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**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, ZONING REGULATIONS, OF THE TOWN CODE REGARDING OBJECTIVE DESIGN STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLING UNITS AND SECOND-STORY ADDITIONS.**

**TOWN CODE AMENDMENT APPLICATION A-26-003.**

**WHEREAS**, the Town of Los Gatos (Town) has adopted a General Plan to ensure a well-planned and safe community; and

**WHEREAS**, protection of public health, safety, and welfare is fully articulated in the General Plan; and

**WHEREAS**, state law requires that the Town's Zoning Code conform with the General Plan's goals and policies; and

**WHEREAS**, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill (SB) 9, which among other things, added Government Code Sections 65852.21 and 66411.7 to impose new limits on local authority to regulate two-unit housing development and urban lot splits; and

**WHEREAS**, SB 9 requires the Town to provide for the ministerial (or "by right") approval of a housing development containing no more than two residential units of at least 800 square feet in floor area (two-unit housing development) and a parcel map dividing one existing lot into two approximately equal parts (urban lot split) within a single-family residential zone; and

**WHEREAS**, SB 9 eliminates discretionary review and public oversight of proposed two-unit housing developments and urban lot splits by removing public notice and hearings by the Development Review Committee or Planning Commission, by requiring only administrative review of the project, and by requiring ministerial approval of two-unit housing developments and/or urban lot splits that meet objective design or subdivision standards; and

**WHEREAS**, original SB 9 law from 2021 allowed the Town to adopt objective zoning, design, and subdivision standards for two-unit housing developments and urban lot splits; and

**WHEREAS**, the Town desired to amend its local regulatory scheme to comply with and implement Government Code Sections 65852.21 and 66411.7 and to appropriately regulate projects under SB 9; and

**WHEREAS**, on November 15, 2022, Town Council adopted Ordinance 2334 to regulate SB 9 projects within the Town by creating objective design and subdivision standards applicable to SB 9 projects; and

**WHEREAS**, the Town Council of the Town of Los Gatos adopted the 2023-2031 Housing Element on January 30, 2023, which includes policies that promote SB 9 units as a means to increase access to opportunity for lower-income households by encouraging infill of smaller units in single-family neighborhoods (Policy HE-1.7); and

**WHEREAS**, on May 21, 2024, Town Council adopted Ordinance 2359 to modify certain design provisions of previous SB 9 Ordinance 2334; and

**WHEREAS**, in 2024, the California Legislature approved, and the Governor signed into law Senate Bill (SB) 450, which among other things, amended Government Code Sections 65852.21 and 66411.7 to prohibit local jurisdictions from adopting specific zoning, subdivision, or design standards for SB 9 two-unit housing development and urban lot split projects that do not already apply uniformly to development in the underlying zoning district; and

**WHEREAS**, SB 450 eliminated many of the Town's SB 9 standards for two-unit housing developments as the standards in Ordinance 2359 are more restrictive than the standards in the underlying zone; and

**WHEREAS**, the previous standards in Ordinance 2359 must first be made applicable and applied uniformly to all development in the underlying zoning district in order to apply to SB 9 projects; and

**WHEREAS**, the Town researched state law and analyzed how other neighboring jurisdictions have addressed the changes from SB 450 and has drafted new objective design standards applicable to all new single-family and two-family residential dwelling units and second-story additions, along with other clarifying revisions; and

**WHEREAS**, this matter was regularly noticed in conformance with state and Town law and came before the Planning Commission for public hearing on August 12, 2026; and

**WHEREAS**, the Planning Commission at its meeting on August 12, 2026, reviewed the proposed amendments in the draft Ordinance, held a public hearing, and forwarded a recommendation of approval to the Town Council with suggested modifications; and

**WHEREAS**, this matter was regularly noticed in conformance with state and Town law and came before the Town Council for public hearing on October 20, 2026; and

**WHEREAS**, on October 20, 2026, the Town Council accepted the report of the Planning Commission's recommendation of approval on the draft Ordinance regarding new Objective Design Standards for Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions, held a public hearing, and voted to introduce the Ordinance.

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**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

**SECTION I.** Section 29.10.020, "Definitions," of Division 1, "Miscellaneous", of Article I, "In General", of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to include the following definitions in alphabetical order:

**Sec. 29.10.020. Definitions.**

[…]

*Hillside Area* means all properties zoned Hillside Residential or properties located within the Hillside Area Map of the Town's Hillside Development Standards and Guidelines.

[…]

*Landscaping* means an area devoted to plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials.

[…]

**SECTION II.** Section 29.40.070, "Projections allowed into yards", of Division 1, "Generally," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.070. Projections allowed into yards.**

(a) A porte cochere may be permitted over a driveway in a side yard, provided that it is not more than one (1) story high and twenty-four (24) feet long, with supporting columns a minimum of three (3) feet from the side lot line with a maximum eave length of twelve (12) inches, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

(b) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys or other similar architectural features may extend or project into a required side yard not more than twenty-four (24) inches and may extend or project into a required front or rear yard not more than thirty (30) inches.

(c) Porches, patios, decks, platforms, balconies, and other open, unenclosed areas, not covered by a roof or canopy:

(1) Less than one (1) foot above grade, may project into front, side or rear yards. The maximum projection into the front or street-side yard shall be six (6) feet, and in no case shall the projection be closer than ten (10) feet from a front or street-side property line.

(2) Less than four (4) feet above grade may project into front, side, or rear yards or into any court up to six (6) feet. In no case shall the projection into a side or rear yard be

closer than six (6) feet to the property line, or into a front or street-side yard be closer than ten (10) feet from the property line, or into a court exceed a distance of more than twenty (20) percent of the width of such court.

**SECTION III.** Division 1, "Generally," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to include the following sections in numerical order:

[…]

**Sec. 29.40.080. Objective Design Standards for New Single-Family and Two-Family Residential Dwelling Units and Second-Story Additions.**

**Sec. 29.40.085. Purpose and applicability.**

The purpose of these Objective Design Standards is to ensure that new single-family and two-family residential dwelling units and second-story additions meet minimum design standards to maintain privacy and neighborhood compatibility with surrounding use(s). These standards apply to both ministerial and discretionary application types for any new single- or two-family residential dwelling unit(s), whether attached or detached; a new second story; an addition to an existing second-story; or any new porches, patios, decks, platforms, balconies, and other open, unenclosed areas four (4) feet above grade or greater.

These standards are subject to the following application types, and are in addition to other, existing Town standards:

**Ministerial Applications**: Projects invoking a ministerial approval process for a new residential dwelling unit (such as two-unit housing developments) shall comply with these standards except to the extent that State law requires minimum unit sizes of 800 square feet, pursuant to Government Code Section 65852.21 (b)(2)(A).

**Discretionary Applications**: In addition to these standards, discretionary applications (architecture and site and minor residential project applications) are also reviewed for compliance with the Town's Single- and Two-Family Residential Design Guidelines and Hillside Development Standards and Guidelines (when applicable) by the Town's Consulting Architect, and/or the Historic Preservation Committee, depending on if the existing structure or property is considered historic. Projects proceeding with an architecture and site application may request exceptions from these standards during the discretionary review process, pursuant to Town Code Section 29.40.100.

**Sec. 29.40.090. Site Planning and Architectural Detail Standards.**

(a) *Building sites*. The footprint of the proposed residential unit(s) and garage(s) shall not be located on lands with slopes exceeding thirty (30) percent.

(b) *Site grading*. In the Hillside Area, site grading shall not extend beyond the minimum areas necessary for the footprint of the house, driveway, drainage, parking, required minimum

access, and vehicular turnaround areas. Required minimum access includes pedestrian access, ingress, egress, and emergency access required by applicable building and fire codes.

(c) *Material changes*. Exterior material changes shall occur at the inside corner of two walls and not the outside corner. See Section 3.8.4 of the Town's Single- and Two-Family Residential Design Guidelines for an example diagram.

(d) *Exterior materials*. For properties in the Hillside Area, exterior material colors for dwelling units and garages shall comply with the requirements in Chapter V, Section I, Standard 2 of the Town's Hillside Development Standards and Guidelines for maximum light reflectivity value (LRV).

(e) *Mechanical equipment screening*. Heating, ventilation, and air conditioning (HVAC) units, generators, energy storage systems (ESS) and other similar ground mounted mechanical equipment shall be screened from view from any adjacent street. If not already located out of view behind a building or solid fence, the equipment shall be screened with an exterior building material used on the adjacent residence. The screening shall be at least the same height as the item being screened.

**Sec. 29.40.095. Massing and Privacy Standards.**

(a) *Porches, patios, decks, platforms, balconies, and other open, unenclosed areas, with or without a roof or canopy cover*.

(1) See Town Code Section 29.40.070 for projection allowances for unroofed areas under four (4) feet in height.

(2) If four (4) feet above grade or greater, including rooftops, the underlying setbacks of the zone shall be met, and in no case shall they be located less than twenty (20) feet from a rear property line and ten (10) feet from any other property line. Additionally, each area shall also include a minimum of one of the following screening techniques along the entire portion of the open area that faces existing residential use(s) or zone(s). The additional screening techniques are not required when these open areas are proposed facing a public right-of-way.

a. Solid or opaque privacy wall of at least six (6) feet in height, measured from the deck surface below, blocking direct visibility along the edges of the deck or open, unenclosed area; or

b. Property line fence of at least six (6) feet solid material with one (1) foot lattice above (seven (7) feet high in total) and privacy landscape screening consisting of native, evergreen species. Trees are to be a minimum of twenty-four (24) inch box size, shall be a minimum of six (6) feet tall at the time of planting, with a typical mature height of at least twenty-five (25) feet and mature canopy width of fifteen (15) feet, and planted at a rate of one (1) tree for every twenty-five (25) linear feet between. Three closely spaced tall screening shrubs of at least

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fifteen (15) gallon in size with a mature height of at least fifteen (15) feet and a mature width of at least three (3) feet may be substituted for one screening tree. Both fencing and landscaping shall be located on the subject property, adjacent to the shared property line, with a cone-of-vision defined by a thirty (30) degree angle from the furthest edges of the deck or open, unenclosed area.

(b) *Windows.* All new second-story windows less than twenty (20) feet from a rear property line or ten (10) feet from any other property line, and all new first-story windows less than six (6) feet from a property line where the finished floor is three (3) feet or more above grade, shall comply with at least one of the following. This standard does not apply to windows facing a public right-of-way.

(1) Clerestory, with the bottom of the glass at least six (6) feet above the finished floor;

(2) Opaque glazing, blocking direct visibility; or

(3) Property line fence of at least six (6) feet solid material with one (1) foot lattice above (seven (7) feet high in total) and privacy landscape screening consisting of native, evergreen species. Trees are to be a minimum of twenty-four (24) inch box size, shall be a minimum of six (6) feet tall at the time of planting, with a typical mature height of at least twenty-five (25) feet and mature canopy width of fifteen (15) feet, and planted at a rate of one (1) tree for every twenty-five (25) linear feet between. Three closely spaced tall screening shrubs of at least fifteen (15) gallon in size with a mature height of at least fifteen (15) feet and a mature width of at least three (3) feet may be substituted for one screening tree. Both fencing and landscaping shall be located on the subject property, adjacent to the shared property line, with a cone-of-vision defined by a thirty (30) degree angle from the furthest side window jamb.

*(c) Second story location.* A new second story, whether a new second-story added above an existing single-story structure, addition to an existing second-story, or new two-story structure, shall meet the underlying setbacks of the zone, and in no case be less than eight (8) feet from a property line except as allowed in Section 29.10.245.

*(d) Plate height.* The maximum plate height of the first story shall be limited to ten (10) feet, and the maximum plate height of the second story shall be limited to eight (8) feet. This standard does not apply to additions to existing first and second stories where the existing plate height exceeds these limits.

*(e) Two-story articulation.* A new second-story which is not stepped-back from the single-story wall below and creates a two-story wall shall include at least one of the following to provide visual relief along that two-story wall:

(1) Bellyband extending the full width of the two-story elevation;

(2) Projections or bay windows;

(3) Material and color changes;

(4) Chimneys;

(5) Overhangs with projecting brackets;

(6) Juliet balconies;

(7) Window boxes; or

(8) Landscaped trellis or lattice.

**Sec. 29.40.100. Exceptions.**

An exception to any of these Objective Design Standards for New Single-Family and Two-Family Residential Dwelling Units and Second Story Additions may be granted if the project is submitted as a discretionary architecture and site application. In granting an exception, the applicable deciding body shall make a finding, based on the circumstances of the proposed project, that the exception is consistent with the purposes of these standards and that the proposed design provides adequate consideration of neighborhood compatibility and neighboring privacy. In making this finding, the deciding body shall consider the Town's Single- and Two-Family Residential Design Guidelines and Hillside Development Standards and Guidelines, when applicable.

[…]

**SECTION IV.** Section 29.40.170 (a), "Development Standards", of Division 2, "RC or Resource Conservation Zone," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.170. Development standards.**

(a) *Height.* The maximum height of any principal building in a RC zone is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing areas, in which case the maximum height is twenty-five (25) 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.

[…]

**SECTION V.** Section 29.40.275, "Height", of Division 3, "HR or Hillside Residential Zone," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.275. Height.**

The maximum height of any principal building in an HR zone is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing areas, in which case the maximum height is

twenty-five (25) 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.

**SECTION VI.** Section 29.40.410, "Height", of Division 4, "R-1 or Single-Family Residential Zone," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.410. Height.**

The maximum height of any principal building in a R-1 or single-family residential zone is thirty (30) feet. For properties located within the Hillside Area, the maximum height of any principal building is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing areas, in which case the maximum height is twenty-five (25) 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.

**SECTION VII.** Section 29.40.745, "Height", of Division 7, "R-1D or Single-Family Residential Downtown Zone," of Article IV, "Residential Zones," of Chapter 29, "Zoning Regulations," of the Town of Los Gatos Town Code is amended to read as follows:

**Sec. 29.40.745. Height.**

The maximum height of any building in a R-1D or single-family residential downtown zone is thirty (30) feet. For properties located within the Hillside Area, the maximum height of any principal building is eighteen (18) feet unless a Visibility Analysis is provided pursuant to Chapter II, Section B of the Town's Hillside Development Standards and Guidelines, demonstrating that the proposed building(s) is not visible from any of the Town's established viewing areas, in which case the maximum height is twenty-five (25) 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.

**SECTION VIII. California Environmental Quality Act (CEQA) Considerations.**

The Town Council finds that the proposed amendments are not subject to CEQA review pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make only minor changes to the regulations and design review process applicable to single-family and two-family residential dwelling units and second-story additions.

**SECTION IX. Severability.**

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or

otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted, or otherwise invalid.

**SECTION X. Publication.**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

**SECTION XI. Effective Date.**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 20th day of October 2026, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 17th day of November 2026, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

_____

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

_____

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

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