

ORDINANCE NO. 05- 278

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AMENDING CHAPTERS 14.06, 14.08, 14.10, 14.12 AND 14.66 OF THE LOS ALTOS  
MUNICIPAL CODE PERTAINING TO SINGLE FAMILY  
RESIDENTIAL NONCONFORMING SETBACK REGULATIONS

The City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CODE:** Sections 14.06.080, 14.08.080, 14.10.080 and 14.12.080 of Chapter 14.06 of Title 14 of the Los Altos Municipal Code is hereby replaced with the following:

**14.06.080 Setbacks (R1-10).**

A. Except as noted below, the minimum setbacks shall be as follows:

Front:	25 feet
Interior Side:	
First Story:	10 feet
Second Story:	17.5 feet
Exterior Side:	20 feet
Rear:	25 feet

B. A minimum of fifty (50) percent of the required front yard area shall be pervious.

C. The second story setback shall be measured from the wall of the second story, or in the case of a sloping ceiling or roof where there is no exterior wall, from the point the second story ceiling has a height of five feet or greater from finish floor.

D. On flag lots, the minimum width of side yards shall be fifteen (15) feet.

E. On a lot less than eighty (80) feet in width, or in the case of a corner lot less than ninety (90) feet in width, (hereinafter referred to as "narrow" lots) the minimum width of side yards shall be as follows:

1. On a narrow corner lot, the minimum width of the side yard adjoining the street shall be twenty (20) percent of the average lot width but in no case less than ten (10) feet, whichever is greater.

2. The minimum width of all other side yards on narrow lots shall be ten (10) percent of the average lot width but in no case less than five feet, whichever is greater, for any portion of a structure which is one story in height, with seven and one-half feet added for any portion of a structure which is two stories in height, except the additional second story setback may be reduced to five feet if a thirty-five (35) foot front yard setback is provided.

3. Notwithstanding the provisions of Section 14.66.230 of Chapter 14.66, projections into the side yards of narrow lots shall not be permitted with the exception of chimneys, which shall not extend more than two feet into the required side yard setback, and roof eaves, which shall not extend more than eighteen (18) inches into the required side yard setback.

F. On a lot less than one hundred (100) feet in depth, the rear yard shall be twenty five (25) percent of the depth of the site or twenty (20) feet, whichever is greater.

G.F. When a structure legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:

1. The extension may only be applied to the first story.
  2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered subject to the filing of a variance application.
  3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.
- H. With the exception of the provisions of Section 14.66.080, when a structure has an existing nonconforming setback, and fifty (50) percent or more of the floor area of that structure is voluntarily being eliminated or replaced, the entire structure shall be brought into conformance with current setback requirements.

**14.08.080 Setbacks (R1-H).**

A. Except as noted below, the minimum setbacks shall be as follows:

Front:	30 feet
Interior Side:	
First Story:	20 feet (25 feet if height exceeds 22 feet)
Second Story:	25 feet
Exterior Side:	25 feet
Rear:	50 feet

- B. A minimum of fifty (50) percent of the required front yard area shall be pervious.
- C. The second story setback shall be measured from the wall of the second story, or in the case of a sloping ceiling or roof where there is no exterior wall, from the point the second story ceiling has a height of five feet or greater from finish floor.
- D. On flag lots the minimum width of side yards shall be thirty (30) feet.
- E. Where a building legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:
1. The extension may only be applied to the first story.
  2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered subject to the filing of a variance application.
  3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.
- F. With the exception of the provisions of Section 14.66.080, when a structure has an existing nonconforming setback, and fifty (50) percent or more of the floor area of that structure is voluntarily being eliminated or replaced, the entire structure shall be brought into conformance with current setback requirements.

**14.10.080 Setbacks (R1-20).**

A. Except as noted below, the minimum setbacks shall be as follows:

Front:	30 feet
Interior Side:	
First Story:	20 feet (25 feet if height exceeds 22 feet)
Second Story:	25 feet
Exterior Side:	25 feet
Rear:	35 feet

B. A minimum of fifty (50) percent of the required front yard area shall be pervious.

- C. The second story setback shall be measured from the wall of the second story, or in the case of a sloping ceiling or roof where there is no exterior wall, from the point the second story ceiling has a height of five feet or greater from finish floor.
- D. On flag lots the minimum width of side yards shall be thirty (30) feet.
- E. Where a building legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:
  - 1. The extension may only be applied to the first story.
  - 2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered subject to the filing of a variance application.
  - 3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.
- F. With the exception of the provisions of Section 14.66.080, when a structure has an existing nonconforming setback, and fifty (50) percent or more of the floor area of that structure is voluntarily being eliminated or replaced, the entire structure shall be brought into conformance with current setback requirements.

**14.12.080 Setbacks (R1-40).**

A. Except as noted below, the minimum setbacks shall be as follows:

Front:	50 feet
Interior Side:	
First Story:	30 feet
Second Story:	30 feet
Exterior Side:	30 feet
Rear:	50 feet

- B. A minimum of fifty (50) percent of the required front yard area shall be pervious.
- C. The second story setback shall be measured from the wall of the second story, or in the case of a sloping ceiling or roof where there is no exterior wall, from the point the second story ceiling has a height of five feet or greater from finish floor.
- D. On flag lots the minimum width of side yards shall be fifty (50) feet.
- E. Where a building legally constructed according to existing yard and setback regulations at the time of construction encroaches upon currently required setbacks, the city planner may approve one encroaching setback to be extended by no more than twenty (20) feet or fifty (50) percent, whichever is less, along its existing building line without a variance, subject to the following provisions:
  - 1. The extension may only be applied to the first story.
  - 2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered subject to the filing of a variance application.
  - 3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.
- F. With the exception of the provisions of Section 14.66.080, when a structure has an existing nonconforming setback, and fifty (50) percent or more of the floor area of that structure is voluntarily being eliminated or replaced, the entire structure shall be brought into conformance with current setback requirements.

**SECTION 2. AMENDMENT OF CODE:** Sections 14.66.070 and 14.66.080 of Chapter 14.66 of Title 14 of the Los Altos Municipal Code are hereby replaced with the following:

**14.66.070 Nonconforming structures--Repairs, alterations, and additions.**

A. No nonconforming structure shall be moved, altered, or enlarged unless required by law or unless the moving, alteration, or enlargement will result in the elimination of the structure's nonconformity, except that such a residential structure may be altered or enlarged if such change does not increase the nonconformity. If the nonconforming portion of the structure is removed, it shall no longer retain its nonconforming status and shall only be replaced in full conformity with the provisions of this chapter.

B. Routine maintenance and repairs may be performed on a nonconforming structure. Maintenance shall be only to the extent determined by the building and planning department.

**14.66.080 Nonconforming structures--Damaged--Restoration.**

A. Whenever a nonconforming structure shall be damaged by fire or other calamity, or by act of God, or by a public enemy to the extent of fifty (50) percent or less, the structure may be restored provided restoration is started within six months and diligently pursued to completion.

B. Whenever a nonconforming structure shall be damaged by fire or other calamity, or by act of God, or by a public enemy to an extent greater than fifty (50) percent, the structure shall not be restored except in full conformity with the provisions of this chapter.

C. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the building to its condition, prior to such damage or partial destruction, to the estimated cost of duplicating the entire building as it existed prior thereto. Estimates for this purpose shall be made or shall be reviewed and approved by the building inspector.

**SECTION 3. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 4. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on March 22, 2005 and was thereafter, at a regular meeting held on April 12, 2005 passed and adopted by the following vote:

Ayes: COLE, MOSS, PACKARD, LEAR, CASAS  
Noes: NONE  
Absent: NONE

  
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David Casas, Mayor

Attest:

  
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Susan Kitchens, City Clerk