



SPECIAL MEETING

TOWN OF LOS GATOS TOWN COUNCIL POLICY COMMITTEE

Council Policy Committee – (2016)

*Marico Sayoc, Vice Mayor
Marcia Jensen, Council Member*

AGENDA
TOWN COUNCIL CHAMBERS
110 EAST MAIN STREET
JULY 14, 2016 – 10:00 A.M.

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Three minute time limit)*

1. Approval of the June 23, 2016 Council Policy Committee Draft Minutes
2. Review and discuss the Cellar Policy and Basement Policy

ADJOURNMENT

Enclosures:

1. June 23, 2016 Policy Committee Draft Minutes (Item 1)
2. Review and discuss the Cellar and Basement Policy (Item 2)

cc: Post *(also posted on Town Web)*
Town Council

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Manager's Office at (408) 354-6834. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104]

DRAFT

TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE
June 23, 2016 10:00 a.m.

110 E. Main Street
Town Council Chambers
Los Gatos, California

MINUTES

Call to Order

The Council Policy Committee meeting was called to order at 10:00 a.m.

Members and Staff present:

Vice Mayor Marico Sayoc
Councilmember Marcia Jensen
Laurel Prevetti, Town Manager
Robert Schultz, Town Attorney
Joel Paulson, Community Development Director
Christina Gilmore, Assistant to the Town Manager
Shelley Neis, Clerk Administrator
Jackie Rose, Community Outreach Coordinator

Verbal Communications

None

Agenda Items

**1. Approval of June 6, 2016 Council Policy Committee Meeting Minutes
Committee Action:**

The Committee unanimously approved the draft minutes with no changes.

**2. Review and discuss revised Commission Appointment Policy and Residency
Requirements Resolution**

The Committee reviewed and provided comment on the revised Commission Appointment Policy and Residency Requirements Resolution, and directed staff to incorporate the following edits and comments into a final draft for Committee review and approval:

- On pg. 1, under Purpose, include “The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Commission and Commissioners/Committee and

Board Members (Commission members), *providing current meeting schedules*, and conducting public interviews of all Commission applicants, except as provided for in this Policy.”

- Change the Student Commissioner membership to consist of up to 20 members, with no alternates, and to have a Student Commissioner be appointed to serve as a liaison to each of the Adult Commissions as appropriate.
- Change the Student Commissioner residency requirement to include any student who resides within the Town of Los Gatos.
- Change the Student Commissioner term to coincide with the academic year to begin in August and conclude in June.
- Incorporate an across the board residency requirement for all Commissions to include residents who reside within the Town of Los Gatos. For Commissions that require a business owner, require that the business owner also resides within the Town limits.

3. Future Agenda Items

- Cellar and Basement Policy
- Decoupling of seating and parking guidelines for restaurants and businesses
- Review of traffic mitigation fees
- Commercial Design Guidelines
- Legislative Policy

The meeting was adjourned at 10:47 a.m.



MEETING DATE: 07/14/16
ITEM NO: 2

POLICY COMMITTEE REPORT

DATE: JULY 12, 2016
TO: POLICY COMMITTEE
FROM: LAUREL PREVETTI, TOWN MANAGER
SUBJECT: REVIEW AND DISCUSS THE CELLAR POLICY AND BASEMENT DEFINITION

RECOMMENDATION:

Review and discuss the Cellar Policy and Basement definition and provide direction to staff for next steps.

BACKGROUND:

At its last meeting, the Policy Committee agreed to look at the Cellar Policy (Attachment 1) and Basement definition (below) to determine what changes, if any, are needed to clarify the policies and Code language. The definition of cellar contained in the attached policy is essentially identical to the definition contained in the Town Code Section 29.10.020 Definitions.

The Town Code (Section 29.10.020 Definitions) defines cellar as “an enclosed area that does not extend more than four (4) feet above the existing or finished grade in any location. Cellars, as defined here, shall not be included in the floor area ratio calculation for residential developments. That area of cellar where the building height exceeds four (4) feet above existing or finished grade shall not be included in this definition and shall be included in the floor area ratio calculation. For purposes of this definition whichever grade (existing or proposed) results in the lowest building profile of a building shall be used.”

The Town Code (Section 29.10.020 Definitions) defines basement as “an enclosed area that extends more than four (4) feet above the existing or finished grade in any location. Basements, as defined here, shall be included in the floor area ratio calculation. For purposes of this definition, whichever grade (existing or proposed) results in the lowest building profile of a building shall be used.”

The Town of Los Gatos 2020 General Plan contains Policy Community Design (CD)-6.3 which “encourage(s) basements and cellars to provide ‘hidden’ square footage in lieu of visible mass.”

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: N/A Assistant Town Manager Town Attorney NA Finance

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POLICY COMMITTEE

SUBJECT: REVIEW AND DISCUSS THE CELLAR POLICY AND BASEMENT POLICY

JULY 12, 2016

DISCUSSION:

Specifically, the Planning Commission has considered recent development applications that include proposed basements or cellars. These discussions have raised the following questions which the Policy Committee may wish to provide direction:

- Are the current definitions of cellar and basement meeting the needs of the Town?
- Is the intent of the Cellar Policy clear and useful in light of recent applications?
- Should cellars be allowed on sloped lots?
- If above ground mass and scale is compatible with the neighborhood, should cellar area be prohibited?
- Should cellar space be allowed to be living area?

The Committee is welcome to consider these and other questions in the review and discussion of the Policy and Code language. Staff looks forward to the direction of the Committee for next steps.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office and the Town Attorney.

Attachments:

1. Cellar Policy
2. Planning Commission Interpretation of Cellar Policy

RESOLUTION 2002- 167

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING CELLAR AND ATTIC POLICIES

WHEREAS, the Town of Los Gatos does not currently have any written codes or policies regulating cellars and attics, and

WHEREAS, the General Plan encourages use of basements and cellars to provide hidden square footage in-lieu of above ground visible mass (Policy L.P.2.1); and

WHEREAS, adoption of such policies will help provide clear direction to developers and homeowners processing development applications (General Plan Implementing Strategy L.I.7.4); and

WHEREAS, adoption of such policies will help reduce the bulk and mass and scale of new and remodeled homes; and

THEREFORE BE IT RESOLVED: the Town Council of the TOWN OF LOS GATOS does hereby adopt the Cellar and Attic Policies attached hereto as Exhibits A and B.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 21st day of October 2002, by the following vote:

COUNCIL MEMBERS:

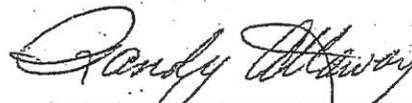
AYES: Steven Blanton, Sandy Decker, Steve Glickman, Joe Pirzynski,
Mayor Randy Attaway.

NAYS: None

ABSENT: None

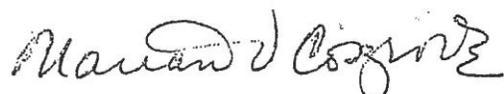
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

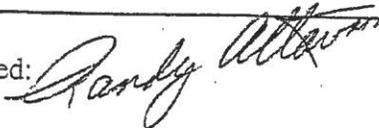
**TOWN COUNCIL POLICY
TOWN OF LOS GATOS**

Subject: Cellars

Enabling Action:
2002- 167

Page 1 of 2

Approved:



Randy Attaway, Mayor

Effective

Date: October 21, 2002

PURPOSE:

General Plan policy L.P.2.3 states: "Encourage basements and cellars to provide "hidden" square footage in-lieu of visible mass."

The following policy shall be used by staff when reviewing plans that include a cellar.

DEFINITION:

A cellar is an enclosed area that does not extend more than four feet above the existing or finished grade in any location. Cellars, as defined here, shall not be included in the FAR. That area of a cellar where the building height exceeds four feet above existing or finished grade shall not be included in this definition and shall be included in the floor area calculation. For purposes of this policy, whichever grade (existing or proposed) results in the lowest building profile of a building shall be used.

POLICY:

In reviewing plans for cellars staff shall consider the following:

- A cellar shall not extend more than four feet above the adjacent finished grade at any point around the perimeter of the foundation. Below grade floor area must meet the above definition of cellar to be excluded from the floor area calculations for the structure.
- If any portion of a cellar extends more than four feet above grade, that area shall be included in the floor area calculation.

- Light and exit wells may encroach into front and side yard setbacks provided that a minimum three-foot wide pedestrian access is provided around the light well(s). Light wells and exiting shall be the minimum required to comply with the Uniform Building Code criteria for natural light and ventilation.
- Below grade patios may extend out from a cellar into the required rear yard provided that a minimum 10 foot setback is retained from the rear property line.
- Cellars and basements (except light and exit wells) shall not extend beyond the building footprint.
- The Planning Commission may allow an exception to this policy based on extenuating or exceptional circumstances applicable to the property including size, shape, topography, location or surroundings. The Commission shall make findings to support such a decision.

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**PLANNING COMMISSION POLICY
TOWN OF LOS GATOS**

Subject: Planning Commission Interpretation of Cellar Policy

Approved: 
Bud Lortz, Director of Community Development.

Effective Date: October 5, 2004

PURPOSE

To establish a policy on the number and location of cellars permitted under the Town Council's Cellar Policy

SCOPE

This policy applies to cellars as defined by the Town Council Policy adopted under Resolution 2002-167.

POLICY

A cellar shall not extend beyond the footprint of the main building (included attached garage) or detached accessory structure. One cellar is permitted per property. Additional cellars shall be included in the floor area calculation.

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