

ORDINANCE 2264

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE REGARDING CELLARS

WHEREAS, the Town Council wishes to simplify and provide clarity with regard to below grade square footage; and

WHEREAS, the proposed code amendments are consistent with the General Plan and its Elements.

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I

Town Code Chapter 29 is hereby amended to read as follows:

CURRENT DEFINITIONS:

Sec. 29.10.020 - Definitions.

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~~*Basement* means an enclosed area that extends more than four (4) feet above the existing or finished grade in any location. Basements, as defined here, shall be included in the floor area ratio calculation. For purposes of this definition, whichever grade (existing or proposed) results in the lowest building profile of a building shall be used.~~

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~~*Cellar* means an enclosed area that does not extend more than four (4) feet above the existing or finished grade in any location. Cellars, as defined here, shall not be included in the floor area ratio calculation for residential developments. That area of a cellar where the building height exceeds four (4) feet above existing or finished grade shall not be included in this definition and shall be included in the floor area ratio calculation. For purposes of this definition whichever grade (existing or proposed) results in the lowest building profile of a building shall be used.~~

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AMENDED DEFINITIONS:

Sec. 29.10.020 - Definitions.

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Floor Area, gross means the entire enclosed area of all floors that are more than four feet above the proposed grade at any point on the elevation, including basements and cellars, measured from

the outer face of exterior walls or in the case of party walls from the centerline. Gross floor area also includes any part of exterior balconies or walkways above the ground floor required for ingress and egress. Ornamental balconies and outside unroofed corridors not required for ingress or egress are excluded. The area of elevator shafts and stairwells is also included except on the ground floor.

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PROPOSED SECTION:

Sec. 29.40.072 – Below grade square footage in residential zones

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(a) The use of below grade square footage is allowed in residential zones as a means to provide “hidden” square footage in lieu of visible mass. Below grade square footage shall not be counted as floor area when meeting the following criteria:

1. Below grade square footage shall not extend beyond the enclosed building footprint of the main building (including attached garage) or detached accessory structures.
2. Below grade square footage is limited to one location on a property, additional below grade areas shall be included in the floor area calculation.
3. Light and exit wells may encroach into front and side yard setbacks for the purpose of providing the minimum criteria for natural light and ventilation as required to comply with the uniform building code. A minimum three-foot wide pedestrian access shall be provided around the light well(s).
4. Light wells and exit wells may extend beyond the building footprint.
5. Planning Commission may allow an exception to the criteria listed above based on extenuating or exceptional circumstances applicable to the property including, but not limited to size, shape, topography, location, or surroundings. The Commission shall make findings to support a decision.

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AMENDED SECTIONS:

Sec. 29.40.650 – Height.

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The maximum height of any principal building in a R-M or multiple-family residential zone is thirty (30) feet, except when the building has ~~cellar~~ below grade parking the maximum is thirty-five (35) feet. The height shall be measured as provided in section 29.40.045 and is subject to the exception listed in section 29.10.090.

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Sec. 29.20.485(3)(c) - Administrative procedure for minor historic projects.

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Additions to the first floor of a residence (excluding additions not visible from the street that do not exceed fifteen (15) percent of the existing floor area of the house (excluding ~~cellars below~~ grade square footage) or four hundred (400) square feet of gross floor area, whichever is less).

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SECTION II

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. This ordinance is not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code would have significant impact on the environment.

SECTION III

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION IV

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 17th day of October, 2017 and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on the 7th day of November, 2017 and becomes effective 30 days after it is adopted.

In Lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____