DATE: May 22, 2012

AGENDA ITEM # 2

AGENDA REPORT

TO: City Council

FROM: James Walgren, Assistant City Manager

SUBJECT: Commission restructuring ordinance amendments

RECOMMENDATION:

Adopt Ordinance Nos. 2012-381, 2012-382 and 2012-383 amending the Municipal Code to:

A. Amend Chapter 14.76 to create a new Design Review Commission responsible for single-family home design and variance applications
B. Amend Chapter 14.78 to merge the Traffic Commission responsibilities with those of the Planning Commission
C. Change all references to the Planning Commission in Chapter 13.12 – Tentative Maps and Chapter 14.80 – Use Permits to Planning and Transportation Commission, and delete Chapter 14.64 – Architecture and Site Review Committee and Chapter 14.82 – Variances

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SUMMARY:

Estimated Fiscal Impact:

Amount: None

Budgeted: Not applicable

Public Hearing Notice: April 25, 2012

Previous Council Consideration: November 8, 2011; December 15, 2011; January 10, 2012; February 28, 2012; March 27, 2012; and May 8, 2012

CEQA Status: Categorical Exemption

Attachments:

1. Ordinance No. 2012-381
2. Ordinance No. 2012-382
3. Ordinance No. 2012-383

BACKGROUND

At the May 8, 2012 City Council meeting, Council introduced Ordinances that would: amend Chapter 14.76 to create a new Design Review Commission responsible for single-family home design and variance applications; amend Chapter 14.78 to merge the Traffic Commission responsibilities with those of the Planning Commission; and change all references to the Planning Commission in Chapter 13.12 – Tentative Maps and Chapter 14.80 – Use Permits to Planning and Transportation Commission, and delete Chapter 14.64 – Architecture and Site Review Committee and Chapter 14.82 – Variances.

This is the second reading and adoption of those amendments. The Ordinances will go into effect on June 22, 2012.

DISCUSSION

Council introduced the draft Ordinances at a May 8, 2012 public hearing and moved to approve them with changes, including allowing a Planning and Transportation Commission study session during the application review process and not just as a pre-application option.

FISCAL IMPACT

None

PUBLIC CONTACT

A public hearing notice was published in the *Los Altos Town Crier* and several public meetings were held with posted meeting agendas.

Posting of the meeting agenda serves as notice to the general public.

ALTERNATIVES

The City Council may modify the proposed Ordinances and reintroduce them, or reject the proposed Ordinances.

ATTACHMENT 1

ORDINANCE NO. 2012-381

AN ORDINANCE OF THE LOS ALTOS CITY COUNCIL AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 14, CHAPTER 14.76 ENTITLED "DESIGN REVIEW – SINGLE-FAMILY DISTRICT"

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 14.76 is hereby replaced with the following:

Chapter 14.76

DESIGN REVIEW – SINGLE-FAMILY DISTRICT

14.76.010 - Purpose.
It is the policy of the City to review the proposed construction or exterior alterations of single-family dwellings and accessory structures under circumstances which include, but are not limited to, where such structures might constitute an unreasonable invasion of privacy, unreasonable interference with views, light and air, or create adverse impacts upon the aesthetic character of neighboring residential structures. The purpose of this section is to establish a set of criteria, objectives and procedures to be followed with respect to the design review of any proposed single-family main or accessory structure, or addition or alteration thereto, and to insure that the new development occurs in a manner which is consistent with the objectives of this chapter, the design criteria of single-family residential design guidelines, and the goals and policies of the General Plan.

14.76.020 - Single-family residential design guidelines.
Any new main or accessory structure, or addition or alteration thereto, shall be consistent with the policies and implementation techniques described in the single-family residential design guidelines as adopted by the City Council.

14.76.030 - 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.

14.76.040 - Requirement for Design Review Commission design review.

In each of the following cases, no building permit shall be issued for the construction, addition or alteration of any main or accessory structure in any R-1 District until such structure has received design review approval by the Design Review Commission pursuant to this chapter:

A. Any new two-story structure;

B. Any conversion of a one-story structure to a two-story structure;

C. Any addition of habitable area to the second floor of an existing two-story structure;

D. Any new one-story structure over twenty (20) feet in height;

E. Whenever design review is specifically required under the terms or conditions of any tentative subdivision map, use permit, variance or conditional rezoning; and

F. 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 section 14.76.050 of this chapter.

14.76.050 - Design review findings.

In approving an application for design review, the approving authority shall make the following findings:

A. The proposed structure or alteration complies with all provisions of this chapter;

B. The height, elevations and placement on the site of the proposed main or accessory structure or addition, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy, and will consider the topographic and geologic constraints imposed by particular building site conditions;

C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized and will be in keeping with the general appearance of neighboring developed areas;

D. The orientation of the proposed main or accessory structure or addition in relation to the immediate neighborhood will minimize the perception of excessive bulk;

E. General architectural considerations, including the character, size, scale and quality of the design, the architectural relationship with the site and other buildings, building materials and similar elements have been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings; and

F. The proposed structures have been designed to follow the natural contours of the site with minimal grading, minimal impervious cover and maximum erosion protection. A stepped foundation shall generally be required where the average slope beneath the proposed structure is ten (10) percent or greater.

14.76.060 - Variance findings.

A. 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 Design Review Commission may grant 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 single-family zoning districts.

B. The Design Review Commission may grant a variance as applied for if, on the basis of the application and the evidence submitted, the Commission makes the following positive findings:

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.

C. 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.

14.76.070 - Application requirements.

Plans and applications for design review and/or variance 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.

14.76.080 - Notification.

Notification shall be provided whenever an application for Design Review Commission design review or variance is required pursuant to this chapter via first-class mail to the adjoining property owners, in the manner set forth by the City Planner, at least ten (10) days prior to the meeting at which the application is to be reviewed. The property owners who shall be mailed notice include, but are not limited to, the following:

A. The two adjoining property owners on each side;

B. The three adjoining rear property owners; and

C. The five adjoining front property owners across the street.

D. As deemed appropriate or necessary, the City Planner may require that notification be mailed to a greater or lesser number of property owner(s) than are identified above based on the configuration of the properties adjoining the site of the application.

E. Notice shall also be posted on the project site near the front property line in accordance with the standards set by the City Planner.

14.76.90 - 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 and/or variance 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 and/or variance approval are contingent on the City Planner finding that the project complies with all current zoning ordinance regulations.

14.76.100 - Appeals.

A. Within fifteen (15) days of any denial of an administrative design review request, the decision may be appealed to the Design Review Commission.

B. Within fifteen (15) days of any approval or denial of a Design Review Commission design review and/or variance request, the decision may be appealed to the City Council.

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:
Noes:
Absent:
Abstain:

_____
Valorie Cook Carpenter, MAYOR

Attest:

_____
Jon Maginot, DEPUTY CITY CLERK

ATTACHMENT 2

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 recommended 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:
Noes:
Absent:
Abstain:

_____
Valorie Cook Carpenter, MAYOR

Attest:

_____
Jon Maginot, DEPUTY CITY CLERK

ATTACHMENT 3

ORDINANCE NO. 2012-383

AN ORDINANCE OF THE LOS ALTOS CITY COUNCIL AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 14, TO: A) CHANGE ALL REFERENCES TO THE PLANNING COMMISSION IN CHAPTER 13.12 ENTITLED "TENTATIVE MAPS" TO PLANNING AND TRANSPORTATION COMMISSION; B) DELETE CHAPTER 14.64 ENTITLED "ARCHITECTURE AND SITE REVIEW COMMITTEE" AND CHAPTER 14.82 ENTITLED "VARIANCES," AND C) CHANGE ALL REFERENCES TO THE PLANNING COMMISSION IN CHAPTER 14.80 ENTITLED "USE PERMITS" TO PLANNING AND TRANSPORTATION COMMISSION

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 13, amend Chapter 13.12 – Tentative Maps by replacing all references to the Planning Commission with the Planning and Transportation Commission.

SECTION 2. AMENDMENT OF CODE: Los Altos Municipal Code, Title 14, delete Chapter 14.64 – Architecture and Site Review Committee and Chapter 14.82 – Variances.

SECTION 3. AMENDMENT OF CODE: Los Altos Municipal Code, Title 14, amend Chapter 14.80 – Use Permits by replacing all references to the Planning Commission with the Planning and Transportation Commission.

SECTION 4. 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 5. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 6. 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:
Noes:
Absent:
Abstain:

_____
Valorie Cook Carpenter, MAYOR

Attest:

_____
Jon Maginot, DEPUTY CITY CLERK