

ORDINANCE NO. 2012-382

AN ORDINANCE OF THE LOS ALTOS CITY COUNCIL AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 14, CHAPTER 14.78 ENTITLED “DESIGN REVIEW – MULTIPLE-FAMILY, PUBLIC AND COMMUNITY FACILITIES, OFFICE AND ADMINISTRATIVE, AND COMMERCIAL DISTRICTS”

WHEREAS, the Ordinance amendments set forth below further the goals and policies of the City’s General Plan and are necessary to promote the health, safety and welfare of the City; and

WHEREAS, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder and, further, the Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant adverse effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

THE CITY COUNCIL OF THE CITY OF LOS ALTOS ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE: Los Altos Municipal Code, Title 14, Chapter 14.78 is hereby replaced with the following:

Chapter 14.78

DESIGN AND TRANSPORTATION REVIEW – MULTIPLE-FAMILY, PUBLIC AND COMMUNITY FACILITIES, OFFICE AND ADMINISTRATIVE, AND COMMERCIAL DISTRICTS

14.78.010 - Purpose.

The purpose of this chapter is to preserve and protect the character and public safety of the City and to enhance the aesthetic qualities and bicycle and pedestrian safety and functionality of its multiple-family, public and community facilities, office and administrative and commercial districts by requiring design and transportation review of new structures and certain expansions of existing structures.

14.78.020 - Requirement for administrative design review.

No building permit shall be issued for any new main or accessory structure, or addition or alteration thereto, until such construction has received administrative design review approval by the City Planner. Window replacements, reroofing and rooftop venting and exhausting equipment, and mechanical equipment are exempt from this requirement.

14.78.030 - Requirement for public hearing design review.

A. In each of the following cases, no building permit shall be issued for property within an R-3, PCF, OA or C District until the proposed improvements have received design review approval by the City Council pursuant to this chapter:

1. Any new main structure or accessory structure over five hundred (500) square feet;
2. Any expansion over five hundred (500) square feet to an existing main or accessory structure;

3. Whenever, in the opinion of the City Planner, the construction or expansion of a main or accessory structure may be in conflict with the design review findings contained in this section.

B. Applications for design review shall be reviewed in the following manner:

1. The Planning and Transportation Commission shall review the application as a whole. The Planning and Transportation Commission shall forward a recommendation to the City Council.

2. The City Council shall be the approving authority for applications for design review under this chapter.

C. A public meeting notice for the Planning and Transportation Commission meeting and the City Council meeting shall be required. Notice of the meeting shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the meeting by mailing, postage prepaid, a notice of the time and place of the meeting to the applicant and to the recorded legal owners of all properties within five hundred (500) feet of the boundaries of the site at the address shown on the last equalized assessment roll. The Planning and Transportation Commission meeting shall also constitute a public hearing and a notice of that hearing shall be published in a newspaper of general circulation within the City.

D. Plans and applications for design review approval shall be filed with the Planning Division in such form as the City Planner shall prescribe. The application shall be accompanied by the payment of a processing fee in such amount as established by resolution of the City Council.

14.78.040 - Recommendation for pre-application study session design review.

Projects subject to design review pursuant to section 14.78.030 of this chapter are eligible for pre-application design review before the Planning and Transportation Commission. This review is in a study session format and is best served early in the design preparation process. This review is encouraged to receive early design input from the Commission. Study session review is also available at any point in the application process, and may be requested by an applicant or may be required by the City Planner.

14.78.050 - Design review findings.

In approving applications for design review approval under this chapter, the Planning and Transportation Commission and the City Council shall make the following findings:

A. The proposal meets the goals, policies and objectives of the General Plan and any specific plan, design guidelines and ordinance design criteria adopted for the specific district or area.

B. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design.

C. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth, and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays and balconies.

D. Exterior materials and finishes convey quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements.

E. Landscaping is generous and inviting, and landscape and hardscape features are designed to complement the building and parking areas, and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage.

F. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions.

G. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing.

H. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing.

14.78.060 - Variances.

A. Purpose. In order to avoid such practical difficulties, unnecessary physical hardships and results inconsistent with the objectives of the zoning plans stated in Article 1 of Chapter 14.02, as would result from a strict or literal application of the provisions of this chapter, the Planning and Transportation Commission may approve or recommend variances to the regulations controlling site area, width, depth and coverage, yards, and other open spaces, parking spaces, loading spaces, height of structures, allowable building floor area and fences for those properties located in multiple-family, public and community facilities, office and administrative and commercial zoning districts.

B. Procedure. The approving authority for variance applications shall be as follows:

1. The Planning and Transportation Commission shall be the approving authority for all variance applications that are not subject to section 14.78.030 of this chapter. A public hearing shall be required. Notice of the meeting shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the meeting by mailing, postage prepaid, a notice of the time and place of the meeting to the applicant and to the recorded legal owners of all properties within five hundred (500) feet of the boundaries of the site at the address shown on the last equalized assessment roll.

2. The City Council shall be the approving authority for all variance applications that are subject to section 14.78.030 of this chapter. The Planning and Transportation Commission shall review the variance application and forward a recommendation to the City Council.

C. Findings. A variance request may be granted as applied for if, on the basis of the application and the evidence submitted, the following positive findings can be made:

1. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;

2. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and

3. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

D. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

14.78.070 - Expiration of design review and/or variance approval—Extensions.

A. Design review and/or variance approvals granted pursuant to this chapter shall expire twenty-four (24) months from the date on which the approval became effective, unless prior to such expiration date a building permit is issued for the improvements constituting the subject of the design review approval and construction thereof is commenced and prosecuted diligently toward completion.

B. Design review and/or variance approvals may be extended for a period of time not exceeding twelve (12) months. The application for extension shall be filed prior to the expiration date and shall be accompanied by the payment of a fee in such amount as established from time to time by

resolution of the City Council. Extensions of design review approval are contingent on the City Planner finding that the project complies with all current zoning ordinance regulations.

14.78.080 - Requirement for transportation review.

A. Purpose. Projects subject to design review pursuant to section 14.78.030 of this chapter shall also be subject to a transportation review in order to assess potential project bicycle, pedestrian, parking and/or traffic impacts on public streets.

B. Procedure. Projects subject to this section shall be reviewed in the following manner:

1. The Bicycle and Pedestrian Advisory Commission shall consider the project/subject at a public meeting and shall act in an advisory capacity to the Planning and Transportation Commission on bicycle and pedestrian matters.

2. The Planning and Transportation Commission shall also consider the project/subject at a public meeting and act in an advisory capacity to the City Council on bicycle, pedestrian, parking and traffic matters.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing Ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on May 8, 2012 and was thereafter, at a regular meeting held on May 22, 2012 passed and adopted by the following vote:

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



Valorie Cook Carpenter, MAYOR

Attest:



Jon Maginot, DEPUTY CITY CLERK




STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Jon Maginot, Deputy City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2012-382, adopted by the Los Altos City Council on May 22, 2012 by the following vote:

AYES: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: May 16, 2012 and May 30, 2012. Said ordinance shall be effective June 22, 2012.

Dated this 19th day of June, 2012.



Jon Maginot
Deputy City Clerk