

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE REGARDING CONSIDERATIONS FOR AN ARCHITECTURE AND SITE APPLICATION, FINDINGS FOR A CONDITIONAL USE PERMIT, MANUFACTURED HOUSING, AND PRIVATE OPEN SPACE AND COMMUNITY RECREATION SPACE REQUIREMENTS, PURSUANT TO IMPLEMENTATION PROGRAM AQ OF THE 2023-2031 HOUSING ELEMENT

WHEREAS, the 2023-2031 Housing Element, which was adopted on June 4, 2024, and subsequently found in compliance with housing element law on July 10, 2024, by the California Department of Housing and Community Development, provides that the Town will amend Chapter 29 (Zoning Regulations) of the Town Code regarding considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements;

WHEREAS, on December 10, 2024, the Planning Commission reviewed the proposed amendments to Chapter 29 (Zoning Regulations) of the Town Code, found that the proposed amendments are consistent with the goals and policies of the Town's General Plan, and recommended adoption of the proposed amendments by the Town Council;

WHEREAS, the amendments are consistent with the General Plan and its Elements; and

WHEREAS, the amendments are consistent with Chapter 29, "Zoning Regulations" of the Town Code.

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

SECTION I. Incorporation of Recitals.

The Town Council finds that the above Recitals are true and correct and are incorporated herein by reference.

SECTION II. In Section 29.10.020, "Definitions," of Chapter 29, "Zoning Regulations," the definition of "Dwelling, single-family" is amended to read as follows:

Dwelling, single-family means a detached building containing but one (1) kitchen and designed and used to house not more than one (1) family, including domestic employees of such family, and manufactured homes pursuant to Section 65852.3 of the Government Code.

SECTION III. Section 29.10.065 “Recreational open space for residential condominiums,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (1) *Private open space.* Each ground floor dwelling unit shall have a minimum of one hundred and twenty (120) square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each dwelling unit above the ground floor shall have sixty (60) square feet of outdoor usable open space in the form of a balcony. Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provided each balcony meets the requirements for minimum horizontal dimensions. For purposes of this section, a multiple floor unit with the lower floor on the ground level can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. Private open space shall be suitably screened for the privacy of the occupant. Location and screening are subject to review by the deciding body.
- (2) *Community recreation space.* The minimum dimensions are 10 feet by 6 feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.
 - i. Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.
 - ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.
 - iii. A project with four or fewer residential units is exempt from community recreation space requirements.

SECTION IV. Subsection (4) of Section 29.20.150 “Considerations in review of applications,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the neighborhood; and the appearance of the buildings with adjacent development. Buildings shall strengthen the form of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.

SECTION V. Subsection (6) of Section 29.20.150, “Considerations in review of applications,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape, and exterior construction and design of buildings and structures as such factors relate to the existing and future neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings, and other details.

SECTION VI. Subsection (a) of Section 29.20.190, “Findings and decision,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of this chapter if it finds that:
- (1) The proposed uses of the property are essential to the public convenience or welfare;
 - (2) The proposed uses will not impair the existing uses of the zone;
 - (3) The proposed uses would not be detrimental to public health, safety or general welfare; and
 - (4) The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter; and
 - (5) A hazardous waste facility proposal is subject to the California Health and Safety Code, Article 8.7, Section 25199—25199.14 and shall be consistent with the Santa Clara County Hazardous Waste Management Plan.

SECTION VII. Section 29.40.660, “Recreational open space for multiple-family dwellings,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (1) *Private open space.* Each ground floor dwelling unit shall have a minimum of one hundred and twenty (120) square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each dwelling unit above the ground floor shall have sixty (60) square feet of outdoor usable open space in the form of a balcony. Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provided each balcony meets the requirements for minimum horizontal dimensions. For purposes of this section, a multiple floor unit with the lower floor on the ground level can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. Private open space shall be suitably screened for the privacy of the occupant. Location and screening is subject to review by the deciding body.

- (2) *Community recreation space.* The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.
- i. Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.
 - ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.
 - iii. A project with four or fewer residential units is exempt from community recreation space requirements.

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

The Town Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that it will not significantly affect the physical environment in that it will make minor changes to the regulations applicable to considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements.

SECTION X. Publication.

In accordance with Section 63937 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 21st day of January 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 4th day of February 2025, 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