



**PUBLIC HEARING**

**Agenda Item # 8**

**AGENDA REPORT SUMMARY**

**Meeting Date:** August, 22, 2017

**Subject:** Ordinance No. 2017-433: Larkellen Lane Single-Story Overlay District

**Prepared by:** Zachary Dahl, Planning Services Manager – Current Planning

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

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

**Attachments:**

1. Ordinance No. 2017-433
2. Planning and Transportation Commission Meeting Minutes, July 20, 2017
3. Planning and Transportation Commission Agenda Report, July 20, 2017

**Initiated by:**

Citizen

**Previous Council Consideration:**

February 28, 2017

**Fiscal Impact:**

None

**Environmental Review:**

Ordinances are 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 for Council Consideration:**

- Is the establishment of a one-story overlay zone district in this neighborhood consistent with the City's General Plan and in the best public interest?

**Summary:**

- A new one-story overlay zone district is proposed for 47 properties in the neighborhood surrounding Larkellen Lane
- A mail-in election resulted in 84 percent of the property owners who submitted ballots voting in support of establishing the one-story overlay zone district
- On July 20, 2017, the Planning and Transportation Commission held a public hearing and voted unanimously to recommend amending the Zoning Code and establish the one-story overlay district

**Staff Recommendation:**

Move to introduce and waive further reading of Ordinance No. 2017-433 adding Section 14.88.710 to Title 14 of the Municipal Code adopting the Single-Story Overlay (R1-S) District regulations



**Subject:** Ordinance No. 2017-433: Larkellen Lane Single-Story Overlay District

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### **Purpose**

This is a rezoning application to establish a new single-story overlay (R1-S) district that includes 47 properties on Larkellen Lane, the west side of Ravenswood Drive between Fallen Leaf Lane and Havenhurst Drive, the north side of Havenhurst Drive between Ravenswood Drive and Fallen Leaf Lane, and Fallen Leaf Lane between Havenhurst Drive and Ravenswood Drive. The overlay would limit houses in the district to one-story, excluding basements, and a maximum height of 20 feet.

### **Background**

In 2016, a rezoning application, which included a petition with signatures from a majority of the property owners, was submitted to establish a single-story overlay district on the properties in the Larkellen Lane Neighborhood. On February 28, 2017, the City Council reviewed and approved the boundaries of the proposed overlay district. On April 14, 2017, staff initiated the election process by sending mail-in ballots to all 47 property owners. The election process concluded on May 12, 2017, with staff receiving 34 valid ballots. Of those ballots that were cast, 84 percent voted in support of establishing the single-story overlay district.

On July 20, 2017, the Planning and Transportation Commission held a public hearing to consider the proposed rezoning. Following public comment and discussion, the Commission voted unanimously to recommend approval of the rezoning to the City Council. The meeting minutes and agenda report are attached for reference.

### **Discussion/Analysis**

Based on the election results, establishing a single-story overlay (R1-S) district is in the best interest of the City for the protection of public welfare since a large majority of the property owners within the proposed district support maintaining the single-story character of the neighborhood. The single-story overlay district is also consistent with the Single-family, Residential General Plan land use designation and R1-10 District zoning regulations. Therefore, the proposed rezoning meets all applicable findings and establishment of the single-story overlay district is recommended.

### **Options**

- 1) Introduce and waive further reading of the ordinance to establish the Larkellen Lane Single-Story Overlay District.

**Advantages:** The overlay will recognize the neighborhood's desire to maintain the one-story character of the area and will promote new homes and additions that are compatible with the existing context of the surrounding neighborhood.

**Disadvantages:** Development of new two-story homes and one-story homes that exceed 20-feet in height will be prohibited in this neighborhood.



**Subject:** Ordinance No. 2017-433: Larkellen Lane Single-Story Overlay District

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2) Deny the ordinance to establish the Larkellen Lane Single-Story Overlay District.

**Advantages:** Development of new two-story homes and one-story homes that exceed 20-feet in height will continue to be allowed in this neighborhood.

**Disadvantages:** The denial would be inconsistent with the single-story overlay election results and the neighborhood's desire to maintain the one-story character of the area.

**Recommendation**

The staff recommends Option 1.

**ORDINANCE NO. 2017-433**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AMENDING TITLE 14 ZONING OF THE LOS ALTOS MUNICIPAL CODE  
PERTAINING TO THE ESTABLISHMENT OF A NEW SINGLE-STORY  
OVERLAY DISTRICT**

**WHEREAS**, a citizen initiated a rezoning application (16-Z-02) to amend Title 14 of the Los Altos Municipal Code pertaining to the establishment of a new single-story overlay (R1-S) district that included 47 properties on Larkellen Lane, the west side of Ravenswood Drive between Fallen Leaf Lane and Havenhurst Drive, the north side of Havenhurst Drive between Ravenswood Drive and Fallen Leaf Lane, and Fallen Leaf Lane between Havenhurst Drive and Ravenswood Drive; and

**WHEREAS**, the single-story overlay district in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because it protects the one-story character of the neighborhood and 84 percent of the property owners who submitted ballots voted in support of establishing the one-story overlay zone district; and

**WHEREAS**, the single-story overlay district is in conformance with the City of Los Altos General Plan because it supports the neighborhood's desire to maintain the one-story character of the area and promotes architectural design of new homes and additions that are compatible with the context of the surrounding neighborhood; and

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

**WHEREAS**, the rezoning application was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, the Planning and Transportation Commission held a duly noticed public hearing on the rezoning application on July 20, 2017; and

**WHEREAS**, the City Council held a duly noticed public hearing on the rezoning application August 22, 2017; 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.

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

**SECTION 1. AMENDMENT OF CODE:** Section 14.88.710 entitled “Zoning map amended” is hereby added to Chapter 14.88 of Title 14 of the Los Altos Municipal Code to read as follows:

**14.88.710. Zoning map amended.**

Those properties located in the Larkellen Lane Neighborhood, as delineated on Rezoning Map No. 16-Z-02, attached hereto and incorporated herein by reference, are hereby included within the R1-S Overlay District.

The Zoning Map is amended in accordance with provisions of this Section and the district boundaries are so designated.

**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 August 22, 2017 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2017 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Mary Prochnow, MAYOR

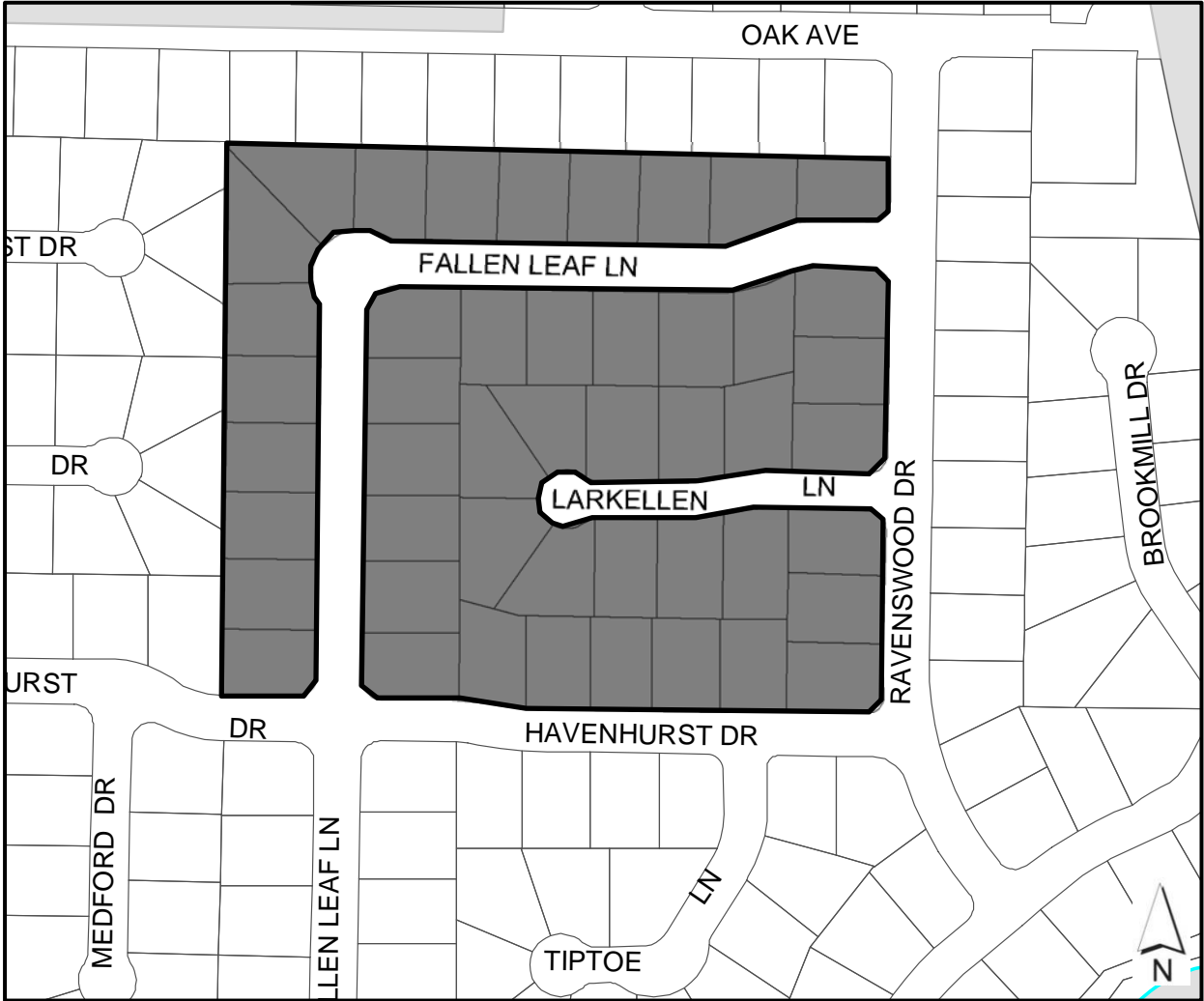
Attest:

\_\_\_\_\_  
Jon Maginot, CMC, CITY CLERK

**Exhibit to Ordinance No. 2017-433**

**Rezoning Map No. 16-Z-02**

Single-Story Overlay District (R1-S) – Larkellen Lane Neighborhood



**MINUTES OF A REGULAR MEETING OF THE PLANNING AND  
TRANSPORTATION COMMISSION OF THE CITY OF LOS ALTOS, HELD ON  
THURSDAY, JULY 20, 2017 BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL,  
ONE NORTH SAN ANTONIO ROAD, LOS ALTOS,  
CALIFORNIA**

**ESTABLISH QUORUM**

PRESENT: Chair Meadows, Vice-Chair Bressack, Commissioners Bodner, Enander, McTighe,  
and Samek

ABSENT: Commissioner Oreizy

STAFF: Community Development Director Biggs, Advance Planning Services Manager  
Kornfield, and Associate Planners Davis and Gallegos

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Bicycle and Pedestrian Advisory Commission (BPAC) representative Randy Kriegh made himself available to answer questions.

**INFORMATIONAL ITEM**

**Foothill Expressway Update**

Foothill Expressway Improvements from El Monte to San Antonio—Status Update

Public Works Director, Susanna Chan provided an update on this joint project with the County, clarified the City's support role, showed the conceptual designs for the project and reported on presentations to City residents and the Bicycle and Pedestrian Advisory Commission (BPAC).

**Public Comment**

Resident Walter Chapman stated that residents are concerned about lane expansion on El Monte Avenue and lane reductions to maintain traffic calming.

Resident Bill Lonegan stated that pedestrian and bicycle safety needs to be maintained, that the street is calmer now because of the former street improvements, and cut-through traffic should be avoided.

Resident Jaya Kemett asked that traffic not be increased on Cuesta and El Monte intersection and suggested a traffic study be conducted.

**ITEMS FOR CONSIDERATION/ACTION**

**CONSENT CALENDAR**

**1. Planning and Transportation Commission Minutes**

Approve the Revised minutes of the June 1, 2017 Regular Meeting.

**Action:** Upon motion by Vice-Chair Bressack, seconded by Commissioner Enander, the Commission approved the revised minutes of the June 15, 2017 Regular Meeting provided by staff. The motion was approved by the following vote: AYES: Bressack, Bodner, Enander Meadows, and Samek; NOES: None; ABSTAIN: McTighe; ABSENT: Oreizy. (5-0-1)

## PUBLIC HEARING

### 2. **16-Z-02 – D. Marsh – Larkellen Lane Neighborhood R1-S Overlay Zone**

Single-story overlay zoning district consideration for properties located on Larkellen Lane and portions of Fallen Leaf Lane, Ravenswood Drive and Havenhurst Drive. *Project Planner: Davis*

Associate Planner Davis presented the staff report recommending approval of the R1-S Overlay Zone for which 84 percent of the ballots cast were in favor.

Applicant David Marsh made himself available to answer questions.

#### Public Comment

None.

Action: Upon motion by Commissioner Enander, seconded by Vice-Chair Bressack, the Commission recommended approval to the City Council of Rezoning Application 16-Z-02 for consideration of a Single-story overlay zoning district for properties located on Larkellen Lane and portions of Fallen Leaf Lane, Ravenswood Drive and Havenhurst Drive. The motion was approved by the following vote: AYES: Bressack, Bodner, Enander, McTighe, Meadows, and Samek; NOES: None; ABSTAIN: None; ABSENT: Oreizy. (6-0)

### 3. **15-D-04, 15-UP-01 and 15-SD-02 – R. Haro – 962 Acacia Avenue**

Design Review, Use Permit and Tentative Subdivision Map for a mixed-use multi-family/commercial building with two multi-family residential condominiums and a 600 square-foot retail space with at-grade parking. *Project Planner: Gallegos*

Associate Planner Gallegos presented the staff report recommending denial of the project based on concerns of conformance with the Sherwood Gateway Specific Plan and General Plan.

Project architect Richard Haro summarized the challenges they faced with the small, narrow lot and that he provided multiple design proposals over a four-year period.

Property owner Barry Nelson stated that they had made numerous revisions to the project in response to staff recommendations. Now they are back to their original design.

Property owner Melita Sawyer noted her efforts to partner with adjoining or nearby property owners.

#### Public Comment

None.

Action: Upon motion by Commissioner McTighe, with a friendly amendment by Vice-Chair Bressack, and a second by Commissioner Bodner, the Commission recommended approval to the City Council of Design Review, Use Permit and Tentative Subdivision Map applications 15-D-04, 15-UP-01 and 15-SD-02 for a mixed-use multi-family/commercial building with two multi-family residential condominiums and a 600 square-foot retail space with at-grade parking with the following direction:

- Improve the front façade of the commercial space;
- Look to improve landscaping (taller and more); and
- Provide appropriate signage concepts.

The motion was approved by the following vote: AYES: Bressack, Bodner, Enander, McTighe, Meadows, and Samek; NOES: None; ABSTAIN: None; ABSENT: Oreizy. (6-0)



4. **16-DL-01, 16-V-01 and 16-H-01 – M. Hodges – 160 W. Portola Avenue**

Consideration of a Tentative Map to subdivide the property into two lots, a Historic Review to modify the main structure and garage and relocate the water tower, which are designated Historic Resources, and a Variance to allow the existing main house to encroach into the daylight plane and the water tower to exceed the accessory structure height limit of 12 feet. The subdivision would create an approximately 10,000-square-foot lot and an approximately 33,617-square-foot lot with the historic structures located on lot No. 2. *Project Planner: Gallegos*

Associate Planner Gallegos presented the staff report recommending approval to the City Council of division of land, variance and historic review applications 16-DL-01, 16-V-01 and 16-H-01 subject to the staff report findings and conditions.

Project architect/applicant Malika Junaid gave a project overview and stated that the water tower was used as a dwelling in the past.

Property owner Mike Hodges stated he has been at the property for 14 years, but 60 years in Los Altos and that the City of Los Altos had applied the Historic Resource Inventory (HRI) status.

Public Comment

Resident Randy Kriegh gave his support for the subdivision, noted his concerns with the relocation of the water tower; suggested greater setbacks to the water tower; and said that any expansion of the water tower should go through a public review process.

Action: Upon motion by Commissioner McTighe, seconded by Commissioner Bodner, the Commission recommended approval to the City Council of division of land, variance and historic review applications 16-DL-01, 16-V-01 and 16-H-01 subject to the staff report findings and conditions, with the following additional condition:

- Provide a 25-foot side yard setback for the tank house.

The motion was approved by the following vote: AYES: Bressack, Bodner, Enander, McTighe, Meadows, and Samek; NOES: None; ABSTAIN: None; ABSENT: Oreizy. (6-0)

Project architect/applicant Malika Junaid said she would provide a 25-foot setback to Mr. Kriegh's property (to water tower).

5. **16-D-01 – LOLA, LLC – 4880 El Camino Real**

Elevator Tower Height Waiver: Recommendation to adopt Resolution No. 2017-14 allowing a development waiver for 4880 El Camino Real to allow the elevator height to be 15.5 feet above the roof, but subject to keeping the overall height of the building at 69 feet. *Project Manager: Kornfield*

Advance Planning Services Manager Kornfield presented the staff report recommending to the City Council a Resolution modifying the design approval and grant a waiver to allow the elevator tower 16 feet, eight inches above the approved structural roof deck height (15.5 feet above the roof finish).

Property owner Jeff Taylor provided a summary of the exceptions he is asking for, said that the four-story plan showed a 15-foot elevator shaft, and that he cannot lower the cab to eight feet because it would be too low to accommodate furniture.

Project architect Brett Bailey explained the technical issues related to the elevator equipment and need for extra height.

### Public Comment

Los Altos Square resident Fred Haubensak stated that there is a petition circulating against the height increase, there was an error in the design made by the applicant, and that the rooftop deck is not mandatory.

Resident Roberta Phillips stated her opposition to a height increase and noted that it is not necessary, the building is already too tall now and takes advantage of the exceptions already granted.

Resident Emily Walther stated the elevator issue is a concern, it's height is an issue and the applicant is asking to go four and half feet taller than the already granted 69-foot maximum height.

Project attorney David Blackwell stated the project has already received three waivers for overall height, elevator height, and rooftop structure area and the City cannot now take away the waivers, but could amend the degree of the waiver.

The Commission discussed the project and offered the following comments:

- Commissioner Enander:
  - Project is exhausting administrative remedies; and
  - Should move project forward without a recommendation to the City Council or deny.
- Commissioner Samek:
  - Would have appreciated alternatives to minimize;
  - There should be a give and take; and
  - Approach to demand additional height without compromise is not in spirit; and
  - Not convinced density bonus regulations require that this waiver be granted, and did not want to set a precedent.
- Commissioner Bodner:
  - Applicant's request is "tone deaf" – does not recognize the concerns of neighbors and impacts the City is enduring now;
  - Height is an issue in the community; and
  - Wants an independent elevator consultant to look at other possibilities.
- Vice-Chair Bressack:
  - Project is the straw that broke the camel's back;
  - Hydraulics do not work at this height; and
  - Agreed that the elevator will not be obtrusive, but on principle should compromise on proposed height.
- Commissioner McTighe:
  - Appreciates the taller elevator desired, but it's really a City Council issue.
- Chair Meadows:
  - Waste of everyone's time to argue about elevator heights;
  - Only elevator getting taller; and
  - Attitudes aside, it is not constructive to limit elevator towers to unrealistic heights.

Action: Upon motion by Commissioner Enander, seconded by Commissioner McTighe, the Commission forwarded the project to the City Council without a formal recommendation, but to forward each Commissioner's comments to the City Council. The motion was approved by the

following vote: AYES: Bressack, Bodner, Enander, McTighe, Meadows and Samek; NOES: None; ABSTAIN: None; ABSENT: Oreizy. (6-0)

### **COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner McTighe reported on the July 11, 2017 City Council meeting in which the City Council said an applicant could move forward and submit a public parking plaza redesign plan.

### **POTENTIAL FUTURE AGENDA ITEMS**

The Commission wanted to put the Sherwood Gateway Specific Plan and R1-S Single-Story Overlay voting process on a future agenda. Staff noted this would be a good topic to bring up at the Planning and Transportation Commission's joint meeting with City Council.

### **ADJOURNMENT**

Chair Meadows adjourned the meeting at 10:55 P.M.

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Jon Biggs  
Community Development Director



DATE: July 20, 2017

AGENDA ITEM # 2

**TO:** Planning and Transportation Commission  
**FROM:** Sierra Davis, Associate Planner  
**SUBJECT:** 16-Z-02 – Larkellen Lane, Single-Story Overlay Zone

### **RECOMMENDATION:**

Recommend approval of zoning application 16-Z-02 to the City Council for the Larkellen Single-Story R1-S Overlay District subject to the listed findings.

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### **PROJECT DESCRIPTION**

This is a rezoning application to apply the R1-S single-story overlay district. The proposed district is a uniform area of 47 properties on Larkellen Lane, the west side of Ravenswood Drive between Fallen Leaf Lane and Havenhurst Drive, the north side of Havenhurst Drive between Ravenswood Drive and Fallen Leaf Lane, and Fallen Leaf Lane between Havenhurst Drive and Ravenswood Drive. The proposed overlay district contains all single-story houses. One new single-story house is currently under review in the building department.

### **BACKGROUND**

Following the initial approval of the neighborhood boundary determination by City Council, staff initiates a ballot process to determine if at least two-thirds of the property owners support the rezoning. If 66 2/3 percent of the property owners' support is obtained with the ballot process, then the application is scheduled for a public hearing before the Planning and Transportation Commission and City Council in accordance with state law. If the ballot result is less than two-thirds support, then the application fails to qualify for rezoning. Each recorded property owner receives one vote.

The roll of the Planning and Transportation Commission is to consider the proposed zoning change and to take public input. According to the adopted ballot procedures, "persons wishing to change their vote, or otherwise dispute a ballot or signature, may raise the issue with the Planning and Transportation Commission and/or City Council if the matter is considered at public hearings." Ultimately, it is the Planning and Transportation Commission and City Council's role to decide on the appropriateness of a change in the zoning.

At its meeting of February 28, 2017 the City Council approved the boundaries of the proposed Larkellen Lane Single-Story R1-S District. Following the City Council's determination, staff administrated the mail-in voting process for only those properties within the proposed single-story neighborhood.

## **DISCUSSION**

### **Ballots and Standards**

Staff initiated the mail-in ballot process on April 14, 2017 with the process concluding on May 12, 2017. Staff determined that the ballot passed with 84 percent support. Staff received 34 valid votes of which 28.5 supported the rezoning.

The purpose of the R1-S district is to modify the height and number of stories permitted in a neighborhood to preserve and maintain single-family neighborhoods of predominantly single-story character. The Planning and Transportation Commission must find that the application of the R1-S district is in the best interest for the protection of or promotion of the public health, safety, comfort, convenience, prosperity, or welfare and that the application conforms to the City's General Plan.

Staff finds that the R1-S district is in the best interest for the protection of public welfare since a majority of the property owners within the proposed district support the single-story height limit and that the height limit will promote the neighborhood's single-story character. The City Council previously found that the proposed R1-S district met the guidelines for boundary, size, and character.

### **General Plan Conformance**

The R1-S district zoning regulation is an overlay zone consistent with the Single-family, Residential General Plan land use designation and R1-10 (Single-family, Residential) underlying zoning regulations. Thus, the proposed rezoning conforms to the City's General Plan.

### **Environmental Review**

A general rule of the California Environmental Quality Act (CEQA) is that it applies only to those projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that an action may have a significant effect on the environment, it is not subject to CEQA [Section 15061(b)(3), CEQA Guidelines]. Staff reviewed the proposed overlay zone and determined that there is no potential for environmental impacts from limiting homes to a one-story height. Therefore, the proposed action is not subject to CEQA review.

## **ALTERNATIVES**

The Planning and Transportation Commission's action is required on any rezoning application. Procedurally, the Planning Commission may recommend approval to the City Council, continue its review, or deny the rezoning application based on the required findings. If the application is denied, then it may only be considered by the City Council upon appeal.

Attachments:

- A. Ballot Results Certification
- B. Boundary Map

## FINDINGS

### 16-Z-02 – Single-Story R1-S Overlay District, Larkellen Lane

With regard to rezoning application 16-Z-02 to the R1-S District, the following findings are made pursuant to Section 14.86.060 of the Los Altos Municipal Code:

1. That the application of the R1-S District regulations are in the best public interest for the promotion of the public health, health, safety, comfort, convenience, prosperity or welfare; and
2. That the application of the R1-S District regulations conforms to the General Plan; and
3. That it can be seen with certainty that the proposed R1-S overlay zone will not have a significant effect on the environment.



# ATTACHMENT A



Community Development Department  
1 North San Antonio Road  
Los Altos, California 94022-3087

## OFFICIAL RESULTS

LARKELLEN LANE SINGLE-STORY (R1-S)  
OVERLAY ZONE BALLOT  
Application 16-Z-02

Following are the official results of the balloting to determine whether there is at least 66  $\frac{2}{3}$ % property owner support for a single-story overlay (R1-S) zoning application in the Larkellen Lane neighborhood.

The votes were tabulated by Zach Dahl, Planning Services Manager and Sierra Davis, Associate Planner on Wednesday, May 17, 2107. The results of the balloting are as follows:

Total Number of Properties within the Neighborhood that voted: 34  
Total Number of YES Votes: 28.5

Percentage of YES Votes: **84.0%**

The proposed R1-S Overlay Zone application meets the 66  $\frac{2}{3}$ % minimum property owner support to proceed to public hearings before the Planning Commission and City Council.

Certified By: Sierra Davis  
Sierra Davis, Associate Planner

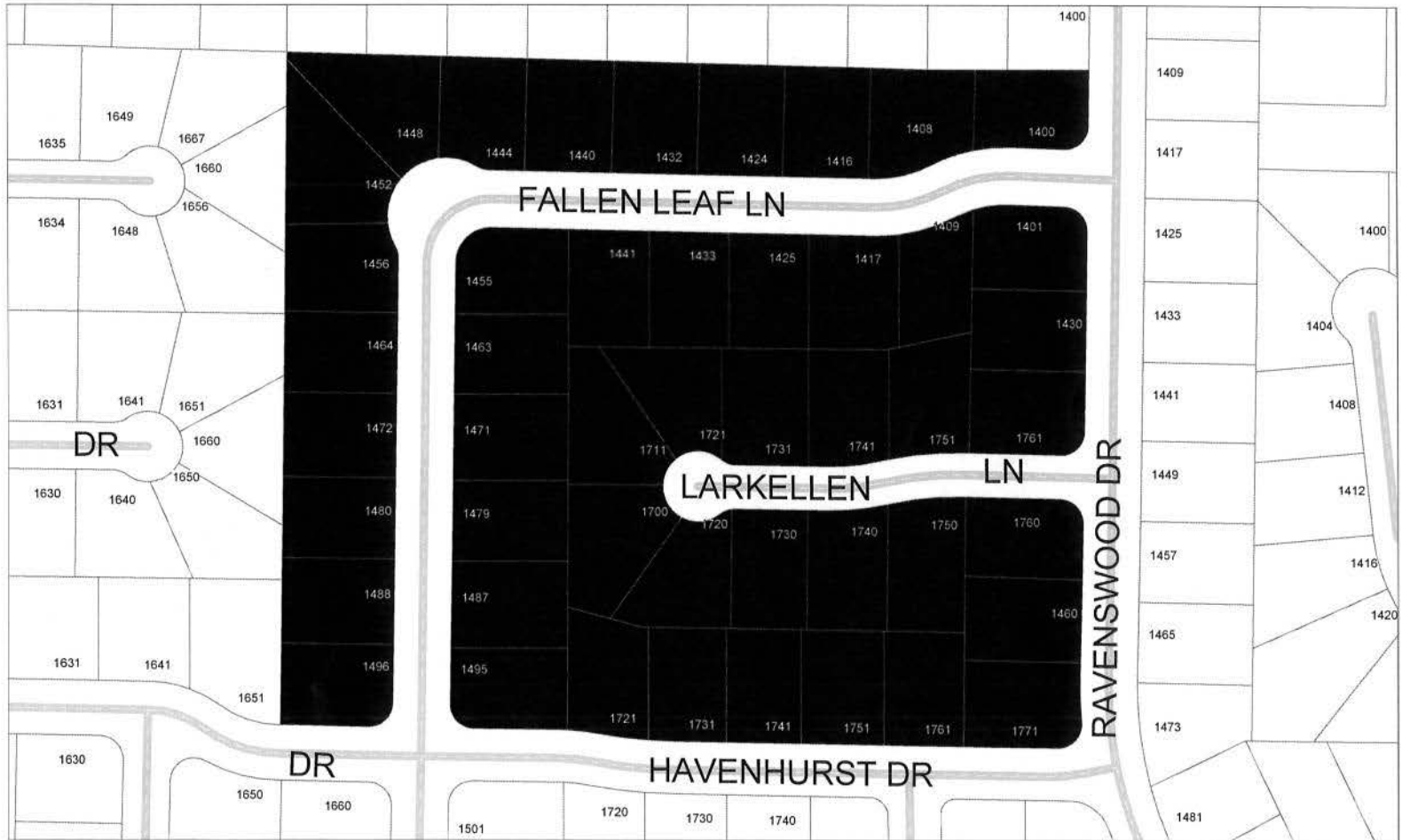
Date: May 17, 2017



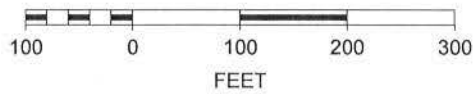


# Larkellen Lane Neighborhood Overlay Map

## ATTACHMENT B



SCALE 1 : 2,153



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