



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/21/2021

ITEM NO: 20

ADDENDUM

DATE: December 20, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider Adoption of a 45-Day Urgency Ordinance to Implement Senate Bill 9 to Allow for Two-Unit Housing Developments and Urban Lot Splits in All Single-Family Residential Zoning Districts.

REMARKS:

Attachment 4 includes additional public comment received between 11:01 a.m., Thursday, December 16, 2021 and 11:00 a.m., Monday, December 20, 2021.

In response to these comments, staff has prepared the following comments for consideration:

1. The draft Urgency Ordinance includes the Town's two "Single-Family Residential" zoning designations as required by State Law. Town Council could choose to expand this to include Hillside Residential; however, staff does not recommend it because Hillside Residential is located in the Very High Fire Hazard Severity Zone.
2. The language in regards to the Very High Fire Hazard Severity Zone in Section IV(D) of the draft Urgency Ordinance is directly from SB 9.
3. The floor area and lot coverage allowed by this draft Urgency Ordinance are not intended to include additional Accessory Dwelling Unit (ADU) floor area, as ADUs are not currently allowed on SB 9 projects, but additional clarification could be added. The requirement to allow at least two 800-square foot units is included within Section V(E).
4. If Town Council is supportive of allowing a modified front setback for flag lots created through the urban lot split process, staff recommends consideration of the street side setback as an intermediate requirement. The required front setback for flag/corridor lots in the Urgency Ordinance could reference the existing street side setback for the applicable zone, which is 10 feet less than the R-1 required front setbacks, and 5 feet less than the R-1D required front setback.
5. The language in Section V(C)(4)(c) is based on language used by other municipalities within Santa Clara County.

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Assistant Town Manager, Town Attorney, and Public Works Director

REMARKS (continued):

6. While objective standards can be used in the review of proposed two-unit residential development or urban lot split applications, a project can only be denied through the Building Official findings listed in Section V(D)(4).
7. The regulations proposed for the use of flag/corridor lots in the draft Urgency Ordinance were prepared to be consistent with current Town regulations.
8. The objective standards prepared for this draft Urgency Ordinance may not be feasible in some cases. For those projects, Section V(E) allows for exceptions to the applicable standard(s) to the minimum extent necessary.
9. If the draft Urgency Ordinance is adopted with both Minimum Lot Width and Minimum Public Frontage of 20 feet, the final sentence of Section VI(A)(3) could be modified to state, "The minimum lot area for a flag/corridor lot shall be exclusive of the access corridor if less than 20 feet in width."
10. The lot frontage requirement could be removed or modified if supported by Town Council.
11. Section VI(B)(5) has been written to comply with the requirements of SB 9.
12. See item 6 above.
13. The draft Urgency Ordinance does include the following language under Section VI(C)(3): Applicants shall apply for an Urban Lot Split Parcel Map and pay all fees.
14. The draft ordinance does not include any neighbor notification, for alignment and consistency with the ministerial process for ADUs, and because there are no public hearing or appeal rights in ministerial processes.
15. Section VI(B)(5) includes a requirement for an intent to occupy statement.
16. The draft Urgency Ordinance allows proposed dwelling units up to the maximum allowed floor area under current code, rather than including a more restrictive 800-square foot maximum.

ATTACHMENTS:

Previously received with the December 21, 2021 Staff Report:

1. Draft Urgency Ordinance
2. Senate Bill 9
3. Public Comment received by 11:00 a.m., Thursday, December 16, 2021

Received with this Addendum:

4. Public Comments received between 11:01 a.m., Thursday, December 16, 2021 and 11:00 a.m., Monday, December 20, 2021