

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADDING A SECTION 06.20.020, “QUALIFYING ALTERATIONS,” TO ARTICLE II, “ADMINISTRATION OF CODES,” OF CHAPTER 6, “BUILDINGS AND BUILDING REGULATIONS,” OF THE TOWN CODE TO ADD A DEFINITION FOR “QUALIFYING ALTERATIONS”

WHEREAS, the subject Ordinance will amend Section 06.20.020, “Building and Building Regulations,” of the Los Gatos Town Code to add a definition for “qualifying alterations” that are subject to new state Building Codes;

WHEREAS, this meeting was publicly noticed; and

WHEREAS, the proposed Ordinance is exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) in that there is no possibility that the proposed changes to the Town’s Municipal Code may have a significant effect on the environment;

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

SECTION I. Section 6.20.020, “Buildings and Building Regulations,” is added to Article II, “Administration of Codes,” of Chapter 6, “Buildings and Building Regulations,” to read as follows:

Chapter 6 – Buildings and Building Regulations

Article II – Administration of Codes

Section 6.20.020 – Qualifying Alterations.

Substantial renovations/alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement, as defined in California Existing Building Code, Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall meet the new construction requirements of California Code of Regulations, Title 24 as modified by the Town of Los Gatos. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the new construction requirements.

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

SECTION III. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION IV. 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 City 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 V. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of _____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ___ day of _____ 20 , 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