

ORDINANCE NO. 402

AN ORDINANCE AMENDING ARTICLES 15-46 AND 15-57 OF THE SARATOGA CITY CODE TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT

The City Council of the City of Saratoga finds that:

1. On March 20, 2024 the City Council adopted the 2023-2031 Housing Element for the City of Saratoga and certified the associated Final Environmental Impact Report and adopted all findings required by law. In connection with that approval, the City Council adopted Ordinance No. 399 amending the City Code and rezoning properties as required to make sites available with appropriate zoning and development standards to accommodate the portion of the City's regional housing need for each income level that could not be accommodated on sites available under existing City zoning.
2. Ordinance No. 399 establishes nondiscretionary review for all multifamily developments including affordable housing developments. The City Council wishes to further amend the City Code to specify that this nondiscretionary review applies for housing developments with 20 percent affordability pursuant to Government Code section 65583.2, subdivisions (h) and (i).
3. On June 12, 2024, the Planning Commission held a duly noticed public hearing consistent with Section 15-85.050 of the Saratoga Municipal Code and considered the amendments proposed in this Ordinance, supporting documents, and all testimony and other evidence presented at the public hearing; and recommended that the City Council adopt the amendments.
4. On June 19, 2024, the City Council held a duly noticed public hearing consistent with Section 15-85.080 of the Saratoga Municipal Code and, after considering the supporting documents and all testimony and other evidence presented at the public hearing, introduced this Ordinance and waived the reading thereof.
5. The City Council adopted this Ordinance at a duly noticed regular meeting on July 3, 2024.

Therefore, the City Council of the City of Saratoga hereby ordains as follows:

Section 1. Adoption.

Chapter 15 (Zoning) of the Saratoga City Code is amended as set forth in Attachment 1. Text to be added is indicated in bold double-underlined font (e.g., **bold double-underlined**) and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~). Text in standard font is readopted by this ordinance. Text in italics (e.g., *italics*) is descriptive only and is not part of the amendments to the City Code.

Section 2. Severance Clause.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

Section 3. California Environmental Quality Act

This ordinance is part of the project described in the Environmental Impact Report described in the Findings above. On March 20, 2024, the City Council certified the Final Environmental Impact for the Project, and adopted CEQA Findings and a Statement of Overriding Considerations for impacts that were found to be significant and unavoidable, adopted and incorporated into the project all of the mitigation measures for the project, and adopted a Mitigation Monitoring and Reporting Program. None of the amendments adopted by this ordinance require subsequent or supplemental environmental analysis under CEQA, as described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because there has not been a substantial change to the project; a substantial change to the circumstances under which the project is being undertaken, or new information, which was not known and could not have been known at the time the environmental analysis was completed, has become available.

Section 4. Publication.

A summary of this ordinance shall be published in a newspaper of general circulation of the City of Saratoga within fifteen days after its adoption.

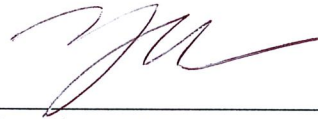
Following a duly noticed public hearing the foregoing ordinance was introduced at the regular meeting of the City Council of the City of Saratoga held on the 19th day of June 2024, and was adopted by the following vote on July 3, 2024.

AYES: COUNCIL MEMBERS FITZSIMMONS, PAGE, WALIA, VICE MAYOR AFTAB, MAYOR ZHAO

NOES: NONE

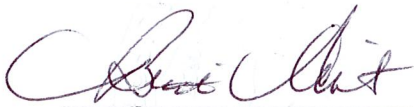
ABSENT: NONE

ABSTAIN: NONE



Yan Zhao, Mayor

ATTEST:



Britt Avrit, MMC, City Clerk

APPROVED AS TO FORM:



Richard Taylor
CITY ATTORNEY

DATE: _____

7/3/24

Attachment 1

PROPOSED AMENDMENTS TO CHAPTER 15 OF THE SARATOGA MUNICIPAL CODE TO IMPLEMENT THE PROGRAMS OF THE 2023-2031 HOUSING ELEMENT

The Saratoga Municipal Code is amended as set forth below. Text to be added is indicated in bold double-underlined font (**example**) and text to be deleted is indicated in strikeout font (~~example~~). Text in standard font is readopted by this ordinance. Text in italics (*example*) is explanatory and not a part of the Code or amendments.

Article 15-46 -Design Review: Multi-Family Dwellings and Commercial Structures

15-46.040 - Design review findings.

(a) ~~Except as to buildings subject to Section 15-46-040(b)~~, the Planning Commission shall not grant design review approval unless it is able to make the following findings:

(1) (a)Where more than one building or structure will be constructed, the architectural features and landscaping thereof shall be harmonious. Such features include height, elevations, roofs, material, color and appurtenances.

(2) (b)Where more than one sign will be erected or displayed on the site, the signs shall have a common or compatible design and locational positions and shall be harmonious in appearance.

(3) (c)Landscaping shall integrate and accommodate existing trees and vegetation to be preserved; it shall make use of water-conserving plants, materials and irrigation systems to the maximum extent feasible; and, to the maximum extent feasible, it shall be clustered in natural appearing groups, as opposed to being placed in rows or regularly spaced.

(4) (d)Colors of wall and roofing materials shall blend with the ~~natural~~ landscape and be nonreflective.

(5) (e)Roofing materials shall be wood shingles, wood shakes, tile, or other materials such as composition as approved by the Planning Commission. No mechanical equipment shall be located upon a roof unless it is appropriately screened.

(6) (f)The proposed development shall be compatible in terms of height, bulk and design with other structures in the immediate area.

(b) ~~For any multi-family dwelling, including any building that meets the criteria of Section 15-21.020(c), the Planning Commission shall grant design review approval if it finds that the building meets the objective design standards of this Code including, without limitation, those identified in Article 15-58.~~

Article 15-57 - Ministerial Consideration of Qualifying Projects

15-57.010 Purpose of article.

The purpose of this Article is to regulate Urban Lot Splits, and Two-Unit Residential Developments, **and Three-Unit Residential Conversions, and Affordable Multi-Family Dwellings in compliance with California** Government Code Sections **65583.2(h) and (i), 66452.6, 65852.21, and 66411.7** and to implement the Housing Element of the City's General

Plan, to allow for ministerial approval of certain parcel maps creating two lots, and of projects including up to two detached or attached housing units on one parcel or up to three units in an existing home, **and of multifamily housing projects with at least twenty percent of the units dedicated to serving lower income households**, along with ancillary uses and structures. **Notwithstanding any other provisions of this Chapter**, Eligible applications under this Article shall be considered ministerially **by staff**, without **design review or other** discretionary review or a hearing.

15-57.020 Definitions.

Terms used in this Article have the meanings set forth below:

[Subsections (1)-(8) are not changed and are not shown here.]

(9) “Affordable Multi-Family Dwelling” means a multi-family dwelling, as defined in 15-06.240(c), including any building that meets the criteria of Section 15-21.020(c), in which at least twenty percent of the dwelling units are affordable to households of lower or very low incomes as defined in Government Code section 65584.

15-57.030 Applicability.

(a) A Two-Unit Residential Development, Three-Unit Residential Conversion, or Urban Lot Split may be located on parcels within all Single-Family Residential Zoning Districts with the following exceptions:

(a) (1) Any parcel where the Two-Unit Residential Development, Three-Unit Residential Conversion, or Urban Lot Split would require demolition or alteration of any of the following housing types:

(i1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2i) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii3) Housing that has been occupied by a tenant within the last three years.

(iv4) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within fifteen years before the date that the development proponent submits an application.

(b2) A parcel located within a historic district or including a property included on the State's Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a city or county landmark or historic property or districts pursuant to a city or county ordinance.

(e3) A parcel of one or more of the types specified in subparagraphs (B) to (K), inclusive, of Government Code Section 65913.4(a)(6). Without limiting the foregoing, the most applicable of those specifications to the City of Saratoga are the following:

(i1) A Two-Unit Residential Development, Three-Unit Residential Conversion, or Urban Lot Split may not be located on any parcel within a very high fire hazard severity zone, as

determined the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on the maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code Section 4202. As to Two-Unit Residential Developments and Urban Lot Splits, this subsection does not apply to parcels that have been excluded from specific hazard zones by actions of the City pursuant to Government Code Section 51179(b), or parcels that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

~~(ii)~~ (ii) A Two-Unit Residential Development, Three-Unit Residential Conversion, or Urban Lot Split may not be located on any parcel located within a delineated earthquake fault zone as determined by the State Geologist in any official map published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the City of Saratoga Building Department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

~~(4d)~~ (4d) A proposed Two-Unit Residential Development or Three-Unit Residential Conversion that allows the demolition of more than twenty-five percent of the existing exterior structural walls, unless the Two-Unit Residential Development is on a site that has not been occupied by a tenant in the last three years.

~~(5e)~~ (5e) For a Three-Unit Residential Conversion, any parcel located outside the R-1-20 and R-1-40 districts.

(b) An Affordable Multi-Family Dwelling may be located anywhere a multi-family dwelling is permitted.

15-57.040 Development Standards.

Development pursuant to this Article shall comply with the following development standards ~~and all Development pursuant to this Article shall comply with the following development standards~~ and all applicable objective standards of the City Code, except as otherwise expressly provided for in this section. A project proposed as part of a Two-Unit Residential Development, Three-Unit Residential Conversion, or on a lot created by an Urban Lot Split, which does not meet the requirements of this Article may seek discretionary approval pursuant to the applicable provisions of the City Code.

[Subsections (a)-(b) are not changed and are not shown here.]

(c) **Maximum Height.** No dwelling unit constructed pursuant to this Article as part of a Two-Unit Residential Development or on a lot created by an Urban Lot Split shall exceed one story and a height of eighteen feet, except as otherwise expressly provided for in this section. No dwelling unit constructed pursuant to this Article as part of a Three-Unit Residential Conversion shall exceed the height of the original structure subject to the conversion.

- (1) A proposed dwelling unit **subject to this subsection (c)** which is located within either the required side or rear setback area as set by the underlying zoning district shall not exceed a height of sixteen feet.

[Subsections (d)-(g) are not changed and are not shown here.]

(h) **Off-Street Parking.** One off-street parking space within an enclosed garage shall be required per unit **in Two-Unit Residential Developments, Urban Lots Splits, or Three-Unit Conversion**, with the exception that for Two-Unit Residential Developments and Urban Lots Splits, no off-street parking shall be required if any of the following apply:

- (1) The parcel is located within one-half mile walking distances or either a high-quality transit corridor, as defined in Public Resources Code Section 21155(b) of the, or a major transit stop, as defined in Public Resources Code Section 21064.3.
- (2) There is a designated parking area for one or more car share vehicles within one block of the parcel.

[Subsections (i)-(m) are not changed and are not shown here.]

15-57.060 Tree Protection.

The applicant for any **project subject to this Article** ~~Urban Lot Split project, Two-Unit Residential Development, or Three-Unit Residential Conversion~~ that would remove, damage, prune, or encroach upon a protected tree as defined in City Code section 15-50.050 shall:

- (a) Provide an Arborist Report and Tree Preservation plan as described in City Code sections 15-50.130 and 140 as part of the application materials.
- (b) Provide a Tree Protection Security Deposit per City Code section 15-50.080.
- (c) Before issuance of any Certificate of Occupancy for any dwelling unit, plant new trees equal to the value of removed trees in accordance with the ISA Tree Valuation Formula contained in the April 2000 ISA Guide for Plant Appraisal.