

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:

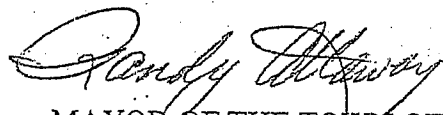
AYES: Steven Blanton, Sandy Decker, Steve Glickman, Joe Pirzynski,
Mayor Randy Attaway.

NAYS: None

ABSENT: None

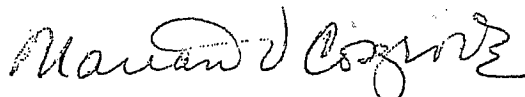
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

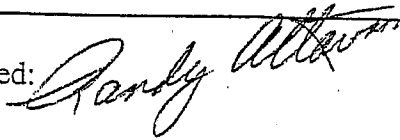
TOWN COUNCIL POLICY
TOWN OF LOS GATOS

Subject: Cellars

Enabling Action:
2002- 167

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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.
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- 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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