

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE REGARDING DEMOLITION REGULATIONS

WHEREAS, the Town Council would like to streamline the land use process to reduce the time and cost impacts for businesses and residences;

WHEREAS, the current definition of demolition within Town Code includes a requirement that remaining exterior walls must retain either the existing interior or existing exterior wall covering, a requirement which design professionals and property owners often find difficult to implement;

WHEREAS, the proposed modifications will allow greater flexibility for good design and repair without triggering technical demolition;

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on September 11, 2019;

WHEREAS, on September 11, 2019, the Planning Commission reviewed and commented on the proposed amendments regarding the demolition regulations and forwarded a recommendation to the Town Council for approval of the proposed amendments;

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 5, 2019; and

WHEREAS, on November 5, 2019, the Town Council reviewed and commented on the proposed amendments regarding demolition regulations and the Town Council voted to introduce an Ordinance.

ATTACHMENT 1

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

SECTION I

Section 29.10.020 of Town Code Chapter 29 are hereby amended to read as follows:

Sec. 29.10.020. - Definitions.

...

Demolition (nonhistoric structures) means removal of more than fifty (50) percent of the exterior walls. ~~The remaining exterior walls must retain either the existing interior or existing exterior wall covering.~~ The following is exempt from this definition:

- a. Repair. The removal and replacement of in kind non-repairable ~~exterior and/or interior wall covering~~ resulting in no change to its exterior appearance or character if approved by the Community Development Director.

...

Wall, exterior means one of the sides of a building connecting foundation and roof. An exterior wall encompasses the total height and width of the side of the building, ~~the exterior or interior wall covering~~ and the studs/structural elements used in the framing of the wall.

Wall covering, exterior means the finished surface of an exterior or interior wall.

~~*Wall covering, interior* means the finished surface of an interior wall.~~

...

SECTION II

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

A. These Town Code amendments are 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; and

B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

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 November 5, 2019, 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 November 19, 2019 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:

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

DATE: _____