



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 03/23/2022

ITEM NO: 3

DATE: March 18, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Public Hearing to Consider Amendments to Chapter 29 (Zoning Regulations – Tree Protection) of the Town Code.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the attached Ordinance amendments to Chapter 29 (Zoning Regulations – Tree Protection) of the Town Code.

CEQA:

It has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b)(3)].

FINDINGS:

- Find that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b)(3)] (Exhibit 1).
- Find that the Town Code amendments are consistent with the General Plan.

ACTION:

Recommendation to Town Council.

PREPARED BY: ROBERT SHULTZ
Town Attorney

Reviewed by: Planning Manager and Community Development Director

BACKGROUND:

On June 2, 2015, the Town Council adopted Ordinance 2240, the Tree Protection Ordinance, which included more comprehensive amendments. On February 4, 2020, the Town Council adopted Ordinance 2303, the Tree Protection Ordinance, which included amendments regarding exemptions for Defensible Space. The intent of the Tree Protection Ordinance is to regulate the removal of trees within the Town to retain as many trees as possible consistent with the purpose of the Ordinance and the reasonable use of private property. The provisions of the Ordinance require that anyone seeking to remove or prune a Protected Tree, as defined in the Ordinance, must obtain a permit. The Ordinance outlines review criteria to be applied to applications for Tree Removal. The Ordinance also includes a penalty section for violations of the Tree Protection Ordinance.

DISCUSSION:

The majority of the Tree Protection Ordinance has been in place for over six years and has played a role in maintaining the wooded environment of the Town. Based on staff's experience in implementing the Tree Protection Ordinance and processing Tree Removal permit applications, staff proposes minor revisions to the Ordinance to provide clarity within the chapter related primarily to fines and penalties. The proposed amendments are redlined and attached as Exhibit 2.

This is an opportunity for the Planning Commission to review the Ordinance amendments and direct any modifications to ensure that it continues to serve the Town well.

CEQA DETERMINATION:

It has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b) (3)].

CONCLUSION AND RECOMMENDATION:

A. Conclusion

The attached amendments to Town Code Chapters 29 are recommended to strengthen the Town's commitment to preservation and enhancement of its urban forest and to clarify and update provisions of the Town Code. The amendments would also meet a Town Strategic Goal.

CONCLUSION AND RECOMMENDATION (continued):

B. Recommendation

For the reasons mentioned in this report, staff recommends that the Planning Commission forward the draft Ordinance amendments to the Town Council with a recommendation for adoption. The Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

1. Find that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b)(3)] (Exhibit 1); and
2. Make the required finding that the Ordinance amendments are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for adoption of the Ordinance amendments to the Town Code.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Recommend the Ordinance with additional modifications; or
3. Recommend that the Town Council not adopt the Ordinance.

EXHIBITS:

1. Findings
2. Draft Tree Protection Ordinance – Red Lined

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