or more units: a minimum of three thousand two hundred (3,200) square feet of common open space shall be provided.
- D. Common Open Space Areas:
  - 1. Shall be designed to be easily accessible and shall be available for passive and active outdoor recreational purposes for the enjoyment of all residents of the project;
  - 2. Shall be provided as continuous, usable site elements of sufficient size to be usable by residents that may be within the rear yard setback;
  - 3. Shall not include driveways, public or private streets, or utility easements where the ground surface cannot be used appropriately for open space.
  - 4. Common open space areas shall be surfaced with any practical combination of landscaping, paving, decking, concrete, or other serviceable material with no more than 50% of the area at grade level covered with a non-permeable surface.
- E. Required common open space shall be controlled and permanently maintained by the owner of the property or by a homeowners' association. Provisions for control and maintenance shall be included in any property covenants of common interest developments.

### 14.50.160 - Rooftop uses (CT).



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Rooftop activities or uses are permitted within the perimeter walls of a structure that meet all setback standards provided also that any such activities or uses are accessory to the principal use or uses of the development, and provided further, activities shall comply with the following performance standards:

- A. No use shall be established or activity conducted that violates the noise standards and limits identified in Chapter 6.16, Noise Control, of the Municipal Code
- B. No activity shall be conducted which causes ground vibrations perceptible at the property line.
- C. No lighting or illuminated device shall be operated so as to create glare which creates a hazard or nuisance on other properties.
- D. No use or activity shall be conducted without first obtaining any required permit from the county air pollution control district. Uses shall be conducted to prevent dust or other airborne material from crossing property lines.
- E. Solid wastes shall be handled and stored so as to prevent nuisances, health and fire hazards, and to facilitate recycling. Suitable containers shall be provided to prevent blowing or scattering of trash and screened by an enclosure. Suitable concealed space and containers shall be provided at the roof top to encourage the appropriate sorting and collection of discarded materials.
- F. No use may generate any odor that reasonably may be found objectionable as determined by an appropriate agency such as the Santa Clara County Health Department and the Bay Area Air Quality Management District beyond the boundary occupied by the enterprise generating the odor. All mechanical, venting, and/or exhausting equipment that generates odors shall be located away from residential properties.
- G. The use of conventional energy sources for space heating and cooling, water heating, and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure.
- H. These performance standards are general requirements and shall not be construed to prevent the council, boards or commission with review authority or staff from imposing, as part of project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.

14.50.450. 170 - Design control (CT).

All structures in the CT District shall be subject to the provisions of Chapter 14.78 of this title.

- A. No structure shall be built or altered including exterior changes in color, materials, and signage except as prescribed in Chapter 14.78 of this title.
- B. Scale: Because of the relationship of this district to a larger region, a mixture of scales may be appropriate with some elements scaled for appreciation from the street and moving automobile and others for appreciation by pedestrians.
- C. The proportions of building elements, especially those at ground level, should be kept close to human scale by using recesses, courtyards, entries, or outdoor spaces.
- D. The proportions of building elements at a commercial or residential interface shall be designed to limit bulk and to protect residential privacy (including but not limited to window placement), daylight and environmental quality.

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- E. Rooftop mechanical equipment must be within the height limit comply with Municipal Code Section 14.66.240 E. and screened architecturally from public view.
- F. Firewalls: Consideration should be given to the aesthetic treatment of firewalls including increased side yard setback, contouring the firewall to the building, use of noncombustible roofing materials, and creative use of architectural features in the firewall.

### 14.50.180 Mechanical parking (CT).

Mechanical parking lifts may be used to satisfy all or a portion of the vehicle parking requirements for the dwelling units or office uses. Parking required by accessibility regulations or for visitors, retail, restaurant, or service uses cannot be satisfied or provided in a mechanical parking system. The area of each mechanical parking space shall comply with the adopted parking stall dimensions of the City. All application submittals shall include any information deemed necessary by the Director to determine parking can adequately and feasibly be provided and that the following performance standards can be met:

- A. At ingress, sufficient queuing space shall be provided and shall have a length sufficient to accommodate the mechanical lift system, subject to the approval of the City Engineer. The access drive aisle may, if clear and free of other circulation conflicts, may be included as queuing space.
- B. Queuing space shall be located entirely on the project site.
- C. Mechanical lift parking systems will be adequately screened and compatible with the character of surrounding development; and, be compatible and appropriately considered with overall building and site design.
- D. Mechanical lift parking systems shall comply with all development standards including but not limited to height and setback requirements, and adopted parking and driveway standards.
- E. Mechanical lift parking systems shall include a back-up electric power source so that the system remains operational during power outages of the electrical supply system.
- F. There shall be adequate agreement(s) running with the land that mechanical parking system will be safely funded, operated, and maintained in continual operation with the exception of limited periods of maintenance.

### 14.50.190 Loading space (CT).

In order to accommodate the delivery or shipping of goods at a multiple-family residential project, an on-site loading / unloading space shall be provided:

- A. There shall be at least one loading/unloading space provided, which shall have minimum dimensions of at least 10 feet by 25 feet, with 14 feet of vertical clearance;
- B. Loading and unloading spaces shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of- way without interfering with the orderly movement of traffic and pedestrians on any public way and complete the loading and unloading operations without obstructing or interfering with any parking space or parking lot aisle;

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- C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any of off-street parking area be used to satisfy the area requirements for loading and unloading facilities;
- D. A loading/unloading space may be located in the front yard setback, but shall comply with other required setbacks;
- F. All loading spaces shall be designed and maintained so that vehicles do not back in from, or onto, a public street;
- G. Loading spaces shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.
- H. Adequate signage shall be provided that directs delivery vehicles to the loading space.

14.50.460 ~~200~~ - Signs (CT).

As provided in Chapter 14.68 of this code.

14.50.470 ~~210~~ - Fences (CT).

As provided in Chapter 14.72 of this title.

14.50.480 ~~220~~ - Nonconforming use regulations (CT).

As provided in Chapter 14.66 of this title.

14.66.240 Height limitations—Exceptions.

F. An enclosed penthouse or roof structure, housing an elevator or stairwell that provides access to a roof top, or a tower may exceed the allowed height limit by no more than the minimum necessary to accommodate mechanical and structural elements required for the enclosure twelve feet (12') and shall be integrated into the **exterior** architectural style of the building provided such structure shall not exceed the minimum size required by Title 12 of the Municipal Code (Buildings and Construction). However, none of these structures shall be allowed for the purpose of providing additional usable floor space for dwellings, commercial space, or storage of any type.

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

**SECTION 4. 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 \_\_\_\_\_, 2017 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2017 passed and adopted by the following vote:

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AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Mary Prochnow, MAYOR

Attest:

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Jon Maginot, CMC, CITY CLERK