



DISCUSSION ITEMS

Agenda Item # 10

AGENDA REPORT SUMMARY

Meeting Date: June 26, 2018

Subject: Ordinance No. 2018-447: Accessory Structures

Prepared by: Zachary Dahl, Planning Services Manager

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Ordinance No. 2018-447
2. Planning Commission Meeting Minutes, May 3, 2018
3. Planning Commission Agenda Report, May 3, 2018

Initiated by:

City Council

Previous Council Consideration:

February 27, 2018 and March 13, 2018

Fiscal Impact:

None

Environmental Review:

This Code amendment 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, because significant impacts to the environment are not anticipated.

Policy Questions for Council Consideration:

- Should the Accessory Structure Ordinance be amended to limit the overall size of an accessory structure to 800 square feet and should basements under an accessory structure count toward that 800 square-foot limit?
- Are the amendments in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City?

Summary:

- The amendments would limit the overall size of an accessory structure to 800 square feet and count basements under an accessory structure toward the 800 square-foot size limit.

Staff Recommendation:

Move to introduce and waive further reading of Ordinance No. 2018-447 to amend Title 14 of the Los Altos Municipal Code pertaining to an 800 square-foot size limit for accessory structures in residential districts



Subject: Ordinance No. 2018-447: Accessory Structures

Purpose

The purpose of the proposed amendment is to limit the overall size of detached accessory structures located in residential zone districts.

Background

On February 27, 2018 the City Council held a public hearing and voted to introduce and waive further reading of amendments to the City's accessory structure regulations (Ordinance No. 2018-440). On March 13, 2018, the City Council adopted Ordinance No. 2018-438. As part of their action to adopt the ordinance, the Council requested that the Planning Commission rereview the accessory structure requirements related to minimum setbacks, how basement areas are counted and if there should be an overall maximum size limit.

On May 3, 2018, the Planning Commission held a public hearing to review three elements of the recently adopted accessory structure ordinance and consider the following questions:

1. Should the minimum setback for accessory structures located in a rear yard setback be increased to 10 feet?
2. Should basements under an accessory structure count toward the 800 square-foot size limit?
3. Should there be an 800 square-foot size limit for accessory structures that are located within the main building envelope?

Following public comment and commissioner discussion, the Planning Commission voted to make the following recommendations:

- The five-foot minimum setback for accessory structures in a rear yard should be maintained;
- The Zoning Code should be amended to count basements towards the maximum allowed floor area for an accessory structure; and
- The Zoning Code should be amended to limit detached accessory structures within a main building envelope to a maximum size of 800 square feet.

The Planning Commission meeting minutes and agenda report from the May 3, 2018 meeting are included as Attachments 2 and 3.

Discussion/Analysis

Currently, an accessory structure is only limited to 800 square feet in size when located (partially or entirely) within a rear yard setback area. An accessory structure that is located within the main building envelope, meeting all required setbacks for the Zone district, could exceed 800 square feet in size if the applicable floor area ratio (FAR) limit for the lot permitted it. In addition, the Code exempts below-grade basements from counting toward a structure's size limit.



Subject: Ordinance No. 2018-447: Accessory Structures

Based on the recommendations from the Planning Commission, an amendment to the City's Accessory Structure Ordinance (Zoning Code Chapter 14.15) is proposed for City Council consideration. The amendments would limit the overall size of a detached accessory structure to 800 square feet and require that any basement area under an accessory structure be counted toward that 800 square-foot limit. Ordinance No. 2018-447, which contains the proposed amendment language and required findings, is included as Attachment 1.

Overall, the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City, and are in conformance with the City of Los Altos General Plan because the size limit will ensure that accessory structures are incidental and subordinate to the primary single-family dwelling on the site and minimize the appearance of excessive bulk and mass.

Options

- 1) Introduce and waive further reading of Ordinance No. 2018-447

Advantages: The City's accessory structure regulations will be clarified and updated to ensure the structures are not excessive in size and height, and have an appropriate relationship to adjacent properties

Disadvantages: Accessory structures over 800 square feet would be prohibited and the size of basements under an accessory structure could be limited

- 2) Decline to introduce and waive further reading of Ordinance No. 2018-447

Advantages: The City's existing accessory structure regulations will be maintained

Disadvantages: Accessory structures that exceed 800 square feet could be constructed

Recommendation

The staff recommends Option 1.

ORDINANCE NO. 2018-447

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS
ALTOS AMENDING ZONING CODE CHAPTER 14.15 (ACCESSORY
STRUCTURES IN R DISTRICTS) PERTAINING TO OVERALL
STRUCTURE SIZE LIMITS**

WHEREAS, the City of Los Altos initiated an application (18-CA-01) to amend Title 14 of the Los Altos Municipal Code pertaining to the site standards for accessory structures in residential zoning districts, referred herein as the “CA”; and

WHEREAS, the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because they ensure that accessory structures are incidental and subordinate to the primary structure and/or use on a site; and

WHEREAS, the amendments are in conformance with the City of Los Altos General Plan because the size limit will ensure that the appearance of bulk for new accessory structures is minimized; and

WHEREAS, required public notices and public hearings were duly given and duly held in accordance with the applicable provisions of the California Government Code and Chapter 14.86 of the Los Altos Municipal Code; 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 Planning Commission held a duly noticed public hearing on the CA on May 3, 2018, at which it recommended adoption of the CA; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on June 26, 2018; 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, because significant impacts to the environment are not anticipated.

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

SECTION 1. AMENDMENT OF CODE: Section 14.15.020 in Chapter 14.15 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

14.15.020 - Size, Height and Placement

- A. Accessory structures may not be located in a required front yard setback area, with the exception of a single arbor-style entry element as provided in Chapter 14.72.
- B. Accessory structures may be located on other areas of a property as outlined in Table 1:

Table 1			
Location	Maximum Size	Max. Height	Minimum Setback
Required side yard setback area (interior and exterior)	120 square feet	6 feet	None
Required rear yard setback area	800 square feet	12 feet	0 feet when under 6 feet in height
			5 feet when between 6-12 feet in height
			2.5 feet for an eave overhang, or similar projection, when over 6 feet in height
Main structure's building envelope (meets all required setbacks)	No size limit 800 square feet	12 feet	Not Applicable

1. When an accessory structure is located in a side yard setback area, it shall be screened from off-site view with solid fencing which is not lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this title.
2. When an accessory structure is located in the main structure's building envelope, the height limit may be extended up to eighteen (18) feet if the additional height is necessary to establish architectural compatibility with the main structure.
3. When a basement is located under an enclosed accessory structure, the floor area of that basement shall count toward the maximum size limit specified in Table 1.

SECTION 6. 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 7. CEQA. This ordinance is not subject to review under the California Environmental Quality Act (Public Resources Code §§21000, *et seq.*, as further governed by the Guidelines for CEQA, 14 CCR §§15000, *et seq.*) because the ordinance has no potential

for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, per 14 CCR §15378. The ordinance amends Los Altos Municipal Code provisions pertaining to the size of accessory structures on a residential property. It does not commit the City of Los Altos or any other party to any direct course of action, other than to review applications for compliance with the amended site standards as described herein, and will not result in any physical changes in and of itself. Moreover, to the extent the ordinance were determined to be subject to CEQA, it would be exempt from further review pursuant to the ‘common sense’ exemption (14 CCR §15061(b)(3)), as it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment.

SECTION 8. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 9. 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 June 26, 2018 and was thereafter, at a regular meeting held on _____, 2018 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE
CITY OF LOS ALTOS, HELD ON THURSDAY, MAY 3, 2018 BEGINNING AT 7:00 P.M.
AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD,
LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Chair Bressack, and Commissioners Bodner, Enander, McTighe, and Meadows

ABSENT: Vice Chair Samek

STAFF: Community Development Director Biggs, Planning Services Manager Dahl and Senior Planner Golden

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Residents John and Nancy Seeman spoke regarding concerns over the recent installation of antennas on existing utility poles in the City of Los Altos by AT&T and Verizon.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

1. 18-UP-02 – D. Berman, M.D., BSI – 4300 El Camino Real

Conditional use permit for a 6,200 square-foot medical office use in an existing office building.
Project Manager: Dahl

Action: Upon motion by Commissioner Bodner, seconded by Commissioner McTighe, the Commission approved the Consent Calendar. The motion was approved (5-0-1) by the following vote:

AYES: Bressack, Bodner, Enander, McTighe, and Meadows

NOES: None

ABSTAIN: Lee

ABSENT: Samek

PUBLIC HEARING

2. 18-CA-02 – Accessory Structure Regulations

Zoning Code amendments to update the City's regulations for accessory structures in R Residential zone districts. *Project Manager: Dahl*

Planning Services Manager Dahl presented the staff report, noting that the City Council was seeking recommendations on amendments to the City's accessory structure regulations.

Public Comment

Resident Cheryl Reiker noted that since accessory structures could be converted into accessory dwelling units, the minimum setback for the structure and eaves should be increased, and that basement floor area should count toward the size limit for the accessory structures.

Resident and League of Woman Voters representative Sue Russell expressed support for counting basement floor area toward the size limit for the accessory structures.

The Commission discussed the three potential amendments per the City Council's direction, with a majority expressing support for basements under an accessory structure counting toward the 800 square-foot size limit, and establishing an 800 square-foot size limit for accessory structures that are located within the main building envelop; however, a majority did not support increasing the minimum setback for accessory structures located in a rear yard setback.

Action: Upon motion by Commissioner Bodner, seconded by Commissioner Meadows, the Commission recommended to the City Council that the five-foot minimum setback for accessory structures be maintained. The motion was approved (5-1) by the following vote:

AYES: Bressack, Bodner, Lee, McTighe, and Meadows

NOES: Enander

ABSENT: Samek

Action: Upon motion by Commissioner Meadows, seconded by Commissioner Bodner, the Commission recommended to the City Council approval of an amendment to the Zoning Code to count basements towards the maximum allowed floor area for accessory structures. The motion was approved (5-1) by the following vote:

AYES: Bressack, Bodner, Enander, McTighe, and Meadows

NOES: Lee

ABSENT: Samek

Action: Upon motion by Commissioner McTighe, seconded by Commissioner Meadows, the Commission recommended to the City Council approval of an amendment to the Zoning Code to limit detached accessory structures to a maximum size of 800 square feet. The motion was approved (6-0) by the following vote:

AYES: Bressack, Bodner, Enander, Lee, McTighe, and Meadows

NOES: None

ABSENT: Samek

3. 17-CA-02 – Accessory Dwelling Unit (Second Living Unit) Regulations

Zoning Code amendment to the Los Altos Municipal Code pertaining to Accessory Dwelling Units (Second Living Units) for changes necessary to comply with state law, and to consider reducing the minimum lot size required for such units. *Project Manager: Biggs*

Community Development Director Biggs presented the staff report recommending that the Commission hold a public hearing on the draft ordinance, since it amends Title 14, Zoning, of the Municipal Code, and develop a recommendation to the City Council.

Public Comment

Resident Cheryl Reiker commented on the state law for Accessory Dwelling Units (ADUs) and the conversion of an accessory structure to an ADU stating concerns with short-term rentals; keeping the existing setbacks and adding a 25-foot interior setback; said that an 800 square-foot ADU including a basement is sufficient; that an extra on-site parking space is common for a conversion and to require one required parking space for accessory structures; and a large lot size adds significant value to a space.

Action: Upon motion by Commissioner McTighe, seconded by Commissioner Enander, the Commission recommended approval of zoning ordinance amendments to the Accessory Dwelling Units (Second Living Units) for changes necessary to comply with state law, with the following correction and changes:

- Delete 14.14.060.L (Neighborhood Compatibility) per City Attorney's direction

- Delete Section 14.14.050.D.1.c
- Update 14.16.060.G (1) and (2) to replace “exclusive” with “inclusive.”

The motion was approved (6-0) by the following vote:

AYES: Bressack, Bodner, Enander, Lee, McTighe, and Meadows

NOES: None

ABSENT: Samek

4. **17-CA-05 – City of Los Altos – Parking Ordinance**

A draft ordinance amending Chapter 14.74, off-street parking and loading, of Title 14, Zoning, of the Los Altos Municipal code that amends the off-street parking requirements and provides for a parking in-lieu fee program, among other things. *Project Manager: Biggs*

Community Development Director Biggs presented the staff report recommending that the Commission consider the draft ordinance and resolution and provide input on further refinements that may be needed to make a recommendation to the City Council.

Public Comment

None.

Discussion

The Commission discussed the Draft Parking Ordinance and Resolution and commented that a footnote on the figures that provides information on the basis for the 2.86 parking spaces per 1,000 square feet and the number of spaces at the formation of the parking district should be included.

Action: Upon motion by Commissioner McTighe, seconded by Commissioner Bodner, the Commission approved the draft resolution recommending approval of the parking ordinance amendments to the City Council including the following modifications to those identified during the meeting:

- Fix 14.74.072 C Lot area; and
- Change 14.74.110 5iii to read “0.25” on-site parking spaces, not 0.75.

The motion was approved (4-1-1) by the following vote:

AYES: Bressack, Bodner, McTighe, and Meadows

NOES: Enander

ABSTAIN: Lee

ABSENT: Samek

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Meadows reported on the April 24, 2018 City Council meeting. Commissioner Enander commented on the last ten minutes of that meeting in which the mayor commented on the work that the Planning Commission has been doing.

POTENTIAL FUTURE AGENDA ITEMS

None.

ADJOURNMENT

Chair Bressack adjourned the meeting at 9:37 P.M.

Jon Biggs
Community Development Director



PLANNING COMMISSION AGENDA REPORT

Meeting Date: May 3, 2018

Subject: 18-CA-01 – Accessory Structure Code Amendments

Prepared by: Zachary Dahl, Planning Services Manager

Initiated by: City Council

Attachments:

A. Ordinance No. 2018-440 – Accessory Structure Regulations

Recommendation:

Provide a recommendation to the City Council on potential amendments to the City's accessory structure regulations.

Environmental Review:

This Code Amendment is exempt from environmental review pursuant to Section 15060(c)(2) of the California Environmental Quality Act Guidelines, as amended.

Summary:

The City Council is seeking input from the Planning Commission regarding potential amendments to the recently adopted accessory structure regulations (Zoning Code Chapter 14.15 – Accessory Structures in R Districts).

Background

On November 16, 2017 and February 1, 2018, the Planning Commission considered amendments to the City's accessory structure regulations in response to the City Council's direction. Following public comment and commissioner discussion, the Commission recommend approval of the amendments to the City Council.

On February 27, 2018 the City Council held a public hearing and voted to introduce and waive further reading of amendments to the City's accessory structure regulations (Ordinance No. 2018-440). On March 13, 2018, the City Council adopted Ordinance No. 2018-438. As part of their action to adopt the ordinance, the Council requested that the Planning Commission rereview the accessory structure requirements related to minimum setbacks, how basement areas are counted and if there should be an overall maximum size limit. Ordinance 2018-440, which went into effect on April 16, 2018, is included as Attachment A.

Discussion/Analysis

As part of their action to adopt the new accessory structure regulations, the City Council requested that the Planning Commission rereview three elements of the newly adopted ordinance and provide a recommendation.

1. Should the minimum setback for accessory structures located in a rear yard setback be increased to 10 feet?

With regard to the minimum setback, some Council members were concerned that a minimum five-foot setback for accessory structures within a rear yard setback area may not be large enough to avoid impacts on adjacent properties and wanted to see a minimum setback of 10 feet for such structures reconsidered. However, since there is also a minimum 10-foot separation requirement between an accessory structure and the main house, they wanted to make sure that a 10-foot setback requirement did not preclude the ability of a property to place a reasonably sized accessory structure in their rear yard. So, their direction also noted that if a 10-foot setback is recommended, the Commission should consider a provision that allows for an exception in certain circumstances if a 10-foot setback is too restrictive to allow for a reasonably sized accessory structure.

2. Should basements under an accessory structure count toward the 800 square-foot size limit?

With regard to basements under an accessory structure, there was concern that a property could build an 800 square-foot accessory structure with an 800 square-foot basement, thus creating an accessory structure with 1,600 square feet of floor area. So, to ensure that accessory structures are truly limited to 800 square feet in size when located in a rear yard setback, should the ordinance be amended to have basements, when proposed, count toward the 800 square-foot size limit?

3. Should there be an 800 square-foot size limit for accessory structures that are located within the main building envelope?

As currently adopted, an accessory structure is only limited to 800 square feet in size when it is located (partially or entirely) within a rear yard setback area. An accessory structure that is located within the main building envelope, meeting all required setbacks for the Zone district, could exceed 800 square feet in size if the applicable floor area ratio (FAR) limit for the lot permitted it. So, to avoid situations where accessory structures larger than 800 square feet could be approved, should the ordinance be amended to limit the size of all accessory structures to 800 square feet?

If the Planning Commission decides to recommend approval of any amendments to the City's accessory structure regulations, the following positive findings, in accordance with Chapter 14.86 of the Municipal Code, must be made:

- The amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City; and
- The amendments are in conformance with the City of Los Altos General Plan.

ATTACHMENT A

ORDINANCE NO. 2018-440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING “TITLE 14 – ZONING” OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO ACCESSORY STRUCTURE REGULATIONS IN RESIDENTIAL DISTRICTS

WHEREAS, the City of Los Altos initiated an application (17-CA-04) to amend Title 14 of the Los Altos Municipal Code pertaining to the site standards for accessory structures in residential zoning districts, referred herein as the “CA”; and

WHEREAS, the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, and welfare of the City because they clarify and improve the site standards for detached accessory structures in residential districts to ensure the structures are not excessive in size and height, and have an appropriate relationship to adjacent properties while also providing property owners opportunity and flexibility to develop and enjoy the use of an accessory structure if desired; and

WHEREAS, the amendments are in conformance with the City of Los Altos General Plan because they will protect the privacy of neighbors and minimize the appearance of bulk for new accessory structures, and

WHEREAS, required public notices and public hearings were duly given and duly held in accordance with the applicable provisions of the California Government Code and Chapter 14.86 of the Los Altos Municipal Code; 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 Planning Commission held duly noticed public hearings on the CA on November 16, 2017 and February 1, 2018, at which it recommended adoption of the CA; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on February 27, 2018; 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, because significant impacts to the environment are not anticipated.

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 to include a new chapter as follows:

CHAPTER 14.15 – ACCESSORY STRUCTURES IN R DISTRICTS

14.15.010 - Purpose

The purpose of this Chapter is to provide site standards for the placement of detached accessory structures in all R (residential) districts. Both enclosed and unenclosed accessory structures, as defined in Chapter 14.02, are subject to the regulations contained herein.

14.15.020 - Size, Height and Placement

- A. Accessory structures may not be located in a required front yard setback area, with the exception of a single arbor-style entry element as provided in Chapter 14.72.
- B. Accessory structures may be located on other areas of a property as outlined in Table 1:

<u>Table 1</u>			
<u>Location</u>	<u>Maximum Size</u>	<u>Max. Height</u>	<u>Minimum Setback</u>
<u>Required side yard setback area (interior and exterior)</u>	<u>120 square feet</u>	<u>6 feet</u>	<u>None</u>
<u>Required rear yard setback area</u>	<u>800 square feet</u>	<u>12 feet</u>	<u>0 feet when under 6 feet in height</u>
			<u>5 feet when between 6-12 feet in height</u>
			<u>2.5 feet for an eave overhang, or similar projection, when over 6 feet in height</u>
<u>Main structure’s building envelope (meets all required setbacks)</u>	<u>No size limit</u>	<u>12 feet</u>	<u>Not Applicable</u>

- 1. When an accessory structure is located in a side yard setback area, it shall be screened from off-site view with solid fencing which is not lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this title.
- 2. When an accessory structure is located in the main structure’s building envelope, the height limit may be extended up to eighteen (18) feet if the additional height is necessary to establish architectural compatibility with the main structure.

14.15.030 - Rear Yard Coverage

In addition to compliance with the maximum allowable coverage and floor area ratio as provided by the subject zone district, the maximum coverage within the required rear yard setback area for all accessory structures, or portions thereof, that exceed six feet in height shall be thirty-five (35) percent of the total rear yard setback area.

14.15.040 - Daylight Plane

No portion of an accessory structure shall extend above or beyond a daylight plane as follows:

- A. The daylight plane starts at a height of six feet at the property line and proceeds inward at a 5:12 slope to a distance of ten (10) feet from the side and rear property lines;
- B. All appurtenances, including chimneys, vents and antennas, shall be within the daylight plane;
- C. The daylight plane is not applied to a side or rear property line when it abuts a public alley or public street.

14.15.050 - Distance Between Structures

- A. When an accessory structure is located in a required side yard setback, a minimum clearance of five feet is required. The clearance may be provided between the accessory structure and the main structure, or between the accessory structure and the property line.
- B. When an accessory structure exceeds six feet in height and is located in a required rear yard setback, a minimum clearance of ten (10) feet is required between the accessory structure and the main structure, and a minimum clearance of five feet is required between accessory structures.
- C. For the purposes of this section, clearance is measured from outside edge of wall of each structure.

14.15.060 – Coverage Exception for Open Accessory Structures.

- A. Up to five percent of the lot area, but not more than five hundred (500) square feet, may be occupied by a detached accessory structure, such as an arbor (gazebo) or pergola (trellis) structure, that is open on all sides, with such area not being counted as lot coverage in residential zoning districts.
- B. No more than two hundred (200) square feet of an open accessory structure which is exempt from lot coverage, as provided in subsection (A) above, may have a solid roof.
- C. Accessory structures allowed by this section are subject to the rear yard coverage limitation as proscribed in Section 14.15.030.

SECTION 2. AMENDMENT OF CODE: Sections 14.06.120, 14.08.120, 14.10.120 and 14.12.120 in Title 14 of the Los Altos Municipal Code are hereby amended as follows:

~~Accessory structures, or~~ **Outdoor kitchens, barbeques, fireplaces and swimming pools.**

- A. ~~Accessory structures that are no more than six feet in height may be located in interior and exterior side and rear yard setbacks subject to the following provisions:~~

- ~~2. The maximum width of the accessory structure shall be five feet.~~
 - ~~3. The maximum length of the accessory structure shall be sixteen (16) feet.~~
 - ~~4. The accessory structure shall be screened from off-site view with solid fencing which is not lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this title.~~
 - ~~5. In no case shall there be less than a five-foot clearance between either the accessory structure and the main structure or the accessory structure and the property line.~~
- ~~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 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.~~
 - ~~4. The maximum allowable size for each accessory structure located in the required rear yard setback area shall be eight hundred (800) square feet of gross floor area.~~
 - ~~5. Notwithstanding the provisions of Section 14.66.220 of this title, no portion of an accessory structure, including but not limited to roof eaves, chimneys and vents, shall project into any required setback or daylight plane as outlined in this subsection B.~~
 - ~~6. The architectural and site review committee may approve an accessory structure located entirely within the main structure's building envelope to extend up to eighteen (18) feet in height if the committee finds and determines that the additional height is necessary in order to establish architectural compatibility with the main structure.~~
- ~~C. Outdoor barbecues, fireplaces, sinks and similar structures located within the required rear yard setback shall be set back a minimum of five feet from any property line. Said structures shall not be located in the required front or side yard setback areas.~~
- ~~D. Swimming pools, hot tubs, and spas located within the required rear yard setback shall be set back a minimum of five feet from any property line. The setback shall be measured from the outside edge of the pool structure. Said structures shall not be located in a required front or side yard setback area.~~
- ~~E. Accessory structures containing swimming pool motors and equipment shall not be located in a required interior side yard setback area.~~

A. Outdoor kitchens, barbeques, fireplaces, and similar structures shall be allowed in the main structure's building envelope, and in the required rear yard setback with a minimum setback of five feet from any property line. Said structures shall not be located in the required front or side yard setback areas.

B. Swimming pools, hot tubs, and spas shall be allowed within the main structure's building envelope, and the required rear yard setback with a minimum setback of five feet from any property line. Said structures shall not be located in a required front or side yard setback area.

1. The setback shall be measured from the outside edge of the pool structure.

2. Swimming pool motors and equipment shall be enclosed in a noise attenuating structure, as proscribed in Chapter 6.16, and shall not be located in a required interior side yard setback area.

SECTION 3. AMENDMENT OF CODE: Chapters 14.06, 14.08, 14.10, 14.12, 14.16, 14.18, 14.20 14.22 and 14.24 in Title 14 of the Los Altos Municipal Code are hereby amended to include a new section, inserted at the end of each chapter, as follows:

Accessory Structures.

As provided in Chapter 14.15 of this title.

SECTION 4. AMENDMENT OF CODE: Section 14.66.190 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

~~14.66.190 – Reserved 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 5. AMENDMENT OF CODE: Section 14.66.220 in Title 14 of the Los Altos Municipal Code is hereby amended as follows:

~~14.66.220 - Reserved Lot coverage—Exception for arbor (gazebo) and pergola (trellis) structures.~~

~~Up to five percent of the lot area, but not more than seven hundred fifty (750) square feet (not including open eaves and/or overhangs up to four feet, may be occupied by arbor (gazebo) and pergola (trellis) structures, with such area not being counted as lot coverage in~~

~~residential zoning districts. However, no more than two hundred (200) square feet of the arbor (gazebo) structure(s) which are exempt from lot coverage on a lot may have a solid roof.~~

SECTION 6. 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 7. CEQA. This ordinance is not subject to review under the California Environmental Quality Act (Public Resources Code §§21000, *et seq.*, as further governed by the Guidelines for CEQA, 14 CCR §§15000, *et seq.*) because the ordinance has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, per 14 CCR §15378. The ordinance amends Los Altos Municipal Code provisions pertaining to the site standards for size and placement of accessory structures on a residential property. It does not commit the City of Los Altos or any other party to any direct course of action, other than to review applications for compliance with the amended site standards as described herein, and will not result in any physical changes in and of itself. Moreover, to the extent the ordinance was determined to be subject to CEQA, it would be exempt from further review pursuant to the ‘common sense’ exemption (14 CCR §15061(b)(3)), as it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment.

SECTION 8. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 9. 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 February 27, 2018 and was thereafter, at a regular meeting held on March 13, 2018 passed and adopted by the following vote:

AYES: BRUINS, LEE ENG, MORDO, PEPPER, PROCHNOW

NOES:

ABSENT:

ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK