

ORDINANCE NO. 314

**AN ORDINANCE AMENDING CHAPTER 15
OF THE SARATOGA CITY CODE**

THE CITY COUNCIL OF THE CITY OF SARATOGA HEREBY ORDAINS AS FOLLOWS:

Findings

New standards related to front yard landscaping would encourage aesthetically pleasing landscape design on the most visible portion of single-family properties while discouraging excessive impervious surfaces.

New standards related to outdoor lighting fixtures would help to prevent excessive glare onto adjacent properties and public streets while maintaining adequate safety, night vision, and comfort.

Amendments to Articles 15-11, 15-12, 15-13, 15-20, 15-45, and 15-80 would provide clarification and consistency within the City Code.

The Planning Commission of the City of Saratoga considered these amendments at a duly noticed public hearing on January 22, 2014 and recommended the City Council adopt the amendments to Chapter 15.

The City Council of the City of Saratoga held a duly noticed public hearing on February 19, 2014 and considered the Planning Commission recommendation and all testimony and written materials provided in connection with the update and amendments.

Therefore, the City Council hereby amends the City Code as follows:

Section 1. Adoption.

The Saratoga City Code is amended as set forth below. Text to be added is indicated in bold double-underlined font (e.g., **bold double-underlined**) and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~). Text in standard font is readopted by this ordinance. Text in italics (e.g., *italics*) is descriptive only and is not part of the amendments to the City Code.

NEW A: AGRICULTURAL DISTRICT SECTION

15-11.085 - Allowable floor area

The maximum allowable floor area shall be determined in accordance with City Code Section 15-12.085.

NEW HR: HILLSIDE RESIDENTIAL DISTRICT SECTION

15-13.085 - Allowable floor area

The maximum allowable floor area shall be determined in accordance with City Code Section 15-12.085.

NEW R-OS: RESIDENTIAL OPEN SPACE DISTRICT SECTION

15-20.085 - Allowable floor area

Where a single-family dwelling is the principal use on the site, the maximum allowable floor area, determined in accordance with City Code Section 15-12.085, shall not be more than six thousand square feet, excluding any detached garage or accessory structure for which a use permit is granted.

R-OS: RESIDENTIAL OPEN SPACE DISTRICT SECTION

15-20.150 - Design review.

The construction or expansion of any main or accessory structure in the R-OS district shall comply with the applicable design review regulations set forth in Article 15-45 or Article 15-46 of this Chapter, ~~;provided, however, where a single-family dwelling is the principal use on the site, then the allowable floor area determined in accordance with Section 15-45.030 shall in no event be more than six thousand square feet, excluding any detached garage or accessory structure for which a use permit is granted.~~

NEW R1: SINGLE-FAMILY RESIDENTIAL DISTRICT SECTION

15-12.095 - Landscaping

(a) Notwithstanding the maximum standards for site coverage, at least 50% (fifty percent) of the required front setback area of any lot and the exterior side setback area of a corner lot must have live trees, shrubs, lawns, other live plant materials or decorative landscaping installed. For the purpose of this Section, "decorative landscaping" means decorative non-live materials such as rocks, gravel, or bark and does not include asphalt, cement or any other impervious surface.

(b) No more than 50% (fifty percent) of the required front setback area of any lot and the exterior side setback area of a corner lot may be covered with impervious surfaces.

NEW MISCELLANEOUS SECTION

15-80.030 - Special rules for accessory uses and structures in residential districts.

(m) Lighting fixtures. Outdoor lighting fixtures shall be located, aimed, and shielded to prevent excessive glare or direct illumination onto adjacent properties and public street rights of way; notwithstanding the minimum lighting necessary to ensure adequate safety, night vision, and comfort.

R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT

15-12.100 - Height of structures.

~~No single-family dwelling shall exceed twenty-six feet in height and no other type of main structure shall exceed thirty feet in height. Exceptions to these limitations may be approved pursuant to a Use Permit and Design Review issued in accordance with Article 15-55 of this Code, if the additional height is necessary in order to adhere to a specific architectural style. The additional height may only be granted on residentially-zoned parcels exceeding twenty thousand square feet. The Staff and Planning Commission will use the "A Field Guide to American Houses" and other resource material approved by the Planning Commission as resource documents to assess the purity of architectural design.~~

(a) No single-family dwelling shall exceed twenty-six feet in height, provided however, the Planning Commission may approve a structure up to thirty feet in height if the Commission finds and determines that:

(1) The additional height is a necessary component of an identifiable and well documented architectural style; and

(2) The design of the structure will be similar in scale with structures in the surrounding neighborhood; and

(3) The net lot size used for determining floor area exceeds twenty-thousand square feet.

(b) No accessory structure shall exceed fifteen feet in height; provided, however, the Planning Commission may approve of an accessory structure extending up to twenty feet in height if the Commission finds and determines that:

(1) The additional height is necessary in order to establish architectural compatibility with the main structure on the site; and

(2) The accessory structure will be compatible similar in scale with structures in the surrounding neighborhood.

(c) No structure shall exceed two stories, except that pursuant to a use permit issued under Article 15-55 of this Chapter, a three-story structure may be allowed for an institutional facility located upon a site designated for community facilities (CFS) in the general plan, where the average slope underneath the structure is ten percent or greater and a stepped

building pad is used.

HR: HILLSIDE RESIDENTIAL DISTRICT

15-13.100 - Height of structures.

No structures shall exceed two stories nor shall any structure exceed the following heights:

(a) No structure shall extend to an elevation within eight feet from the top of the nearest adjacent major ridge that does not have dense tree cover.

(b) No structure shall extend to an elevation more than twelve feet above the nearest adjacent minor ridge that does not have dense tree cover.

~~(c) A single family dwelling not limited by subsection (a) or (b) of this Section shall not exceed twenty-six feet in height. Any other type of main structure not limited by subsection (a) or (b) of this Section shall not exceed thirty feet in height.~~

(c) Notwithstanding subsection (a) or (b) of this Section, no single-family dwelling shall exceed twenty-six feet in height, provided however, the Planning Commission may approve a structure up to thirty feet in height if the Commission finds and determines that:

(1) The additional height is a necessary component of an identifiable and well documented architectural style; and

(2) The design of the structure will be similar in scale with structures in the surrounding neighborhood.

~~(d) An accessory structure not limited by Notwithstanding subsection (a) or (b) of this Section, no accessory structure shall not exceed twelve feet in height; provided, however, the Planning Commission may approve an accessory structure extending up to fifteen feet in height if the Commission finds that:~~

~~(1) The additional height is necessary in order to establish architectural compatibility with the main structure on the site; and~~

~~(2) The accessory structure will be compatible similar in scale with structures in the surrounding neighborhood.~~

(e) Notwithstanding subsection (a) or (b) of this Section, no structure used for agricultural purposes shall exceed thirty feet in height.

NEW R1 SECTION SINGLE-FAMILY RESIDENTIAL DISTRICT

(moved from 15-45.030 - design review)

15-12.085 - Allowable floor area for R-1, HR, ROS and A zone districts

a) Definition. Floor area is defined in City Code Section 15-06.280. As used in this Article,

any space with an interior height of fifteen feet or greater shall be double counted towards the maximum floor area allowance. The allowable floor area is based upon the net site area calculated in accordance with Section 15-06.620 and any slope reduction provided in Section 15-12.085(c).

- b) Maximum standards. The standards set forth in this Section are intended to be maximum figures and the Planning Commission may, in considering any application, require that the floor area be reduced below the applicable standard if such reduction is necessary in order to make the findings prescribed in City Code Section 15-45.080.
- c) Slope adjustment. If the average slope of the lot is more than ten percent, the net site area of the lot shall be reduced as follows:

<u>*Average Slope of the Lot</u>	<u>Percentage of Net Site Area to be Deducted</u>
<u>10.01—20%</u>	<u>10% plus 2% for each 1 percent of slope over 10%</u>
<u>20.01—30%</u>	<u>30% plus 3% for each 1 percent of slope over 20%</u>
<u>Over 30%</u>	<u>60%</u>

*Where the average slope is a fractional number, it shall be rounded up to the next whole number.

- d) Maximum floor area for R-1, HR, ROS and A zone districts. The maximum allowable floor area shall be the lesser of the standards specified in the two following tables:

<u>**Lot Size (Net Site Area)</u>	<u>Floor Area Standard</u>
<u>4,999 sq. ft. or less</u>	<u>To be determined by Planning Commission</u>
<u>5,000—10,000 sq. ft.</u>	<u>2,400 sq. ft. plus 160 sq. ft. for each 1,000 sq. ft. of net site area over 5,000 sq. ft.</u>
<u>10,001—15,000 sq. ft.</u>	<u>3,200 sq. ft. plus 170 sq. ft. for each 1,000 sq. ft. of net site area over 10,000 sq. ft.</u>
<u>15,001—40,000 sq. ft.</u>	<u>4,050 sq. ft. plus 78 sq. ft. for each 1,000 sq. ft. of net site area over 15,000 sq. ft.</u>
<u>40,001—80,000 sq. ft.</u>	<u>6,000 sq. ft. plus 20 sq. ft. for each 1,000 sq. ft. of net site area over 40,000 sq. ft.</u>
<u>80,001—200,000 sq. ft.</u>	<u>6,800 sq. ft. plus 10 sq. ft. for each 1,000 sq. ft. of net site area over 80,000 sq. ft.</u>
<u>200,000 +</u>	<u>8,000 sq. ft. is the maximum allowable square footage</u>

<u>Zone District</u>	<u>Maximum Floor Area (for larger than standard lots)</u>
<u>R-1—10,000</u>	<u>4,400</u>
<u>R-1—12,500</u>	<u>4,830</u>
<u>R-1—15,000</u>	<u>5,220</u>
<u>R-1—20,000</u>	<u>6,000</u>
<u>R-1—40,000</u>	<u>7,200</u>
<u>HR and A</u>	<u>8,000</u>
<u>ROS</u>	<u>In accordance with Section 15-20.085 of this Article</u>

****Where the net site area over 5,000 square feet is a fractional number, it shall be rounded up to the next whole thousand (i.e., 5,001 would be rounded up to 6,000).**

The following section was moved to 15-12.085 - R1 Single-Family Residential District

15-45.030 – Allowable floor area.

- a) **Definition.** As used in this Article, the term "allowable floor area" means the maximum floor area of the main structure (including any garage constituting a portion thereof), plus any accessory structures. For purposes of calculating allowable floor area, any space with an interior height of fifteen feet or greater shall be doubled. The allowable floor area is based upon the net site area and slope of the lot and the height of the main structure to be constructed or existing thereon as computed in accordance with the provisions of this Section. Net site area shall be calculated in accordance with Section 15-06.620 of this Code.
- b) **Maximum standards.** The standards set forth in this Section are intended to be maximum figures and the Planning Commission may, in considering any application, require that the floor area be reduced below the applicable standard if such reduction is necessary in order to make the findings prescribed in Section 15-45.080 of this Article.
- c) **Slope adjustment.** If the average slope of the lot is more than ten percent, the net site area of the lot shall be reduced by a percentage amount based upon the average slope and calculated as follows:

Average Slope of the Lot	Percentage of Net Site Area to be Deducted
10.01—20%	10% plus 2% for each 1 percent of slope over 10%*
20.01—30%	30% plus 3% for each 1 percent of slope over 20%*
Over 30%	60%

* Where the average slope is a fractional number, it shall be rounded up to the next whole number.

- (a) **Floor area standards.** After reducing the net site area by the amount required for the slope adjustment under subsection (c) of this Section, if any, the floor area standard for the lot shall be determined in accordance with the table set forth below:

Size of Lot (Net Site Area)	Floor Area Standard
Less than 5,000 sq. ft.	To be determined by Planning Commission
5,000—10,000 sq. ft.	2,400 sq. ft. plus 160 sq. ft. for each 1,000 sq. ft. of net site area over 5,000 sq. ft.*
10,001—15,000 sq. ft.	3,200 sq. ft. plus 170 sq. ft. for each 1,000 sq. ft. of net site area over 10,000 sq. ft.*
15,001—40,000 sq. ft.	4,050 sq. ft. plus 78 sq. ft. for each 1,000 sq. ft. of net site area over 15,000 sq. ft.*
40,001—80,000 sq. ft.	6,000 sq. ft. plus 20 sq. ft. for each 1,000 sq. ft. of net site area over 40,000 sq. ft.*
80,001—200,000 sq. ft.	6,800 sq. ft. plus 10 sq. ft. for each 1,000 sq. ft. of net site area over 80,000 sq. ft.*

200,000 +	8,000 sq. ft. is the maximum allowable square footage.
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* Where division of the net site area by 1,000 results in a fractional number the product shall be rounded up to the next whole number.

(e) ~~Maximum floor area allowed for R-1, HR and A zone districts.~~ In the zone districts listed below the maximum allowable floor area shall be the lesser of the floor area standards or the maximum floor area specified as in the following table:

Zone District	Maximum Floor Area
R-1 10,000	4,400
R-1 12,500	4,830
R-1 15,000	5,220
R-1 20,000	6,000
R-1 40,000	7,200
HR and A	8,000

15-45 DESIGN REVIEW: SINGLE-FAMILY DWELLING

15-45.010 - Purposes of Article.

It is the policy of the City to review the proposed construction or significant expansion of single-family dwellings and certain accessory structures under circumstances where such structures have the reasonable potential to constitute an invasion of privacy, unreasonable interference with views, light or air, or create adverse impacts upon the aesthetic character of neighboring residential structures. The purpose of this Article is to establish standards and procedures to be followed with respect to the design review of single-family dwellings and certain accessory structures to ensure that new development occurs in a manner, which is consistent with the objectives of this Chapter and the policies of the General Plan.

15-45.020 - Compliance with development standards.

No single family main structure or accessory structure shall be constructed or significantly expanded within any A, R-1, HR, R-OS district unless the proposed structure or expansion complies with the floor area standards contained in Section 15-45.030 of this Article and the setback requirements contained in this Chapter. In the event of a conflict between the floor area and setback requirements in Article 15-45 and the standards set forth in the R-OS zone district, the more restrictive standard shall govern. For the purposes of this Article, the terms "significantly expanded" or "significant expansion" shall mean an expansion exceeding one hundred square feet. The Planning Commission shall have authority to grant a variance from such regulations pursuant to Article 15-70 of this Chapter.

All structures requiring design review, as provided in Sections 15-45.060 and 15-45.065 of this Article, shall comply with the floor area standards and setback requirements contained in this Chapter. In the event of a conflict between the floor area and setback requirements in this Chapter the more restrictive standard shall govern. The Planning Commission shall have authority to grant a variance from such regulations pursuant to Article 15-70 of this

Chapter

15-45.055 - **Single-Family Residential Design Review Handbook.**

All projects for the construction or expansion of a single-family main structure or an accessory structure shall be consistent with the policies and implementation techniques described in the City of Saratoga Residential Design Handbook. The Residential Design Handbook embodies and illustrates the intent of the design review findings prescribed in Section 15-45.080 of this Article. A copy of the Residential Design Handbook shall be kept on file and available for public review at the offices of the Community Development Director. The Residential Design Handbook was adopted by the City Council on November 2, 1988.

All structures requiring design review, as provided in Sections 15-45.060 and 15-45.065 of this Article, shall be consistent with the design techniques described in the City of Saratoga Single-Family Residential Design Review Handbook. The Single-Family Residential Design Review Handbook embodies and illustrates the intent of the design review findings prescribed in Section 15-45.080 of this Article

15-45.060 - Requirement for **Planning Commission** design review; public hearing.

- (a) In each of the following cases, no building permit shall be issued for the construction, reconstruction or significant expansion of a single-family main structure or accessory structure in any A, R-1, HR, or R-OS district until such structure has received design review approval by the Planning Commission pursuant to this Article:
- (a) **Pursuant to this Article, the following projects shall receive design review approval by the Planning Commission prior to issuance of a building permit in any A, R-1, HR, or R-OS district:**
- (1) Any new multi-story main structure or multi-story accessory structure.
 - (2) Any conversion of a single-story structure to a multi-story structure, except where such conversion does not result in any exterior modifications to the existing structure beyond the installation of skylights in the roof.
 - (3) Any new single-story structure **over 18 feet in height** or **any existing** addition to a single story structure ~~to over~~ **that would exceed** eighteen feet in height **as a result of the proposed construction.**
 - (4) Whenever **Any project that requires** design review is specifically required under the terms or conditions of any tentative or final subdivision map, use permit, variance or conditional rezoning.
 - (5) Any main structure **new dwelling** to be constructed upon **on** a lot having a net site area of less than five thousand square feet.
 - (6) Whenever, as a result of the proposed construction, reconstruction or expansion, the floor

area of all structures on the site will exceed **Any project that increases the cumulative floor area of all structures on a site to more than** six thousand square feet.

- (7) Whenever, **Any project that** in the opinion of the Community Development Director, the construction, reconstruction or significant expansion of a main or accessory structure may be **significantly inconsistent with the design review findings required in Section 15-14.080 of this Article,** incompatible with the neighborhood, or may create a perception of excessive mass or bulk, or may unreasonably interfere with views or privacy, or may cause excessive damage to the natural environment, or may result in excessive intensification of the use or development of the site.
- (8) Whenever **Any addition to a structure over 18 feet in height that would expand the existing floor area by more than fifty percent or modify the existing footprint by more than fifty percent,** fifty percent or more of the structural elements or members of the existing exterior walls that define the boundary of the building are removed as a result of reconstruction, replacement or expansion of a single story structure over eighteen feet in height, or a multi-story main structure, or an accessory structure.

15-45.065 Administrative design review.

(a) **Pursuant to this Article,** The following projects **shall** must have received administrative design review approval by the Community Development Director pursuant to this Article prior to issuance of a building permit in any A, R-1, HR, or R-OS district:

(1) **Any N**new single-story residences and **or** accessory structures greater than two hundred fifty square feet in floor area.

(2) Major additions in size, defined as:

a. (2) Any work **addition to an existing structure** that would expand the floor area of an existing main or accessory structure by more than fifty percent.

b. (3) Any work **addition to an existing structure** that would expand the **second story** floor area of an existing main or accessory structure by one hundred square feet or more.

e. (4) Any work **addition to an existing structure** that would modify the existing footprint by more than fifty percent of a main structure or an accessory structure.

(3) (5) Addition of a **Any new or enlarged** basement, to an existing structure and enlargement of basements.

15-45.080 - Design review findings.

The Planning Commission shall not grant design review approval unless it is able to make the following findings. These findings are in addition to and not a substitute for compliance with all other Zoning Regulations (which constitute the minimum requirements, as provided in City Code Section 15-05.050.)

- (a) **Site development follows the natural contours of the site, minimizes grading, and is appropriate given the property's natural constraints.**
- (b) **All protected trees shall be preserved, as provided in Article 15-50 (Tree Regulations). If constraints exist on the property, the number of protected trees, heritage trees, and native trees approved for removal shall be reduced to an absolute minimum. Removal of any smaller oak trees deemed to be in good health by the City Arborist shall be minimized using the criteria set forth in Section 15-50.080.**
- (c) **The height of the structure, its location on the site, and its architectural elements are designed to avoid unreasonable impacts to the privacy of adjoining properties and to community viewsheds.**
- (d) **The overall mass and the height of the structure, and its architectural elements are in scale with the structure itself and with the neighborhood.**
- (e) **The landscape design minimizes hardscape in the front setback area and contains elements that are complementary to the neighborhood streetscape.**
- (f) **Development of the site does not unreasonably impair the ability of adjoining properties to utilize solar energy.**
- (g) **The design of the structure and the site development plan is consistent with the Residential Design Handbook, pursuant to Section 15-45.055.**
- (h) **On hillside lots, the location and the design of the structure avoid unreasonable impacts to ridgelines, significant hillside features, community viewsheds, and is in compliance with Section 15-13.100.**

15-45.080— Design review findings.

The Planning Commission shall not grant design review approval unless it is able to make the following findings:

- (a) **Avoid unreasonable interference with views and privacy.** The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to:

~~(1) The nature and location of residential structures on adjacent lots and within the neighborhoods; and~~

~~(2) Community view sheds will avoid unreasonable interference with views and privacy.~~

~~(b) **Preserve natural landscape.** The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal; grade changes will be minimized and will be in keeping with the general appearance of neighboring developed areas and undeveloped areas.~~

~~(c) **Preserve protected native and heritage trees.** All heritage trees (as defined in Section 15-50.020(l)) will be preserved. All protected and native trees as defined in Section 15-50.050 will be preserved, or, given the constraints of the property, the number approved for removal will be reduced to an absolute minimum. Removal of any smaller oak trees deemed to be in good health by the City Arborist will be minimized using the criteria set forth in Section 15-50.080~~

~~(d) **Minimize perception of excessive bulk.** The proposed main or accessory structure in relation to structures on adjacent lots, and to the surrounding region, will minimize the perception of excessive bulk and will be integrated into the natural environment.~~

~~(e) **Compatible bulk and height.** The proposed main or accessory structure will be compatible in terms of bulk and height with (1) existing residential structures on adjacent lots and those within the immediate neighborhood and within the same zoning district; and (2) the natural environment; and shall not (1) unreasonably impair the light and air of adjacent properties, nor (2) unreasonably impair the ability of adjacent properties to utilize solar energy.~~

~~(f) **Current grading and erosion control methods.** The proposed site development or grading plan incorporates current grading and erosion control standards used by the City.~~

~~(g) **Design policies and techniques.** The proposed main or accessory structure will conform to each of the applicable design policies and techniques set forth in the Residential Design Handbook and as required by Section 15-45.055~~

15-45.090 - Expiration of design review approval; extension; tolling of time period.

(a) **Notwithstanding subsection (b) and (c) of this Section,** Each design review approvals granted pursuant to this Article shall expire thirty-six months from the date on which the approval became effective, unless prior to such expiration date a building permit is issued and construction commenced. ~~If such building permit expires, and the Building Official does not renew the building permit within one hundred eighty days after expiration, the Design Review approval shall expire.~~

(b) **If a building permit is issued and expires, and the Building Department does not renew the building permit within 180 days after expiration, the design review approval shall concurrently expire on the 180th day after the building permit expiration.**

(c) **If an application is made for a modification to the project that increases the floor area**

by more than twenty percent (20%) or changes the approval process, then the previously issued design review approval shall expire upon the filing of the application for modification.

Following a duly notice public hearing the foregoing ordinance was introduced at the regular meeting of the City Council of the City of Saratoga held on the 19th day of February 2014, and was adopted by the following vote on March 5, 2014.

COUNCIL MEMBERS:

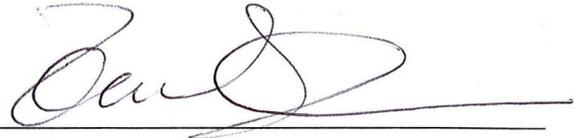
AYES: Mayor Emily Lo, Vice Mayor Howard Miller, Council Member Manny Cappello, Chuck Page, Jill Hunter

NOES: None

ABSENT: None

ABSTAIN: None

SIGNED:



Emily Lo
MAYOR, CITY OF SARATOGA, CALIFORNIA

ATTEST:


Crystal Bothelio
CITY CLERK

DATE: 3/18/14

APPROVED AS TO FORM:



Richard Taylor
CITY ATTORNEY

DATE: 3/11/14