



PLANNING COMMISSION MEETING

REVISED AGENDA

6:00 PM - Thursday, October 17, 2024

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/mt32thhs>

Telephone: 1-253-215-8782 / Webinar ID: 881 2765 2885 / 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 April 18, 2024.

SPECIAL ITEM

2. Election of Chair and Vice Chair

PUBLIC HEARING**3. Zone Text Amendments Updating the Los Altos Municipal Code Title 14**

Consideration of Zoning Ordinance Text Amendments updates Title 14 including zoning definitions, administration and procedures for discretionary applications within the City of Los Altos. The proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment. *Project Manager: Zornes*

DISCUSSION**4. Planning Commission Work Plan****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 <http://losaltosca.gov/meetings>.

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, APRIL 18, 2024
6:00 p.m.
1 N. San Antonio Rd. ~ Los Altos, CA**

*Eric Steinle, Chair
Joe Beninato, Vice Chair
Mehruddin Jon Ahi, Commissioner
Kate Disney, Commissioner
Shelley Doran, Commissioner
Susan Mensinger, Commissioner
Richard Roche, Commissioner*

Item 1.

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

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

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following member of the public spoke during Public Comments:

- Oswaldo Ocegueda

CONSENT CALENDAR

1. Planning Commission Minutes

Approve the minutes of the Regular Planning Commission meeting of March 21, 2024.

Motion by Beninato and Second by Doran to approve the consent calendar. **Motion carried 6-1 by roll call vote with Commissioner Disney opposed.**

PUBLIC HEARING

2. Zone Text Amendments Implementing the 6th Cycle Housing Element by Modification of the City's SB9 Regulations

Consideration of Zoning Ordinance Text Amendments implementing programs identified in the adopted housing element, Program 1.M: SB9 Implementation. The proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment.

Stephanie Williams, Development Services Deputy Director, presented the report.

Commissioners asked staff questions.

Chair Steinle opened the public comment period.

No one from the public spoke during the public comment period.

Chair Steinle closed the public comment period.

Motion by Ahi and Second by Doran to amend Section 14.64.090 – Objective Development Standards – to increase the Floor Area Ratio (FAR) for lots not exceeding 10,000 square feet to 40 percent where the previous language, which mirrored the existing regulations, had a

maximum FAR of 35 percent for lots not exceeding 11,000 square feet. **Motion carried 5- 2 by roll call vote with Disney and Mensinger opposing.**

Motion by Disney to amend Section 14.64.090 floor plate height. **Failed due to lack of a second.**

Motion by Disney to amend Section 14.64.900 balcony requirements. **Failed due to lack of a second.**

Motion by Disney to amend 14.64.90 setback requirements. **Failed due to lack of a second.**

Motion by Disney to amend Section 14.64.090 to require at least on tree in the front yard. **Failed due to lack of a second.**

Motion by Mensinger and Second by Roche to recommend the City Council introduce and adopt draft Ordinance 2024-XX adding Chapter 14.64 to Title 14 to the Los Altos Municipal Code enacting regulations for dual opportunities developments pursuant to Senate Bill 9 (SB9), as amended, and find the amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment. **Motion carried unanimously by roll call vote.**

COMMISSIONERS' REPORTS AND COMMENTS

Vice Chair Beninato congratulates Nick Zornes on promotion to Assistant City Manager of Land Use.

POTENTIAL FUTURE AGENDA ITEMS

The regular meeting on May 2, 2024 will be cancelled.

ADJOURNMENT – The meeting adjourned at 8:07 p.m.

The meeting minutes were prepared by Taylor Soleno, Deputy City Clerk, for approval at the regular meeting of October 17, 2024.

Stephanie Williams
Development Services Deputy Director

The April 18, 2024 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.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: October 17, 2024

Subject: Election of Chair and Vice Chair

Prepared by: Stephanie Williams, Deputy Director

Attachment:

A. Commission Handbook

Background

The Commission will nominate and elect a Chair and Vice-Chair to serve until the first meeting in October 2025. This past term, Commissioner Steinle served as Chair and Commissioner Beninato served as Vice-Chair.

Discussion

The election of the Chair and Vice-Chair follows the guidelines outlined in the Commission Handbook. Any commission member is eligible to serve as either the Chair or Vice-Chair. Here's the election process:

1. The current Chair will commence the process by calling for nominations for the position of Chair. Any member has the privilege to nominate another member to serve as Chair, and nominations do not require a second.
2. Following the nominations, a vote will be conducted among the Commission members. If a majority of members approve, the nominated member will assume the role of Chair.
3. Subsequently, the same process will be repeated for the election of the Vice-Chair.

It's essential to emphasize that no commission member can serve consecutive terms as Chair, which mandates an annual rotation of the Chair position.

The roles of Chair and Vice-Chair are for a one-year term, with the selection of new Chair and Vice-Chair taking place during the first meeting in October.

Following the election of the Chair and Vice-Chair, the individual elected as Chair will assume the role of the meeting's presiding chair.



City of Los Altos

Commission Handbook

September 2023

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INTRODUCTION

This manual functions as an introduction to service as a Commission or Committee member in Los Altos. For the purposes of this manual, the terms Commission member and Committee member are interchangeable. For those instances not covered in this manual, refer to the City Council Norms and Procedures and the Los Altos Municipal Code for additional guidance.

If there is any conflict between the rules set forth in this handbook and the Los Altos Municipal Code or the City Council Norms and Procedures, the Code and then the Norms and Procedures shall govern.

THE BASICS

Government in the City of Los Altos

The City of Los Altos operates under the Council-Manager form of government. The City Council sets policy for the City which is then carried out by the City Manager and staff.

Commissions are integral to the City's commitment to developing policies which reflect the needs and values of the community. Commissions work closely with staff and the Council to carry out the duties and responsibilities assigned by Council.



Figure 1: City of Los Altos organization

City Council

The City Council is elected by registered voters of the City of Los Altos and serves as the 'Board of Directors' for the City. The Council is the legislative body of the City. It sets policy and establishes the City's overall priorities, direction and financial plan. The Council appoints the City Manager, who is responsible for the administration of City business, and the City Attorney.

Council Liaison

The City Council relies upon the expertise and recommendations of the Commissions and Committees in advising the Council as it sets City policy. The Council liaison function serves to facilitate and enhance this work. Their principal function is to provide a wide range of information to the advisory body, such as information about Council discussions, policies and actions. This helps provide an historical perspective and thereby place their work in context. However, the Commissions and Committees should act independently in formulating recommendations for the City Council to consider. Therefore, it is inconsistent for Council liaisons to direct, guide or unduly influence the policy making work of the City's advisory bodies. Council liaisons are not required to attend their Commission or Committee meetings. Council liaisons will meet, at a minimum with the Commission Chair and Staff liaison once per year individually and once per year at the joint meetings of the City Council and the Commission. These meetings can be more frequent and will be based on the specific Commission.

Commissions/Committees

Members are appointed by a majority vote of the City Council to serve on Commissions and Committees to advise and make recommendations to the Council and staff. Commissions focus on specific policy issues and provide additional opportunity for community participation in decision making.

From time to time, there may be instances when staff's recommendations on an issue may differ from that of the Commission. If this occurs, staff will inform the Commission of this in advance of the Council meeting and both recommendations will be presented to the Council for consideration.

As appointees of the City Council, members of Commissions are public officials and are appointed to represent all residents of the City, not individual organizations or special interest groups. Care should be taken to ensure that viewpoints expressed as public officials are consistent with City Council policy and the position of the majority of the Commission. Minority opinions are allowed but Commissioners acting in the role of a Commissioner should support actions taken by a majority of the Commission.

Unless speaking as the official spokesperson for the commission at a City Council or other public forum, commissioners should begin all written or verbal comments with "I am a commissioner for the [insert commission name here], but I am speaking on behalf of myself and my own personal beliefs."

Each Commission is established by Chapter 2.08 of the Los Altos Municipal Code, which includes the powers and duties of each Commission. Committees, both standing and ad hoc, are created by Council action and typically are assigned to focus on a specific topic for a short duration. Ad hoc Committees (sometimes referred to as Task Forces) may include Commissioners.

Staff

The City Manager serves as the 'Chief Executive Officer' for the City and implements policy set by the City Council, manages the day-to-day affairs of the City, appoints and removes employees, prepares the budget, enforces laws and ordinances, and makes recommendations to the Council on the general welfare of the City. He/she hires professionally trained staff to assist in carrying out his/her responsibilities.

The City Manager assigns staff members to assist the various Commissions in carrying out their responsibilities. These staff liaisons, by virtue of their technical training

Role of Staff Liaison

- Attend all meetings of the Commission
- Prepare agendas in collaboration with the Chair
- Work with the Commission in the development of a work plan for the coming year and a summary of accomplishments for the previous year
- Research and prepare reports for the Commission, as is consistent with the work plan and/or Council direction
- Ensure agendas and reports are posted in compliance with State law and City protocols
- Prepare action minutes for approval by the Commission
- Prepare reports from the Commission to the Council, ensuring that reports represent the majority view and recommendation of the Commission
- Serve as the liaison between the Commission and City staff
- Submit all budget requests from Commissions to cover costs associated with accomplishing its mission as well as to attend training sessions related to accomplishing the work of the Commission
- Communicate directions from the City Council to the Commission
- Stay apprised of new laws and City protocols related to their assigned Commission or Commissions generally

Figure 2: Role of Staff Liaison

and experience, are competent to provide such assistance.

Commissions shall work closely with the staff liaisons; however, they do not have the authority to supervise or direct the work of staff.

Requests by a commission or commissioner for assistance in completing research or analysis for the benefit of a commission may be directed towards the Department Head which oversees the assigned Staff Liaison.

MEETING DAYS AND TIMES

Regularly scheduled commission meeting days and times are established by the City Council. To facilitate and encourage public participation no commission meeting can be held during the same meeting time as a City Council meeting and commissions should strive to not have any overlapping commission meeting with another commission's regular meeting. Additionally, commission meeting times are typically scheduled for later in the day to not impede on normal city business hours effectively ensuring services are available until the close of business each day.

Commission special meetings shall be held in accordance with the provisions of regularly scheduled meetings to not impede city services and operations.

With majority support of commission members any commission can request a change in the approved day and time for a commission regularly occurring meeting. A request for a change in meeting day and time shall be respective of city business hours to ensure that staff and services are provided throughout the day. Such request shall be included in an agenda report prepared by the staff liaison and placed on the Commission's agenda as a Discussion Item.

A complete calendar of all regular commission meetings can be found on the City website.

COMMISSION WORKPLANS

When a commission workplan is necessary each commission shall discuss and prepare its annual work plan based upon the City Council annual priorities and budget, which shall be submitted and approved by the City Council. The work plan is a list of the anticipated topics, assignments and goals that the Commission will focus on over a 12-month period. From time to time the City Council may amend the approved commission work plan in order to achieve the goals of the city. Any requested modifications should be in line with the goals and objectives of the commission and the city.

MEMBERSHIP ON CITY COMMISSIONS

Unless otherwise directed, Commission members must be residents of the City of Los Altos. If, at any time during their term, a member moves to a principal residence outside the City, they shall become ineligible to continue as a member of that body and shall notify the Commission's assigned staff liaison as soon as possible. It is expected that when a Commissioner moves to a principal residence outside the City, they will submit a letter of resignation to the assigned staff liaison and the City Clerk..

Members are appointed by and serve at the pleasure of the City Council. With the exception of Senior and Youth Commissioners, members serve for a term of four years and may serve a total of two, four-year terms, plus any portion of an unexpired term for which they have been appointed. Senior Commissioners may serve four, two-year terms. Youth Commissioner may serve two-year terms through the conclusion of their final year in high school.

No Commissioner shall serve simultaneously on two, separate Commissions. When a Commissioner ends their service on one Commission, the individual can then be appointed to a different Commission.

Ad hoc Committee members are appointed and shall serve until the task of the ad hoc committee has been completed at which time the Committee shall be disbanded. Council members and Commissioners may serve on ad hoc committees.

Two members of an immediate family, or persons residing in the same household, are not allowed to serve simultaneously on the same Commission or Committee, including ad hoc Committees. Immediate family members of City Council members are not eligible for appointment to any Commission or Committee during the term of the elected Councilmember.

Appointment

The City Council accepts applications for Commission positions during the formal recruitment period. Once per year in September, formal recruitments are conducted for those positions which are or will become vacant (including those for which an incumbent is eligible for reappointment). The City may conduct a recruitment for specific vacancies between formal recruitments if there is a vacancy that causes a commission to fall below quorum or at the direction of City Council after a request from a commission chair or commission liaison.

With the exception of the Youth Commission, all other commission recruitments will follow the same process. Youth Commission applicants are interviewed by the City Council Youth Commission Interview Committee which then makes appointment recommendations to the full City Council at a regular Council meeting.

The City Clerk announces that formal recruitment for commissioners is currently open so interested individuals should submit their application to the City for review. The City Clerk works with other City staff, City Council, and community groups to conduct as much public outreach as possible. This public outreach will include, but is not limited to posting on the City website, City social media, local newspapers, and email notifications to previous commissioners or applicants.

City Council may only review applications for appointment once the application period ends.

Interested applicants submit their complete application to City staff, where they will indicate their desired commission(s). City staff verifies that the individual lives within the City of Los Altos and may serve on the desired commission(s).

City Council holds one special meeting that will include interviews and voting on commissioners. All applicants are allotted the same amount of time to ensure that all candidates are given equal treatment.

After all interviews are completed, the City Council submits a ballot with their appointees.

Incumbent applicants will have their attendance record included as part of their application packet for review by the City Council.

Reappointment

Upon completion of the first four-year term, or an unexpired term, Commissioners shall notify the City Clerk that they have an interest in continuing on the commission and complete a new application for re-appointment to the Commission for another four-year term. In order to qualify for reappointment a Commissioner shall have met the minimum attendance requirements during the duration of their previous term. Commissioners requesting reappointment will be interviewed by the City Council. Reappointments will occur at the same time as new appointments to the Commission.

Upon completion of their service, Commissioners are encouraged to meet, either in person or via telephone, with the Council Liaison assigned to their respective Commission or another Councilmember. The purpose of this meeting is to provide Commissioners with a chance to offer feedback to the Council regarding their time on the Commission.

Resignation/Removal

In the event a member is unable to continue serving because of change of residence, health, business requirements or other personal reasons, a letter of resignation must be submitted to the City Clerk.

Members of Commissions serve at the pleasure of the City Council. The City Council shall review members' performance and fulfillment of Commission member obligations and may remove a member from a Commission based upon that review. The City Council may discipline or remove a Commissioner at any time solely at the discretion of the Council. Any proposed removal can be with or without cause. A Councilmember who wishes to discipline or remove a Commissioner shall indicate their desire to place the discipline or removal on a future agenda at the end of a regular Council meeting. If three or more Councilmembers wish to agendize the discipline or removal of a certain Commissioner, the item will be placed on a future Council agenda.

Commission Member Responsibilities

- ☐ Prepare for and participate in Commission meetings
- ☐ Attend at least 75% of regular meetings annually
- ☐ File Form 700 on time, if required
- ☐ Complete Brown Act Training within 60 days of beginning service
- ☐ Complete two hours of Ethics Training within 30 days of assuming office and every two years thereafter
- ☐ Attend Annual Commission Training upon appointment and every two years while seated as a Commissioner

Attendance and Participation

A majority of members is necessary to conduct business. As such, Commission members are expected to attend no less than 75% of the regularly scheduled meetings annually during their term of office. At the end of each year, the City Council reviews an annual attendance report for each Commission. A Commissioner may be removed for failing to attend the required minimum number of meetings or after a third consecutive absence. If a Commissioner must miss a meeting, they shall inform the staff liaison a minimum of two weeks notice prior to the regularly-scheduled commission meeting whenever possible. If a Commission meeting is cancelled due to a lack of quorum, that meeting will still be considered a regularly scheduled meeting for purposes of calculating attendance, and those members whose absence caused the cancellation shall be charged with an absence for that meeting.

Figure 3: Commission Member Responsibilities

Commissions benefit from the informed input of each member of the body. Each Commission member is expected to exercise judgment in formulating recommendations to the City Council. Members are expected to be prepared for meetings and to participate and vote on every issue before the Commission, unless they are legally prohibited from participating. Lack of preparation and participation can be grounds for removal from a Commission. Each commission is to keep a rotation schedule for representation at City Council meetings by one of its members. Attendance is required when a commission has an item of interest on the Council agenda, so as to be available to answer Council questions.

Statement of Economic Interest

The Statement of Economic Interest (Form 700) is a form on which designated employees and officials disclose certain financial interests. State law dictates that members of the Planning Commission must

file Form 700s. In addition, the City identifies those positions which are subject to the City's Biennial Conflict of Interest Code. Those individuals appointed to positions identified in the Conflict of Interest Code are required to file Form 700s. Commission members not identified in the Conflict of Interest Code are not subject to these regulations.

Commissioners are responsible for ensuring that statements are filed properly and on time. For assistance in completing the forms, contact the City Clerk's Office or the Fair Political Practices Commission (FPPC). Non-compliant Commissioners shall receive a letter from the City Clerk notifying them of their non-compliance and are subject to monetary fines. Continued non-compliance shall be grounds for removal from the Commission.

All statements filed are maintained in the City Clerk's Office and are available for public review.

Type of Filing	Occurrence
Assuming Office	Within 30 days of assuming office
Annual	Each year on or before April 1
Leaving Office	Within 30 days of leaving office

Table 1: Deadlines for filing Form 700

Ethics Training

All those appointed by the Los Altos City Council to serve on Commissions shall complete at least two hours of public service ethics training every two years. New members must receive this training within 30 days of assuming office. Ethics training courses must have been reviewed and approved by the FPPC and the California Secretary of State. Members shall attend training sessions that are offered locally or by completing online training. Non-compliance shall be grounds for removal from the Commission.

It is the responsibility of a Commissioner to provide proof of completion of the ethics training program to the City Clerk. These documents are public records and are subject to public review.

The City Clerk provides periodic reports of Form 700 and Ethics Training compliance to the City Council. The Council may remove any non-compliant Commissioner.

THE BROWN ACT

The Ralph M. Brown Act (Brown Act) is the State of California's open government law. Its purpose is to ensure that deliberations and actions of local agency bodies are open to the public and that there is meaningful public access to a local agency's decision-making process. All City Commissions are subject to the Brown Act. Staff liaisons to Commissions are versed in the elements of the Brown Act and will help Commissioners understand their obligations related to the Brown Act. In addition, certain Ad Hoc subcommittees may be subject to the provisions of the Brown Act. Commissioners should consult with their staff liaison regarding questions of the Brown Act. Ultimately, it is up to the individual Commissioner to ensure that they are complying with the Brown Act.



Figure 4: Ralph M. Brown

A major element of the Brown Act relates to meetings of legislative bodies. A meeting is defined as the coming together of a majority or more of a particular body (also known as a quorum) where the business of that body is discussed. Meetings must be properly noticed and held in facilities that are open and accessible to all. All meetings must be held within the City of Los Altos. A discussion which occurs outside of a properly noticed meeting and which involves a majority or more of a body is a

violation of the Brown Act. This includes serial discussions which involve only a portion of the Commission, but eventually involve a majority. The two most common serial discussions are daisy chain and hub and spoke.

Daisy Chain

A daisy chain is when Member A contacts Member B who then contacts Member C who then contacts Member D and so forth, until a majority of members has discussed an item within the Commission's subject matter jurisdiction.

Hub and Spoke

A hub and spoke meeting is when one individual (the hub) contacts members individually (the spokes) until a majority has been achieved. The hub could be a Commissioner, staff member or member of the public.

To attempt to avoid serial meetings, emails from Commissioners that are intended for fellow Commissioners should be sent through the staff liaison. Commissioners should take care to not 'reply all' on emails.

Violations

Penalties for Brown Act violations can range from invalidation of an action taken to prosecution as a misdemeanor offense. In addition, there may be fines and/or attorney's fees associated with a violation of the Brown Act. Commissioners who violate the Brown Act may be subject to removal.

Whenever a questionable area arises, it should be brought to the attention of the City Attorney or City Clerk so that corrective actions or "cures" may be taken. Advice from the City Attorney or City Clerk should be followed completely to ensure all actions of the City comply with the Brown Act.

Types of meetings

There are two types of meetings which Commissions hold. The first, and most common, are regular meetings. These meetings are where a Commission accomplishes the vast majority of its work. Regular meeting days, times and locations are established by formal action of the Commission.

The second type are special meetings. A special meeting is any meeting held outside of the normal meeting day, time or location. Action may be taken at special meetings and agendas for those meetings should indicate the action recommended to be taken.

Special meetings may include study sessions. Study sessions are held to provide Commission members the opportunity to discuss and better understand a particular item. Generally, no action is taken at study sessions.

Agendas

The staff liaison, in collaboration with the Chair, is responsible for preparing all agendas of a Commission. All items of business that will be considered or discussed at a meeting shall be briefly described on the agenda. The description should define the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. No discussion or action may be taken by a Commission on any item not on the agenda.

The Chair, or a majority of the Commission, may decide to take matters listed on the agenda out of the prescribed order.

All agendas and meeting materials are posted to the City's website as set forth in the Brown Act and the City's Open Government Policy. All Commissioners should sign up to receive meeting notices and associated agenda materials for their specific Commission through the City's website.

Meeting Minutes

Written minutes of all regular and special meetings are kept as the official record of business transacted and are taken by the staff liaison. Minutes are modeled after the City Council form of minutes known as "action minutes" and include a record of the legislative actions from the meeting. They do not include summaries of comments or discussion made by Commissioners or members of the public. The staff liaison will endeavor to distribute draft minutes within 10 days of the meeting. Action minutes will state the text of a motion voted on by the Commission, the result of the vote, identify which Commissioners voted "aye", "no", abstained, recused, or were absent. Action minutes will also identify whether motion passed or failed.

Any document submitted at a meeting, whether by a member of the public or a Commissioner, becomes part of the public record. The staff liaison should make a notation on the document of the date it was submitted and file it with the meeting packet. The staff liaison is responsible for posting the materials received within 48 hours of the meeting to the City's website and forwarding the material to the members of the commission.

Adding items to a future agenda

Commissioners may request that items be placed on a future agenda. This is done by requesting an item during the "Potential Future Agenda Items" portion of the meeting or by emailing a request to the staff liaison. Requests must be for items that are under the purview of the Commission. One less than a majority of members is required to place an item on an agenda. The staff liaison will work with the Chair to determine the best meeting to place an item on an agenda. Any background materials or information should be provided to the staff liaison for inclusion in the agenda packet. Future agenda items must be consistent with the Commission's Approved Work Plan.

CONFLICT OF INTEREST

Commission members are subject to all aspects of the Political Reform Act. Commission members must not make, participate in making, or attempt to influence in any manner a governmental decision which he/she knows, or should know, may have a material effect on a financial interest.

It is ultimately the responsibility of the Commission member to identify whether they may be engaging in incompatible activities or have a perceived conflict of interest. The City Attorney should be consulted as early as possible on any matters regarding incompatible activities or perceived conflicts of interest.

A Commission member should disclose any perceived conflicts of interest prior to any discussion of the Commission. A Commission member should recuse themselves for a conflict of interest.

Incompatible Activities

Per state law, a public official, including commissioners, may not engage in any activity for compensation that is inconsistent, incompatible, or in conflict with their official duties with the City.

Perceived Conflict of Interest

A perceived conflict of interest for a Commissioner may arise from personal relationships, financial interests, serving on bodies or boards that have shared or overlapping subject matter jurisdiction as those under the jurisdiction of the Commission, or when it appears that the Commissioner's private interests impact the official duties of the Commissioner, or influence his/her decision-making.

If a Commission member is appointed to an agency or body that has shared or overlapping subject matter, after their service on a City Commission has started, the Commission member will notify the Council liaison and staff liaison.

A Commission member who has a conflict of interest shall, immediately prior to the consideration of the matter, do all of the following: 1) publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address is not required; 2) recuse himself or herself from discussing and voting on the matter; and 3) leave the room until after the discussion, vote, and any other disposition of the matter is concluded. Notwithstanding this, a Commission member, not in the member's capacity as a Commissioner, may speak on the issue during the time that the general public speaks on the issue.

If a Commission member has obtained a letter or other documentation from the FPPC to discuss and vote on an item, then the member shall provide the letter to the staff liaison and the City Clerk upon receipt of the letter and disclose at the next Commission meeting the existence of the letter or other authorization, briefly describe the circumstances of why the member sought clarification, the basis for the FPPC's conclusion, and the file number or other unique identifier so that members of the public can request a copy from the FPPC. In addition, the member shall provide to the staff liaison a copy of the letter or other authorization no later than 24 hours after the meeting at which the letter or other authorization is disclosed, so that a copy may be forwarded to any member of the public who requests a copy.

COMMISSION ORGANIZATION

Each Commission consists of between five and seven members, except the Youth Commission which consists of eleven members. Each member has an equal voice and vote on the Commission.

Chair and Vice Chair

To facilitate meetings and the work of the Commission, each Commission appoints a Chair and Vice Chair from the members of the Commission. The positions of Chair and Vice Chair shall rotate annually. Selection of Chair and Vice Chair occurs at the first meeting in October. In the event of either's resignation or removal, the Commission shall elect another member to fill the remainder of the year. No member of a commission may serve consecutive terms as the chair, meaning that the chair must change annually.

The role of the Chair is to preside at Commission meetings and to run a timely and orderly meeting. The Vice Chair is to preside in the absence of the Chair. If both the Chair and Vice Chair are absent, the Commission may elect a Chair Pro Tem to conduct the meeting. It is incumbent upon the Chair to limit discussion and recommendations to those items on the agenda.

Ad Hoc Subcommittees

A Commission may appoint Ad Hoc subcommittees, consisting of less than a majority of the body, to work on specific tasks. Ad Hoc subcommittees should be focused on one specific topic and shall not last more than one year. These Ad Hoc subcommittees are working bodies and may be responsible for generation of reports and analyses, which are reviewed by staff prior to distribution to the full Commission. Commissions shall not create standing committees.

In order to establish an Ad Hoc Subcommittee, the topic of the formation of the Ad Hoc Subcommittee must be posted and noticed on the regular agenda.

Commission members currently serving on a Ad Hoc Subcommittee are not eligible to serve on another Ad Hoc Subcommittee simultaneously.

The motion of establishment must include that the Ad Hoc Subcommittee:

- Is comprised solely of members of the Commission establishing the Ad Hoc Subcommittee,
- Consists of less than a quorum of the Commission,
- Includes a defined purpose and the timeframe to accomplish that purpose and is less than one year in duration,
- Will automatically terminate when a final report is given to the Commission, or when the timeframe established by the Commission is met, unless extended by the Commission at a public meeting,
- Will not be re-established or renewed in multiple years, and
- Is advisory in nature and is not established to work on an item where continuing jurisdiction exists.

In accordance with the Brown Act, Ad Hoc Subcommittees do not need to post notice of their meetings or hold meetings in public, unless directed to do so by the City Council.

Commission Liaison assignments

Commissions may assign individual Commissioners to act, by a majority vote, as a liaison to other boards, commissions, or agencies, without establishing an Ad Hoc Subcommittee. The work, findings, conclusions, and any updates of the liaison should be brought back to the Commission at a regularly scheduled meeting for a report or discussion and, if applicable, action. The positions supported by the liaison are to be in alignment with the positions that the Commission or the City Council have taken if they have considered the topic.

In the event that a Commission is not able to select a Commission member as a liaison to another board, commission, or agency and a staff member cannot serve in that capacity, the Commission may recommend an individual resident to represent the Commission upon approval by the Commission and City Council.

MEETING PROCEDURES

All Commission meetings are open to the public and should be approached in a dignified, respectful manner. It is the responsibility of all Commissioners to treat their duties and obligations seriously and to ensure that all meetings are productive and further the mission of the City.

Rules of Order

Rosenberg's Rules of Order, with addendums adopted by the City Council, govern the conduct of Commission meetings. Information regarding the *Rules of Order* can be obtained from the City Clerk's Office.

Consideration of agenda items

The standard procedure for considering individual agenda items shall be as outlined in Figure 5. From time to time, the prescribed order may be changed.

Consideration of an agenda item

1. Presentation by Staff, Commissioner or Ad Hoc subcommittee
2. Commissioners ask clarifying questions
3. Members of the public are given an opportunity to speak on the item
4. Commissioners discuss the item
5. If needed, a motion is made upon which the Commission votes on

Figure 5: Procedures for considering agenda items

Official action requires a majority vote of the entire Commission/Committee, not just those present.

Public Comment

Persons present at Commission meetings may comment on any item on the agenda. To facilitate an orderly meeting, each speaker is requested, but not required, to complete a Request to Speak card for each item they wish to speak on before discussion on that item begins. To ensure that all are heard, speakers are typically given three minutes to speak on each item. If there are more than 10 requests to speak on an agenda item, the Chair may limit each speaker's time to two minutes.

The Chair has the right to ask a member of the public to step down from speaking if over the allotted time or if comments are not related to the topic at hand.

During regular meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment. The Commission may not discuss nor take action on any item raised during the Public Comments on Items not on the Agenda portion of the meeting.

Teleconferencing

Commission members may participate in meetings via teleconference in accordance with State law (Gov. Code sec. 54953 and AB 2449). Members participating via teleconferencing under AB 2449 (Just Cause or Emergency Circumstances) must participate via audio and visual methods. In all other circumstances, members participating via teleconferencing shall participate via audio and visual methods, when practical. Members may participate via teleconference in no more than 20% of meetings in a calendar year (January to December), whether utilizing provisions of the traditional Brown Act or Just Cause or Emergency Circumstances. All meetings of the Commission must have a majority of members present in the physical meeting location within the City.

At the beginning of a meeting in which a member is participating via teleconference, the Chair, or the Vice Chair if the Chair is participating remotely, will ask the member(s) participating via teleconference to confirm the teleconference location was properly noticed according to State Law, the teleconference location is accessible to members of the public and whether anyone is present in the teleconference location besides the member.

DECORUM

Commissioners shall render the utmost courtesy to each other, the City Council, staff and members of the public. Commissioners may be subject to dismissal for failure to observe these standards.

Members of the public attending Commission meetings shall observe the same rules of order and decorum applicable to Commission members. Los Altos Municipal Code Chapter 2.05 – Public Meetings Rules for Conduct shall apply to all meetings. To provide an environment in which all viewpoints may be expressed, noise emanating from the audience, whether in opposition or support, shall not be permitted. Continual disruption of meetings by members of the public may be grounds for removal from the meeting.

TRAINING

Commissioners are expected to stay current on issues related to their service as a public official. Members are provided brief training following their appointment regarding their duties as a Commissioner and the Brown Act. Annual trainings are organized by the City Clerk and conducted by City staff to review roles and responsibilities and to provide information on any changes in laws or policies that may be relevant to conducting the work of the Commissions. Attendance at this training is required for all Commission members and staff liaisons. Individuals who are unable to attend the

training session will be required to watch the video of the training and certify that they have completed the training.

Members of Commissions are encouraged, within budget limitations, to attend training related to their area of responsibility. It is intended that such attendance will broaden a member's knowledge and increase awareness of current developments relating to relevant areas of responsibility. The City may cover costs of registration and certain travel expenses in accordance with the City's Travel and Expense Policy. Requests for use of City funds must be approved in accordance with City Policy.

CONCLUSION

The City Council and staff appreciate your service as a Los Altos Commission member. The time and energy you expend help to make Los Altos the wonderful community it is. If at any time during your service, you have questions or concerns, do not hesitate to contact your staff liaison who can help address any issue which may arise.

Tips for Chair (and Vice Chair)

(and anyone who may have to run a meeting)

The role of the Chair of a Commission is to preside at meetings and to help move the work of the Commission forward. The Chair (and Vice Chair) does not have any extra authority or power beyond that of his/her fellow Commissioners.

As Chair, you are responsible for conducting meetings of the Commission. It is important to limit discussion to those items on the agenda. For each agenda item, it is suggested that you follow this procedure:

1. Announce what the item being considered is
2. Ask if there is a report for the item – generally, this is provided by the staff liaison but occasionally may be provided by another Commissioner
3. Ask Commissioners if there are any clarifying questions
4. Take public comment – instructions for how to take public comment are included in the “Meeting Procedures” section of the Commission Handbook
5. Facilitate discussion among the Commission – it is important that each Commissioner is given equal chance to speak and express his/her opinion
6. After discussion of the item, ensure that a conclusion is reached – this can be in the form of a motion, direction provided to staff or an Ad Hoc subcommittee, decision to continue the item to a date certain or not certain, or to take no further action.

Applications

On occasion, a Commission may receive an application from a resident or community group which the Commission is to consider. In these instances, applicants are given a total of up to ten minutes to present their position/input prior to hearing other public comments. This is done after the staff has presented its report. After the applicant(s) has presented, public comment is taken from the audience. Following public comment, the applicant is given five minutes to provide a rebuttal to any issue raised during public comments.

Announcing votes

The Brown Act requires that all votes be clearly noted, both at the meeting and in the record. It is the Chair’s responsibility to ensure that the vote is noted during the meeting. This is done by announcing how each member voted on a particular issue. If the voting is unanimous, it is sufficient to state “passes unanimously.” The staff liaison will ensure that the minutes accurately reflect how each member voted on each issue.

Recess

It is customary to have a short recess two hours after the beginning of a meeting. The established hour after which no new items will be started is four hours after the beginning of the meeting. Remaining items, however, may be considered by consensus of the Commission/Committee.



Agenda Report

Meeting Date: October 17, 2024

Prepared By: Nick Zornes

Subject: Zone Text Amendments for Zoning Definitions, Administration and Procedures.

COUNCIL PRIORITY AREA

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

RECOMMENDATION

Consider draft ordinance and provide recommendation to the Los Altos City Council for adoption of the proposed ordinance which includes the addition of Chapter 14.01 and 14.81 and amending Chapter 14.02 of 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.

BACKGROUND

The Los Altos Municipal Code contains several rules and regulations as it relates to local land use controls, however, several provisions are contained within State Planning & Zoning law but not explicitly identified within the Zoning Code. Provisions such as Zoning definitions, and general administrative procedures do exist within the Zoning Code today, however they are not comprehensive.

ANALYSIS

The Los Altos Municipal Code Title 14 (Zoning) provides the City with overall land use controls. Title 14 however does not contain comprehensive provisions and procedures for administration of zoning. The lack of standard applicable procedures leaves the city staff to frequently deviate to State Planning & Zoning law, which is acceptable, however is not best practice or easily accessible to the public. The proposed amendments are allowed under State Planning & Zoning law and help to comingle the existing zoning regulations with necessary administrative procedures for transparency and consistency of the application of zoning.

Chapter 14.01 – Administration of Zoning

The proposed chapter is new, with most regulations not present today within the Zoning Code. The proposed chapter will incorporate existing procedures and best practices into the code which include:

- Administration (authority and enforcement)
- Discretionary Applications (limit of one discretionary action at a time)
- Discretionary Application Review Procedures
- Expiration and Extensions (allowances for discretionary applications)
- Fees and Deposits (financial requirements for discretionary applications)
- Amendments and Modifications to Discretionary Permits
- Amendments to Land Use Documents (requests for Zone Text or General Plan Amendments)
- Preliminary Reviews
- Appeal Procedures (detailed appeal procedures for zoning)
- Revocation and Modifications (of discretionary applications)
- Administrative Modification of Standards (allowance and procedures for administrative modification procedures or relief from certain zoning provisions)
- Public Notice Requirements
- Indemnification of City of Los Altos
- Public Projects
- No relief from other provisions (statement of requirements)

Chapter 14.02 – Definitions

The proposed chapter is existing, with most regulations present today within the Zoning Code. The proposed chapter incorporates several missing definitions which are necessary for continued consistent application of the code.

Chapter 14.81 – Variance

The proposed chapter is new, with most regulations not present today within the Zoning Code. The proposed chapter will incorporate existing procedures and best practices into the code which include:

- Applicability
- Submittal Requirements and Review
- Findings and Decision
- Conditions of approval/guarantees

- Precedents
- Runs with the Land (statement of entitlement continuation)

ATTACHMENTS

- 1. Draft Ordinance**
- 2. Appendix A – Administration of Zoning**
- 3. Appendix B – Definitions**
- 4. Appendix C – Variance**

ORDINANCE NO. 2024-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 14.02 AND ADDING CHAPTER 14.01 AND 14.81 OF 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 xxxx xx, 2024, and xxxx xx, 2024; and

WHEREAS, the adoption of this ordinance helps to provide clear process and procedures within the Los Altos Municipal Code for the Administration of Zoning; 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 14.01 OF THE MUNICIPAL CODE. Chapter 14.01 of the Los Altos Municipal Code is hereby added as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion.

SECTION 2. AMENDMENT OF CHAPTER 14.02 OF THE MUNICIPAL CODE. Chapter 14.02 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. AMENDMENT OF CHAPTER 14.81 OF THE MUNICIPAL CODE. Chapter 14.81 of the Los Altos Municipal Code is hereby added as set forth in Appendix C to this Ordinance, underline indicating addition, strikethrough indicating deletion.

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

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption 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 xxxx xx, 2024, and was thereafter, at a regular meeting held on xxxx xx, 2024, passed, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

APPENDIX A
CHAPTER 14.01

APPENDIX B
AMENDMENTS TO CHAPTER 14.02

APPENDIX C
AMENDMENTS TO CHAPTER 14.81

CHAPTER 14.01

ADMINISTRATION OF ZONING

14.01.010 Intent and Purpose.

The intent and purpose of this Chapter is to establish regulations for the effective and efficient implementation of this Code. This Chapter contains the procedures for the interpretation of the Code, criteria for acceptance of applications for ministerial, administrative, and discretionary actions, standards for processing of applications and requirements for the notice and conduct of public hearings. This Chapter will work to the benefit of all in the community by providing for the comprehensive management and implementation of this Code.

14.01.020 Administration.

A. Designation and Authority of Zoning Administrator.

- 1. The Development Services Director shall serve as the Zoning Administrator for the City of Los Altos. The Development Services Director may designate the Development Services Deputy Director to serve as the Zoning Administrator in their absence.**
- 2. The Zoning Administrator is hereby charged with the duty of providing interpretations of the Zoning Code.**
- 3. The interpretations of the Zoning Administrator are subject to the adopted land use regulations of the City of Los Altos and all federal and state laws.**
- 4. The Zoning Administrator shall resolve any inconsistencies and conflicts within Title 14 of the Los Altos Municipal Code to ensure adherence to the purpose and intent of this code is implemented.**
- 5. The Zoning Administrator shall have the authority to refer any discretionary application to the Planning Commission for consideration when it is determined necessary.**

B. Designation and Authority of Planning Commission.

- 1. The Planning Commission designation and authority shall be the same as contained within Chapter 2.08 of the Los Altos Municipal Code.**

C. Enforcement of this Code.

- 1. When any use or structure is found to be in violation of the provisions of this Code, the Zoning Administrator may refer the violation to the City Attorney to commence appropriate civil, administrative, or criminal proceedings for the discontinuation or removal of the illegal use or structure in the manner prescribed by law.**

D. Investigation or Inspection of Property.

1. Any authorized city official may enter any premises, building, or structure at any reasonable hour, after either obtaining the consent of the owner or other responsible individual or pursuant to an inspection warrant, for investigation or inspection of such premises, building, or structure to determine whether said building, premises, or structure is in violation of this Code. Any person who denies, prevents, obstructs or attempts to deny, prevent, or obstruct such access pursuant to an inspection warrant is guilty of a misdemeanor.

E. Penalty for Violation of the Code.

1. Penalty for violation of the Code is described in Los Altos Municipal Code, Title 1 Chapter 1.20 and 1.30.

14.01.030 Discretionary Applications.

Submittal of Discretionary Applications for review by the City of Los Altos shall be limited to one (1) project per site at any one time. Subsequent discretionary applications may be applied for however, multiple separate discretionary applications are not allowed until completion, or withdrawal of a prior request.

14.01.040 Discretionary Application Review Procedures.

- A. Upon submittal of a development application by an applicant, in accordance with the Permit Streamlining Act, the Development Services Department shall have thirty (30) days to review the development application to determine if the application is complete. Prior to the end of that thirty (30) day period, the City shall notify the applicant in writing of any deficiencies in the application which make the application incomplete. This provision shall not apply to legislative actions by the City.
- B. If an applicant is notified in writing that a development application is incomplete, the applicant shall have (180) days from the date of notification to revise and resubmit the application. If the applicant fails to revise and resubmit the application within the said (180) day period, the application shall be deemed withdrawn. Thereafter, a resubmittal of an application for the same site shall constitute a new development application subject to the payment of new fees and commencing a new timeline for City action on the project.
- C. The Zoning Administrator, at their sole discretion, upon written request by the applicant prior to the end of the (180) day period may provide a one-time extension of sixty (60) days.
- D. The Zoning Administrator or their designee may send a courtesy notice to the applicant that if an incomplete application is not rectified by the submittal of additional information necessary to make the application complete, that the application will be deemed to be withdrawn. However, this notice is strictly a courtesy to an applicant and failure by the City to send, or the applicant to receive such notice shall not operate to negate the effective withdrawal of the application.

- E. When a final action on any given application is a denial and conditions surrounding that application have not substantially changed, the Zoning Administrator shall reject any new applications for any identical or substantially similar proposal for a period of twelve (12) months from the final action date on the original application. There shall be no limitation on subsequent applications for a site on which a project was denied without prejudice.
- F. The provisions of Government Code Section 65920 are applicable to City actions in processing development applications but are not applicable to legislative actions of the City.

14.01.050 Expiration and Extensions.

- A. Expiration. Unless otherwise approved in the conditions of approval, any permit or entitlement shall expire in two (2) years if the project has not been established on the site.
 - 1. If the project authorized by the permit or entitlement has not been established within the required time, and a time extension is not granted, the permit shall expire and be deemed void without any further action by the city.
 - 2. An approved project shall be deemed to have been established when: a building permit has been issued; an approved use that does not require construction has commenced; a map required by the Subdivision Map Act related to the project has been filed and recorded.
- B. Extensions. A discretionary permit may be extended in accordance with the following provisions:
 - 1. An application, consisting of a written letter requesting an extension, shall be submitted a minimum of 30 days prior to the expiration date of the subject discretionary permit. Request for extension shall be denied if received after the expiration date.
 - 2. A fee, in accordance with the annual fee resolution adopted by the City Council shall be submitted with the letter.
 - 3. The Zoning Administrator may administratively grant a one-time extension for a maximum of twelve (12) months.
 - 4. A request for extension may be approved, conditionally approved or denied. An action to conditionally approve or deny a request for extension may be based on the existence of new requirements or standards which were not in effect at the time of the original approval. Such requirements or standards may be contained in the City's Zoning Code or in the Municipal Code, including the Health, Safety and Building Codes.
 - 5. While the discretionary permit is deemed active during the consideration of an extension request, if the expiration date has passed, the permit may not be implemented unless and until the extension request has been approved.

14.01.060 Fees and Deposits.

A. Filing Fees and Deposits.

1. Each applicant for an Amendment, Zone Changes, Conditional Use Permit, Variance, Design Review Permit, or other entitlement or relief provided for in this Code shall pay the fees and costs established by Resolution of the City Council upon the filing of an application such entitlement or relief. Said Resolution may be periodically amended by resolution to reflect the cost of processing such applications.
2. An application shall not be accepted until all required fees have been paid.

B. Waiver of Fees. The City Council may provide for the reduction of filing fees that have been established by Resolution of the City Council. City-sponsored applications shall be exempt from the payment of processing fees.

C. Refunds. The following provisions apply when full payment has been made for an application or when an application is withdrawn:

1. If any application is withdrawn within thirty (30) days from the date the application is filed, the City shall refund 50% of the fees paid. This provision shall not apply to any required consultant services provided for the application review and paid by deposit or reimbursement to the City.
2. If any application is withdrawn after thirty (30) days from the date the application is filed, the City shall refund 25% of the fees paid. This provision shall not apply to any required consultant services provided for the application review and paid by deposit or reimbursement to the City.
3. No refund shall be made after the notice of hearing has been published.
4. If the application fee is a deposit based on an hourly rate, the refund will be the difference between the time expended by the City and the amount of the deposit.

14.01.070 Amendment and Modifications to Discretionary Permits.

An approved discretionary permit may be amended or modified if the amendment is found to further the purposes of the Zoning Code and applicable State law(s). An amendment request shall be filed prior to the expiration date of the previously approved permit. The Zoning Administrator make one of the following determinations regarding the request:

- A. Minor Amendments. If requested amendments are found to be minor in nature and in substantial conformance with the prior discretionary approval by the Zoning Administrator, the amendments may be approved administratively.
- B. Major Amendments. If the Zoning Administrator determines that the requested amendments are significant enough to require a discretionary review, then the amendments shall be referred to the original decision-making authority. If the original application for the project required a public hearing, then the original decision-making authority's review of amendments shall require a public hearing in accordance with Title 14 of the Los Altos Municipal Code.

14.01.080 Amendments to Land Use Documents.

- A. Scope of Amendments.** Amendments may be proposed to change zoning districts, modify district boundaries or to revise the provisions of Title 14 to add, remove, or modify regulations. Amendments may be filed to add, remove, or modify the goals and policies of the General Plan or to change the land use designations therein.
- B. Amendment Initiation.** Legislative action such as, General Plan Amendments, Zone Change Amendments, and Zone Text Amendments and may only be initiated by the City Council, or Zoning Administrator and implemented by adoption of a Resolution or Ordinance of the City Council.
 - 1. Any person who can demonstrate an ownership interest in real property located within the City of Los Altos may request General Plan Amendment(s), Zone Change Amendment(s), and Zone Text Amendment(s) to the Zoning Administrator. The request shall be:**
 - a. Provided in writing to the Zoning Administrator. The Zoning Administrator will review said request and may require additional information to understand the potential impacts associated with the request.**
 - b. The Zoning Administrator will take the written request to the City Council for consideration. The request shall be:**
 - i. Authorized or denied to submit a formal application for formal consideration.**
- C. General Plan Amendments.**
 - 1. Frequency of Amendments.** No mandatory Element of the General Plan shall be amended more frequently than four (4) times during any calendar year.
 - 2. Planning Commission Recommendation.** The Planning Commission shall hold at least one (1) public hearing and make a recommendation on the adoption of an amendment to the General Plan. The Planning Commission shall forward its recommendation to the City Council.
 - 3. Public Hearing.** A General Plan Amendment requires at least one (1) public hearing before the City Council.
 - 4. Amendment by Resolution.** The City Council shall adopt amendments to the General Plan and General Plan Land Use Map by Resolution. The City Council may approve, modify, or disapprove the recommendation of the Planning Commission.
- D. Zoning Code Amendments.**
 - 1. Types of Amendments.** There are two types of amendments to the Zoning Code including:
 - a. Zone Text Amendment — a revision, correction, addition or modification to the text of the Zoning Code, including changes to development standards, use regulations or procedures.**

- b. Zone Change — a change to the zoning designation of a property or properties on the Zoning Map.
- 2. Planning Commission Recommendation. The Planning Commission shall hold at least one (1) public hearing and make a recommendation on the adoption of a Zone Text Amendment or Zone Change. The Planning Commission shall send its recommendation to the City Council.
- 3. City Council Consideration. The City Council shall hold at least one (1) public hearing for any Zone Text Amendment or Zone Change. The City Council may approve, modify, or disapprove the recommendation of the Planning Commission.
 - a. Amendment by Ordinance. The City Council shall adopt amendments to the Zoning Code or Zoning Map by Ordinance.

14.01.090 Preliminary Reviews.

A preliminary review is a request for a pre-submittal evaluation of a project. A preliminary review is not required; however, it is encouraged complex changes in development or land use. The preliminary review will assess the site and architectural design of the proposed project. In addition, this review will consider General Plan consistency, development standards, and land use compatibility. The objective of this exercise is to provide the applicant with a sense of the issues that need to be addressed in the formal application. The preliminary review process is not intended and cannot be used as a process to determine the ultimate decision on the formal application. Information gathered through this process can be used to determine whether a formal application should be filed.

- A. Review Levels. There are two levels of preliminary review available to a prospective applicant, described as follows:
 - 1. Staff Level Review. Staff level review involves an informal assessment of the proposed project by the Development Services and Public Works Staff. This review provides the applicant with an opportunity to receive preliminary comments from the departments who will ultimately make recommendations on a formal application. Staff will provide written comments on the preliminary review.
 - 2. Planning Commission Review. Preliminary review by the Planning Commission is a more formal option available to the applicant. This process is more appropriate for projects which may involve more significant issues of sensitivity or compatibility, or qualitative interpretations of City policy. Through this process, a brief assessment will be prepared by staff to identify the issues pertinent to the proposed project. The applicant will have the opportunity to present the proposal directly to the Planning Commission. Preliminary reviews are considered by the Planning Commission as a Discussion Item at a regular meeting. The Planning Commission is legally limited in the type and amount of

input they can provide at this level. Typically, comments are focused on the identification of potential issues which may be raised during consideration of a formal submittal. General feedback on how key issues or policies might apply to the project may also be provided.

- B. Fees. Accompanied by the payment of a filing fee in such amount as established from time to time by resolution of the City Council.
- C. Submittal Requirements.
 - 1. Electronic plans shall be submitted and include a site plan, floor plan(s), building elevation(s), and any other relevant exhibits.
 - 2. Written project proposal explanation to describe the intended development use, function of the site, and its compliance with the General Plan and Zoning Standards or its reliance on any State law(s).

14.01.100 Appeal Procedures.

- A. Decisions May Be Appealed.
 - 1. Any decision rendered under regulations contained within Title 14 of the Los Altos Municipal Code by the Development Services Department staff (administrative discretion) may be appealed by the applicant, or property owner or resident of property within a (300) foot radius of the subject property. Appeals of decisions by the Development Services Department staff (administrative discretion) shall be heard by the Zoning Administrator; the decision of the appeal by the Zoning Administrator shall be final.
 - 2. Any decision rendered under regulations contained within Title 14 of the Los Altos Municipal Code by the Zoning Administrator may be appealed by the applicant, or property owner or resident of property within a (300) foot radius of the subject property. Appeals of decisions by the Zoning Administrator shall be heard by the Planning Commission; the decision of the appeal by the Planning Commission shall be final.
 - 3. Any decision rendered under regulations contained within Title 14 of the Los Altos Municipal Code by the Planning Commission may be appealed by the applicant, the City Council, any property owner or resident of property within a (300) foot radius of the subject property. Appeals of decisions by the Planning Commission shall be heard by the City Council; the decision of the appeal by the City Council shall be final.
- B. Appeal Contents and Filing Procedures. Appeals must:
 - 1. Be made no later than fourteen (14) calendar days after the rendering of the decision being appealed; and
 - 2. Be filed in-person with the City Clerk; and
 - 3. Be filed in writing and clearly identifying the determination or decision from which the appeal is taken and stating the grounds for the appeal, and

- a. Appeals of a housing development shall only be allowed and based on objective standards consistent with state law.
- 4. Accompanied by the payment of a filing fee in such amount as established from time to time by resolution of the City Council.
- C. Notice of Appeal Hearings. Notice of an appeal hearing shall conform to the same public hearing notice requirements of the project being appealed. The appellant shall be responsible for all noticing materials required in the original application.
- D. Date of Appeal Hearings. The date of an appeal hearing shall be determined by the chair of the hearing body.

14.01.110 Revocations and Modifications.

- A. Revocation or Modification of Entitlements. The Zoning Administrator or Planning Commission, on its own motion or by direction from the City Council, may recommend, and the City Council may approve the revocation and/or modification of any previously approved application or granted entitlement, after holding a properly noticed public hearing on the matter where any of the following findings are made:
 - 1. That the approved application or entitlement was obtained by fraud; or
 - 2. That the approved application or entitlement is not being exercised; or
 - 3. That the approved application or entitlement has ceased or has been suspended for a period of time and is causing detriment to the public health, safety and welfare or constitutes a public or private nuisance; or
 - 4. That the use for which the approved application or entitlement was granted or permitted is being or has been operated or used contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law, or regulation; or
 - 5. If any provision of an approved application or entitlement is held or declared invalid, the approved application or entitlement shall be void and all privileges granted thereunder shall lapse.
- B. Notice of Action.
 - 1. Notice of the action taken by the City Council at a hearing for a revocation or modification of an approved application or entitlement shall be sent by certified mail, return receipt requested, to the person owning and operating the property, structure, or use.
 - 2. Notification of the action by the City Council shall be made by serving a notice in the manner required by law.
- C. Effective Date of Revocations and Modifications. An order by the City Council revoking or modifying an entitlement shall become effective immediately.

14.01.120 Administrative Modification of Standards.

- A. Intent and Purpose. Standards may be administratively modified by the Zoning Administrator to permit development on property, which is constrained due to lot size, shape, location, access restrictions, physical constraints or other constraints.

Administrative modifications are used only when deviations from Code standards are truly minor, and no potential impact will occur to the health, safety or general welfare of adjacent persons or properties will occur.

- B. Authority of the Zoning Administrator.** The Zoning Administrator shall have the authority to approve, conditionally approve, or deny an application for an administrative modification pursuant to the following limitations:
 - 1. Reduction of required lot area, minimum floor area, setbacks, courts or open areas, landscaped areas, wall or fence heights, distance between buildings or size and location of parking spaces required by the Zoning Code, reductions shall not be greater than 10% of the standard being modified.**
- C. Procedure for Administrative Modifications.**
 - 1. The Development Services Department shall review the application and shall determine whether the application is complete and whether the application qualifies as an administrative modification within thirty (30) days of the application date.**
 - 2. An administrative modification of standards shall be processed as a Design Review Permit reviewed by the Zoning Administrator.**
 - 3. Notice of the administrative modification shall be provided to property owners within a (300) foot radius of the subject site and shall be considered at a regular meeting of the Zoning Administrator.**
- D. Administrative Modifications Allowance.** Only one (1) Administrative Modification of Standards shall be granted per property within the City.

14.01.130 Public Notice Requirements.

Unless otherwise specified, the following Public Notice Requirements shall be required of any discretionary application required by Title 14. In the event that there are two public notice requirements which are in conflict, the more stringent notice requirements shall be required.

- A. Notice of public meetings before the zoning administrator, planning commission, or city council shall be provided pursuant to Government Code Section 65091. Notice of public meetings shall be given at least ten (10) days prior to the date of the meeting by all the following methods:**
 - 1. 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**
 - 2. Posting of a notice on the project site in accordance with the standards set by the development services director; and**
 - 3. 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.

14.01.140 Indemnification of City of Los Altos.

Except as otherwise provided by law, an applicant who receives a permit, license, entitlement, or other approval pursuant to Title 14 of the Los Altos Municipal Code shall defend, indemnify, and hold harmless the City of Los Altos and its officials and employees in any action brought by a third party to overturn, set aside, or void such permit, license, entitlement, or approval. This duty to defend, indemnify, and hold harmless the City of Los Altos and its officials and employees is a condition of approval of all such permits, entitlements, licenses and approvals whether or not expressly set forth in such permit, license, entitlement, or approval.

14.01.150 Public Projects.

Notwithstanding any other lawful exemptions to zoning regulations, the provisions of this title shall not apply to any buildings, improvements, lots or premises, owned, leased, operated or controlled by the City or any City Project for public purposes by the City of Los Altos.

14.01.160 No relief from other provisions.

Except as otherwise specifically provided, no provision of this zoning ordinance shall be construed as relieving any party to whom a discretionary approval is issued from any other provision, ordinance, rule or regulation of the City requiring a license, franchise, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, use or structure(s).

Chapter 14.02 ~~GENERAL PROVISIONS AND~~ DEFINITIONS

Sections:

~~Article 1. General~~

~~14.02.010 Short title.~~

~~This chapter shall be known and cited as the "zoning regulations of the city."~~

~~14.02.020 Purpose.~~

~~There is hereby adopted a precise zoning plan for the city. The zoning plan is adopted in order to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the zoning plan is adopted in order to achieve the following objectives:~~

- ~~A. To guide community growth along sound lines;~~
- ~~B. To ensure a harmonious, convenient relationship among land uses;~~
- ~~C. To promote a safe, workable traffic circulation system;~~
- ~~D. To provide appropriate locations for needed community facilities;~~
- ~~E. To promote business activities of appropriate types;~~
- ~~F. To protect and enhance real property values within the city; and~~
- ~~G. To conserve the city's natural beauty, to improve its appearance, and to preserve and enhance its distinctive physical character.~~

~~14.02.030 Nature.~~

~~The zoning plan consists of a zoning map designating certain districts and a set of regulations set forth in this chapter controlling the uses of land, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, and the areas of sites in the districts; controlling the external appearance of structures in certain districts; and requiring the provisions of off-street parking spaces and off-street loading spaces in certain districts.~~

~~14.02.040 Interpretation.~~

- ~~A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements.~~
- ~~B. This chapter is not intended to abrogate, annul, impair, or interfere with any deed restriction, covenant, easement, or other agreement between parties; provided, however,~~

~~where this chapter imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures or greater areas of sites than are imposed or required by deed restriction, covenant, easement, or other agreement, the provisions of this chapter shall control, but the provisions of this chapter shall not be construed as limiting in any way the provisions of the Los Altos off-street parking district No. 1.~~

~~14.02.050 General provisions and definitions.~~

~~The provisions of this chapter shall apply to all property located within the city except public streets, property and property rights owned by the city, and public utility lines within the public right of way. With the above noted exceptions, this chapter applies to all such property whether the same is owned by private persons, firms, corporations or organizations, or by the state or any of its agencies or political subdivisions, or by any county, or by any city with the exception of the city of Los Altos. Land uses that are not provided for herein as permitted uses, conditional uses, or limited conditional uses, are prohibited.~~

~~14.02.055 Landscaping required in connection with a development project.~~

~~Any landscaping required as an objective design standard or as a condition of project approval for a development project approved pursuant to this title shall be maintained by the property owner or occupant of the property for the life of the development project. Failure to do so shall constitute a nuisance.~~

~~14.02.060 Statement of annexation policy.~~

- ~~A. In future annexations of property to the city, the council intends that zoning standards shall conform to those shown in the master plan for land use. In the event the property being considered for annexation is outside the planning area described in the master plan land use map, zoning standards comparable to those shown for similar areas shall be required unless the council shall specifically decree otherwise.~~
- ~~B. No zoning contrary to that shown in the master plan, no matter by whom previously granted, shall be recognized as binding upon the commission and/or the council until a change of zoning is processed through normal commission council channels as provided in this chapter.~~

Article 2. Definitions

14.02.070010 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Abut" means two adjoining parcels of property with a common property line. Where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless

the common property line between the two parcels measures not less than eight feet in a single direction.

"Accessory dwelling unit" means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in California Health and Safety Code section 18007. Formerly referred to as "second living unit."

"Accessory structure" means a building that is incidental to and customarily associated with a specific principal use or facility and is not utilized as sleeping quarters.

"Advertising structure" means any notice of advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purpose of making anything known, the origin or place of sale of which is not on the property with such advertising structure.

"Affordable housing unit" means a for-sale or rental dwelling unit affordable to households with extremely low, very low, low, or moderate incomes as published periodically by HCD for households in Santa Clara County.

"Agriculture" means the tilling of the soil or the raising of crops as a commercial operation.

"Alley" means a public or private right-of-way permanently reserved as a ~~secondary~~ means of access to an abutting property.

"Alter" means to make a change which will prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders.

"Animal clinic" means a place where the public may obtain examinations, prescriptions, and treatment for small animals. Major surgery or confinement overnight shall be limited to emergency cases only.

"Animal hospital" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

"Apartment" shall mean, for the purposes of this chapter only, a dwelling in a structure designed or used to house four or more families living independently of each other.

"Approving authority" means the legislative body, commission, committee, or official of the city designated under the provisions of this title as having the authority to approve or deny a particular type of application.

"Arcade" means any business establishment in which there are more than three game machines as defined in this section which are available for use by the public or by business invitees, or both.

"Art Galleries" means a business or place which displays a variety of art and/or artifacts for viewing or purchase.

"Attic" means the unfinished level between the ceiling of the top floor and the roof and enclosed by walls. Attic shall be an uninhabitable area and is excluded from the definition of a "story".

"Balcony" means a platform that extends from an upper floor of a building and is enclosed by a parapet or railing and has no roof.

"Banks (commercial)" means financial institutions including federally-chartered banks, savings and loan associations, industrial loan companies, and credit unions providing retail banking services to individuals and businesses. This classification does not include payday lending businesses or check cashing businesses, and as a result, the establishment, expansion, or relocation of such businesses is prohibited. The term "payday lending business" as used herein means retail businesses owned or operated by a "licensee" as that term is defined in California Financial Code Section 23001(d), as amended from time to time. The term "check cashing business" as used herein means a retail business owned or operated by a "check casher" as that term is defined in California Civil Code Section 1789.31 as amended from time to time.

"Basement" means living or storage area which is constructed wholly underground, meaning below the exterior finished grade on all sides, with no more than 20% percent of the lineal footage of the exterior wall broken by light wells, no light well wider than four (4) feet and no light well within four (4) feet of another light well. the following:

- ~~1. For all R1 zoning districts, basement means that portion of a structure located entirely below grade, with the exception of the top of such basement which may extend for a vertical distance not exceeding two feet from the outside grade to the finished floor above. As used herein, the term "grade" shall mean either the natural grade or finished grade adjacent to the exterior walls of the structure, whichever is lower. No portion of any structure with an exposed wall shall be considered a basement, with the exception of below-grade garages that are screened from public view by either topography or built improvements.~~
- ~~2. For all other zoning districts, basement means that portion of a building between the floor and the ceiling, which is wholly or partly below grade and so located that the vertical distance from the grade to the floor below is equal to or greater than the vertical distance from the grade to the ceiling.~~

"Bay window" means a large window or series of windows cantilevered from the outer wall of a building and forming a recess within.

"Below Market Rate Unit" shall have the same meaning as "Affordable housing unit".

"Board-formed concrete" means concrete that has textured patterns on its finished surfaces that retain the wood grain of boards or molds used to form the wet concrete.

“Building” means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

“Building frontage” means that portion of a building located adjacent to a street.

"Bulk reverse vending machine" is a reverse vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

“Business and Professional Offices shall have the same meaning as “office-administrative”.

"Business, professional, and ~~or~~ trade school" means a use, except a college or university, providing education or training in business, commerce, language, or other similar activity or pursuit, and not otherwise defined as a home occupation or private educational facility.

"Cannabis" means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term "cannabis" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of the California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act). "Cannabis" includes marijuana as defined by Section 11018 of the Health and Safety Code, and includes "cannabis" as defined in Business and Professions Code, Section 26001. For purposes of this code, the terms "marijuana" and "cannabis" may be used interchangeably.

"Cannabis cultivation" means growing, planting, harvesting, drying, curing, grading, trimming, or processing of cannabis, regardless of whether there is an intent to produce, distribute, or sell the resulting product commercially.

"Cannabis delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a cannabis retailer of any technology platform that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

"Cannabis distribution" means the procurement, sale, and transport of cannabis and cannabis products and any other activity allowed under the state distributor license(s), including, but not limited to, cannabis storage, packaging, quality control and collection of state cannabis taxes.

"Cannabis manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Cannabis manufacture includes the production, preparation, propagation, or compounding of manufactured cannabis, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or cannabis products or labels or relabels its container.

"Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. Cannabis products include "cannabis products" as defined in Business and Professions Code, Section 26001.

"Cannabis retailer" means a facility where cannabis or cannabis products are offered, either individually or in any combination, for retail sale to customers, including an establishment that delivers cannabis and cannabis products as part of a retail sale or conducts sales exclusively by delivery. For purposes of this code, the term "cannabis retailer" includes microbusinesses, nonprofits licensed under Business and Professions Code, Section 26070.5, and any other state license designation that authorizes distribution, whether for free or in exchange for any consideration, of cannabis and/or cannabis products to individual customers. For purposes of this code, "cannabis retailer" also includes medical cannabis dispensaries, patient collectives and cooperatives operating, or proposing to operate, pursuant to the Compassionate Use Act (Health and Safety Code, § 11362.5) and/or the Medical Marijuana Program (Health and Safety Code, § 11362.7 et seq.), as may be amended.

"Cannabis testing laboratory" means a facility, entity, or site in the state that offers or performs tests of cannabis or cannabis products and that is both accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state, and licensed by the Bureau of Cannabis Control.

"Carport" means a covered area open on two or more sides designed for the storage of not more than three automobiles.

"C District" means any zone district with a commercial designation.

"Chamfered corner" means a building corner which is cut back at a forty-five (45) degree diagonal from the primary façade to provide a corner surface at least eight feet in length

"Church" shall have the same meaning as "Religious institution".

"Cocktail lounge" means a business establishment which has, as its primary business, the sale of alcoholic beverages for consumption on the premises and where, if food is served, it is incidental to the sale of beverages.

"Collection facility" means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment, except as indicated in Chapter 14.68. Collection facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities that occupy an area of not more than five hundred (500) square feet and may include:
 - a. A mobile unit,
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet,

- c. Kiosk type units which may include permanent structures, and
 - d. Unattended containers placed for the donation of recyclable materials; and
3. Large collection facilities that may occupy an area of more than five hundred (500) square feet and may include permanent structures.

"Commercial cannabis use" includes all cannabis cultivation, cannabis manufacture, cannabis distribution, cannabis testing laboratories, cannabis retailers, cannabis delivery, and sale of cannabis and/or cannabis products, whether intended for medical or adult-use, and whether or not such activities are carried out for profit. "Commercial cannabis use" includes "commercial cannabis activity" as defined in Business and Professions Code, Section 26001, and includes any activity that requires a license from a state licensing authority pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, Business and Professions Code, Division 10, as may be amended. "Commercial cannabis use" does not include possession or indoor cultivation of cannabis for personal use that is not sold and in strict accordance with Health and Safety Code, Section 11362.1 et seq.

"Commercial recreation" means a use providing recreation, amusement, or entertainment services, including theaters, bowling lanes, billiard parlors, skating arenas, and similar services, operated on a private or for-profit basis, but excluding uses defined as outdoor recreation services. Commercial recreation also includes art, dance, music, and fitness studios and health clubs that exceed seven thousand (7,000) gross square feet.

"Community housing" and "community housing project" shall mean and include the following:

1. "Residential condominium" as defined in Section 783 of the Civil Code of the state: an estate of real property consisting of an undivided interest in common areas, together with a separate right of ownership in space;

2. "Community apartment" as defined in Section 11004 of the Business and Professions Code of the state: containing two or more rights of exclusive occupancy, excluding nonconforming uses;

3. "Residential planned development" as defined in Section 11003 of the Business and Professions Code of the state: a plan consisting of distinguishable use activity areas, including separately owned parcels of land with contiguous or nearby property owned in common; and

4. Stock cooperative as defined in Section 11003.2 of the Business and Professions Code of the state: property consisting of dwelling units owned by a corporation whereby the tenants are the shareholders of the corporation.

~~"Convalescent hospital" means a building and premises for the care of sick, injured, aged, or infirm persons to be housed, or a place of rest for those who are bedfast or needing nursing care, but not including facilities for the treatment of sickness or injuries or for surgical care.~~

"Country Club" means a private club operated for profit, maintaining and operating but not limited to, a golf course and other associated recreational activities both indoors and outdoors.

"Coverage" means the percentage of net site area covered in structures in excess of six feet in height measured to the outside surfaces of exterior walls and the perimeter of any supports, coverage does not include uncovered porches, verandas, balconies, alcoves, or other similar elements, which are uncovered and open on at least one side.

"Cul-de-sac" means any street having but one outlet for vehicular traffic.

~~"Day-care-center~~ Daycare facility" means any group day care program, except regular elementary schools. Included are day nurseries, nursery schools, preschools, playgroups, and after-school groups.

"Daylight plane," for lots seventy (70) feet or greater in width, means an inclined plane beginning at a stated height above grade at each side property line and extending perpendicularly from the side property line into the site at a stated upward angle relative to the horizontal. For lots less than seventy (70) feet in width, the daylight plane begins at a stated height above grade at each second story setback line.

"District" means a portion of the incorporated area of the city within which certain regulations common to such portion controlling land use, site area, coverage, yards and other open spaces, height of structures, and other physical development standards apply under the provisions of this chapter.

"Drive-through facility" means any business or service that involves transactions between an attendant and a customer in a vehicle, including drive-in restaurants and car washes.

"Dwelling" means a structure containing one or more rooms and one kitchen designed for human occupancy.

"Emergency shelter" means housing with minimal supportive services for homeless persons in accordance with Health and Safety Code 50801 that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Enclosed accessory structure" means a structure with three or more walls, or an equivalent percentage of enclosure for an area with more than four walls, and a solid roof.

"Façade" means the exterior wall on any side of a building.

~~"Family day care home" means a dwelling where day care is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family day care home may provide care for up to eight children, and a large family day care home may provide care for up to fourteen (14) children, as regulated by the California Health and Safety Code. Both limitations include the number of children residing in the dwelling.~~

"Floor area ratio" means the maximum ratio of gross floor area on a site to the total site area.

"Frontage" means the property line(s) of a site abutting on a street.

"Game machine" means any device, game or contrivance, including but not limited to pinball machines, video games, computer games, electronic games, slot machines, and similar

machines and devices for which a charge or payment is received for the privilege of playing, using or operating the same and which, as the result of such use, operation or playing, does not entitle the person using, operating or playing the same to receive equivalent value in the form of tangible merchandise; excepting, however, pool tables and shuffleboard games.

"Garage" means an accessory structure, or a portion of a main structure designed for the storage of automobiles.

"General hospital" means any building, or portion thereof, used for the accommodation and medical care of sick, injured, or infirm persons, including sanitariums, alcoholic sanitariums, and institutions for the cure of chronic drug addicts and mental patients.

"Grade" means the elevation of the ground surface.

"Grade, adjacent" means the average elevation of the ground immediately next to an existing or proposed structure. Average grade shall include the average elevation along the entire building elevation of an existing or proposed structure.

"Grade, finished" means the elevation of the ground after the completion of a project.

"Grade, natural" means the elevation of the ground which exists prior to the start of any site preparation, grading, or construction related to the project being proposed.

"Gross floor area" means the total floor space under roof of all floors of a building measured to the outside surfaces of exterior walls, finishes, windows and doors including halls, stairways, elevator shafts, ducts, service and mechanical equipment rooms, interior courts, garages, enclosed accessory structures, and carports. In the case of a sloped ceiling or ground surface, the floor area shall be measured to the point at which the interior height is five feet. "Gross floor area" does not include: porches, verandas, balconies, alcoves, or other similar elements, which are open on at least one side; basements or attic areas; unenclosed accessory structures; exterior roof overhangs or chimney projections; porte cocheres; interior heights less than five feet; or structures under six feet in height.

"Gross site area" means the total horizontal area included within the property lines of a single site.

"Height of buildings" means the vertical height of a structure measured as provided in the specific regulations of the for all R1 zoning districts, and as provided in Section 14.66-240 for all other zoning districts unless otherwise specified.

"Height of fences and walls" means a vertical line from the highest point of the fence or wall to a point directly below. Where a fence is constructed upon a retaining wall, the height of the fence shall be the vertical distance measured from the top of the fence to the highest adjacent grade.

"Home occupation" means an occupation carried on in a home, provided no assistants are employed and provided such use is conducted within a dwelling and carried on by the occupants of the property, and is clearly incidental to the residential use of the dwelling, and does not change the residential character or appearance of the dwelling or adversely affect the uses permitted in the residential district of which it is a part, and wherein no product, other

than those produced on the premises, is sold and no mechanical equipment is used, other than that necessary for domestic purposes, and where there is no indoor or outdoor storage of materials, equipment, and/or supplies, other than those necessary for domestic purposes.

Home occupations shall be limited to a maximum of eight (8) visitors a day which include clients and deliveries to and from the property.

"Horticulture/floriculture" means the growing of fruits, vegetables, or ornamental plants as a commercial operation.

"Hotel" means a structure in which there are three or more guest rooms or suites, where lodging with or without meals is provided for compensation, and where provisions for cooking may or may not be provided in any individual guest room or suite.

"Housing unit, nontransient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of more than thirty (30) consecutive days or, if vacant, intended for occupancy as separate living quarters for a period of more than thirty (30) consecutive days. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

"Housing unit, transient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of thirty (30) consecutive days or less or, if vacant, intended for occupancy as separate living quarters for a period of thirty (30) consecutive days or less. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

"Industry" means the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

"Interior courts" as used herein means an area within the structure enclosed on all sides.

"Kennel" means any lot or premises on which four or more dogs and cats at least four months of age are kept, boarded, or trained, whether in special buildings or runways.

"Kitchen" means any room or area intended or designed to be used or maintained for the cooking, storing, and preparation of food.

"Lined" parking refers to a building configuration where residential, commercial, or office uses are located between a street-facing property line and above-ground parking levels. Also referred to as a "wrapped" building.

"Loading space" means an off-street space or berth for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which space abuts on a street, alley, or other appropriate means of access.

"Lodging" means the furnishing of rooms or groups of rooms within a dwelling unit or an accessory structure to persons other than members of the family residing in said dwelling unit;

or in the case of an accessory structure, a dwelling unit on the same site, for overnight occupancy on a residential occupancy basis, whether or not meals are provided to such persons.

"Loft" means a room or space directly under the roof of a structure used as habitable area and open to the rooms below on at least one side.

"Lot" means a parcel of land consisting of a single lot of record.

1. "Lot of record" means a lot which is part of a subdivision and shown on a map thereof as recorded in the office of the county recorder, or a legally created parcel of land described by metes and bounds or shown on a parcel map which has been so recorded.
2. "Corner lot" means a lot abutting the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the intersections of the lot lines with the street lines meet at an interior angle of one hundred thirty-five (135) degrees or less, or if the centerline of the street abutting the lot has an interior angle over the distance of any curve of one hundred thirty-five (135) degrees or less. A lot abutting a street and an alley shall not be considered a corner lot.
3. "Interior lot" means a lot other than a corner lot.
4. "Flag lot" means a lot having access to a street by means of a corridor of land not otherwise meeting the requirements of this chapter for site width.
5. "Double frontage lot" means an interior lot having frontage on two parallel or approximately parallel streets.

"Lot depth" means the horizontal distance between the front and the rear lot lines.

"Lot line" means any boundary of a lot.

1. "Front lot line" means, on an interior lot, the lot line abutting a street, or, on a corner lot, the shortest dimension of the lot fronting the street, or, on a double frontage lot, the lot line abutting the street providing the primary means of access to the lot, or, on a flag lot, the interior lot line most parallel to and nearest the street from which the means of access is obtained, except that where the average width of a flag lot exceeds its average depth and the longer dimension is considered the depth, the front lot line will be the property line from which the front yard is measured. On a corner lot, if more than one property line abutting on a street can be designated as a front lot line without creating a nonconforming lot or structure, then either property line may be deemed the front lot line.
2. "Rear lot line" means the lot boundary opposite, or approximately opposite the front lot line. A lot bounded by only three lot lines will not have a rear lot line.
3. "Side lot line" means any lot line, which is not a front or rear lot line, as follows:
 - a. "Interior side lot line" means any lot line not abutting a street.

b. "Exterior side lot line" means any lot line abutting a street.

4. The city planner shall assign or designate lot lines for irregular-shaped parcels.

"Lot width" means the horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area.

"Low-barrier navigation center" means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

"Maintenance and repair services" means a use, not conducted within an office, providing services for the maintenance or repair of personal effects and not primarily for the sale of goods or merchandise.

"Medical and dental clinic" means a use that provides diagnostic and outpatient care in more than one medical or dental specialty, but is unable to provide long term in-house medical or surgical care. Clinics will commonly have lab facilities, supporting pharmacies and provide a range of services.

"Medical and dental office" means a use that provides diagnostic and outpatient care on a routine basis, but is unable to provide in-house medical or surgical care. Offices will commonly provide specialized or individual physicians. Medical and dental offices include, but are not limited to, physical therapy, acupuncturist, dental services, psychiatric services, chiropractic care, counselor/psychotherapy, diagnostic services and skilled nursing facilities. Medical and dental office does not include medical spas for aesthetic services.

"Medical marijuana collective" or "cooperative or collective" means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of the California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

"Motel" means a group of attached or detached structures containing individual sleeping or living units, designed for or used primarily for transient guests, with a garage attached or

parking space located in proximity to each unit, including auto courts, motor courts, motor ledges, and tourist courts.

"Multiple-family dwelling" means a dwelling or group of dwellings on one site containing separate living units for two or more families that may have joint services or facilities or both.

"Museum" shall have the same meaning as "Art Galleries".

"Net site area" means that portion of gross site area remaining after deducting therefrom the following:

a. Any portion of a site within the right-of-way of an existing public or private street, road, or access easement, except an emergency access street;

b. Any portion of a site within the proposed right-of-way of a future street (except an emergency access street), as shown on an approved tentative subdivision map or a recorded subdivision map;

c. The portion of a flag lot constituting the access corridor lying between the front lot line and the frontage line of the corridor at the street.

"Nonconforming lot" means a lot that no longer conforms to the regulations for the district in which such lot is located.

"Nonconforming structure" means a structure, or a portion thereof, which no longer conforms to the regulations for the district in which such structure is located.

"Nonconforming use" means a use that no longer conforms to the use regulations for the district in which such use is located.

~~"Nursing home" means a structure in which sick, injured, or infirm persons are housed for compensation, including a convalescent home or rest home.~~

"Office-administrative" means uses that predominantly sell professional and/or business services. The contact with the general public is not as frequent as with retail businesses or personal services, and a significant portion of the business may take place at other locations. Examples include ~~banks~~, law offices, accountants, ~~medical and dental offices~~, advertising, real estate companies, estate planning, and computer support.

"Outdoor recreation service" means a privately owned or operated use providing facilities for outdoor recreation activities, including golf, tennis, swimming, riding, or other outdoor sport or recreation, operated predominantly in the open, except for accessory or incidental enclosed services or facilities.

"Parapet" means a wall or roof structure projecting up from the roof to define a roof line and/or to screen mechanical equipment. Roof elements with a sixty-degree slope or greater may be considered parapets. Parapets may not be used to provide additional usable floor space for dwelling, commercial use, or storage of any type. Parapets shall be integral to the architectural design of the building.

"Parking facility" means an area on a lot or within a building, or both, including one or more parking spaces, together with driveways, aisles, turning and maneuvering areas,

clearances, and similar features, and meeting the requirements established by this title. Parking facility includes parking lots, garages, and parking structures.

"Parking space" means an off-street space, either enclosed in a structure or an open area, the principal use of which is the storage or parking of automotive vehicles.

"Penthouse" means a non-habitable structure housing machinery on the roof of a building intended to provide an architecturally pleasing cover to stairwells, elevator equipment and other building systems that may be found on a roof top.

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

"Porte cochere" means a roofed structure covering a driveway that is not designed for the storage of automobiles.

"Precise plan line" means a line established by an ordinance or other action of the council to control the location of structures with respect to an existing or proposed street, alley, parking space, or loading space.

"Principal living unit" means the primary dwelling on a single-family residential lot or parcel which dwelling contains one or more rooms and one kitchen designed for occupancy by one family for living and sleeping purposes.

"Property line" means a line bounding a parcel of real property.

"Qualified employee housing" means employee housing defined in Health & Safety Code section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Health & Safety Code section 50101. Any housing development project approved pursuant to Health & Safety Code section 17021.8 is also "qualified employee housing," and shall be a permitted use notwithstanding anything to the contrary in this code.

"Recycling facility" means center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor shall mean a recycling facility certified by the Department of Conservation of the state as meeting the requirements of the State Beverage Container Recycling and Litter Reduction Act of 1986. Recycling facility shall not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by such residential property, business, or manufacturer.

"Religious institution" means a seminary, retreat, monastery, conference center, or similar use for the conduct of religious activities, including accessory housing incidental thereto, but excluding a private educational facility. Any such use for which a property tax exemption has been obtained pursuant to Section 3(f) of Article XIII of the Constitution of the State of

California, and Section 206 of the Revenue and Taxation Code of the State of California. or successor legislation, or which is used in connection with any church which has received such an exemption, shall be prima facie presumed to be a religious institution.

~~"Residential care home" means a structure in which nonmedical services are provided for persons sixty (60) years of age and over in accordance with California Health and Safety Code Section 1569.2.~~

"Residential care facility" or "residential care facilities" shall be defined consistent with the California Health & Safety Code Section 1502 which may be amended from time to time. The following shall constitute a residential care facility within the City of Los Altos:

1. "Community care facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

a. "Residential facility" means any family home, group care facility, or similar facility determined by the director, for twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

b. "Adult day program" means any community-based facility or program that provides care to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a twenty-four (24) hour basis.

c. "Therapeutic day services facility" means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a twenty-four (24) hour basis to persons under eighteen (18) years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.

d. "Foster family agency" means any public agency or private organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care. Private foster family agencies shall be organized and operated on a nonprofit basis.

e. "Foster family home" means any residential facility providing twenty-four (24) hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.

f. "Small family home" means any residential facility, in the licensee's family residence, that provides twenty-four (24) hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity.

g. "Social rehabilitation facility" means any residential facility that provides social rehabilitation services for no longer than eighteen (18) months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

h. "Community treatment facility" means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Health Care Services pursuant to Section 4094 of the Welfare and Institutions Code.

"Restaurant" means any eating or drinking establishment having seating capacity which sells or offers for sale to the public any food or drink for immediate consumption on the premises, and includes any coffee shop, cafeteria, cafe, tavern, bar, soda fountain, or dining room.

"Retail uses" means uses that predominantly sell products rather than services, directly to the public, and generally for consumer or household use. Retail uses are designed to attract a high volume of walk-in customers and have floor space that is devoted predominantly to the display of merchandise to attract customers. Retail businesses may also provide incidental after-sales services, such as repair and installation, for the goods sold.

1. "Extensive retail" as used with respect to parking requirements, means a retail use primarily selling large commodities such as home or office furniture, floor coverings, stoves, refrigerators, other household electrical and gas appliances, including televisions and home sound systems, and outdoor furniture, such as lawn furniture, movable spas and hot tubs.
2. "Intensive retail" as used with respect to parking requirements, means any retail use not defined as an extensive retail use.

"Reverse vending machine" means an automated mechanical device which accepts at least one or more types of empty beverage containers, including, but not limited to, aluminum cans and glass or plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically, provided the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements

of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

"Scale" means proportionality in the relationship between a building and the size of parts to one another and to the human figure.

"Second living unit" means a second dwelling on a single-family residential lot; refer to the definition of "accessory dwelling unit."

"Service station" means an occupancy that provides for the servicing of motor vehicles, and operations incidental thereto, including retail sales of gasoline, oil, tires, batteries, and new accessories.

"Setback" means the minimum required horizontal distance from a given point or line of reference such as a property line, to the nearest vertical wall or other element of a building or structure.

"Short-term rental" means a use that provides lodging in a dwelling unit, for compensation, for a period of fewer than thirty (30) consecutive calendar days. "Short-term rental" does not include transient lodging in city-approved hotels and motels.

"Single-family dwellings" means a detached building designed for and/or occupied exclusively by one (1) family or household. Also includes factory-built, manufactured or modular housing.

"Single-room occupancy housing" means a residential project with small units between one hundred fifty (150) and three hundred fifty (350) square feet each, with or without integral bathroom and/or kitchen facilities. Individual single-room occupancy units designated for extremely low-income households or designated as supportive housing in accordance with Section 53260 of the Health and Safety Code are exempt from the density limits.

"Site" means a lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this title. ~~as defined in this chapter.~~

1. "Gross site area" means the total horizontal area included within the property lines of a single site.
2. "Net site area" means that portion of gross site area remaining after deducting therefrom the following:
 - a. Any portion of a site within the right-of-way of an existing public or private street, road, or access easement, except an emergency access street;
 - b. Any portion of a site within the proposed right-of-way of a future street (except an emergency access street), as shown on an approved tentative subdivision map or a recorded subdivision map;
 - c. The portion of a flag lot constituting the access corridor lying between the front lot line and the frontage line of the corridor at the street.
3. "Site frontage" means the length of the front lot line.

4. "Site width" means the horizontal distance between side lot lines, measured at right angles to the site depth at a point midway between the front and rear lot lines, or if there is no rear lot line, at the midway points of the intersecting side lot lines.
5. "Site depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.
6. "Site coverage" means the land area covered by all the structures on a site, including all projections except eaves. Site coverage does not include paved surfaces or structures under six feet in height.

"Storage garage" means a structure, or part thereof, used for the storage, parking, or servicing for compensation of automotive vehicles, but not for the repair thereof.

"Story" means a space in a structure between the surface of any floor and the surface of the floor or roof next above, but not including any basement, attic, or underfloor space.

"Street" means a public or private thoroughfare, including the easement area or dedicated public right-of-way, which affords access to two or more sites.

"Structure" means anything constructed or erected which requires a location on the ground, but not including fences or walls used as fences.

"Supportive housing" shall mean a housing development project as defined in Government Code section 65582(g), as may be amended or renumbered from time to time, as being housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone. "Target population" means persons with low incomes who have one or more disabilities as described in section 65582(i) of the Government Code.

"Take-out service" means a characteristic of an eating or drinking service which encourages, on a regular basis, consumption of food or beverages, such as prepared or prepackaged items, outside of a building, in outdoor seating areas where regular table service is not provided, in vehicles parked on the premises, or off-site. Take-out food services do not include ice cream parlors, candy stores, and other similar specialty, primarily retail food businesses.

"Tower" means a building or part of a building that is exceptionally high in proportion to its width and length or tall and slender.

"Transitional housing" shall mean a housing development project as defined in Government Code section 65582(j), as may be amended or renumbered from time to time, as being building(s) configured as a rental housing development, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less

than six months from the beginning of the assistance. Transitional housing is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

"Transportation terminal" means a depot, terminal, or transfer facility for passenger transportation services.

"Wall plate" means the top most structural element of a wall frame.

"Yard" means an area within a lot, adjoining and measured from a lot, street, or plan line for a specified distance, open and unobstructed except for the uses and structures otherwise permitted the regulations of this chapter:

1. Yard measurement. Required yards shall be measured as the minimum horizontal distance from the lot line to a line parallel thereto on the site.
2. "Front yard" means a yard measured into a lot from the front lot line, extending the full width of the lot.
3. "Rear yard" means a yard measured into a lot from the rear lot line, extending the full width of the lot, provided that for lots having no defined rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth to a line parallel to the front lot line. On a corner lot, the rear yard shall terminate at the exterior side yard.
4. "Side yard" means a yard measured into a lot from a side lot line. An exterior side yard is a side yard measured from an exterior lot line or a street or plan line, extending between the front yard and the rear lot line; an interior side yard is a side yard measured from an interior lot line, extending between the front yard and the rear yard.

CHAPTER 14.81

VARIANCES

14.81.010 Intent and Purpose.

California Government Code Section 65906 establishes the authority of the City to grant variances to the development standards and provisions of the Zoning Code in cases where, because of special circumstances applicable to the property, the strict application of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zones.

14.81.020 Applicability.

- A. A variance application shall be limited to deviations from any provision of Title 14 of the Los Altos Municipal Code is proposed, including, but not limited to, those standards related to height, lot area, yards, open spaces, setbacks, lot dimensions, signs and parking, unless otherwise specified. Deviations from code requirements not contained within Title 14 shall not be authorized to submit for a variance request.
- B. Variances may not be approved for uses or activities not otherwise expressly authorized by the Zoning Code. A variance is not a substitute for a zone change, zone text amendment, or conditional use permit.
- C. Personal, family, medical, and financial hardships and neighboring violations or legal non-conformities do not represent grounds on which to file a variance application.
- D. Variances to use provisions of the Zoning Code are prohibited.

14.81.030 Submittal Requirements and Review.

- A. Filing. An application for a variance shall be filed and processed in compliance with all applicable provisions of Title 14 of the Los Altos Municipal Code. The application shall include the information and materials specified in the Development Services Department handout for variance applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by this chapter.
- B. Project Review Procedures. Following receipt of a completed application, the Zoning Administrator shall investigate the facts necessary for action consistent with the purpose of this chapter.
- C. Notice, Hearings, and Appeals.
 - 1. A public hearing shall be required with the Planning Commission on a variance application. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 14.01.130 (Public Notice Requirements).
 - 2. The Commission's decision is appealable to the Council in compliance with Chapter 14.01.100 (Appeals).

14.81.040 Findings and Decision.

- A. A variance may be granted provided that the Zoning Administrator or Planning Commission, or the City Council on appeal, finds, after a full investigation and public hearing, that all the following are true:
 - 1. The variance does not grant or authorize a use or activity that is not otherwise allowed in the zone; and
 - 2. Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and the same zoning district; and
 - 3. The granting of the variance does not constitute a grant of special right or privilege inconsistent with the limitations upon other properties in the vicinity and the same zoning district; and
 - 4. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.
- B. Failure to make all the required findings shall require denial of the variance.

14.81.050 Conditions of approval/guarantees.

- A. In granting a variance, certain safeguards may be required and certain conditions established to protect the public health, safety, convenience and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the particular use on the particular site and in consideration of the location, use, building and characteristics and environmental impact of the proposed use and of existing and potential uses within the general area in which such use is proposed to be located.
- B. The conditions attached to variance may include such provisions concerning height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, site design, operation characteristic, land use compatibility, general character, appearance, environmental impact, time limits for commencing the construction authorized, revocation dates, and other conditions the Zoning Administrator or Planning Commission may deem appropriate and necessary to carry out the purposes of the Zoning Code and Chapter.

14.81.060 Precedents.

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior variance is not admissible evidence for the approval of a new variance.

14.81.070 Runs with the Land.

Variances shall run with the land and confer the rights granted to and conditions placed upon the applicant onto subsequent property owners.

From: [Jim Wing](#)
To: [Public Comment - PC](#)
Subject: Planning Commission 10/17/24 Meeting Agenda Items 3 and 4
Date: Wednesday, October 16, 2024 7:53:21 AM

Los Altos Planning Commission Chair Steinle and Distinguished Commission Members,

Subject: Planning Commission 10/17/24 Meeting Agenda Items 3 and 4

Agenda Item 3: Zone Text Amendments Updating Los Altos Municipal Code Title 14

I feel update adding to Title 14.01 Administration of Zoning is a welcome update, but 14.01.150 Public Projects is very broad and appears to restrict public comments on city owned land like undeveloped residential lots, and parking plazas. In the next few years, we may see developer activity in Plaza 7 and 8. Los Altos owned residential substandard lots like Woodstock / El Monte, El Monte / Foothill, “end” of Giffin and others.

To the best of my knowledge Los Altos does not have Objective Design Guidelines for substandard lots. Please continue this Agenda Item and ask staff to show applicable Objective Design Guidelines. Also ask staff to consider simple wording changes to clearly specify that public comment is allowed on public land developments.

Agenda Item 4: Planning Commission Work Plan

Please consider adding Los Altos Code Circulation Element Review / Update to Planning Commission 2025 Work Plan.

Planning Commission is responsible for Los Altos Code Circulation Element that in my opinion has not been reviewed / updated since 1998. Los Altos traffic dynamics have changed since then and more change is ahead. First Street Main to Cuesta has become almost all multistory housing, Foothill Expressway will soon change at Main, Edith, Springer, traffic congestion at Main / First continues to get worse, multistory housing allowed on east side of San Antonio are some examples. Collector Streets should also be reviewed. Allowing multistory housing to Rancho and Loyola Corners will change Collector traffic dynamics. San Antonio changes for bike lanes will impact congestion at Main / Edith. Los Altos Code Circulation Element should not limit traffic congestion design “tools in the tool box”.

Council has required Complete Streets Commission to focused on Safe Routes to School and Complete Streets Master Plan that did not include anything in “downtown triangle” except a couple general statements.

Thank You for your consideration! Jim Wing, Milverton Road, Los Altos



PLANNING COMMISSION AGENDA REPORT

Meeting Date: October 17, 2024

Subject: Planning Commission Work Plan

Prepared by: Stephanie Williams, Deputy Director

Attachment:

A. Draft 2024/2025 Planning Commission Work Plan

Background

Each commission shall discuss and prepare its annual workplan based upon the City Council annual priorities and budget and shall be submitted and approved by the City Council. The work plan is a list of the anticipated topics, assignments and goals that the Commission will focus on over a 12-month period.

Discussion

In preparation for the City Council meeting review of Commission work plans, the Planning Commission will review and discuss the attached draft work plan. More details on the work plan items will be discussed in the meeting by the entire Commission.

LOS ALTOS PLANNING COMMISSION
2024/2025 Work Plan

Title	Description	Status
Ongoing Work Items		
Housing Element Implementation	Review and provide recommendation to Council on code amendments or other policy documents necessary to implement the 6 th Cycle Housing Element (2023-2031)	As needed.
Development Project Review	Provide recommendation or decision on development projects under the powers granted by the Municipal Code.	As needed.
2024/2025 Work Items		
General Plan Safety Element	Review and provide recommendation to Council on the comprehensive update to the City’s Safety Element. State legislation requires that the Safety Element be reviewed and updated as necessary alongside the Housing Element. The City’s Housing Element was last adopted in January 2023.	Currently under preparation by City consultant and staff.
Comprehensive General Plan Update	Review components of the draft General Plan Elements. The City’s current General Plan has a horizon from 2002-2020 necessitating a comprehensive update.	Process to be started in 2025.

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