



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 09/13/2023

ITEM NO: 3

ADDENDUM

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**DATE:** September 12, 2023  
**TO:** Planning Commission  
**FROM:** Joel Paulson, Community Development Director  
**SUBJECT:** Forward a Recommendation to the Town Council on Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Accessory Dwelling Units. The Proposed Amendments Also Correct Outdated References to Sections of the Town Code Included in Sections Pertaining to Termination of Nonconforming Use Status, Requirements for a Two-Unit Development Under Senate Bill 9 (SB 9), and Civil Penalties. The Environmental Impacts of the Proposed Amendments to the Town Code were Analyzed in the Environmental Impact Report for the 2040 General Plan. Additionally, the Proposed Amendments are Exempt Pursuant to CEQA, Section 15061(b)(3). Town Code Amendment Application A-23-002. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

**REMARKS:**

Staff reviewed additional guidance from HCD related to ADU setback requirements and recommends the following revisions to the Draft Ordinance:

**Section 29.10.325.**

Table 1-2. Accessory Dwelling Unit Setback Requirements.

The revised table, included on the following page, clarifies that new attached ADUs within the proposed space of the primary dwelling are subject to the following:

- Side and rear setbacks of no more than four feet;
- The front setback required by the zone; and
- Front setback requirements cannot preclude construction of an 800 square-foot ADU.

**PREPARED BY:** Sean Mullin, AICP  
Senior Planner

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Reviewed by: Planning Manager, Community Development Director, and Town Attorney

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REMARKS (continued):

Table 1-2. Accessory Dwelling Unit Setback Requirements <sup>(1)</sup>						
	Single-Family			Multi-Family		
	New construction detached ADU	New attached ADU within the <u>existing</u> space of the primary dwelling <sup>(2)</sup> or accessory structure	New attached ADU within the <u>proposed</u> space of the primary dwelling	New construction detached ADU	Conversion of portions existing multi-family dwelling not used as livable space <sup>(3)</sup>	Conversion of existing accessory structure(s)
Front	Per the applicable zoning district <sup>(4)</sup>	N/A	Per the applicable zoning district <sup>(4)</sup>	Per the applicable zoning district	N/A	N/A
Rear	4 feet minimum	Sufficient for fire and safety	4 feet minimum	4 feet minimum		
Side (including street-side)	4 feet minimum		4 feet minimum	4 feet minimum		
From any other structure located on the same lot <sup>(5)</sup>	5 feet minimum	N/A	5 feet minimum	5 feet minimum	N/A	N/A

(1) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or other similar architectural features may extend into required setbacks as specified in Section 29.40.070 (b) of the Zoning Code.

(2) Includes attached garages.

(3) Such as storage rooms, boiler rooms, passageways, attics, basements, or garages.

(4) Front setback requirements shall not preclude construction of an 800 square-foot accessory dwelling unit.

(5) Measured from the exterior wall surface and/or supporting posts.