

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ELIMINATING THE REQUIREMENT FOR THIRD PARTY INDEPENDENT ARCHITECTURAL REVIEW FOR PROJECTS IN THE DOWNTOWN AND FINDING THAT THE ADOPTION OF THIS RESOLUTION IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in November 2014, the City Council formed the ad hoc Downtown Building Committee (the “Committee”), which was an 11-member citizen committee charged with recommending policies to ensure that development in the Downtown aligns to community expectations; and

WHEREAS, the Committee reported its recommendations to the City Council on May 24, 2016, including Recommendation No. 3.D, which called for “early-stage design review for new commercial and multifamily projects and major remodels in the downtown triangle,” to be conducted by a consulting professional paid for by the project applicant; and

WHEREAS, at its May 24, 2016 meeting, the City Council provided staff direction to implement most of the Committee’s recommendations, including Recommendation No. 3.D; and

WHEREAS, in response to a historic statewide housing crisis, in recent years the Legislature has significantly limited the power of local agencies to deny or condition housing development projects; and

WHEREAS, because of these recent changes in state law, local agencies are now encouraged, and in many if not most cases required, to apply only objective design review standards to housing development projects to minimize the time and effort it takes to obtain entitlements and to provide developers and real estate investors with clearer direction and greater certainty; and

WHEREAS, on September 14, 2021, the City Council adopted Ordinance No. 2021-478, which imposed objective design standards on multifamily housing development projects in Los Altos, to address in an objective manner, and consistent with state law, many of the same goals and policies that the Committee sought to address through the recommendations in its report to the City Council; and

WHEREAS, because the City has implemented objective design standards, and because state law now substantially limits the City’s ability to impose or enforce subjective design standards, the need for third-party independent architectural review, as recommended by the Committee in its Recommendation No. 3.D, is essentially obviated; and

WHEREAS, third-party independent architectural review is costly and time consuming, and therefore is a constraint on housing development in the City of Los Altos; and

WHEREAS, pursuant to Government Code Section 65583, local agencies are required to identify all governmental and nongovernmental constraints to housing production in their jurisdictions and to propose programs to eliminate those constraints; and

WHEREAS, the City’s Sixth Cycle Housing Element (the “Housing Element”), adopted by the City Council in January 2023, identified the requirement for third-party independent architectural review as a governmental constraint to housing production, and Program No. 3.H in the Housing Element commits the City to eliminating this requirement; and

WHEREAS, having committed itself to doing so, the City Council now desires to implement Program No. 3.H; and

WHEREAS, the City Council’s action in implementing Program No. 3.H is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) in that: (1) Program No. 3.H is a policy of the Housing Element, which has already undergone environmental review; (2) there are no peculiar impacts of implementing Program No. 3.H that have not already been analyzed in the Initial Study & Mitigated Negative Declaration for the Housing Element; (3) the City has objective design standards that apply in the Downtown to protect aesthetic resources (see CEQA Guidelines, Appx. G, Item No. I(c)); and (4) none of the circumstances in CEQA Guidelines Section 15300.2 applies;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Los Altos as follows:

1. The City Council hereby finds that the foregoing recitals are true and correct; and
2. The City Council hereby directs staff that it shall no longer implement Recommendation No. 3.D of the Committee, which required third-party independent architectural review for Downtown Projects.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the XXth day of ____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

PRESENT:

Sally Meadows, MAYOR

Attest:

Angel Rodriguez, INTERIM CITY CLERK