



PUBLIC HEARING

Agenda Item # 10

AGENDA REPORT SUMMARY

Meeting Date: August 27, 2019

Subject: Ordinance No. 2019-462: Commercial Retail Sales District amendments

Prepared by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Ordinance No. 2019-462
2. Downtown Zone Districts Diagram
3. Letter from Los Altos Chamber of Commerce, Los Altos Property Owners Downtown (LAPOD), and Los Altos Village Association (LAVA) requesting amendment to the CRS Zoning Code
4. Agenda Report Packet to Planning Commission
5. Planning Commission Minutes

Initiated by:

City Council

Previous Council Consideration:

None

Fiscal Impact:

No direct fiscal impact is anticipated

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 (“CEQA Guidelines”), and CEQA Guidelines Section 15378(b)(5) because the Ordinance implements, clarifies, and provides minor changes to the CRS District that will not result in a direct or indirect physical change in the environment and, it can be seen with certainty that there is no possibility of a significant impact to the environment.

Policy Question(s) for Council Consideration:

- Do the proposed code amendments result in appropriate uses in the CRS zone district?

Summary:

- The ordinance amends several sections of Chapter 14.48, CRS Commercial Retail Sales District, and modifies the list of permitted and conditional uses. There are also a few additional edits that contemporize the code.

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



Subject: Ordinance No. 2019-462: Commercial Retail Sales District amendments

Recommendation:

The Planning Commission recommends Council introduce and waive further reading of Ordinance No. 2019-462 amending the list of permitted and conditional uses in the CRS (Commercial Retail Sales) Zone District.



Subject: Ordinance No. 2019-462: Commercial Retail Sales District amendments

Purpose

The purpose of the proposed amendments is intended to provide greater flexibility for the use of building spaces in the CRS zone district in the present and future and are intended to support the enhancement of vitality within the Downtown area.

Background

The CRS zone district encompasses the core of the Los Altos Downtown. Current regulations provide for a variety of uses with retail establishments the principal business type.

In response to an increasingly challenging retail market that has resulted in increased vacancies in surrounding communities, there have been requests over the past several years for an amendment to allow greater flexibility of potential tenants within CRS zone district. This flexibility will provide a wider array of tenants in the Downtown that would serve the community.

In 2018, the City Council adopted a Vision Plan for Downtown Los Altos, which notes the City of Los Altos is committed to a community-focused, economically viable, and village scaled Downtown. One of the Vision's listed Elements is:

Enhancing economic vitality through expanded dining, shopping, service, office, hospitality, and residential uses accessible to the entire community.

The ordinance under consideration is the first step towards fostering this Vision for Downtown Los Altos.

The Planning Commission considered the proposed amendments on July 18, 2019. There was a unanimous vote of those present to recommend adoption of the ordinance to the City Council with no modifications to the ordinance as presented. The minutes of the July 18, 2019 Planning Commission meeting are included with this agenda report as attachment.

Discussion/Analysis

The draft ordinance, Attachment 1, reflects proposed changes to the sections 14.48.030 and 14.48.040 to allow for a greater variety of uses in the CRS zone. Following are the sections of the proposed ordinance that reflect the recommended changes – deleted language has ~~struck through~~ and proposed language is underlined.

14.48.030 - Permitted uses (CRS).

The following uses shall be permitted in the CRS District:

- A. Business, professional, and trade schools located above the ground floor;



Subject: Ordinance No. 2019-462: Commercial Retail Sales District amendments

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- B. Office-administrative services, including medical and dental offices, except when located in a ground floor building space that fronts directly onto Main Street or State Street; located above the ground floor;
 - C. Parking spaces and loading areas incidental to a permitted use;
 - D. Personal services, ~~except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
 - E. Private clubs, lodges, or fraternal organizations located above the ground floor;
 - F. Restaurants, excluding drive-through services;
 - G. Retail; and
 - H. Uses which are determined by the community development director ~~city planner~~ to be of the same general character.

The amendments to the code reflected above allow personal service uses on the ground floor of buildings that front on First Street, Main Street and State Street. A definition for personal service is found at Section 14.02.070 of the Municipal Code and reads as follows:

"Personal service" means a use, not conducted within an office, providing services for the personal care of an individual or the fitting, cleaning, repair, or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal services include beauty shops, barber shops and nail salons, pet grooming, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services. Personal services also include art, dance, music, tutoring centers, fitness studios and health clubs that do not exceed seven thousand (7,000) gross square feet."

This amendment is intended to provide a broader range of permitted business in the Downtown and further the Downtown Vision. Also included in this code amendment is a modification clarifying that medical and dental offices are an element of the office administrative service uses and that this category of uses can not be located on the ground floor of building spaces fronting on Main or State Streets.

The proposed amendment to sub-section H., is a clean-up that makes it contemporary with current position titles.

14.48.040 - Conditional uses and structures (CRS).

Upon the granting of a conditional use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CRS District, ~~except when they displace a retail business located in a ground floor building space that fronts directly onto First Street, Main Street or State Street:~~

- A. Any new building that has an area greater than seven thousand (7,000) gross square feet, and any addition to an existing building which would result in the total building area exceeding



Subject: Ordinance No. 2019-462: Commercial Retail Sales District amendments

-
- seven thousand (7,000) gross square feet, including additions to buildings which presently exceed seven thousand (7,000) gross square feet in area;
- B. Cocktail lounges;
 - C. Commercial recreation;
 - D. Day care centers, except when located in a ground floor building space that fronts directly onto ~~First Street~~, Main Street or State Street;
 - E. Hotels;
 - F. Housing located above the ground floor;
 - ~~G. Medical and dental clinics, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
 - H G. Medical and dental clinics or Mmedical and dental offices that are occupy more than five thousand (5,000) square feet of gross floor area. or more, except when located in a ground floor building space that fronts directly onto ~~First Street~~, Main Street or State Street; and
 - I. Uses which are determined by the planning commission to be of the same general character.

The amendments reflected in Section 14.48.040 would allow, through approval of a conditional use permit, for day care centers on the ground floor of buildings that front directly on First Street, although not in buildings that front on Main or State Streets. The proposed amendments also provide for medical and dental clinics or office with more than 5,000 square feet on the ground floor of buildings with frontage on the numbered streets in the Downtown, but not on the ground floor of buildings with frontage on State or Main Streets. These uses would only be allowed if a conditional use permit is obtained from the planning commission.

Options

- 1) Recommend approval of the draft ordinance to the City Council.

Advantages: Expands the types of uses that can occupy buildings in the CRS zone district and prevents extended vacancies

Disadvantages: Results in less control over uses in the Downtown

- 2) Recommend denial of the draft ordinance to the City Council

Advantages: Prevents service businesses from operating on Main and State Street

Disadvantages: Limits flexibility that will allow adequate response to current and future economic situations

Recommendation

The Planning Commission recommends Option 1.

ORDINANCE NO. 2019-462

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE LIST OF PERMITTED AND CONDITIONAL USES IN
THE CRS (COMMERCIAL RETAIL SALES) ZONE DISTRICT AND
MAKING FINDINGS OF CEQA EXEMPTION**

WHEREAS, the City of Los Altos initiated an application (19-CA-___) to amend Title 14 of the Los Altos Municipal Code, the Zoning Ordinance, in order to update the permitted and conditional uses in the CRS District (Chapter 14.48), referred herein as the “CA” or the “amendments”; and

WHEREAS, Chapter 14.48 of the Los Altos Municipal Code, the CRS, Commercial Retail Sales, zone district provides for the retention, enhancement, and attraction of commercial establishments that reflect the characteristics a village atmosphere that is desired in the downtown Los Altos village; and

WHEREAS, the characteristics of a downtown village, as listed at Subsection 14.48.020(A) of the Los Altos Municipal Code, include a mix of uses emphasizing retail businesses and services that meet the needs of community residents and visitors, and with housing located above ground floor businesses; and

WHEREAS, The City Council has recently accepted a community-based vision for downtown Los Altos that encourages a mix of retail and service uses that enhance the character of downtown Los Altos and meet the needs of residents and visitors; and

WHEREAS, Chapter 14.48 allows personal service uses except when located on the ground floor building space that fronts directly onto First Street, Main Street, or State Street; and

WHEREAS, Given that on-going changes to the retail industry have resulted in a decreased demand for commercial retail space and an increased demand for personal service space; and

WHEREAS, Vacant commercial space does not add, enhance or promote a vibrant village atmosphere and detracts from a desirable downtown; and

WHEREAS, This Council seeks to provide flexibility in its zoning code so that adjustments in response to commercial space market fluctuations can be accomplished and a desirable and vibrant downtown can be maintained; 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 July 18, 2019, at which it recommended approval of the CA; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on August 27, 2019; 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 ("CEQA Guidelines"), and CEQA Guidelines Section 15378(b)(5) because the Ordinance implements an clarifies and provides minor changes to the CRS District that will not result in a direct or indirect physical change in the environment and, it can be seen with certainty that there is no possibility of a significant impact to the environment.

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

SECTION 1. AMENDMENT OF CODE: Sections 14.48.030 and 14.48.040 in Chapter 14.48 of Title 14 of the Los Altos Municipal Code are hereby amended as follows:

14.48.030 - Permitted uses (CRS).

The following uses shall be permitted in the CRS District:

- A. Business, professional, and trade schools located above the ground floor;
- B. Office-administrative services, including medical and dental offices, except when located in a ground floor building space that fronts directly onto Main Street or State Street; located above the ground floor;
- C. Parking spaces and loading areas incidental to a permitted use;
- D. Personal services, ~~except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
- E. Private clubs, lodges, or fraternal organizations located above the ground floor;
- F. Restaurants, excluding drive-through services;
- G. Retail; and
- H. Uses which are determined by the community development director ~~city planner~~ to be of the same general character.

14.48.040 - Conditional uses and structures (CRS).

Upon the granting of a conditional use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CRS District, ~~except when they displace a retail business located in a ground floor building space that fronts directly onto First Street, Main Street or State Street:~~

- A. Any new building that has an area greater than seven thousand (7,000) gross square feet, and any addition to an existing building which would result in the total building

- area exceeding seven thousand (7,000) gross square feet, including additions to buildings which presently exceed seven thousand (7,000) gross square feet in area;
- B. Cocktail lounges;
 - C. Commercial recreation;
 - D. Day care centers, except when located in a ground floor building space that fronts directly onto ~~First Street~~, Main Street or State Street;
 - E. Hotels;
 - F. Housing located above the ground floor;
 - ~~G. Medical and dental clinics, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
 - H G. Medical and dental clinics or medical and dental offices that are occupy more than five thousand (5,000) square feet of gross floor area. or more, except when located in a ground floor building space that fronts directly onto ~~First Street~~, Main Street or State Street; and
 - I. Uses which are determined by the planning commission to be of the same general character.

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. 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 permitted and conditional uses in the CRS District. It does not commit the City of Los Altos or any other party to any direct course of action, other than to review and approve uses within the CRS District and will not result in any physical changes in and of itself. Moreover, as a separate and independent basis, 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 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

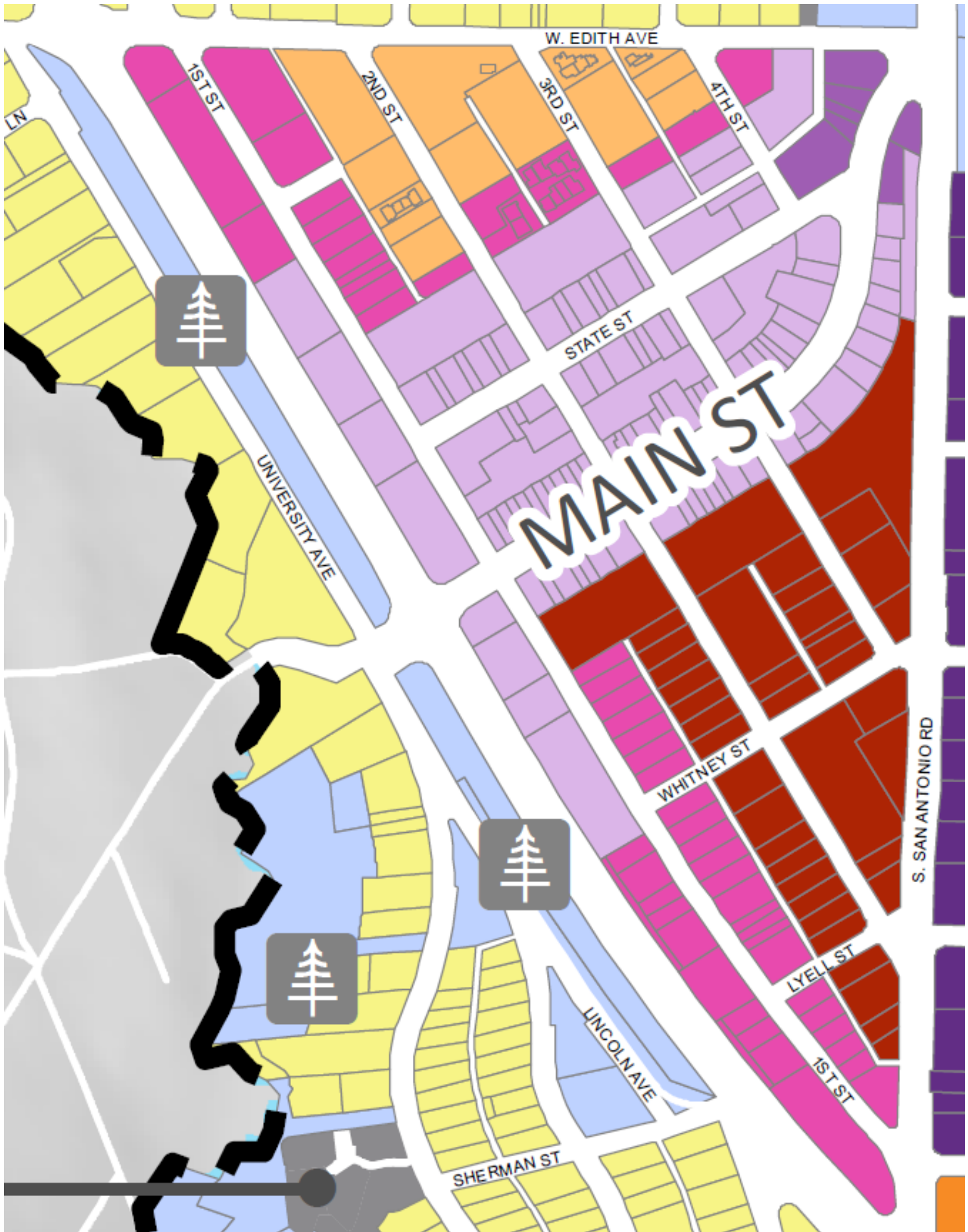
The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2019 and was thereafter, at a regular meeting held on _____, 2019 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



Commercial/Office

- Commercial Neighborhood (CN)*
- Commercial Thoroughfare (CT)*
- Commercial Downtown (CD)*
- Commercial Downtown/
Multiple-Family (CD/R3)*
- Commercial Retail Sales (CRS)*



July 12, 2019

City Council of the City of Los Altos
Planning Commission of the City of Los Altos
Los Altos City Hall
1 N. San Antonio Road
Los Altos, CA 94022

Dear Honorable Mayor Lynette Lee Eng, Vice-Mayor Jan Pepper, Councilmember Jeannie Bruins,
Councilmember Anita Enander, and Councilmember Neysa Fligor:

As an advocate for the business community in local and regional government, the Los Altos Chamber of Commerce stays abreast of current issues which may affect the economic vitality of our community. We are aware that the city's staff is proposing an amendment to the permitted and conditional uses in the CRS (Commercial Retail Sales) Zone District.

We submitted a joint letter to the Council in 2017 from the Chamber, the Los Altos Village Association and the Los Altos Property Owners Downtown organization in support of the same. A copy of that request is attached. We respectfully ask that you approve the modification to the ordinance in this session as it is necessary for the vitality of our downtown district. As was noted two years prior--with the rise of e-commerce, many downtowns are adapting and moving away from the conventional contiguous retail model, favoring instead an approach which provides a broader lifestyle experience that enhances community building. Greater flexibility is required so that our store fronts can be fully occupied. This is a positive step for all Los Altans.

Thank you for partnering with the Los Altos Chamber of Commerce to support the vital business services that ensure a desirable quality of life for residents of our community. Please feel to contact me at anytime for further discussion.

Best Wishes,

A handwritten signature in black ink, appearing to read "Kim Mosley". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Kim Mosley
President
Los Altos Chamber of Commerce

Mr. Jon Biggs
Community Development Director
Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

July 12th 2017

Dear Mr. Biggs,

**Re: Request to Modify Los Altos Municipal Code
Chapter 14.48 - CRS Commercial Retail Sales District
14.48.030 - Permitted Uses (CRS), Section D. Personal Services**

This is a joint request on behalf of the Los Altos Village Association (LAVA), the Los Altos Property Owners Downtown (LAPOD) and the Los Altos Chamber of Commerce.

In response to the community's broadly held desire to have a vibrant downtown and our subsequent discussions with you, the City Manager and Economic Development Manager, we hereby request the City consider modifying its Municipal Code in conjunction with the Downtown Visioning as follows:

Chapter 14.48 - CRS Commercial Retail Sales District; 14.48.030 - Permitted Uses (CRS), Section D. Personal Services, ~~except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street.~~

Personal Services is defined as follows under the City of Los Altos Municipal Code, Article 2. - Definitions; 14.02.070 - Definitions:

"Personal Service" means a use, not conducted in an office, providing services for the personal care of an individual or the fitting, cleaning, repair, or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal Services include beauty shops, barber shops and nail salons, pet grooming, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services. Personal services also include art, dance, music, tutoring centers, fitness studios and health clubs that do not exceed seven thousand (7,000) gross square feet."

The revised code would then allow Personal Services as a permitted use in a ground floor building space that fronts directly onto First Street, Main Street or State Street.

With the rise of e-commerce, many downtowns are adapting and moving away from the conventional contiguous retail model, favoring instead an approach able to provide a broader lifestyle experience that enhances community building.

Your thoughtful consideration is much appreciated.

Yours sincerely,

LAVA  Scott Hunter, Administrative Director

LAPOD  Kim Cranston, Chair

Los Altos Chamber of Commerce  Patricia Kapp, Co-President

CC:

Chris Jordan - City Manager

Jennifer Quinn - Economic Development Manager



July 17, 2019

Los Altos City Planning Commission
City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

Subject: Agenda Item #3: 19-CA-03 - City of Los Altos - Downtown CRS Zone Uses

Honorable Planning Commission:

I am writing on behalf of the Los Altos Property Owners Downtown (LAPOD) Board of Directors.

LAPOD is an organization comprised of owners of nonresidential property in the downtown triangle and on the east side of South San Antonio Road. Many of our members both own property and run one or more businesses in downtown, but every one of our members is dedicated to the success of downtown Los Altos and its ability to continue serving as a center of commerce and community for the city of Los Altos and neighboring towns.

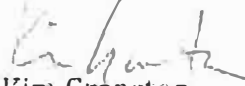
We are writing in complete support of the Staff Recommendation on Agenda Item #3: 19-CA-03 - City of Los Altos - Downtown CRS Zone Uses

With the rise of e-commerce, many downtowns are adapting and moving away from the conventional continuous retail model, favoring instead an approach able to provide a broader lifestyle experience that enhances community building. We believe adoption of the proposed CRS zoning uses

will enable downtown Los Altos to evolve in this manner and will serve to increase the economic vitality of downtown Los Altos and build community.

Our Board of Directors unanimously urge you to follow the recommendation of your Staff on this matter "to recommend adoption of the proposed ordinance to the City Council."

Sincerely,



Kim Cranston

Chair

kimcc@pachell.net

650-868-8687

<http://www.losaltospropertyownersdowntown.org>

Board of Directors:

Kim Cranston

Robert Hindman

Mel Kahn

Emeric McDonald

Bart Nelson

Kent Nelson

Liz Nyberg

cc: Chris Jordan, Jon Biggs, Anthony Carnesecca



PLANNING COMMISSION AGENDA REPORT

Meeting Date: July 18, 2019

Subject: 19-CA-03 – Amendments to the CRS Commercial Retail Sales District to Modify the Permitted and Conditional Uses

Prepared by: Jon Biggs, Community Development Director

Initiated by: City Council

Attachments:

- A. Draft Ordinance Amending Zoning Code Chapter 14.48
- B. Diagram of CRS Zone District
- C. Letter from Los Altos Chamber of Commerce, Los Altos Property Owners Downtown (LAPOD), and Los Altos Village Association (LAVA) requesting amendment to the CRS Zoning Code

Staff Recommendation:

Staff recommends that the Planning Commission recommend adoption of the proposed ordinance to the City Council.

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 (“CEQA Guidelines”), and CEQA Guidelines Section 15378(b)(5) because the Ordinance implements and clarifies and provides minor changes to the CRS District that will not result in a direct or indirect physical change in the environment and, it can be seen with certainty that there is no possibility of a significant impact to the environment.

Summary:

The ordinance amends several sections of Chapter 14.48, CRS Commercial Retail Sales District, and modifies the list of permitted and conditional uses. There are also a few additional edits that contemporize the code.

Background

The CRS zone district encompasses the core of the Los Altos Downtown. Current regulations provide for a variety of uses with retail establishments the principal business type.

In response to an increasingly challenging retail market that has seen increased vacancies in surrounding communities, there have been requests over the past several years for an amendment to allow greater flexibility of potential tenants within CRS zone district. This flexibility will provide a wider array of tenants in the Downtown, and thus better serve the community

Subject: 19-CA-03 – Amendments to the CRS Commercial Retail Sales District to Modify the Permitted and Conditional Uses

In 2018, the City Council adopted a Vision Plan for Downtown Los Altos, which notes the City of Los Altos is committed to a community-focused, economically viable, and village scaled Downtown. One of the Vision Elements on the list notes:

Enhancing economic vitality through expanded dining, shopping, service, office, hospitality, and residential uses accessible to the entire community.

The ordinance under consideration is the first step towards creating this Vision for Downtown Los Altos.

Discussion/Analysis

The draft ordinance (Attachment A) reflects proposed changes to the sections 14.48.030 and 14.48.040 to allow for a greater variety of uses in the CRS zone. Following are the sections of the proposed ordinance that reflect the recommended changes – deleted language has ~~strike throughs~~ and proposed language is underlined.

14.48.030 - Permitted uses (CRS).

The following uses shall be permitted in the CRS District:

- A. Business, professional, and trade schools located above the ground floor;
- B. Office-administrative services, including medical and dental offices, except when located in a ground floor building space that fronts directly onto Main Street or State Street; ~~located above the ground floor;~~
- C. Parking spaces and loading areas incidental to a permitted use;
- D. Personal services, ~~except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
- E. Private clubs, lodges, or fraternal organizations located above the ground floor;
- F. Restaurants, excluding drive-through services;
- G. Retail; and
- H. Uses which are determined by the community development director ~~city planner~~ to be of the same general character.

The amendments to the code reflected above allow personal service uses on the ground floor of buildings that front on First Street, Main Street and State Street. A definition for personal service is found at Section 14.02.070 of the Municipal Code and reads as follows:

“Personal service” means a use, not conducted within an office, providing services for the personal care of an individual or the fitting, cleaning, repair, or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal services include beauty shops, barber shops and nail salons, pet grooming, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services. Personal services also include art, dance, music, tutoring centers, fitness studios and health clubs that do not exceed seven thousand (7,000) gross square feet.”

This amendment is intended to provide a broader range of permitted business in the Downtown and further the Downtown Vision. Also included in this code amendment is a modification clarifying that medical and dental offices are an element of the office administrative service uses and that this category

Subject: 19-CA-03 – Amendments to the CRS Commercial Retail Sales District to Modify the Permitted and Conditional Uses

of uses can not be located on the ground floor of building spaces fronting on Main or State Streets. They would be allowed on the ground floor of building spaces fronting on First Street.

The proposed amendment to sub-section H., is a clean-up that makes it contemporary with current position titles.

14.48.040 - Conditional uses and structures (CRS).

Upon the granting of a conditional use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CRS District, ~~except when they displace a retail business located in a ground floor building space that fronts directly onto First Street, Main Street or State Street:~~

- A. Any new building that has an area greater than seven thousand (7,000) gross square feet, and any addition to an existing building which would result in the total building area exceeding seven thousand (7,000) gross square feet, including additions to buildings which presently exceed seven thousand (7,000) gross square feet in area;
- B. Cocktail lounges;
- C. Commercial recreation;
- D. Day care centers, except when located in a ground floor building space that fronts directly onto ~~First Street,~~ Main Street or State Street;
- E. Hotels;
- F. Housing located above the ground floor;
- ~~G. Medical and dental clinics, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
- ~~H~~ G. Medical and dental clinics or ~~M~~ medical and dental offices that are occupy more than five thousand (5,000) square feet of gross floor area, or more, except when located in a ground floor building space that fronts directly onto ~~First Street,~~ Main Street or State Street; and
- H. Uses which are determined by the planning commission to be of the same general character.

The amendments reflected in Section 14.48.040 would allow, through approval of a conditional use permit, for day care centers on the ground floor of buildings that front directly on First Street, although not in buildings that front on Main or State Streets. The proposed amendments also provide for medical and dental clinics or offices with more than 5,000 square feet on the ground floor of buildings with frontage on First Street, but not on the ground floor of buildings with frontage on State or Main Streets. These uses would only be allowed if a conditional use permit is obtained from the planning commission.

In order to approve amendments to the Zoning Code, the Planning Commission needs to find that the amendments are in the best interest for the protection or promotion of the public health, safety, comfort, convenience, prosperity, or welfare, and are in conformance with the General Plan per Zoning Code Chapter 14.86 (Zoning Amendments). As outlined in the draft ordinance (Attachment A) and discussed above, there is evidence and information to support these finding.

Subject: 19-CA-03 – Amendments to the CRS Commercial Retail Sales District to Modify the Permitted and Conditional Uses

Options

The Planning Commission can recommend approval, approval with modifications, or denial of the proposed amendments.

- 1) Recommend approval of the draft ordinance to the City Council.

Advantages: Expands the types of uses that can occupy buildings in the CRS zone district and prevents extended vacancies

Disadvantages: Results in less control over uses in the Downtown

- 2) Recommend denial of the draft ordinance to the City Council

Advantages: Prevents service businesses from operating on Main and State Street

Disadvantages: Limits flexibility that will allow adequate response to current and future economic situations

Once the Planning Commission makes a recommendation, the amendments will be forwarded to the City Council for consideration and adoption.

ORDINANCE NO. 2019-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE LIST OF PERMITTED AND CONDITIONAL USES IN
THE CRS (COMMERCIAL RETAIL SALES) ZONE DISTRICT AND
MAKING FINDINGS OF CEQA EXEMPTION**

WHEREAS, the City of Los Altos initiated an application (19-CA-___) to amend Title 14 of the Los Altos Municipal Code, the Zoning Ordinance, in order to update the permitted and conditional uses in the CRS District (Chapter 14.48), referred herein as the “CA” or the “amendments”; and

WHEREAS, Chapter 14.48 of the Los Altos Municipal Code, the CRS, Commercial Retail Sales, zone district provides for the retention, enhancement, and attraction of commercial establishments that reflect the characteristics of a village atmosphere that is desired in the downtown Los Altos village; and

WHEREAS, the characteristics of a downtown village, as listed at Subsection 14.48.020(A) of the Los Altos Municipal Code, include a mix of uses emphasizing retail businesses and services that meet the needs of community residents and visitors, and with housing located above ground floor businesses; and

WHEREAS, The City Council has recently accepted a community-based vision for downtown Los Altos that encourages a mix of retail and service uses that enhance the character of downtown Los Altos and meet the needs of residents and visitors; and

WHEREAS, Chapter 14.48 allows personal service uses except when located on the ground floor building space that fronts directly onto First Street, Main Street, or State Street; and

WHEREAS, Given that on-going changes to the retail industry have resulted in a decreased demand for commercial retail space and an increased demand for personal service space; and

WHEREAS, Vacant commercial space does not add, enhance or promote a vibrant village atmosphere and detracts from a desirable downtown; and

WHEREAS, This Council seeks to provide flexibility in its zoning code so that adjustments in response to commercial space market fluctuations can be accomplished and a desirable and vibrant downtown can be maintained.

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 _____, 2019, at which it recommended approval of the CA; and

WHEREAS, the City Council held a duly noticed public hearing on the CA on _____, 2019; 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 (“CEQA Guidelines”), and CEQA Guidelines Section 15378(b)(5) because the Ordinance implements an clarifies and provides minor changes to the CRS District that will not result in a direct or indirect physical change in the environment and, it can be seen with certainty that there is no possibility of a significant impact to the environment.

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

SECTION 1. AMENDMENT OF CODE: Sections 14.48.030 and 14.48.040 in Chapter 14.48 of Title 14 of the Los Altos Municipal Code are hereby amended as follows:

14.48.030 - Permitted uses (CRS).

The following uses shall be permitted in the CRS District:

- A. Business, professional, and trade schools located above the ground floor;
- B. Office-administrative services, including medical and dental offices, except when located in a ground floor building space that fronts directly onto Main Street or State Street; ~~located above the ground floor;~~
- C. Parking spaces and loading areas incidental to a permitted use;
- D. Personal services, ~~except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
- E. Private clubs, lodges, or fraternal organizations located above the ground floor;
- F. Restaurants, excluding drive-through services;
- G. Retail; and
- H. Uses which are determined by the community development director ~~city planner~~ to be of the same general character.

14.48.040 - Conditional uses and structures (CRS).

Ordinance No. 2019-____

2

Upon the granting of a conditional use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CRS District, ~~except when they displace a retail business located in a ground floor building space that fronts directly onto First Street, Main Street or State Street:~~

- A. Any new building that has an area greater than seven thousand (7,000) gross square feet, and any addition to an existing building which would result in the total building area exceeding seven thousand (7,000) gross square feet, including additions to buildings which presently exceed seven thousand (7,000) gross square feet in area;
- B. Cocktail lounges;
- C. Commercial recreation;
- D. Day care centers, except when located in a ground floor building space that fronts directly onto ~~First Street~~, Main Street or State Street;
- E. Hotels;
- F. Housing located above the ground floor;
- ~~G. Medical and dental clinics, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;~~
- ~~H~~ G. Medical and dental clinics or ~~M~~ medical and dental offices that are occupy more than five thousand (5,000) square feet of gross floor area. or more, except when located in a ground floor building space that fronts directly onto ~~First Street~~, Main Street or State Street; and
- I. Uses which are determined by the planning commission to be of the same general character.

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. 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 permitted and conditional uses in the CRS District. It does not commit the City of Los Altos or any other party to any direct course of action, other than to review and approve uses within the CRS District and will not result in any physical changes in and of itself. Moreover, as a separate and independent basis, 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 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

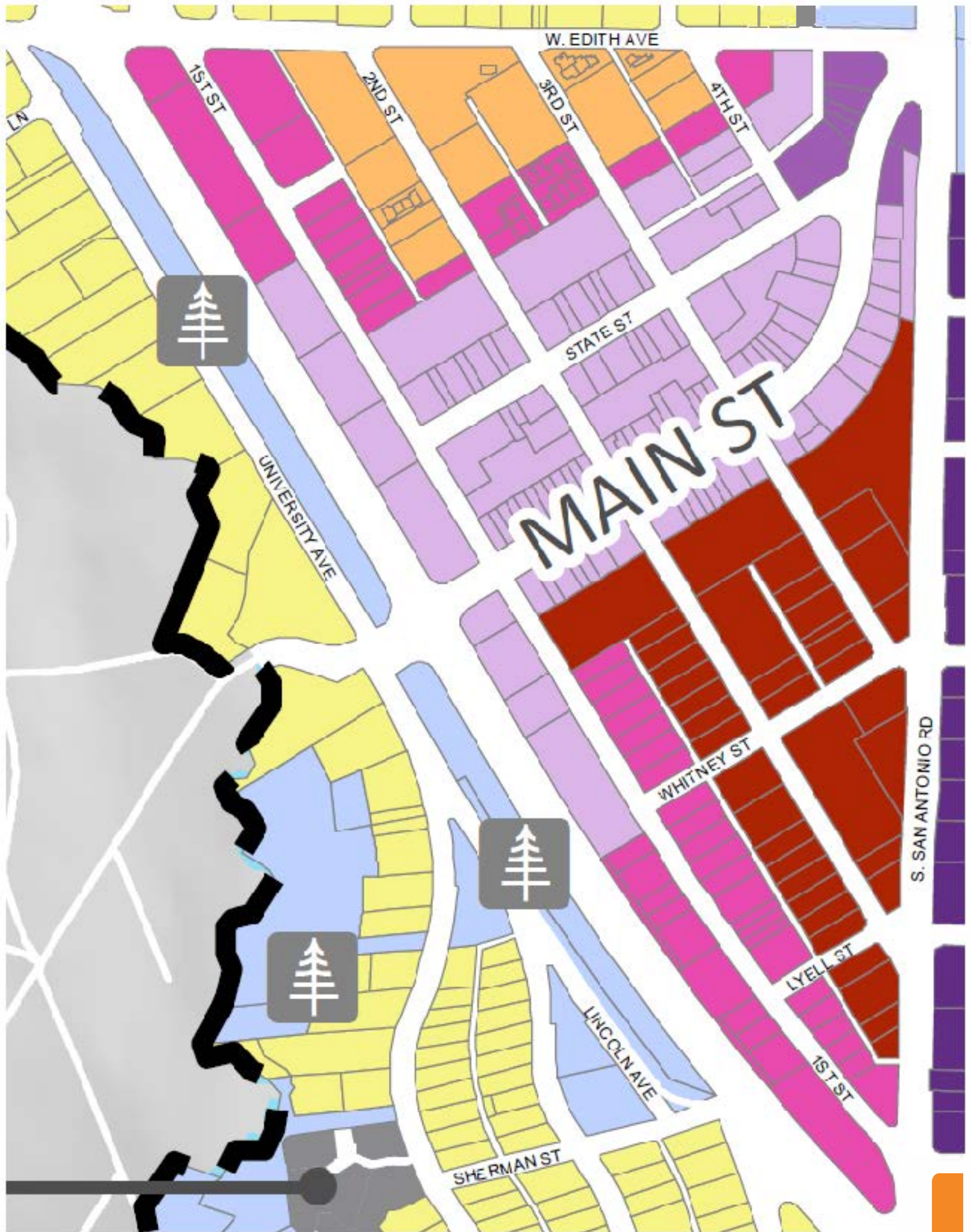
The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2019 and was thereafter, at a regular meeting held on _____, 2016 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:




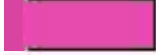

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK



Commercial/Office

-  *Commercial Neighborhood (CN)*
-  *Commercial Thoroughfare (CT)*
-  *Commercial Downtown (CD)*
-  *Commercial Downtown/
Multiple-Family (CD/R3)*
-  *Commercial Retail Sales (CRS)*

Mr. Jon Biggs
Community Development Director
Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

July 12th 2017

Dear Mr. Biggs,

**Re: Request to Modify Los Altos Municipal Code
Chapter 14.48 – CRS Commercial Retail Sales District
14.48.030 – Permitted Uses (CRS), Section D. Personal Services**

This is a joint request on behalf of the Los Altos Village Association (LAVA), the Los Altos Property Owners Downtown (LAPOD) and the Los Altos Chamber of Commerce.

In response to the community's broadly held desire to have a vibrant downtown and our subsequent discussions with you, the City Manager and Economic Development Manager, we hereby request the City consider modifying its Municipal Code in conjunction with the Downtown Visioning as follows:

Chapter 14.48 – CRS Commercial Retail Sales District; 14.48.030 – Permitted Uses (CRS), Section D. Personal Services, ~~except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street.~~

Personal Services is defined as follows under the **City of Los Altos Municipal Code, Article 2. – Definitions; 14.02.070 – Definitions:**

“Personal Service” means a use, not conducted in an office, providing services for the personal care of an individual or the fitting, cleaning, repair, or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal Services include beauty shops, barber shops and nail salons, pet grooming, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services. Personal services also include art, dance, music, tutoring centers, fitness studios and health clubs that do not exceed seven thousand (7,000) gross square feet.”

The revised code would then allow Personal Services as a permitted use in a ground floor building space that fronts directly onto First Street, Main Street or State Street.

With the rise of e-commerce, many downtowns are adapting and moving away from the conventional contiguous retail model, favoring instead an approach able to provide a broader lifestyle experience that enhances community building.

Your thoughtful consideration is much appreciated.

Yours sincerely,

LAVA  Scott Hunter, Administrative Director

LAPOD  Kim Cranston, Chair

Los Altos Chamber of Commerce  Patricia Kapp, Co-President

CC:

Chris Jordan – City Manager

Jennifer Quinn – Economic Development Manager

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE
CITY OF LOS ALTOS, HELD ON THURSDAY, JULY 18, 2019 BEGINNING AT
7:00 P.M. AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD,
LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Chair Samek, Commissioners Ahi, Bodner, Bressack and Meadows
ABSENT: Vice-Chair Lee
IN PREPARATION: Commissioner Marek
STAFF: Community Development Director Biggs, Senior Planner Golden and City
Attorney Lee

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Gary Wesley commented on the SB 592 bill in California.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

1. Planning Commission Minutes

Approve minutes of the regular meeting of June 6, 2019, 2019.

Action: Upon motion by Commissioner Meadows, seconded by Commissioner Bodner, the Commission approved the minutes from the June 6, 2019 Regular Meeting as written.

The motion was approved (4-0-1) by the following vote:

AYES: Samek, Ahi, Bodner, and Meadows

NOES: None

ABSENT: Lee and Marek

ABSTAIN: Bressack

STUDY SESSION

2. PPR19-0001 – Abbie Bourgan – 440 First Street

Design Review Study Session for a proposed three-story multiple-family building consisting of seven residential units and one level of underground parking. *Project Planner: Golden*

Senior Planner Golden presented the staff report.

Project applicant Abbie Bourgan gave the first overview of the project stating that the original design was a three-story, four-unit project, but are now coordinating with the neighboring property for a shared driveway and garage access. This will eliminate the curb cut to provide two to three parking spaces.

Project architect Steve Collom with RH & Associates presented the architectural concepts of the project noting the narrow width of the lot and coordination with the neighboring property. He

stated that entrance area of the building addresses the window and balcony placement of the 396 First Street building. He was asked if spaces 11 and 12 in the basement could be further addressed for accessibility and asked if the column could be changed.

Public Comment

Gary Wesley said the property is not zoned to permit this type of development, is impacted by the Foothill expressway and should not be given a CEQA exemption.

Resident Ramin Shahidi who lives across Foothill Expressway expressed concerns about view and light pollution impacts to the adjacent residential neighborhood due to the rooftop deck, balconies, and large windows.

Resident Eric Steinle stated his opposition to the roof top deck, that homeowner's associations are required to maintain the building and will impact fees, and said the homeowner association should have a side access for maintenance of the building; however, there may not be enough space.

Resident Abigail Ahrens said housing is needed, the ramp for dual access is expensive but saves on street parking, the frontage improvements provide amenities for the benefit of the pedestrian, asked the Commission to review the rear elevation, and concluded by saying an admirable effort is being brought forth and provides opportunities for those that are downsizing.

Resident and President of the HOA at 396 First Street, Paul Frattini, agreed with comments made that three stories are better than four; prefers no rooftop deck; said 396 First is two buildings and noted the HOA has not been able to maintain the building well, so he recommended requiring a two-foot setback. He noted an existing drainage problem that caused damage to one of the units at the rear of 396 First Street that the original developer never addressed.

Resident Fred Fallah expressed concern with the existing light pollution on homes; said CEQA is still an issue; the design is not appropriate for Foothill Expressway since it is not a good transportation corridor; it is not in keeping with Los Altos; but noted he has no issue with the parking design of the building.

Commission Discussion

The Commission discussed the project and provided the following comments:

- Commissioner Bressack:
 - Appreciates the scale of the project;
 - Commented on well designed floor plan;
 - Recommended gentler color changes between colors;
 - Recommended to recess the windows;
 - Recommended to resolve the roof element and break up vertical wall plane;
 - Likes that the elevator tower was pulled back;

- Commissioner Bodner:
 - Appreciates the design but needs a better color combination;
 - Likes the shared driveway, said it's a good model for narrow sites, and a win-win benefit;
 - Likes the screen design;
 - Likes that the building has been pulled back at the rear fourth story;
 - A reality of downtown is higher/taller buildings;

- Does not support the first floor extending into the 10-foot setback given the arrangement of the building, but perhaps upper stories;
- Wants to better understand the parking space arrangement because it may be dangerous; and
- Would appreciate confirmation that the applicants are working with the neighbors.

- Commissioner Meadows:
 - Questioned what the building would look like in relation to the adjoining building – a fuller streetscape would be useful;
 - In compliance with the code, a one-bedroom was appropriately small, but the three-bedrooms felt massive;
 - If the market is going this way, can there be a reconfiguration – more efficient way to arrange spaces/units;
 - Likes the laser-cut screens, but pattern shadows may be busy;
 - Providing additional off-street parking with shared ramp is a benefit;
 - Questioned if the fourth-floor large private decks are needed and if practical; and
 - Asked about the relationship of the deck to the adjoining building.

- Commissioner Ahi:
 - Noted the elevator tower and common deck are a good thing;
 - 396 First Street needs to be shown in the next submittal, including location of the windows;
 - Parking spaces 11 and 12 are a concern and questioned whether a five-point turn next to the driveway is practical or should the column be moved;
 - Recommended to provide some window accents to break up wall plane;
 - Look to introduce awning and railings on First Street;
 - Questioned the decorative railings, may be too overpowering;
 - Commonality with adjoining developments is good;
 - Slightly shorter windows and smaller balconies would be better, asked if they make sense along Foothill; and
 - Moving the common deck to the front would be better and give a better relationship to 396 First Street project.

- Chair Samek:
 - Eliminate the gap between buildings;
 - Asked for clarification on the units at the third floor and the elevator tower and why it needed to go above the 46-foot height limit;
 - Not certain if column removal would equate to functional parking at spaces at 11 and 12, especially at the driveway entrance, concerned about overall circulation;
 - On the elevations the windows need some depth or articulation and finer detailing;
 - Okay with the private decks on the third floor;
 - The laser-cut railings are a good balance with transparency; and

PUBLIC HEARING

3. 19-CA-03 – City of Los Altos – Downtown CRS Zone Uses

Proposed amendments to Chapter 14.48, CRS Commercial Retail Sales District, modifying the list of permitted and conditional uses and making findings of CEQA exemption. *Project Manager: Biggs*

Community Development Director Biggs presented the staff report, recommending adoption of the proposed ordinance to the City Council.

Public Comment

Representative from the Los Altos Village Association (LAVA) Scott Hunter spoke in support.

Resident and Chamber of Commerce President Kim Mosley spoke in favor of the proposed changes.

Representative from Los Altos Property Owners Downtown (LAPOD) Kim Cranston spoke in favor.

Resident and commercial real estate broker David Rock stated that more feet on the street are needed, there are not a lot of retail inquiries these days, and potential tenants are seeking restaurant and personal service uses.

Commission Discussion

Commissioner Meadows stated that the changes do not rule out retail and will help bring folks to town.

Commissioner Bodner noted the Downtown Vision's economic vitality called for allowing service uses; the retail commercial market is evolving and needs to stay in step with the times; changes to uses can bring lots of other folks to town; appreciates LAVA, LAPOD, and the Chamber of Commerce weighing in..

Commissioner Bressack questioned if there is a sure way to achieve balance in the future so no one use becomes predominant.

Action: Upon motion by Commissioner Bressack, seconded by Commissioner Bodner, the Commission recommended approval and adoption of the proposed ordinance to the City Council.

The motion was approved (5-0) by the following vote:

AYES: Samek, Ahi, Bodner, Bressack and Meadows

NOES: None

ABSENT: Lee and Marek

DISCUSSION

4. Downtown Vision Presentation and FAR Review

This item was continued from the June 6, 2019 Planning Commission meeting. *Project Manager: Biggs*

Community Development Director Biggs presented the staff report, recommending that the Planning Commission evaluate and develop draft recommendations and tools that can be implemented to achieve a desired look and feel for future development in Los Altos.

Public Comment

None.

Commission Discussion

Chair Samek questioned if FAR is needed and what is the problem that is need of a fix?

Commissioner Bodner stated that if the City goes with 2.5 FAR in certain areas it only works if height limits go higher.

Commissioner Ahi stated that Main and State Streets may be a good location for FAR limits and asked if FAR is successful in mixed-use buildings.

Commissioner Bressack stated that two issues have the greatest effect of moving the Downtown Vision forward are height and parking with FAR. FAR is not the best to do first for downtown, but tackle height recommendations and parking.

Commissioners felt a list of approved projects with their respective FARs in and near the Downtown plus examples of where FAR's have been used successfully from other cities; would be useful in their evaluation and development of recommendations to the City Council.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Bressack asked what the policy is regarding Commissioner vacancies and was told to inform the Commission Chair and staff.

POTENTIAL FUTURE AGENDA ITEMS

The Commission requested that a discussion on the Downtown Vision and FAR Review be scheduled for the next Joint Meeting with the City Council.

ADJOURNMENT

Chair Samek adjourned the meeting at 10:00 P.M.

Jon Biggs
Community Development Director