



PLANNING COMMISSION MEETING AGENDA

6:00 PM - Thursday, June 05, 2025

***Community Meeting Chambers, Los Altos City Hall 1
North San Antonio Road, Los Altos, CA***

PARTICIPATION: Members of the public may participate by being present at the Los Altos Community Meeting Chambers at Los Altos City Hall located at 1 N. San Antonio Rd, Los Altos, CA during the meeting. Public comment is accepted in person at the physical meeting location, or via email to **PCPublicComment@losaltosca.gov**.

REMOTE MEETING OBSERVATION: Members of the public may view the meeting via the link below, but will not be permitted to provide public comment via Zoom or telephone. Public comment will be taken in-person, and members of the public may provide written public comment by following the instructions below.

<https://tinyurl.com/3nwvzf4e>

Telephone: 1-253-215-8782 / Webinar ID: 939 5137 1163 / Passcode: 242017

SUBMIT WRITTEN COMMENTS: Verbal comments can be made in-person at the public hearing or submitted in writing prior to the meeting. Written comments can be mailed or delivered in person to the Development Services Department or emailed to **PCPublicComment@losaltosca.gov**.

Correspondence must be received by 2:00 p.m. on the day of the meeting to ensure distribution prior to the meeting. Comments provided after 2:00 p.m. will be distributed the following day and included with public comment in the Planning Commission packet.

AGENDA

ESTABLISH QUORUM

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Commission's attention any item that is not on the agenda. The Commission Chair will announce the time speakers will be granted before comments begin. Please be advised that, by law, the Planning Commission is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "The Brown Act") items must first be noted on the agenda before any discussion or action.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

These items will be considered by one motion unless any member of the Commission or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Chair.

1. Planning Commission Meeting Minutes

Approval of the DRAFT minutes of the regular meeting of May 15, 2025.

PUBLIC HEARING

2. Zoning Code Amendments – Historic Preservation, Mills Act, Design Review

Consider the draft ordinances and provide recommendation to the Los Altos City Council for the adoption of the proposed ordinances which include:

1. An Ordinance of the City Council of the City of Los Altos Adding Chapter 14.90 (Historic Preservation) to the Los Altos Municipal Code; and
2. An Ordinance of the City Council of the City of Los Altos Adding Chapter 14.91 (Mills Act Program) to the Los Altos Municipal Code; and
3. An Ordinance of the City Council of the City of Los Altos Adding Chapter 14.77 (Design Review) to the Los Altos Municipal Code; and
4. An Ordinance of the City Council of the City of Los Altos Repealing in its Entirety Chapter 14.76 and Chapter 14.78 for Existing Design Review Regulations; and
5. An Ordinance of the City Council of the City of Los Altos Repealing in its Entirety Chapter 12.44 for Existing Historic Preservation Regulations; and
6. An Ordinance of the City Council of the City of Los Altos Amending Chapter 14.01 (Administration of Zoning) to the Los Altos Municipal Code; and

Find that the proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

COMMISSIONERS' REPORTS AND COMMENTS

POTENTIAL FUTURE AGENDA ITEMS

ADJOURNMENT

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act and California Law, it is the policy of the City of Los Altos to offer its programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact department staff. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Agendas, Staff Reports and some associated documents for the Planning Commission items may be viewed on the Internet at <https://www.losaltosca.gov/calendar>.

Decisions of the Planning Commission are final unless appealed by filing an appeal with the City Clerk within 14 calendar days of the decision. No building permits shall be issued during this 14-day period.



**CITY OF LOS ALTOS
PLANNING COMMISSION MEETING
MINUTES
THURSDAY, MAY 15, 2025
6:00 p.m.
1 N. San Antonio Road, Los Altos, CA**

*Joe Beninato, Chair
Richard Roche, Vice Chair
Mehruess Jon Ahi, Commissioner
Susan Mensinger, Commissioner
Eric Steinle, Commissioner*

Item 1.

CALL MEETING TO ORDER: Joe Beninato, Chair, called the meeting to order at 6:00 p.m.

ESTABLISH QUORUM: All Planning Commissioners were present and in person during the meeting.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CONSENT CALENDAR

1. Planning Commission Meeting Minutes

Approval of the DRAFT minutes of the Planning Commission meeting of April 3, 2025.

Motion by Commissioner Roche and Second by Commissioner Mensinger to approve the consent calendar. **Motion carried unanimously by roll call vote.**

PUBLIC HEARING

2. General Plan Amendment: Safety Element and Natural Environment & Hazards Element

Consideration of a General Plan Amendment to adopt a Safety Element and update the Natural Environment & Hazards Element to maintain the City of Los Altos's General Plan in compliance with State Law. The proposed amendment is exempt from environmental review pursuant to Sections 15060(c)(2) and 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. *Project Manager: Sean Gallegos*

Sean Gallegos, Senior Planner, presented the project.

Commissioners asked staff questions.

Chair Beninato opened the public comment period.

No one from the public provided comments.

Chair Beninato closed the public comment period.

The Planning Commission discussed the project.

Motion by Commissioner Steinle and Second by Commissioner Roche to adopt a Resolution recommending the City Council approve a General Plan Amendment for a new Safety Element and revised Natural Environment & Hazards Element; and find the project is exempt from environmental review pursuant to Sections 15060(c)(2) and 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. **Motion carried unanimously by roll call vote.**

COMMISSIONERS' REPORTS AND COMMENTS – Chair Beninato shared comments.

ADJOURNMENT – The meeting adjourned at 6:22 p.m.

Stephanie Williams
Development Services Deputy Director

The Planning Commission Meeting recording may be viewed via the following external website: <https://www.youtube.com/@CityofLosAltosCA>. The City of Los Altos does not own or operate YouTube. The video referenced on these minutes were live at the time the minutes were published.



Agenda Report

Meeting Date: June 5, 2025

Prepared By: Nick Zornes

Subject: Zoning Code Amendments – Historic Preservation, Mills Act, Design Review

COUNCIL PRIORITY AREA

- ☐ Public Safety
- ☐ Business Communities
- ☐ Circulation Safety and Efficiency
- ☐ Environmental Sustainability
- ☒ Housing
- ☒ General Government

RECOMMENDATION

Consider the draft ordinances and provide recommendation to the Los Altos City Council for the adoption of the proposed ordinances which include:

1. An Ordinance of the City Council of the City of Los Altos Adding Chapter 14.90 (Historic Preservation) to the Los Altos Municipal Code; and
2. An Ordinance of the City Council of the City of Los Altos Adding Chapter 14.91 (Mills Act Program) to the Los Altos Municipal Code; and
3. An Ordinance of the City Council of the City of Los Altos Adding Chapter 14.77 (Design Review) to the Los Altos Municipal Code; and
4. An Ordinance of the City Council of the City of Los Altos Repealing in its Entirety Chapter 14.76 and Chapter 14.78 for Existing Design Review Regulations; and
5. An Ordinance of the City Council of the City of Los Altos Repealing in its Entirety Chapter 12.44 for Existing Historic Preservation Regulations; and
6. An Ordinance of the City Council of the City of Los Altos Amending Chapter 14.01 (Administration of Zoning) to the Los Altos Municipal Code; and

Find that the proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

FISCAL IMPACT

Not Applicable.

ENVIRONMENTAL REVIEW

The proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

PREVIOUS COUNCIL CONSIDERATION

Not Applicable.

BACKGROUND

The Los Altos Municipal Code contains various ordinances for items that include Historic Preservation, and Design Review for development within the City. However, the Code does not include specific standards, processes or procedures for Mills Act Properties and the associated contracts for historic preservation.

The Historic Preservation Ordinance as a part of this Agenda Item aims to modernize and strengthen the process for identifying, designating, preserving, and regulating historic resources in the City of Los Altos. This update codifies existing best practices, integrates preservation into land use and development processes, and provides clear procedures and definitions for designations and alterations to historic properties. Much of the proposed ordinance language is consistent with existing standards within the Los Altos Municipal Code, however, are being relocated from Title 12 (Building and Safety Code) to Title 14 (Zoning Code).

The proposed Mills Act Chapter introduces an economic incentive program authorized by California Government Code §§50280–50290. It allows owners of qualified historic properties to enter into contracts with the City for reduced property tax assessments in exchange for commitments to restore and maintain those properties according to preservation standards. The proposed ordinance largely codifies existing practice, which is enabled by State law, however, is not contained within local ordinance. The integration of the proposed ordinance into the local code allows for consistency and integrity of the Mills Act program within the City.

Lastly, the proposed Design Review ordinance merges together two existing Chapters within the Los Altos Municipal Code, Chapter 14.76 and 14.78. The two existing chapters both necessitate amendments for consistency in the Los Altos Zoning Code. The two chapters are being proposed to be merged as the best practice for user experience and ease of application of the Code. The merger of the two chapters into a standalone chapter is common practice for the requirements of Design Review in most jurisdictions, as the process for permitting should be the same, and the district specific regulations are reflected elsewhere in the code. Specific provisions in the proposed ordinances are largely consistent with the existing two separate chapters, and existing practice within the City.

ANALYSIS

Historic Preservation Ordinance:

The Ordinance establishes a comprehensive regulatory framework for designating properties as historic resources or landmarks based on criteria related to age, integrity, and significance. Introduces formalized procedures for applications, reports, Historical Commission review, and City Council action. Defines a new Historic Alteration Permit process for review and approval of proposed changes to designated properties, ensuring compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Identifies ordinary maintenance activities exempt from permit requirements and emphasizes the duty to maintain designated historic properties in good repair. Clarifies appeal rights, enforcement mechanisms, and the option for joint public hearings with other review authorities.

Mills Act Ordinance:

The Ordinance establishes eligibility requirements for entering into historic property preservation contracts, limiting participation to properties designated on local, state, or national registers. Sets out a robust application process including a 10-year maintenance plan, cost estimates, photographs, proof of eligibility, and property tax assessment projections. Requires formal contract review and execution by the City Council, subject to compliance with applicable codes and preservation standards. Mandates periodic inspections and documentation (every five years) to ensure ongoing compliance with preservation obligations. Includes provisions for nonrenewal, amendment, and cancellation of contracts, consistent with state law and local enforcement authority. As previously noted, the proposed Mills Act Ordinance is codification of existing practices which are enabled by State law. The proposed ordinance further provides process and procedures for review, approval, and enforcement of the Mills Act for the City of Los Altos.

Design Review Ordinance:

The Ordinance consolidates two standalone ordinances for design review within the City of Los Altos, one for the Single-Family Districts, and one for all other Districts. The two standalone ordinances necessitate updates for consistency with the Los Altos Municipal Code based on several recently completed code amendments. The merger of the two chapters allows for best practice and what is commonly seen in other codes within the industry. Regulations contained within the newly proposed Chapter are largely the same as what exists today, and existing practices of the City of Los Altos.

DISCUSSION

The revised Historic Preservation Ordinance and the new Mills Act Chapter function in tandem to preserve the City's cultural and architectural heritage through both regulatory oversight and financial incentives. The operative framework provides the following:

- **Designation to Protection:** Properties must first be designated as Historic Resources (via the Historic Preservation Ordinance) to become eligible for Mills Act contracts. The preservation ordinance provides the process and criteria for such designation, ensuring resources meet thresholds of significance and integrity.
- **Alterations and Integrity:** Once designated, any significant changes to a property must go through the Historic Alteration Permit process to protect character-defining features. This ensures that physical modifications do not compromise historical integrity.
- **Financial Incentives and Long-Term Maintenance:** The Mills Act contract offers a property tax reduction in exchange for a binding 10-year plan to rehabilitate and maintain the historic property. City inspections verify ongoing compliance, while cancellation provisions protect the public interest and further ensure that a reduction in the property tax levy is only commensurate with the need to upgrade or restore the historic property.
- **Enforcement and Oversight:** Both ordinances include clear roles for staff, the Historical Commission, and the City Council in reviewing, approving, and enforcing regulations or contracts. Joint hearing procedures further streamline multi-authority reviews where necessary.

- The synergy between the updated preservation regulations and the Mills Act program is essential for advancing Los Altos' historic preservation goals. Together, they reflect a comprehensive and balanced approach that recognizes the value of cultural resources while providing meaningful incentives for private stewardship.

The consolidated Design Review Ordinance ensures consistency and adherence to the City of Los Altos established rules and regulations for development. The existing two standalone chapters do not speak to each other, and in some areas fall short of the prescriptive compliance that is necessary for a well-established regulatory framework. The amendments are proposed based on the existing practices of the City of Los Altos, and industry standards which are known for this municipal function in Planning and Zoning. Overarchingly the amendments streamline the review process for all parties, which is crucial as Design Review is the City's single most application requested and reviewed by the Development Services Department.

ATTACHMENTS

- 1. Draft Ordinance – Historic Preservation**
- 2. Appendix A**
- 3. Draft Ordinance – Mills Act**
- 4. Appendix A**
- 5. Draft Ordinance – Design Review**
- 6. Appendix A**
- 7. Draft Ordinance – Repeal Chapter 14.76 & 14.78**
- 8. Appendix A**
- 9. Appendix B**
- 10. Draft Ordinance – Repeal Chapter 12.44**
- 11. Appendix A**
- 12. Draft Ordinance – Administration of Zoning 14.01**
- 13. Appendix A**

ORDINANCE NO. 2025-__**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 14.90 (HISTORIC PRESERVATION) TO THE LOS ALTOS MUNICIPAL CODE**

WHEREAS, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

WHEREAS, the City Council held a duly noticed public hearing on **DATE TO BE INSERTED**, and **DATE TO BE INSERTED**; and

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

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

SECTION 1. AMENDMENT OF CHAPTER 14.90 OF THE MUNICIPAL CODE. Chapter 14.90 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. 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 hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

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 hereof.

I HEREBY CERTIFY that the foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on **DATE TO BE INSERTED**, and was thereafter, at a regular meeting held on **DATE TO BE INSERTED**, passed, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

APPENDIX A
CHAPTER 14.90

APPENDIX A

Chapter 14.90 – HISTORIC PRESERVATION

14.90.010 Purpose.

The purpose of this chapter is to:

- A. Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history;**
- B. Enhance the visual character of the city by encouraging the compatibility of architectural styles which reflect established architectural traditions on individual property and parcels of land;**
- C. Encourage public knowledge, understanding and appreciation of the city's past, and foster civic and neighborhood pride and sense of identity based upon the recognition and use of the city's historic resources;**
- D. Stabilize and improve property values within the city and increase the economic and financial benefits to the city and its inhabitants derived from the preservation, rehabilitation, and use of historic resources;**
- E. Integrate the conservation of historic resources into the public and private development process and identify as early as possible and resolve conflicts between the preservation of such resources as possible.**

14.90.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, unless the context or the provision clearly requires otherwise:

"Alteration" means any act or process that changes any portion of the exterior architectural appearance of a structure or object, including, but not limited to, the erection, construction, reconstruction, removal of exterior architectural features or details, or the addition of new structures, but does not include painting, ordinary maintenance and landscaping.

"California Historical Building Code" applies to all qualified historic structures and sites, designated under federal, state and local authority. It provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as qualified historic buildings.

"California Office of Historic Preservation" means the governmental agency primarily responsible for the statewide administration of the historic preservation program in California.

"California Register of Historical Resources" is a comprehensive listing of California's historical resources, including those of local, state and national significance.

"Character defining features" means the defining elements, such as prominent architectural features, materials, craftsmanship or other elements, that, individually or in combination, identify a historic property, building or landscape.

"Commission staff" means the staff liaison assigned to the historical commission.

"DPR 523" means the California Department of Parks and Recreation Historic Resource Inventory Forms used for historic evaluations. The DPR 523A form provides descriptive information about a resource. The DPR 523B form provides an evaluation of the resources and includes a determination as to whether the resource is eligible for the National or State Register of Historic Places or listing on the Los Altos Historic Resources Inventory.

"Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all the outer surfaces of an improvement, including but not limited to, the kind, size, shape and texture of building materials, and the type and style of windows, doors, lights, signs and other fixtures appurtenant to such improvement.

"Historic landmark" means a building, improvement, structure, natural feature, site or area of land, under single or common ownership that has significant historical, architectural, cultural, and/or aesthetic interest or value, and is designated as a historic landmark by the city council.

"Historic resource" is a property or structure that has been determined to be over fifty (50) years old, or has been identified as eligible for listing in a local, state, or national historic register per CEQA Guidelines Section 15064.5, retains its physical integrity, has historical, architectural, cultural, and/or aesthetic value, and is listed on the historic resources inventory.

"Historic resources inventory" (HRI) means the city's official inventory of the historic resources, as adopted and amended from time to time by resolution of the city council. A property or structure must be designated as a historic landmark or a historic resource to be listed.

"Historical commission" is an advisory commission appointed by the city council that is tasked with maintaining the historic resources inventory, making recommendations on historic landmarks, working with property owners on preservation, maintenance and other development activities related to historic resources, and other activities as identified in the municipal code.

"Improvement" means any building, structure, parking facility, wall, work of art or other appurtenance or addition thereto constitute a physical betterment of real property or any part of such betterment.

"Integrity" is the authenticity of the characteristics, also referred to as character defining features, from which resources derive their significance. Integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling and association.

"Mills Act" is an economic incentive program in California for the restoration and preservation of qualified historic structures. The Mills Act grants participating local governments the authority to enter into contracts with owners of qualified historic properties to reduce the property tax assessment in exchange for the restoration and maintenance of the historic resource.

"National Register of Historic Places" is the official inventory of districts, sites, buildings, structures and objects significant in American history, architectural, archeology and culture, maintained by the Secretary of Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

"Preservation" means the act of identification, study, protection, reconstruction, restoration, rehabilitation or enhancement of historic and/or cultural resources.

"Reconstruction" means the act or process of reproducing by new construction, the exact form and detail of a vanished building, structure or any part thereof, as it appeared at a specific period.

"Rehabilitation" means the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural value.

"Restoration" means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period by means of the removal of later work or by the replacement of missing earlier work.

"Secretary of Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68)" are the Federal Standards for the Treatment of Historic Properties that are utilized in the identification, evaluation, registration and treatment of historic properties. The list of ten (10) Rehabilitation Standards, published as the Secretary of the Interior's Standards, is aimed at retaining and preserving those features and materials that are important in defining the historic character of a resource.

14.90.030 Identification of Historic Resource.

For a property to be placed on the HRI following the adoption of this Chapter, an historic resource survey (DPR 523A) shall be prepared by a qualified consultant in compliance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation: Professional Qualifications Standards.

14.90.040 Historic Resource Designation

- A. Designation Criteria.** For the purposes of this Chapter, a structure, property or object may be eligible for designation as a historic resource or historic landmark, if it/they satisfy all three (3) criteria listed below:
1. Age. A structure or property shall be more than fifty (50) years in age.
 2. Determination of Integrity. A structure or property should retain sufficient historic integrity in most of the following areas:
 - a. Location. The place where the historic property was constructed or where the historic event occurred. Integrity of location is maintained when the property remains at its original site.
 - b. Design: The combination of elements that create the form, plan, space, structure and style of a property.
 - c. Materials: The physical elements that were combined or deposited during a particular period and in a particular pattern or configuration.
 - d. Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in prehistory or history.
 - e. Characteristic: A property's expression of the aesthetic or historic sense of a particular period.
 - f. Association: The direct connection between a property and the historic event, activity, or person for which it is significant.

3. Historic Significance. A structure or property should be clearly associated with one or more of the following areas of significance:
 - a. Event: Associated with a single significant event or a pattern of events that have made a significant contribution to broad patterns of local or regional history, or cultural heritage of California or the United States.
 - b. Person/People: Associated with the lives of people important to the local or regional, California or national history.
 - c. Architecture/Design: Embodies the distinctive characteristics of a design-type, period, region or method of construction, or represents the work of a master or possesses high artistic value.
 - d. Archaeology: Yields important information about prehistory or history of the local area, California or the nation.

B. Initiation for Designation.

1. Designation of a property proposed for inclusion on the HRI may be initiated by any of the following parties:
 - a. Owner(s) of the property proposed for inclusion or authorized representative of the owner(s);
 - b. Historical Commission and affirmed by the City Council;
 - c. City Council.
2. If designation is initiated by the owner(s), an application for designation shall be made to the Development Services Department through submittal of the prescribed application form accompanied by a nonrefundable filing fee as specified in the adopted Fee Schedule. The Development Services Department shall establish what supporting documentation shall accompany the application, including, but not limited to, State of California DPR 523 series forms or other HRI forms as may be approved by the State.
3. At the time of submission of an application for designation, the owner(s) or authorized representative of the owner(s) shall be notified of the proposed designation and given the opportunity to comment; however, owner consent is not required for designation to proceed.
4. The application shall indicate the parameters of the property proposed for inclusion, specifying any related structures or resources that are to be included for consideration and an evaluation of the property's conformance with the applicable criteria.
5. If designation is initiated by the Historical Commission or the City Council, the Development Services Department shall notify the owner(s) of the property by certified mail within ninety (90) days of the initiation and request written consent from the owner. The notice shall inform the owner(s) of the proposed designation and provide an opportunity to

comment during the public hearing process. Owner consent shall not be required for the designation to proceed.

C. Approval of Permits When Designation is Pending. Except as provided by this chapter no Building Permit, Demolition Permit, or other permit that would result in a major alteration of the property shall be issued for any property when an HRI designation application has been initiated with the Development Services Department until all hearings on the matter are concluded.

D. Historical Commission Hearing.

1. The Historical Commission shall conduct a hearing on the application for designation at its next regularly scheduled meeting following the application being deemed complete by the Development Services Department.
2. A staff report, including the supporting documentation concerning the property proposed for inclusion shall be provided to the Historical Commission. The report shall address the significance and integrity of the property proposed for inclusion as it relates to the designation criteria, provide other relevant information, and include a recommendation concerning the application and the basis therefor.
3. The Historical Commission shall consider the evidence provided by a licensed design professional specializing in historic preservation or qualified historic preservation professional who meet the Secretary of Interior's Professional Qualification Standards, as established by the National Park Service. The Historical Commission shall recommend to the City Council approval, modification, or denial of the designation proposal, including the reasons for such recommendation.

E. City Council Review. Following the recommendation of the Historical Commission, the City Council shall take final action on the request for designation by resolution approving or denying the recommendation.

F. Notice of Designation.

1. Following action by the City Council, a copy of the findings shall be sent by first class mail to the owner(s) of the newly designated HRI property, and a notice of the designation, along with a legal description of the property, shall be recorded in the records of the County Recorder.
 - a. Failure to record with the County Recorder shall not invalidate a designation or any of the requirements of this Chapter.
2. The City Council also shall send notice of the designation to California State Parks, Office of Historic Preservation.

G. Designation Repeal or Amendment.

1. Designation may be repealed or amended in the same manner and procedure as was followed to designate the property initially. This action shall result from new information, the discovery of earlier misinformation or change of original circumstances, conditions, or factors that justified the designation.
2. If a repeal of designation is approved by the City Council, a notice shall be sent by first class mail to the owner(s) of the property.

14.090.050 Historic Alteration Permit.

- A.** Historic Alteration Permit(s) are required in order to alter, demolish, remove, relocate or change any exterior architectural features of an HRI listed property, or remove or relocate any improvements, structures that contribute to the integrity or the historic significance of the resource.
- B.** For non-residential properties that are on the HRI, non-permanent improvements such as signage, fences/walls, minor accessory structures and landscaping that do not adversely affect the physical integrity or the historic significance of the resource may be exempted from Historical Commission review by the Zoning Administrator.
- C.** For residential properties that are on the HRI, improvements such as swimming pools, fences/walls, minor accessory structures and landscaping that do not adversely affect the physical integrity or the historic significance of the resource may be exempted from Historical Commission review by the Zoning Administrator.
- D.** Where applicable, applicants shall use the California Historic Building Code (CHBC) to accommodate necessary code compliance in a manner that retains character-defining features and ensures life-safety without compromising historic integrity. Any condition deemed unsafe or warranting removal of historic features shall first be evaluated for compliance under the CHBC prior to initiating demolition or alteration.

14.90.060 Review of Historic Alteration Permit.

- A.** For projects that require a historical alteration permit, the historical commission shall complete its review and issue a recommendation at its next available scheduled meeting. The commission shall determine if:
 - 1.** The project complies with all provisions of this chapter; and
 - 2.** The project does not adversely affect the physical integrity or the historic significance of the subject property.
 - 3.** The project is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- B.** The Historical Commission recommendation on the historical alteration permit, shall be forwarded to the Zoning Administrator for consideration. The Zoning Administrator may approve or deny the recommendation of the Historical Commission based on the applicable provisions of this code.

14.90.070 Application for Historic Alteration Permit.

- A. Applications for historical alteration permits shall be submitted to the Development Services Department. Applications shall at minimum include the following information:**
- 1. A clear statement of the proposed work;**
 - 2. A site plan and boundary survey showing all existing buildings, structures, trees over six inches in diameter, property lines, easements and the proposed work;**
 - 3. Detailed plans showing both the existing and proposed exterior elevations, including a street elevation, photographs of windows and/or special features, materials and grading;**
 - 4. Specifications describing all materials to be used and all processes that would affect the appearance or nature of the materials;**
 - 5. Notes indicating any deviation from the Secretary of the Interior's Standards for Historic Rehabilitation; and**
 - 6. Such other information or documents as may be requested by the Zoning Administrator.**

14.90.080 Joint Meeting Procedures.

When a project requires multiple discretionary approvals from multiple review authorities, the project shall be reviewed at a Joint Meeting of the respective review authorities when practical. Procedures for Joint Meetings shall be as follows:

- A. The Historical Commission will attend a regularly scheduled or special meeting of the Zoning Administrator, Planning Commission, and/or City Council.**
- B. One (1) public meeting notice, agenda, and meeting minutes shall be prepared for the item being reviewed at the Joint Meeting.**
- C. The Historical Commission shall conduct its review first and render its recommendation followed by the Zoning Administrator, Planning Commission, and/or City Council.**

14.90.090 Appeal Procedures.

Any decisions rendered under regulations contained within this Chapter are appealable pursuant to Section 14.01.100 of the Los Altos Municipal Code.

14.90.100 Notice of Public Meetings.

Any decisions rendered under regulations contained within this Chapter are subject to public meeting notice requirements pursuant to Section 14.01.130 of the Los Altos Municipal Code.

14.90.110 Ordinary Maintenance and Repair.

- A. Nothing in this chapter shall be construed to prevent the ordinary maintenance, painting, landscaping or repair of any exterior feature in or upon any historic resource or historic landmark that does not involve a change in design, material or the external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any historic resource or historic landmark which has been certified by the city building inspector, or fire chief, or other code enforcement officer as being in unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code.
- B. Ordinary Maintenance and Repair as described in this Section shall be exempt from the requirements of obtaining a Historic Alteration Permit.

14.90.120 Duty to keep in good repair.

- A. The owner, occupant or the person in actual charge of a historic resource or a historic landmark shall keep and maintain in good condition and repair all exterior portions of the improvement or structure, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature or natural feature.
- B. It shall be the duty of the development services director or their designee to enforce this section.

14.90.130 Enforcement.

The violation of any provision contained in this chapter is hereby declared to be unlawful and shall constitute a misdemeanor, subject to the penalties as prescribed in Title 1, Chapter 1.20 of this code.

ORDINANCE NO. 2025-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 14.91 (MILLS ACT PROGRAM) TO THE LOS ALTOS MUNICIPAL CODE

WHEREAS, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

WHEREAS, the City Council held a duly noticed public hearing on **DATE TO BE INSERTED**, and **DATE TO BE INSERTED**; and

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

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

SECTION 1. AMENDMENT OF CHAPTER 14.91 OF THE MUNICIPAL CODE. Chapter 14.91 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. 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 hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

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 hereof.

I HEREBY CERTIFY that the foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on **DATE TO BE INSERTED**, and was thereafter, at a regular meeting held on **DATE TO BE INSERTED**, passed, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

APPENDIX A
CHAPTER 14.91

APPENDIX A

Chapter 14.91 - MILLS ACT PROGRAM

14.91.010 - Authority for Adoption.

This Chapter is adopted pursuant to California Government Code Sections 50280 through 50290, commonly known as the "Mills Act."

14.91.020 - Purpose and applicability.

State law provides that the City Council may contract with the owner of any qualified historical property in a manner which they deem as reasonable to carry out the purposes of the Mills Act. The Mills Act enables the City Council, in its discretion, to enter into historic property preservation contracts with the owner(s) of qualified historical properties within the City of Los Altos. The historic property contract allows the owner of a qualified historical property to obtain preferential property tax assessment in exchange for restrictions on the property to help preserve, restore, and maintain the historic property.

14.91.030 - Definitions.

The following definitions shall apply for the purposes of this Chapter:

"Anniversary date" means the date of final execution by all parties of the historic property contract and the same date each subsequent year that the historic property contract is in effect.

"Historic property preservation contract" means a contract between the owner(s) of a qualified historic property and the City of Los Altos, meeting all requirements of State law and this Chapter. The "historic property preservation contract" may also be referred to in this Chapter as "historic contract."

"Owner" means all persons and entities that have a right, title, or interest in the property which is the subject of the historic property contract. The term "owner" includes agents authorized in writing by the owner to act on owner's behalf. The term "owner" also includes owner's successors-in-interest.

"Qualified historical property" means a privately owned property, inclusive of the qualified historical improvements and any land on which the qualified historical improvements are located, which is not exempt from property taxation and which meets any one of the following criteria:

1. A property or structure listed individually in the National Register of Historic Places;

2. A property or structure listed individually in the California Register of Historical Resources;
3. A property or structure listed individually in the City of Los Altos' adopted Historical Resource Inventory;

14.91.040 - Limitations on historic property contracts.

- A. The City Council may, in its sole discretion and pursuant to the terms of this Chapter, enter into historic contracts with the owners of qualified historical properties that are located within the City of Los Altos.
- B. Only qualified historical properties shall be eligible to enter into historical contracts.
- C. Applications for historic contracts must be received prior to July 1 of any calendar year to be processed during that calendar year. Historic property contracts must be approved, signed, and recorded in the Office of the Recorder of the County of Santa Clara on or before December 31 of a calendar year to be eligible for property tax reassessment for the following fiscal year.
- D. The intent of this Chapter is to establish procedures whereby property subject to a historic property contract approved, executed, and recorded pursuant to this Chapter will be eligible for property tax valuation as an enforceable restricted historical property pursuant to state law (Sections 439 through 439.4 of the California Revenue and Taxation Code, as may be periodically amended). In the event that only a portion of a property or structure is the subject of a historic contract, only that portion of the property or structure covered by the historic property contract shall be considered for preferential property tax assessment treatment under state law. The rest of the property or structure shall be subject to standard property tax assessment, and the total assessed value shall be a combination of the two methods as determined by the County Assessor. This section shall not be construed to circumvent or diminish any requirements of the Subdivision Map Act.
- E. Properties with recorded historic contracts must comply with all applicable City of Los Altos rules, regulations, policies, permit requirements, and associated fees, including those needed to carry out the provisions of the historic contract. Entry into a historic contract does not relieve the property which is the subject of the contract from compliance with any and all applicable federal and state laws and local regulations.
- F. Applications for historic contracts on properties on which a notice of violation has been recorded will not be accepted under this Chapter until the violation has been cleared.

14.91.050 - Required provisions of historic property contracts.

- A. The historic contract shall be in a form acceptable to City Attorney and the City Manager or their designee and shall be retained in the records of the City of Los Altos, City Clerk's Office. The Development Services Department may develop and maintain a historic contract template.
- B. Each historic property contract shall at a minimum include, without limitation, the following terms, conditions, restrictions, and requirements:
 - 1. The contract shall contain a legal description of the property which is the subject of the contract.
 - 2. The contract shall have a minimum term of ten (10) years. Each year, on the anniversary date of the contract or such other annual date as is specified in the contract, a year shall be added automatically to the initial term of the contract unless the owner or the City of Los Altos has given timely written notice of non-renewal.
 - 3. The contract shall run with the land and be binding upon, and inure to the benefit of, all successors in interest of the owner(s). A successor in interest shall have the same rights and obligations under the contract as the original owner(s) who entered into the contract.
 - 4. The contract shall include a written ten (10) year maintenance/rehabilitation work program to confirm a commitment to restore, rehabilitate, and/or preserve the subject property in conformance with all of the following as applicable:
 - a. The rules and regulations of the Office of Historic Preservation of the California State Parks Department;
 - b. The United States Secretary of the Interior's Standards for the Treatment of Historic Properties;
 - c. The California Building Standards Code (Title 24 of the California Code of Regulations), including the California Historical Building Code (Part 8 of Title 24) where applicable; and
 - d. The requirements, provisions, and conditions set forth in the historic property contract.
 - 5. The contract shall provide for an inspection of the interior and exterior of the premises by the City of Los Altos five (5) years after entry into the contract and every five (5) years thereafter to determine the owner's continued compliance with the contract. Photographs of the interior and exterior shall not substitute the requirement for an onsite inspection of the property by city staff.
 - 6. The contract shall provide that the City of Los Altos may cancel the contract, subject to the terms of this Chapter, if the City determines that any of the following have occurred:

- a. The owner has breached any of the conditions of the contract including any agreed upon improvements to the property; or
 - b. The owner has allowed the property to deteriorate to the point that it no longer meets the definition of a qualified historical property.
- 7. The contract shall provide that the owner shall furnish the City with any information the City requires in order to enable it to determine the eligibility of the property for contract renewal, including the documentation required for the annual review for compliance with the historic property contract's work program.
- 8. The contract shall contain a clause in a form acceptable to City Attorney that requires the owner to defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, and employees arising in connection with the historic property contract.
- C. At the time rehabilitation or restoration of the subject property is achieved and so long as the contract is in effect, the owner shall commit to and be responsible for appropriate maintenance and preservation of the subject property in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

14.91.060 - Application for historic property contracts.

- A. Only qualified historical properties, as defined by this Chapter, are eligible for historic contracts under this Chapter. The owner of a qualified historical property may file an application to enter into a historic contract. Only the owner(s) or agent of the owner(s) may file the application. If the application is made by an agent of the owner(s), the agent must provide written documentation as part of the application of the owner's authorization of the agent to act on the owner's behalf.
- B. All applications for historic property contracts shall be filed with the Development Services Department on the form and in the manner prescribed by the Zoning Administrator. The application shall contain, without limitation, the following information and documentation:
 - 1. The name and address of the owner(s) and signature of the applicant and the names and addresses of all persons and entities having any right, title, or interest in the property which is the subject of the proposed historic property contract;
 - 2. Written consent to make the application from all persons and entities having a right, title, or interest in the real property which is the subject of the proposed historic property contract;
 - 3. A nonrefundable application fee as set by resolution of the City Council;

4. A legal description of the real property and a listing of the Assessor's parcel number(s) for the property;
5. Color photos of the property and each elevation of the subject structure(s);
6. Site plans drawn to scale (the number of site plans required shall be as determined by the Zoning Administrator based on the specific property characteristics);
7. An itemized ten-year maintenance/rehabilitation work program containing, at a minimum, the following information:
 - a. A description of the improvements to be done. The proposed improvements must be appropriate to restore, preserve, and/or maintain the historic structure in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
 - b. Schedule of improvements;
 - c. Verifiable cost estimates associated with the proposed improvements;
 - d. Preliminary plans, elevations, or any appropriate documentation needed to substantiate and illustrate proposed improvements.
8. Proof that the property is a "qualified historical property." Such proof shall be in the form of the property already listed on the City's adopted HRI, or as part of a dual application for historical designation of the property with the City of Los Altos, or on the State of California or National Register of Historic Places.
9. A property tax adjustment worksheet, on a form acceptable to the Zoning Administrator providing the owner's calculated estimate of the property tax reassessment that would result from the contract. The property tax adjustment worksheet should be completed in consultation with the County of Santa Clara Assessors Office.
 - a. If the property owner(s) are unable to obtain confirmation or data from the County Assessor's Office after documented reasonable attempts, the worksheet may be submitted based on publicly available information and clearly state assumptions.
10. A copy of the most recent real property tax bill for the property.
 - a. In the event that the property has recently transacted or transferred ownership the application shall be accompanied by supplemental documentation which reflects the anticipated real property tax bill for the property.
11. An appraisal of the fair market value of the property (land plus improvement value), prepared by an independent certified appraiser no more than one (1) year prior to the application for the contract and as

determined prior to the improvements proposed in the application for the contract.

12. Such other information as the Zoning Administrator may request to evaluate and process the application.

- C.** A separate application shall be filed for each property on which a historic property contract is requested.
- D.** The owner shall allow for an inspection of the interior and exterior of the premises by the City of Los Altos Development Services Department staff prior to entry into the contract. Inspection shall verify exiting conditions of the property and cannot be substituted by photographs.

14.91.070 - Fees.

The applicant for a historic property contract shall pay such application fees as have been adopted by resolution of the City Council. The fees include an initial fee for processing the application, and any deposit to pay the full cost recovery of any City consultants such as an independent historian, and/or environmental review as applicable. Any fees required shall be paid upon submittal of application.

14.91.080 - Eligibility criteria.

- A.** To be eligible for a historic property contract, the application must meet all of the following criteria:
 - 1.** The property that is the subject of the application is a qualified historical property as defined by this Chapter.
 - 2.** The application is consistent with the City's historic preservation goals and policies, as set forth in any adopted policies and ordinances.
 - 3.** The application is consistent with the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties, the rules and regulations of the Office of Historic Preservation of the California State Parks Department, and the California Historical Building Code.
 - 4.** The application is consistent with the requirements of this Chapter.

14.91.090 - Review of applications.

- A.** The Zoning Administrator shall review the applications for completeness and accuracy and may require such additional information from the applicant as is needed to make the application complete. Only applications filed on or before June 1 of a calendar year shall be eligible for consideration for a historic property contract for the subsequent fiscal year.
- B.** All applications deemed complete by the Zoning Administrator shall be referred to the Historical Commission for recommendation to the City Council on eligibility of the property for a historic property contract.

- C. The Historical Commission shall make a recommendation on the eligibility of the property for a historic property contract for consideration by the City Council.
- D. If the Historical Commission finds that the application meets the criteria for eligibility for a historic property contract, the Historical Commission shall recommend approval to the City Council. If the Historical Commission finds that the application does not meet the criteria for eligibility, the Historical Commission shall recommend to the City Council that the application be denied for a historic property contract.
- E. The historic property contract shall be consistent with the requirements of this Chapter and state law and in a form acceptable to the City Attorney. The contract shall be approved as to form by City Attorney prior to submission of the contract to the City Council for its consideration.
- F. Final action on the contract shall be considered by the City Council at a noticed public hearing. The City of Los Altos shall not execute any contract until authorized by the City Council and until all persons and entities having any right, title, or interest in the property which is the subject of the contract have signed the contract or provided written authorization for an agent to execute the contract on their behalf and until the owner(s) have submitted to the city the appropriate fee for recordation of the contract.

14.91.100 - Recordation of approved historic property contracts.

No later than twenty (20) calendar days after execution by all parties of the historic property contract, the City Clerk shall cause a copy of the executed historic property contract to be recorded in the Office of the Recorder of the County of Santa Clara accompanied by the fee paid by owner for recordation of the contract.

14.91.110 - Review of approved historic property contracts.

- A. The owner shall allow for inspection of the exterior of the premises by the City of Los Altos Development Services Department staff after five (5) years from entry into the contract and every five (5) years thereafter to determine the owner's continuing compliance with the historic property contract. Photographs of the interior and exterior shall not substitute the requirement for an onsite inspection of the property by city staff.
- B. No later than ninety (90) days prior to each five (5) year inspection date, the owner shall submit documentation to the Development Services Department in sufficient detail to demonstrate compliance with the historic property contract's work program, including but not limited to the following documentation:
 - 1. Color photos of actual work done in conformance with the contract;
 - 2. Receipts and copies of financial transactions related to work carried out in conformance with the recorded contract;

3. Copies of building permits, planning entitlements, and/or historic alteration permits for work carried out in conformance with the recorded historic property contract; and
 4. Such other information as may be required by the Zoning Administrator.
- C. The Zoning Administrator shall review the documentation to determine compliance with the recorded historic property contract. If documentation is not submitted within the required timeframe or the documentation submitted demonstrates in the determination of the Zoning Administrator that the owner has breached any of the conditions of the historic property contract or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property, the Zoning Administrator shall begin the process for cancellation of the contract pursuant to this Chapter.
- D. At least sixty (60) days prior to the tenth anniversary date of the historic property contract, the owner shall submit a report from a qualified historian to the Development Services Department. The report shall describe the work carried out pursuant to the contract and shall recommend any appropriate improvements needed to achieve rehabilitation, restoration, or preservation of the property. Based on the recommendations, the City of Los Altos may require an amendment to the contract to update the maintenance/rehabilitation program. If the Zoning Administrator determines, as part of the tenth year review, that rehabilitation or restoration for the subject property has been achieved, the owner shall commit to and be responsible for appropriate maintenance and preservation of the subject property in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties so long as the contract remains in effect.

14.91.120 - Nonrenewal of historic property contracts.

- A. Each year on the anniversary date of the contract or such other date as is specified in the contract, a year shall be added automatically to the initial term of the contract, unless the owner or the City has given timely written notice of nonrenewal in accordance with the requirements of state law and this Chapter. If the owner desires in any year not to renew the contract, the owner shall serve written notice of nonrenewal of the contract to the Zoning Administrator at least ninety (90) days in advance of the annual renewal date of the contract. If the City Council determines in any year not to renew the contract, the City Council or their authorized designee shall serve written notice of nonrenewal of the contract on the owner at least sixty (60) days in advance of the annual renewal date of the contract. The City of Los Altos shall serve a notice of nonrenewal only after the City Council has conducted a noticed public hearing to consider the nonrenewal. Unless the notice of nonrenewal is served by the owner(s) or the City in

accordance with these requirements, one year shall automatically be added to the term of the contract.

- B.** Upon receipt by the owner of a notice from the City for nonrenewal of the contract, the owner may make a written protest of the notice to the City Council. Such protest must be in writing and filed with the City Clerk within ten (10) days after the written notice of nonrenewal was mailed to the owner. If a written notice of protest is timely filed, the City Clerk shall schedule the protest for a noticed public hearing before the City Council within sixty (60) days of the filing of the protest and notify the owner of the hearing date. The City Council may, at any time prior to the renewal date, withdraw the notice of non-renewal. Following the hearing, the City Council may withdraw or affirm the notice of non-renewal. If the City Council affirms the notice of nonrenewal, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract.
- C.** Following the nonrenewal of the contract, the property shall be assessed in accordance with state law (Section 439.3 of the Revenue and Taxation Code, as may be periodically amended).

14.91.130 - Amendment of historic property contracts.

- A.** A historic property contract may be amended, in whole or in part, in accordance with the provisions of this Chapter.
- B.** For owner-initiated amendments to a historic property contract, the owner must file an application for an amendment with the Development Services Department on the form and in the manner prescribed by the Zoning Administrator. The owner shall pay such application fees as have been set by resolution of the City Council. The Zoning Administrator shall review the amendment application for completeness and adequacy. The Zoning Administrator may request additional information as necessary to evaluate the amendment.
- C.** For City of Los Altos-initiated amendments to a historic property contract, the Zoning Administrator shall inform existing owner(s) of intended amendments. City-initiated amendments shall be in conformance with the provisions of this Chapter and are to ensure the continued preservation of historic resources with historic property contracts.
 - 1.** City-initiated amendments shall be considered during the annual review of historic property contracts in order to ensure each existing contract adheres to the provisions of this Chapter as amended from time to time.
- D.** At such time that the Zoning Administrator has determined the amendment to be complete, the Zoning Administrator shall refer the amendment to the Historical Commission for a recommendation to the City Council.

- E. Following receipt of the Historical Commission recommendation and following all applicable environmental review, the City Council shall render a decision on the proposed amendment.
- F. No later than twenty (20) calendar days after City of Los Altos execution of the amendment to the historic property contract, the City Clerk shall cause a copy of the executed amendment to be recorded in the Office of the Recorder of the County of Santa Clara accompanied by the fee paid by owner for recordation of the contract amendment.

14.91.140 - Cancellation of historic property contracts.

- A. The City of Los Altos may cancel a historic property contract, subject to the process described in this section, if the City finds that one of the following conditions has occurred:
 - 1. The owner has breached any of the conditions of the historic property contract; or
 - 2. The owner has allowed the property to deteriorate to the point that it no longer meets the definition of a qualified historical property.
- B. The following process shall be followed for cancellation of a historic property contract:
 - 1. If the Zoning Administrator determines at any time that the owner has breached any of the conditions of the historic property contract or has allowed the property to deteriorate to the point that it no longer meets the definition of a qualified historical property, the Zoning Administrator shall notify the owner in writing describing the deficiencies. If the owner has not corrected the deficiencies to the satisfaction of the Zoning Administrator within sixty (60) days of the issuance of the notification, the Zoning Administrator may refer the cancellation of the contract to the Historical Commission for a recommendation to the City Council on the cancellation.
 - 2. The Historical Commission shall, at a noticed public hearing, evaluate the evidence in the record and provide a written recommendation to the City Council as to whether one of the conditions for cancellation has occurred.
 - 3. Following receipt of the Historical Commission recommendation, the City Council shall, at a noticed public hearing, consider whether to cancel the contract. No contract shall be cancelled until after the City Council has given notice of and has held a public hearing on the cancellation.
- C. To cancel the contract, the City Council must make a finding, based on substantial evidence that one of the following conditions has occurred:
 - 1. The owner has breached a condition of the historic property contract; or
 - 2. The owner has allowed the property to deteriorate to the point that it no longer meets the definition of a qualified historical property.

- D. If a historic property contract is cancelled under this section, the owner shall, in accordance with Government Code Sections 50284 and 50286, pay a cancellation fee equal to twelve and one-half (12½) percent of the property's current fair market value, as determined by the County Assessor as though the property were free of the contractual restriction.

14.91.150 - Notice of hearing.

Any decisions rendered under regulations contained within this Chapter are subject to public meeting notice requirements pursuant to Section 14.01.130 of the Los Altos Municipal Code.

ORDINANCE NO. 2025-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING
CHAPTER 14.77 (DESIGN REVIEW) TO THE LOS ALTOS MUNICIPAL CODE**

WHEREAS, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

WHEREAS, the City Council held a duly noticed public hearing on **DATE TO BE INSERTED**, and **DATE TO BE INSERTED**; and

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

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

SECTION 1. AMENDMENT OF CHAPTER 14.77 OF THE MUNICIPAL CODE. Chapter 14.77 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. 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 hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

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 hereof.

I HEREBY CERTIFY that the foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on **DATE TO BE INSERTED**, and was thereafter, at a regular meeting held on **DATE TO BE INSERTED**, passed, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

APPENDIX A
CHAPTER 14.77

APPENDIX A

Chapter 14.77 – DESIGN REVIEW

14.77.010 Purpose.

The purpose of this chapter is to establish criteria, objectives and procedures to be followed for design review applications in all zones throughout the City of Los Altos. Design review is used to enhance the aesthetic qualities of proposed development within the City by utilizing adopted Objective Design Standards which are supplemental to this Chapter.

14.77.020 Administrative Design Review Required.

A. Administrative Design Review.

- 1. In each of the following cases, no building permit shall be issued for the construction, addition or alteration until administrative design review approval by the development services department:**
 - a. Site improvements, exterior alterations or modifications, or additions to existing buildings of up to five hundred (500) square feet;**
 - b. Solid fences, and walls greater than six (6) feet in height.**
 - c. Additions or alterations to one-story single-family dwellings which do not exceed twenty (20) feet in height.**

14.77.030 Zoning Administrator Design Review Required.

A. Zoning Administrator Review.

- 1. In each of the following cases, no building permit shall be issued for the construction, addition or alteration until the Zoning Administrator has approved such proposal following a noticed public meeting, pursuant to this chapter:**
 - a. Any new two-story single-family dwelling;**
 - b. Any conversion of a one-story single-family dwelling to a two-story single family dwelling;**
 - c. Any new one-story single-family dwelling or accessory structure over twenty (20) feet in height;**
 - d. Any multi-family housing or mixed-use development with five (5) or fewer units;**
 - e. Site improvements, exterior alterations or modifications, or additions greater than five hundred (500) square feet of net new square footage to existing multifamily or commercial buildings;**
 - f. Whenever any of the following entitlement(s) are required by this code: subdivision map, use permit, variance, administrative modification of standards; and**

- g. Whenever the construction or expansion of a structure has special design characteristics which require additional study and consideration, as determined by the development services director or their designee.

14.77.040 Planning Commission Review Required.

In each of the following cases, no building permit shall be issued for the construction, addition or alteration until the Planning Commission has approved such proposal following a noticed public meeting, pursuant to this chapter:

- a. Any multi-family housing or mixed-use development with six (6) or more dwelling units;
- b. Any new commercial or non-residential development;

14.77.050 Exempt from Design Review.

The following improvements are not subject to Design Review:

- A. Minor modifications to existing buildings such as: replacements or modifications to windows and/or doors, new windows and/or doors, reroofing, rooftop venting, exhaust equipment, mechanical equipment, electrical improvements/upgrades, solar installations;
- B. Attached or detached accessory dwelling unit(s) and junior accessory dwelling unit(s);
- C. New dwellings proposed under the provisions of Chapter 14.64 (Dual Opportunity Developments);
- D. Detached accessory structures on properties in any R1 zoning district;
- E. Site improvements, exterior alterations or modification, or additions to existing buildings of up to one thousand (1,000) square feet in the Public/Community Facilities (PCF) District.

14.77.060 Authority of the Zoning Administrator.

The Zoning Administrator shall have the authority to require administrative design review to any improvement to a property or parcel of land that is determined to have special circumstances or potentially negative impacts on the community. A fee shall be collected for administrative design review as established by resolution of the City Council.

14.77.070 Design Review Findings.

In approving applications for design review approval under this chapter, the approving authority shall make the following findings:

- A. The proposal meets the goals, policies and objectives of the general plan and any objective design guidelines or standards and ordinance(s) adopted for the specific district or area.
- B. The proposed structures have been designed to follow the natural contours of the site with minimal grading, minimal impervious cover and maximum erosion protection.
- C. Building mass has articulated architectural elements or features that 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 high quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass.
- E. The design and layout of the proposed project will result in well-designed vehicle and pedestrian access, circulation, and parking.
- F. The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program.
- G. Signage when proposed or required is designed to complement the building architecture in terms of style, materials, colors, proportions, and serves as identification of the building or business(es) only.
- H. Mechanical equipment is fully screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing and is in full compliance with Chapter 11.14 of the Los Altos Municipal Code.
- I. Service and trash areas are fully screened from public view or are enclosed in structure(s) that are consistent with the building architecture in materials and detailing.
- J. Street improvements which are identified in Chapter 11.20 of the Los Altos Municipal Code.
- K. Offsite improvements associated with the subdivision of land allowed by Title 13 of the Los Altos Municipal Code, and/or the Subdivision Map Act.
- L. The approval of the Development Review complies with the California Environmental Quality Act (CEQA).

14.77.080 Multimodal Transportation Review Required.

- A. An application for planning commission design review shall be subject to a multimodal transportation review as part of the approval process in order to assess potential project impacts to various modes of transportation such as but not limited to bicycle, pedestrian, parking, traffic impacts on public streets, and/or public transportation.
- B. Projects subject to a multimodal transportation review pursuant to this section shall be reviewed by the complete streets commission at a public meeting with the commission providing a recommendation to the planning commission on the multimodal transportation impact analysis and on the elements of the project that pertain to bicycle, pedestrian, parking, traffic and public transportation issues.
 - 1. When a multimodal transportation review is required by this code the complete streets commission shall provide their recommendations to the planning commission at a joint meeting.
- C. Exceptions. All housing developments shall be exempt from review of the complete streets commission. No multimodal transportation review before the complete streets commission shall be required of any housing development.

14.77.090 Notice of Public Meetings.

Any decisions rendered under regulations contained within this Chapter are subject to public meeting notice requirements pursuant to Section 14.01.130 of the Los Altos Municipal Code.

14.77.100 Number Public Meetings Allowed.

When public hearings are required, the number of hearings for solely design review approval shall be no more than three (3) public hearings.

14.77.110 Design Review Expiration and Extensions.

Any decisions rendered under regulations contained within this Chapter are subject to expiration and extension procedures pursuant to Section 14.01.050 of the Los Altos Municipal Code.

14.77.120 Appeal Procedures.

- A. Any decisions rendered under regulations contained within this Chapter are appealable pursuant to Section 14.01.100 of the Los Altos Municipal Code.
 - 1. The basis for any appeal of a housing development shall only be allowed and based on objective standards consistent with state law. A housing development as defined by law shall constitute any development which includes two (2) or more residential units within a proposed project.

ORDINANCE NO. 2025-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
REPEALING IN ITS ENTIRETY CHAPTER 14.76 AND CHAPTER 14.78 FOR
EXISTING DESIGN REVIEW REGULATIONS**

WHEREAS, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

WHEREAS, the City Council held a duly noticed public hearing on **DATE TO BE INSERTED**, and **DATE TO BE INSERTED**; and

WHEREAS, the amendments were processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the City Council repeals in its entirety Chapter 14.76 and Chapter 14.78 of the Los Altos Municipal Code; 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; and

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

SECTION 1. REPEAL CHAPTER 14.76 OF THE LOS ALTOS MUNICIPAL CODE. Chapter 14.76 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion.

SECTION 2. REPEAL CHAPTER 14.78 OF THE LOS ALTOS MUNICIPAL CODE. Chapter 14.78 of the Los Altos Municipal Code is hereby amended as set forth in Appendix B to this Ordinance, underline indicating addition, strikethrough indicating deletion.

SECTION 3. CONSTITUTIONALITY; AMBIGUITIES. 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 hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

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 hereof.

I HEREBY CERTIFY that the foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on **DATE TO BE INSERTED**, and was

thereafter, at a regular meeting held on **DATE TO BE INSERTED**, passed, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

Chapter 14.76 DESIGN REVIEW—SINGLE FAMILY DISTRICTS¹

14.76.010 Purpose.

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 objective design criteria of single-family residential objective design guidelines, and the goals and policies of the general plan.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2023-490, § 4(App. B), 3-28-2023)

14.76.020 Single-family residential objective 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 objective design guidelines as adopted by the city council.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2023-490, § 4(App. B), 3-28-2023)

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 within a single-family district, until such construction has received administrative design review approval by the development services director or their designee. Window replacements, reroofing and rooftop venting and exhausting equipment, mechanical equipment, attached or detached accessory dwelling unit(s) and junior accessory dwelling unit(s) are exempt from this requirement.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423, §§ 1, 2, 9-27-2016; Ord. No. 2023-490, § 1(App. B), 3-28-2023)

14.76.040 Requirement for zoning administrator 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 within a single-family district until the zoning administrator has approved such structure following a noticed public hearing, 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 new one-story structure over twenty (20) feet in height;
- D. — Whenever design review is specifically required under the terms or conditions of any tentative subdivision map, use permit, variance or conditional rezoning; and

- ~~E. — Whenever, as determined by the development services director or their designee, 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.~~

~~(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423, §§ 1, 2, 9-27-2016; Ord. No. 2023-490, § 1(App. B), 3-28-2023)~~

~~14.76.050 Initial application review.~~

~~All applications filed with the development services department in compliance with this zoning code shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council and initially processed as follows:~~

- ~~A. — The application shall be reviewed for completeness and processed in accordance with the Permit Streamlining Act, Government Code Section 65920, et seq.~~
- ~~B. — Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).~~
- ~~C. — Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.~~
- ~~D. — Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred eighty (180) days to the development services director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.~~
- ~~E. — Environmental information. After an application has been accepted as complete, the development services director or their designee may require additional information as necessary for the project's environmental review.~~

~~(Ord. No. 2016-423, § 3, 9-27-2016; Ord. No. 2023-490, § 1(App. B), 3-28-2023)~~

~~14.76.060 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, 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;~~
- ~~D. — The orientation of the proposed main or accessory structure or addition in relation to the immediate neighborhood will minimize excessive bulk;~~
- ~~E. — General architectural considerations, including the size and scale, 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 on the same project site; 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 be required where the average slope beneath the proposed structure is ten (10) percent or greater.~~

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423, § 3, 9-27-2016; Ord. No. 2023-490, § 1(App. B), 3-28-2023)

Editor's note(s) ~~Ord. No. 2016-423, § 3, adopted September 27, 2016, enacted a new § 14.76.050 and renumbered §§ 14.76.050 and 14.76.060 as §§ 14.76.060 and 14.76.070. The historical notation has been retained with the amended provisions for reference purposes.~~

14.76.070 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 planning 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 planning 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.~~

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423, § 3, 9-27-2016; Ord. No. 2023-490, § 1(App. B), 3-28-2023)

Editor's note(s) ~~See editor's note, § 14.76.060.~~

14.76.080 Notification.

~~Notification shall be provided whenever an application for zoning administrator 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 development services director or their designee, 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 development services director 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 development services director.~~

~~{Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423, § 1, 9-27-2016; Ord. No. 2023-490, § 1(App. B), 3-28-2023}~~

~~14.76.090 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 granted a one-time extension 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 development services director finding that the project complies with all current zoning ordinance regulations.~~

~~{Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423, § 1, 9-27-2016; Ord. No. 2023-490, § 1(App. B), 3-28-2023}~~

~~14.76.100 Appeals.~~

~~The basis for any appeal of a housing development shall only be allowed and based on objective standards consistent with state law.~~

- ~~A. — Within fourteen (14) days of any denial of an administrative design review request, or of the approval or denial of a zoning administrator design review request, the decision may be appealed to the planning commission. Within fourteen (14) calendar days of the announcement of the planning commission's decision on the record, the decision may be appealed to the city council.~~
- ~~B. — Within fourteen (14) days of any approval or denial of a variance request, the decision may be appealed to the city council.~~

~~{Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2023-490, § 1(App. B), 3-28-2023}~~

~~14.76.110 Number of hearings allowed.~~

- ~~A. — When public hearings are required, the number of hearings for solely design review approval shall be no more than three public hearings.~~

~~{Ord. No. 2023-490, § 1(App. B), 3-28-2023}~~

~~Chapter 14.78 DESIGN AND TRANSPORTATION REVIEW—MULTIPLE FAMILY, PUBLIC AND COMMUNITY FACILITIES, OFFICE AND ADMINISTRATIVE, AND COMMERCIAL DISTRICTS¹~~

~~14.78.010 Purpose.~~

~~The purpose of this chapter is to preserve and protect 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.~~

~~(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2023-490, § 5(App. C), 3-28-2023)~~

~~14.78.020 Requirement for design review.~~

~~Any work that requires a building permit, including new building construction, existing building alterations and expansions, and site improvements, but excluding properties in an R1 or R3-4.5 district, shall be subject to design review pursuant to this chapter as follows:~~

~~A. — Administrative design review.~~

- ~~1. — Site improvements, exterior alterations or modification, or additions to existing buildings of up to five hundred (500) square feet require approval by the development services director or their designee.~~

~~B. — Planning commission design review.~~

- ~~1. — All new buildings, and additions to existing buildings that exceed five hundred (500) square feet or fifty (50) percent of the total floor area on the subject site and/or increase the height of the existing building(s), require approval by the planning commission at a public meeting.~~

~~C. — Zoning administrator design review. Notwithstanding the foregoing, the development of a housing development of five or fewer units that is not otherwise subject to design review pursuant to chapter 14.76 and 14.78 of this code or subsection (A) of this section shall be subject to design review by the zoning administrator following a noticed public hearing. Notwithstanding any other provision of this code, and unless otherwise required by state law, any additional planning applications for such a project including, without limitation, tentative or parcel maps, variance requests, or conditional use permits, shall be heard and decided by the zoning administrator concurrently with the design permit application. As used in this subsection, a "housing development project" includes a project to construct one or more dwelling units, including a mixed-use development project for which not more than one-third of total floor area is dedicated for commercial use.~~

~~D. — Exempt from the requirements of design review.~~

¹Editor's note(s)—Ord. No. 2012-382, § 1, adopted May 22, 2012, amended Ch. 14.78 in its entirety, in effect repealing and reenacting said chapter to read as herein set out. Former Ch. 14.79, §§ 14.78.010—14.78.050, pertained to similar subject matter and derived from Ord. No. 04-260, § 1; and Ord. No. 07-306, § 9.

1. ~~Site improvements, exterior alterations or modification, or additions to existing buildings of up to one thousand (1,000) square feet in the Public/Community Facilities (PCF) District shall be exempt from the requirement of design review.~~

E. ~~Authority of the development services director.~~

1. ~~The development services director shall have the authority to require administrative design review to any improvement to a property or parcel of land that is determined to have special circumstances or potentially negative impacts on the community.~~

~~(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 1, 5, 9-27-2016; Ord. No. 2019-457, § 1, 1-28-2020; Ord. No. 2023-490, § 5(App. C), 3-28-2023)~~

~~14.78.030 Public meeting requirements.~~

~~Notice of public meetings before the zoning administrator shall be provided pursuant to Government Code Section 65091. Notice of public meetings before the planning commission and/or city council shall be given at least ten (10) days prior to the date of the meeting by all of the following methods:~~

- A. ~~Mailing of notices via first class mail to all property owners within three hundred (300) feet of the project site at the mailing address on record with the county assessor; and~~
- B. ~~Mailing of notices via first class mail to all commercial business tenants within three hundred (300) feet of the project site at the addresses shown on the latest city business license records; and~~
- C. ~~Posting of a notice on the project site in accordance with the standards set by the development services director; and~~
- D. ~~All meetings before the planning commission and/or city council conducted under this section, excluding study sessions, shall be noticed separately and conducted as public hearings and shall satisfy all notification requirements applicable to public hearings, including a notice published in a newspaper of general circulation within the city.~~

~~(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 5, 9-27-2016; Ord. No. 2019-457, § 1, 1-28-2020; Ord. No. 2023-490, § 5(App. C), 3-28-2023)~~

~~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 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, subject to applicable state law, may be required by the development services director.~~

~~(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 1, 9-27-2016; Ord. No. 2023-490, § 5(App. C), 3-28-2023)~~

~~14.78.050 Initial application review.~~

~~All applications filed with the development services department in compliance with this zoning code shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council and initially processed as follows:~~

- A. ~~The application shall be reviewed for completeness and processed in accordance with the Permit Streamlining Act, Government Code Section 95920, et seq.~~

- ~~B. Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).~~
- ~~C. Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.~~
- ~~D. Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred eighty (180) days to the community development director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.~~
- ~~E. Environmental information. After an application has been accepted as complete, the community development director or their designee may require additional information as necessary for the project's environmental review.~~

(Ord. No. 2016-423, § 6, 9-27-2016; Ord. No. 2023-490, § 5(App. C), 3-28-2023)

14.78.060 Design review findings.

In approving applications for design review approval under this chapter, the approving authority shall make the following findings:

- ~~A. The proposal meets the goals, policies and objectives of the general plan and any specific plan, objective 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 high quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area.~~
- ~~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.~~

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 6, 9-27-2016; Ord. No. 2016-427, § 3, 11-8-2016; Ord. No. 2019-457, § 2, 1-28-2020; Ord. No. 2023-490, § 5(App. C), 3-28-2023)

Editor's note(s)—Ord. No. 2016-423, § 6, adopted September 27, 2016, enacted a new § 14.78.050 and renumbered the remaining §§ 14.78.050—14.78.080 as §§ 14.76.060—14.76.090. The historical notation has been retained with the amended provisions for reference purposes.

~~14.78.070 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 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 a property located in any district, except for those located in an R1 or R3-4.5 district.~~
- B.—~~Procedure. The approving authority for variance applications shall be as follows:~~
- ~~1.—The planning commission shall be the approving authority for all variance applications pursuant to Section 14.78.020.C.~~
 - ~~2.—A public hearing shall be required. Notice of the meeting shall be given not less than ten (10) days prior to the date of the meeting by the methods required in Section 14.78.030.~~
 - ~~3.—A variance request shall be granted if, based upon the evidence submitted, the following positive findings can be made:~~
 - ~~a.—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;~~
 - ~~b.—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~~
 - ~~c.—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.~~

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, §§ 6, 7, 9-27-2016; Ord. No. 2019-457, § 2, 1-28-2020; Ord. No. 2023-490, § 5(App. C), 3-28-2023)

Editor's note(s)—See editor's note, § 14.78.060.

~~14.78.080 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 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 the approval are contingent on the community development director or their designee finding that the project complies with all current zoning ordinance regulations.~~

~~(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, §§ 6, 8, 9-27-2016)~~

~~Editor's note(s) — See editor's note, § 14.78.060.~~

~~14.78.090 Multimodal transportation review.~~

~~A. — An application for planning commission design review pursuant to Section 14.78.020.C shall be subject to a multimodal transportation review as part of the approval process in order to assess potential project impacts to various modes of transportation such as but not limited to bicycle, pedestrian, parking, traffic impacts on public streets, and/or public transportation.~~

~~B. — Projects subject to a multimodal transportation review pursuant to this section shall be reviewed by the complete streets commission at a public meeting with the commission providing a recommendation to the planning commission on the multimodal transportation impact analysis and on the elements of the project that pertain to bicycle, pedestrian, parking, traffic and public transportation issues.~~

~~1. — When a multimodal transportation review is required by this code the complete streets commission shall provide their recommendations to the planning commission at a joint meeting.~~

~~C. — Notice of an agenda item before the complete streets commission at which multimodal transportation review is conducted shall be per the public notice meeting requirements of Subsection 14.78.030.~~

~~D. — Exceptions. All housing developments shall be exempt from review of the complete streets commission. No multimodal transportation review before the complete streets commission shall be required of any housing development.~~

~~(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423, § 6, 9-27-2016; Ord. No. 2019-457, § 3, 1-28-2020; Ord. No. 2023-490, § 5(App. C), 3-28-2023)~~

~~Editor's note(s) — See editor's note, § 14.78.060.~~

~~14.78.100 Appeals.~~

~~The basis for any appeal of a housing development shall only be allowed and based on objective standards consistent with state law.~~

~~A. — Within fourteen (14) days of an action (approval or denial) on an administrative or zoning administrator design review application, the decision may be appealed to the planning commission by any interested party.~~

~~B. — Within fourteen (14) days of an action (approval or denial) on a design review and/or variance application by the planning commission, the decision may be appealed to the city council by any interested party.~~

~~C. — Within fourteen (14) days of an action (approval or denial) on a design review and/or variance application by the planning commission may be called up for review by the city council if two members of the city council submit requests to the city clerk pursuant to Section 1.12.040.~~

~~(Ord. No. 2016-423, § 9, 9-27-2016; Ord. No. 2019-457, § 3, 1-28-2020; Ord. No. 2023-490, § 5(App. C), 3-28-2023)~~

~~14.78.110 Number of hearings allowed.~~

~~A. —When public hearings are required, the number of hearings for solely design review approval shall be no more than three public hearings.~~

~~(Ord. No. 2023-490, § 5(App. C), 3-28-2023)~~

ORDINANCE NO. 2025-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
REPEALING IN ITS ENTIRETY CHAPTER 12.44 FOR EXISTING HISTORIC
PRESERVATION REGULATIONS**

WHEREAS, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

WHEREAS, the City Council held a duly noticed public hearing on **DATE TO BE INSERTED**, and **DATE TO BE INSERTED**; and

WHEREAS, the amendments were processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the City Council repeals in its entirety Chapter 12.44 of the Los Altos Municipal Code; 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; and

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

SECTION 1. REPEAL CHAPTER 12.44 OF THE LOS ALTOS MUNICIPAL CODE. Chapter 12.44 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. 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 hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

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 hereof.

I HEREBY CERTIFY that the foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on **DATE TO BE INSERTED**, and was thereafter, at a regular meeting held on **DATE TO BE INSERTED**, passed, and adopted by the following vote:

AYES:

NOES:

ABSENT:
ABSTAIN:

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

~~Chapter 12.44 HISTORIC PRESERVATION¹~~

~~Sections:~~

~~Article 1. General Provisions~~

~~12.44.010 Purpose.~~

~~It is hereby declared as a matter of public policy that the recognition, preservation, enhancement and use of historic resources within the City of Los Altos is required in the interest of health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this chapter is to:~~

- ~~A. —Safeguard the heritage of the city by providing for the protection of irreplaceable historic resources representing significant elements of its history;~~
- ~~B. —Enhance the visual character of the city by encouraging the compatibility of architectural styles which reflect established architectural traditions;~~
- ~~C. —Encourage public knowledge, understanding and appreciation of the city's past, and foster civic and neighborhood pride and sense of identity based upon the recognition and use of the city's historic resources;~~
- ~~D. —Stabilize and improve property values within the city and increase the economic and financial benefits to the city and its inhabitants derived from the preservation, rehabilitation, and use of historic resources;~~
- ~~E. —Integrate the conservation of historic resources into the public and private development process and identify as early as possible and resolve conflicts between the preservation of such resources and alternative land uses; and~~
- ~~F. —Fulfill the city's responsibilities for Federal Section 106 reviews and for the California Environmental Quality Act.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011)~~

~~12.44.020 Area of application.~~

~~This chapter shall apply to all historic resources listed in the historic resources inventory, historic landmarks and properties, and structures.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)~~

~~12.44.030 Definitions.~~

~~For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, unless the context or the provision clearly requires otherwise:~~

"Alteration" means any act or process that changes any portion of the exterior architectural appearance of a structure or object, including, but not limited to, the erection, construction, reconstruction, removal of exterior architectural features or details, or the addition of new structures, but does not include painting, ordinary maintenance and landscaping.

"California Historical Building Code" is Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historic structures and sites, designated under federal, state and local authority. It provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as qualified historic buildings.

"California Office of Historic Preservation" means the governmental agency primarily responsible for the statewide administration of the historic preservation program in California.

"California Register of Historical Resources" is a comprehensive listing of California's historical resources, including those of local, state and national significance.

"Character defining features" means the defining elements, such as prominent architectural features, materials, craftsmanship or other elements, that, individually or in combination, identify a historic property, building or landscape.

"Commission staff" means the staff liaison assigned to the historical commission.

"DPR 523" means the California Department of Parks and Recreation Historic Resource Inventory Forms used for historic evaluations. The DPR 523A form provides descriptive information about a resource. The DPR 523B form provides an evaluation of the resources and includes a determination as to whether the resource is eligible for the National or State Register of Historic Places or listing on the Los Altos Historic Resources Inventory.

"Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all the outer surfaces of an improvement, including but not limited to, the kind, size, shape and texture of building materials, and the type and style of windows, doors, lights, signs and other fixtures appurtenant to such improvement.

"Historic landmark" means a building, improvement, structure, natural feature, site or area of land, under single or common ownership that has significant historical, architectural, cultural, and/or aesthetic interest or value, and is designated as a historic landmark by the city council.

"Historic resource" is a property or structure that has been determined to be over fifty (50) years old, retains its physical integrity, has historical, architectural, cultural, and/or aesthetic value, and is listed on the historic resources inventory.

"Historic resources inventory" means the city's official inventory of the historic resources, as adopted and amended from time to time by resolution of the historical commission and/or the city council. A property or structure must be designated as a historic landmark or a historic resource in order to be listed.

"Historical commission" is a seven-member advisory commission appointed by the city council that is tasked with maintaining the historic resources inventory, making recommendations on historic landmarks, working with property owners on preservation, maintenance and other development activities related to historic resources, and other activities as identified in the municipal code.

"Improvement" means any building, structure, parking facility, wall, work of art or other appurtenance or addition thereto constituting a physical betterment of real property or any part of such betterment.

"Integrity" is the authenticity of the characteristics, also referred to as character defining features, from which resources derive their significance. Integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling and association.

"Mills Act" is an economic incentive program in California for the restoration and preservation of qualified historic structures. Enacted in 1972, the Mills Act grants participating local governments the authority to enter into

contracts with owners of qualified historic properties to reduce the property tax assessment in exchange for the restoration and maintenance of the historic resource.

"National Register of Historic Places" is the official inventory of districts, sites, buildings, structures and objects significant in American history, architectural, archeology and culture, maintained by the Secretary of Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

"Preservation" means the act of identification, study, protection, reconstruction, restoration, rehabilitation or enhancement of historic and/or cultural resources.

"Reconstruction" means the act or process of reproducing by new construction, the exact form and detail of a vanished building, structure or any part thereof, as it appeared at a specific period of time.

"Rehabilitation" means the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural value.

"Restoration" means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

"Secretary of Interior's Standards" are the Federal Standards for the Treatment of Historic Properties that are utilized in the identification, evaluation, registration and treatment of historic properties. The list of ten (10) Rehabilitation Standards, published as the Secretary of the Interior's Standards, is aimed at retaining and preserving those features and materials that are important in defining the historic character of a resource.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)

Article 2. Designation of Historic Resources

12.44.040 Criteria for designation.

A structure, property or object may be eligible for designation as a historic resource or historic landmark, if it/they satisfy each of the three criteria listed below:

- A. ~~Age. A structure or property should be more than fifty (50) years in age. (Exceptions can be made to this rule if the building(s) or site(s) is/are truly remarkable for some reason—such as being associated with an outstanding architect, personage, usage or event).~~
- B. ~~Determination of Integrity. A structure or property should retain sufficient historic integrity in most of the following areas:~~
 1. ~~Design: The combination of elements that create the form, plan, space, structure and style of a property.~~
 2. ~~Setting: The physical environment of a historic property.~~
 3. ~~Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.~~
 4. ~~Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.~~
 5. ~~Feeling: A property's expression of the aesthetic or historic sense of a particular period of time.~~
- C. ~~Historic Significance. A structure or property should be clearly associated with one or more of the following areas of significance:~~

1. ~~Event: Associated with a single significant event or a pattern of events that have made a significant contribution to broad patterns of local or regional history, or cultural heritage of California or the United States;~~
2. ~~Person/People: Associated with the lives of persons important to the local, California or national history;~~
3. ~~Architecture/Design: Embodies the distinctive characteristics of a design type, period, region or method of construction, or represents the work of a master or possesses high artistic value; or~~
4. ~~Archaeology: Yields important information about prehistory or history of the local area, California or the nation.~~

The city's historic resource evaluation methodology, which provides more details about the above listed criteria, is available from the planning division.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)

12.44.050 Applications for designation.

- A. ~~Applications for designation as a historic landmark, or listing a historic resource on the historic resources inventory may be initiated by the owner or owners of a building, improvement, structure, natural feature, site or area of land, requesting designation of their property as a historic resource or historic landmark.~~
- B. ~~The city council or the planning commission may, by resolution or motion, refer a proposed designation to the historical commission. The historical commission may also consider a proposed designation upon its own initiative or by referral by the development services director.~~
- C. ~~Applications for designation as a historic landmark, or listing a historic resource on the historic resources inventory shall be made to the historical commission. Applications must be accompanied by such historical and architectural information as is required by the historical commission in order to make an informed recommendation concerning the request.~~

Applications for designation shall be acted on as set forth in sections 12.44.050, 12.44.060 and 12.44.070 of this chapter.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018; Ord. No. 2023-490, § 2(App. A), 3-28-2023)

12.44.060 Historic resource listing.

- A. ~~Once the application for designating a property as a historic resource and listing it on the historic resources inventory has been received, the historical commission shall consider the request at its next available scheduled meeting.~~
- B. ~~The commission shall conduct a public hearing to consider the proposed listing. Notice of the hearing shall be given at least ten (10) days prior to the date of the hearing by mail to the applicant, to the owner or owners of the property and to the owners of abutting properties, and by posting a notice on the property near the front property line in accordance with the standards set by commission staff.~~
- C. ~~The commission shall consider the proposed historic resource and determine whether or not the property satisfies the three criteria outlined in Section 12.44.040. The commission shall by motion either approve or disapprove the designation of the property as a historic resource and listing it in the historic resources inventory.~~

- ~~D. — If the commission approves the historic resource for listing on the historic resources inventory, the listing shall become effective immediately and the designated property shall be subject to the regulations set forth in this chapter.~~
- ~~E. — Until final action has been taken by the commission on the request to list a property, no building, alteration, grading, demolition or tree removal permit(s) shall be issued for any work to be performed upon or within the subject property, unless approved by the historical commission or the development services director. This restriction shall become effective as of the time the application is submitted, and shall extend until the commission has taken action.~~
- ~~F. — Within fifteen (15) days of the action taken by the historical commission, the decision may be appealed to the city council. The appeal may be filed by the applicant or any interested party.~~
- ~~(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2023-490, § 2(App. A), 3-28-2023)~~

~~12.44.070 Historic landmark designation.~~

- ~~A. — Once the application for the proposed designation has been received, the historical commission shall consider the request at its next available scheduled meeting.~~
- ~~B. — The commission shall conduct a public hearing to consider the proposed designation. Notice of the hearing shall be given at least ten (10) days prior to the date of the hearing by publication in at least one newspaper of general circulation within the city, by mail to the applicant, to the owner or owners of the property, and to the owners of abutting properties, and by posting a notice on the property near the front property line in accordance with the standards set by commission staff.~~
- ~~C. — The commission shall make a recommendation to the city council on the proposed designation. In order to make a positive recommendation, the commission shall make the following findings:~~
- ~~1. — That the proposed historic landmark satisfies the three criteria outlined in Section 12.44.040; and~~
 - ~~2. — That the proposed landmark has special historical, cultural, archeological, scientific, architectural or aesthetic interest or value as part of the heritage or history of the city, the county, the state or the nation.~~
- ~~D. — The city council shall consider the proposed designation at its next available regular meeting and determine whether or not to accept the historical commission's recommendation. The city council shall by resolution either approve the proposed designation, in whole or in part or as modified, or shall, by motion, disapprove the proposal in its entirety.~~
- ~~E. — If the city council approves the landmark designation, the resolution shall become effective immediately and the designated property shall be subject to the regulations set forth in this chapter and to such further restrictions or controls as may be specified in the designating resolution.~~
- ~~F. — Adoption of a designating resolution by the city council shall be based upon the findings outlined in subsection (C) of this section.~~
- ~~G. — Until final action has been taken by the city council on the proposed landmark, no building, alteration, grading, demolition or tree removal permit(s) shall be issued for any work to be performed upon or within the subject property, unless approved by the historical commission or the city council. This restriction shall become effective as of the time the application is submitted, and shall extend until the designating resolution becomes effective.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011)~~

12.44.080 Notice of designation.

A. ~~Following adoption by the city council of a resolution designating a historic landmark, the commission staff shall send notice of the designation, together with a copy of the resolution or ordinance, to the owner or owners of the designated historic landmark. The city council also shall send notice of the designation to:~~

- ~~1. The Santa Clara County Historical Heritage Commission; and~~
- ~~2. The California State Historic Preservation Officer.~~

B. ~~The designating resolution or ordinance shall be recorded with the county clerk-recorder.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)~~

Editor's note(s) ~~—Ord. No. 2017-437, § 1, adopted March 13, 2018, repealed § 12.44.080, which pertained to historic district designation, and derived from Ord. No. 2011-363, § 1, adopted March 8, 2011, and subsequently renumbered the remaining sections 12.44.090—12.44.220 as 12.44.080—12.44.210. Historical notations for former sections have been retained for reference.~~

12.44.090 Termination of designation.

~~The only legitimate reason for terminating the designation of a historic resource or historic landmark is when clear evidence is presented that shows the resource no longer meets the criteria of Section 12.44.040 due to loss of integrity and/or historic significance.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)~~

Editor's note(s) ~~—Former § 12.44.100, see editor's note § 12.44.080.~~

Article 3. Permits**12.44.100 Applicability.**

A. ~~For historic landmark properties, a historical alteration permit (Section 12.44.150) is required in order to alter, demolish, remove, relocate or change any exterior architectural features of the designated landmark structure(s), or remove or relocate any improvements, structures or natural features that contribute to the integrity or the historic significance of the historic landmark.~~

B. ~~For historic resources listed on the historic resources inventory, an advisory review (Section 12.44.140) is required in order to alter, demolish, remove, relocate or otherwise change in any manner any exterior architectural feature or natural feature that contributes to the integrity or the historic significance of a historic resource.~~

C. ~~For subsection (B) of this section, the historical commission's review will take into account whether or not the proposed work adversely affects the physical integrity or the historic significance of the resource. The historical commission's recommendation to the development services director, planning commission, or city council, shall be advisory only.~~

D. ~~For non-residential properties that are historic landmarks or historic resources, non-permanent improvements such as signage, awnings and landscaping that do not adversely affect the physical integrity or the historic significance of the resource may be exempted from historical commission review by the development services director.~~

~~E. — For residential properties that are historic landmarks or historic resources, improvements such as swimming pools, fences, minor accessory structures such as trellises or barbecues, and landscaping that do not adversely affect the physical integrity or the historic significance of the resource may be exempted from historical commission review by the development services director.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018; Ord. No. 2023-490, § 2(App. A), 3-28-2023)~~

~~Editor's note(s) — Former § 12.44.110, see editor's note § 12.44.080.~~

~~12.44.110 Applications.~~

~~Applications for historical alteration permits or advisory review shall be submitted to the development services director. Applications shall include the following information:~~

- ~~A. — A clear statement of the proposed work;~~
- ~~B. — A site plan showing all existing buildings, structures, trees over six inches in diameter, property lines, easements and the proposed work;~~
- ~~C. — Detailed plans showing both the existing and proposed exterior elevations, including a street elevation, photographs of windows and/or special features, materials and grading;~~
- ~~D. — Specifications describing all materials to be used and all processes that would affect the appearance or nature of the materials;~~
- ~~E. — Notes indicating any deviation from the Secretary of the Interior's Standards for Historic Rehabilitation; and~~
- ~~F. — Such other information or documents as may be requested by the development services director or the historical commission.~~

~~Applications shall be noticed as set forth in Section 12.44.120 and shall be acted on as set forth in Section 12.44.130 and 12.44.140 of this chapter.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018; Ord. No. 2023-490, § 2(App. A), 3-28-2023)~~

~~Editor's note(s) — Former § 12.44.120, see editor's note § 12.44.080.~~

~~12.44.120 Notice of public meetings.~~

- ~~A. — Notification shall be provided when an application for a historical alteration permit is required for a historic landmark. Applicants shall be responsible for providing notification via first class mail to the adjoining property owners, in the manner set forth by the commission staff, 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:~~
 - ~~1. — The two adjoining property owners on each side;~~
 - ~~2. — The three adjoining rear property owners; and~~
 - ~~3. — The five adjoining front property owners across the street.~~
 - ~~4. — As deemed appropriate or necessary, the commission staff 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.~~

5. ~~Notice shall also be posted on the project site near the front property line in accordance with the standards set by the commission staff.~~

B. ~~Notice shall be provided when an application for an advisory review is required for a historic resource. Applicants shall be responsible for posting a notice on the project site near the front property line in accordance with the standards set by the commission staff.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)~~

~~Editor's note(s)—Former § 12.44.130, see editor's note § 12.44.080.~~

~~12.44.130 Advisory review.~~

A. ~~For projects that require an advisory review, the historical commission shall complete its review and issue a recommendation at its next available scheduled meeting. In order to recommend approval, the commission shall find that:~~

1. ~~The project complies with all provisions of this chapter; and~~
2. ~~The project does not adversely affect the physical integrity or the historic significance of the subject property.~~

B. ~~The historical commission recommendation shall be forwarded to the development services director, the planning commission, or the city council to be considered as part of their decision.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018; Ord. No. 2023-490, § 2(App. A), 3-28-2023)~~

~~Editor's note(s)—Former § 12.44.140, see editor's note § 12.44.080.~~

~~12.44.140 Historical alteration permit.~~

A. ~~For projects that require a historical alteration permit, the historical commission shall complete its review and issue a decision at its next available scheduled meeting. In order to approve a permit, the commission shall find that:~~

1. ~~The project complies with all provisions of this chapter; and~~
2. ~~The project does not adversely affect the physical integrity or the historic significance of the subject property.~~
3. ~~The project is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.~~

B. ~~If the historical commission approves the historical alteration permit, or approves such permit subject to conditions, the development services director shall issue the permit in accordance with the recommendation, provided that no other approval is required under this code. In the event the historical commission recommends denial of the permit, the development services director shall notify the applicant that the requested permit will not be granted.~~

~~(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018; Ord. No. 2023-490, § 2(App. A), 3-28-2023)~~

~~Editor's note(s)—Former § 12.44.1500, see editor's note § 12.44.080.~~

12.44.150 Appeal.

Within fourteen (14) days of any approval or denial by the historical commission, the decision may be appealed to the city council. The appeal may be filed by the applicant or any interested party and shall be accompanied by a fee to cover the administrative cost of handling the appeal as set by city council resolution. (Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018; Ord. No. 2023-490, § 2(App. A), 3-28-2023)

Editor's note(s)—Former § 12.44.160, see editor's note § 12.44.080.

Article 4. Miscellaneous Provisions

12.44.160 Incentives for preserving historic resources.

- A.—California Historical Building Code. It is the purpose of the state historical building code to provide regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation as applicable to all historical buildings, structures and properties deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. Such standards and regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored elements and features, to encourage energy conservation and a cost effective approach to preservation, and to provide for reasonable safety from fire, seismic forces or other hazards for occupants and users of such "buildings, structures and properties" and to provide reasonable availability and usability by the physically disabled. The state historical building code is defined in sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code (H&SC) Health and Safety Code, a part of California Law.
- B.—Economic incentives. In order to carry out more effectively and equitably the purposes of this chapter, the city council may, by resolution, adopt a program of economic (i.e., Mills Act contracts) and other incentives to support the preservation, maintenance and appropriate rehabilitation of the city's historic resources.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.170, see editor's note § 12.44.080.

12.44.170 Hardship.

Notwithstanding the criteria of this chapter, the development services director, on the recommendation of the historical commission or the planning commission or city council on appeal, may approve an application for a permit to conduct any proposed work upon or within a historic resource or historic landmark if the applicant presents clear and convincing evidence demonstrating that a disapproval of the application will cause immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work or because of conditions peculiar to the particular improvement, building, structure, topography or other feature involved. If a hardship is found to exist under this section, the historical commission or the planning commission or city council shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such finding.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018; Ord. No. 2023-490, § 2(App. A), 3-28-2023)

Editor's note(s)—Former § 12.44.180, see editor's note § 12.44.080.

12.44.180 Fees.

- A. ~~No fee shall be charged for the filing, processing or public noticing of any application for designation.~~
- B. ~~The city council shall by resolution adopt a schedule of fees to be charged for any application for termination of a designation, for the filing and processing of applications for any permit required under this chapter, and for appeals pursuant to this chapter.~~

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)

Editor's note(s) — Former § 12.44.190, see editor's note § 12.44.080.

12.44.190 Ordinary maintenance and repair.

~~Nothing in this chapter shall be construed to prevent the ordinary maintenance, painting, landscaping or repair of any exterior feature in or upon any historic resource or historic landmark that does not involve a change in design, material or the external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any historic resource or historic landmark which has been certified by the city building inspector, or fire chief, or other code enforcement officer as being in unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code.~~

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)

Editor's note(s) — Former § 12.44.200, see editor's note § 12.44.080.

12.44.200 Duty to keep in good repair.

- A. ~~The owner, occupant or the person in actual charge of a historic resource or a historic landmark shall keep and maintain in good condition and repair all exterior portions of the improvement or structure, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature or natural feature.~~

- B. ~~It shall be the duty of the development services director or their designee to enforce this section.~~

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018; Ord. No. 2023-490, § 2(App. A), 3-28-2023)

Editor's note(s) — Former § 12.44.210, see editor's note § 12.44.080.

12.44.210 Enforcement.

~~The violation of any provision contained in this chapter is hereby declared to be unlawful and shall constitute a misdemeanor, subject to the penalties as prescribed in Title 1, Chapter 1.20 of this code.~~

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)

Editor's note(s) — Former § 12.44.220, see editor's note § 12.44.080.

ORDINANCE NO. 2025-__**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 14.01 (ADMINISTRATION OF ZONING) TO THE LOS
ALTOS MUNICIPAL CODE**

WHEREAS, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

WHEREAS, the City Council held a duly noticed public hearing on **DATE TO BE INSERTED**, and **DATE TO BE INSERTED**; and

WHEREAS, the amendments were processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; 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; and

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

SECTION 1. AMENDMENT OF CHAPTER 14.01 OF THE MUNICIPAL CODE. Chapter 14.01 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion. Insertion of new text as amended within Appendix A shall be inserted in numeric order.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. 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 hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

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 hereof.

I HEREBY CERTIFY that the foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on **DATE TO BE INSERTED**, and was thereafter, at a regular meeting held on **DATE TO BE INSERTED**, passed, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

APPENDIX A
CHAPTER 14.77

APPENDIX A

Chapter 14.01 Administration of Zoning

14.01.170 Permissive Code

In the interpretation and application of the provisions of this Zoning Code, it shall be declared to be a permissive code. Any use not specifically permitted or otherwise provided for, is not permitted. Any development standard or improvement not specifically identified within this code or otherwise provided for, is not permitted. The provisions of this Zoning Code, as most recently amended, shall be held to be the minimum requirements. Administration of Title 14 is prescribed in Section 14.01.020 of this Code.

From: [Jon Baer](#)
To: [Public Comment - PC](#)
Subject: Item 1: Changes to Mills Act requirements
Date: Wednesday, June 04, 2025 10:42:30 AM

>

> I would like to attend the meeting on Thursday evening, however I will be on a plane returning to the US and will not be able to do so. The following are the areas I would address if present:

>

> Attachment 4 proposes the City inspect the exterior and interior of Mills Act landmark properties. Mills Act only provides for the City to regulate the exterior of landmark buildings and does not extend that privilege to the City in regards to the building's interior. Therefore, adding the requirement to inspect interiors is a violation of the existing contracts of Mills Act properties and is unwarranted and intrusive.

>

> Secondly, section 14.91.130 is inappropriate. Those who previously signed contracts with the City (years ago) made plans and improvements based upon the terms and conditions in the original contracts. The City does not have the right to now make changes to those existing contracts.

>

> Thirdly, a 10-year review by a historic preservation professional is a violation of the existing contracts for Mills Act properties that have been long-held. Those property owners have conducted restoration of their property and undertaken continued maintenance in accordance with the terms of the contracts that they long ago entered into. Those long-held contracts did not include such a requirement.

>

> Finally, if the City chooses to institute changes going forward, then new property owners are alerted before entering their contracts. However, the long-held contracts should not be changed in any way.

>

> Jon and Lois Baer, Owners of the City of Los Altos Landmark #1

>

>

> Sent from my iPhone

From: [PALLA](#)
To: [Public Comment - PC](#)
Subject: Public Comment: Public Hearing, Item #2- Zoning Code Amendments – Historic Preservation, Mills Act, Design Review
Date: Thursday, June 05, 2025 2:45:32 PM

Re: Proposed Amendments to Historic Preservation Ordinance (Chapter 12.44, revised to 14.90)

Dear Planning Commissioners,

We are writing to express concern and opposition to the proposed process to amend the Los Altos Historic Preservation Ordinance. While the staff report indicates these changes are intended to improve “efficiency,” the redlines tell a different story.

The draft ordinance removes public oversight, narrows applicability to private parcels, eliminates references to foundational state and federal preservation laws, and concentrates discretionary decision-making in the hands of a single staff member without objective standards. These changes are not technical clarifications; they are fundamental alterations to how historic protections function in Los Altos.

The most troubling aspect of amendments is the removal of references to the General Plan, Certified Local Government (CLG) responsibilities, the Secretary of the Interior’s Standards, and CEQA requirements—all of which are essential to ensuring that historic preservation decisions were based on state-recognized criteria, not staff interpretation. These omissions weaken the framework that makes our ordinance enforceable. The proposed code does not call out public lands and landscapes, and civic structures, allowing the City to potentially bypass its own rules on public projects that impact historic resources.

The proposal before you does not include a formal summary of changes, a side-by-side documentation of what was removed or added, and a legal justification for why protections are being weakened or stripped.

If the City seeks "efficiency," it should clarify processes, not eliminate safeguards. What problem is this new code solving?

We urge the Planning Commission to delay any recommendation until:

(1) a full line-by-line comparison with clear, supported goals of this ordinance modification is published;

(2) legal analysis of CLG, CEQA, and General Plan obligations is presented;

and (3) the community and commissioners are provided with time to meaningfully review and comment.

The preservation of our Los Altos history should not be decided in haste or without accountability.

The concerns addressed here should also be extended to the overhauls of the Design Review and Mills Act program ordinances.

Thank you for your time, and we respectfully ask that you recommend no action, and return this item to City Staff with the expectation that these critical issues are addressed thoroughly for all three ordinances.

Sincerely,

The Preservation Action League Los Altos

Maria Bautista and Catherine Nunes