

ORDINANCE 613

AN ORDINANCE OF THE TOWN OF LOS ALTOS HILLS AMENDING TITLE 10 (ZONING AND SITE DEVELOPMENT) OF THE LOS ALTOS HILLS MUNICIPAL CODE TO AMEND REGULATIONS RELATING TO APPLICATION PROCESSING AND STANDING COMMITTEE REVIEW PROCEDURES IN ACCORDANCE WITH PROGRAM B-15 OF THE LOS ALTOS HILLS 2023-2031 HOUSING ELEMENT

WHEREAS, a severe housing crisis exists in the State of California with the demand for housing outstripping supply; and

WHEREAS, the State Legislature has enacted a number of laws relating to streamline approvals of housing development projects and to promote housing supply, growth and mobility; and

WHEREAS, the adopted and state-certified 2023-2031 Housing Element (“Housing Element”) of the Town of Los Altos Hills (“Town”) contains numerous goals, policies and programs to streamline residential development projects and promote housing opportunities and mobility, which covers, among other things, the streamlining of approval timeframes, the preparation and use of objective standards, and updating project review processes to promote housing development opportunities and in accordance with state law; and

WHEREAS, specifically, Program B-15 of the Housing Element committed to “*Amend the Town’s Zoning Ordinance to limit advisory committee meetings to one meeting, and require comments be provided to the decision making body within thirty days of a complete application. Further, specify that advisory committee review shall only provide comments relating to conformance with the General Plan, Municipal Code, Council- adopted policies and guidelines, and specific, Objective Design Standards*”, which in large part reflects existing, uncodified practice where Town committees expeditiously and timely provide comments on development projects; and

WHEREAS, to accomplish Program B-15, the Town has prepared a set of amendments to LAHMC Title 10, Chapter 2 to incorporate the legislative changes identified above and as set forth in the Housing Element (collectively, the “Zoning Text Amendments”); and

WHEREAS, on September 5, 2024, the Planning Commission held a duly noticed public hearing to consider the proposed Zoning Text Amendments, at which time all interested parties were provided an opportunity to give input and participate in the public process; and

WHEREAS, on September 19, 2024, the City Council held a duly noticed public hearing to consider the proposed Zoning Text Amendments, at which time all interested parties were provided an opportunity to give input and participate in the public process; and

WHEREAS, the proposed Zoning Text Amendments are consistent with and support the Los Altos Hills General Plan by helping to ensure the implementation of housing goals, programs and strategies in the 2023-2031 Housing Element, including but not limited to those with respect to streamlining the advisory committee review timeframe and scope, and promote efficiency in a well-established, streamlined application review process; and

WHEREAS, under the California Environmental Quality Act (“CEQA”) Guidelines Section 15061(b)(3), CEQA applies only to projects which have the potential for causing a

significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, in this case the proposed Zoning Text Amendments do not have a potential for creating a significant environmental effect as they do not create any zoning land uses, approve any development projects, or issue any entitlements, but are regulatory actions taken by the Town to implement procedural requirements only; and

WHEREAS, the proposed Zoning Text Amendments are intended to improve the Town's application review process and codify existing practices, and to implement policies and programs consistent with State Housing Element Law, in a way that protects and promotes public safety, community welfare, and the Town's character and aesthetic quality.

NOW, THEREFORE, the City Council of the Town of Los Altos Hills hereby ordains as follows:

SECTION I. FINDINGS.

Based on the entirety of the record as described above, the City Council for the Town of Los Altos Hills hereby makes the following findings:

1. All of the facts and recitals above are true, correct, incorporated herein and made a part hereof.
2. Based on the entirety of the record before it, the City Council hereby finds that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and 15283 of the CEQA Guidelines, Public Resources Code section 21080.17, and Government Code sections 65660 et seq. and 65583(a)(4). Under CEQA Guidelines Section 15061(b)(3), CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this case, the proposed Zoning Text Amendments do not have a potential for creating a significant environmental effect as they do not create any zoning land uses, approve any development projects, or issue any entitlements, but are regulatory actions taken by the Town to implement procedural requirements only.
3. This Ordinance was prepared, introduced, and adopted in accordance with the requirements of Planning and Zoning Law (Government Code, sections 65853-65860) and meets all of the requirements thereunder.
4. This Ordinance is consistent with and supports the Los Altos Hills General Plan by implementing housing goals, programs, and strategies in the 2023-2031 Housing Element, improving the Town's application review process and codify existing practices, and furthering housing development project entitlements and opportunities. The amendments proposed in the Ordinance would accomplish the program goals identified in the Housing Element and continue to implement the Town's housing strategies in compliance with state law.

SECTION II. AMENDMENT.

Chapter 2, Title 10, of the Los Altos Hills Municipal Code, is hereby amended to read as set forth in **Exhibit A** to this Ordinance, which is hereby incorporated as though set forth in full herein.

SECTION III. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the Town of Los Altos Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION IV. EFFECTIVE DATE AND PUBLICATION.

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk’s Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk’s Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This Ordinance shall become effective thirty (30) days from and after its adoption.

INTRODUCED: SEPTEMBER 19, 2024


PASSED: NOVEMBER 21, 2024

AYES: MOK, SCHMIDT, SWAN, TANKHA, TYSON

NOES: NONE

ABSTENTIONS: NONE

ABSENT: NONE

BY: 
Stanley Mok, Mayor

ATTEST:

Arika Birdsong-Miller, City Clerk

EXHIBIT A

SECTION I. Revisions to Article 13, “Administration and Enforcement” of Chapter 2 of Title 10

The following sections in Article 13, Chapter 2, Title 10 are amended as follows, with additions in red double underline and deletions in ~~strikethrough~~. Sections, subsections, paragraphs, and texts not modified by this amendment are not included below and shall remain in full force and effect.

Section 10-2.1304 Applications—Reviews and consultants.

Within thirty (30) days of receipt of a site development application or a permit application that are reviewed and considered pursuant to the procedures set forth in this chapter, the Community Development Director or designee shall determine whether the application is complete pursuant to the State Permit Streamlining Act and the Town’s Application Checklist maintained by the Community Development Department. The ~~Planning–Community Development~~ Director or designee may retain the services of engineering geologists, soils engineers, foresters, landscape architects, or the City Attorney to advise in the review of site development applications. The costs of such services shall be borne by the applicant.

Upon receipt of a site development application, the Community Development Director or designee shall also refer such application for review to the appropriate staff and to one or more of the following Town Standing Committees: the Pathways Committee, the Open Space Committee, the History Committee, and Environmental Design and Protection Committee, as determined applicable by the Director, to provide their written comments and recommendations on the application.

The respective committees shall review and provide comments and recommendation during a noticed public meeting and shall complete such review within one (1) meeting for each committee, which shall occur no later than within thirty (30) days from an application being determined complete by the Community Development Director pursuant to the Town’s Application Checklist maintained by the Community Development Department. Notwithstanding any provisions set forth in City Council Resolution No. 90-22, review by the applicable Standing Committee shall be limited to the following: the application’s conformance with applicable standards, policies, regulations, and requirements under General Plan, Municipal Code, Council-adopted policies and guidelines, and specific Objective Design Standards adopted by the Town.

Section 10-2.1305 Applications—Action and hearings.

- (a) The ~~Planning–Community Development~~ Director shall ~~review~~ consider all site development applications for projects meeting the criteria outlined in Section 10-2.301(a). The ~~Planning–Community Development~~ Director may issue a permit with such reasonable conditions as he or she may deem necessary to achieve the purposes of this chapter, may refer the application for hearing before the ~~Planning–Community Development~~ Director or the Planning Commission, or may disapprove the application for site development.
- (b) The ~~Planning–Community Development~~ Director shall ~~review~~ consider all site development applications for projects meeting the definitions in Section 10-2.301(b) ~~after~~ pursuant to a

noticed hearing. The ~~Planning~~ Community Development Director may issue a permit with such reasonable conditions as the ~~Planning~~ Community Development Director deems necessary to achieve the purposes of this chapter, may refer the application to the Planning Commission, or may disapprove the application for site development. ~~Plans shall be referred for review to the appropriate staff and to the Pathways Committee and Environmental Design Committee, and notice of the hearing shall be provided to each of those committees and to the Planning Commission.~~

Notice of the time and place of the hearing shall be posted in at least three public posting places and posted on the property adjacent to a public street or adjacent to any access road or way to the property not having public frontage. Notices of such hearings shall also be served by United States mail to the owner of the subject property, or the owner's authorized representative, to the project applicant and to each property owner whose property is within 300 feet of the exterior boundary of the property, using addresses from the latest equalized assessment roll. In lieu of using the assessment roll, the Town may require these addresses to be obtained from records of the County Assessor or Tax Collector which contain more recent information than the assessment roll. All required names and addresses shall be provided by the applicant or his or her representative at the time the site development permit application is filed. Such posting and mailing shall be completed at least 10 days prior to the date of the hearing. The notice shall state the purpose of the application, the time and place of the hearing, and a statement that all written and oral statements will be considered by the ~~Planning~~ Community Development Director.

In addition to evidence presented at the hearing, the ~~Planning~~ Community Development Director shall consider the recommendations of staff members and of the Pathways Committee, the Open Space Committee, the History Committee, and the Environmental Design and Protection Committee, as applicable and provided pursuant to Section 10-2.1304 in making a determination regarding the proposed project.

Section 10-2.1305.1 Fast-track process.

...

- (b) The fast-track review process shall consist of the following:
- (1) A complete application shall be filed pursuant to the provisions of Section 10-2.1303- and shall be reviewed pursuant to Section 10-2.1304. Plans shall be referred for review to the appropriate staff and to the Pathways Committee, the Open Space Committee, History Committee, and the Environmental Design and Protection Committee, in accordance with Section 10-2.1304.
 - (2) For a new residence project, the ~~Planning~~ Community Development Director or designee shall determine the project's eligibility for the fast-track process using the Fast Track Guide checklist. Only projects that score 14 points or less shall be eligible for the fast track process. The Fast Track Guide checklist, or a project's conformance with the

Fast Track Guide checklist, shall not provide the basis for the Site Development Authority's approval, conditional approval, or disapproval of a project.

- (3) Upon the ~~Planning~~-Community Development Director's determination that the application is complete, the applicant shall install story poles at the site to represent an outline of the size and height of the proposed project.
- (4) Upon installation of the story poles to the satisfaction of the ~~Planning~~-Community Development Director, notice of a site development hearing shall be mailed to all owners of property located within 500 feet from the subject property, pursuant to the notice provisions of Section 10-2.1305(c) and to members of the Planning Commission.
- (5) The ~~Planning~~-Community Development Director shall set a site development hearing for the proposed project to be held not sooner than 10 days after notice is mailed. The hearing shall take place at the date and time specified in the notice, but the Director shall make every effort to accommodate the schedules of all interested parties, including continuing the day and/or time of the meeting if necessary.
- (6) Environmental Design and Protection Committee, Open Space Committee, Pathways Committee, and History Committee representatives may participate in the site development hearing and shall receive notice of the hearing on the same date that notice is mailed to property owners.
- (7) An interim staff report shall be prepared at least five days prior to the hearing, and be available for public review, outlining the project characteristics (floor area, development area, height, setbacks, materials, etc.) and its compliance with the Town's General Plan, Zoning and Site Development Codes, Town policies, and subdivision conditions, where applicable.
- (8) The hearing shall be conducted by the ~~Planning~~-Community Development Director, and no other person may preside over the hearing unless so authorized by action of the City Council.
- (9) The ~~Planning~~-Community Development Director shall approve the project if the Director determines that the project complies with the Town's General Plan, Zoning and Site Development Codes, Town policies and subdivision conditions, if applicable.
- (10) A final staff report shall be prepared to supplement the interim staff report with discussion of any issues raised by neighbors, committee representatives, staff, or the applicant, and to include the final conditions of approval and the applicant's signed agreement to those conditions. If opposition to the project exists, that opposition shall be noted in the final staff report along with the ~~Planning~~-Community Development Director's assessment of whether the opposition is supported by facts or relevant information.

- (11) Written notice of the ~~Planning~~ Community Development Director's decision shall be provided to the applicant, all property owners notified of the site development hearing, and any other parties attending or providing written comments at the hearing, and to the Planning Commission, a minimum of 10 days prior to the end of the appeal period.
- (12) The City Council may review the ~~Planning~~ Community Development Director's decision in accordance with the process contained in Section 10-1.1010, with transmittal of the final staff report and notice of the decision by the City Clerk to Council to occur pursuant to such process.
- (13) Any interested party may appeal the ~~Planning~~ Community Development Director's decision to the Planning Commission by filing a written notice of appeal with the City Clerk within 21 days of the ~~Planning~~ Community Development Director's decision prior to its expiration pursuant to subsection (b)(14) below. A nonrefundable filing fee and deposit for services shall accompany each appeal, except that any member of the City Council or any two members of the Planning Commission may file such an appeal without payment of a fee. The appeal shall be considered at a public hearing in accordance with the provisions of Section 101.1005. A public hearing shall be set no later than 45 days after the date of the filing of the notice of appeal, unless time is waived by the appellant or project applicant.
- (14) If no appeal is made, the decision of the ~~Planning~~ Community Development Director shall become final at 4:00 pm on the twenty first (21st) day following the action.