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A P P E A R A N C E S:

Los Gatos Planning Commissioners:	Kendra Burch, Chair Jeffrey Barnett, Vice Chair Adam Mayer Joseph Sordi Rob Stump Emily Thomas
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

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RYAN SAFTY: I sure will. Thank you, and good evening, Commissioners. Before you this evening is a proposed new ordinance amending Chapter 29 of the Town Code regarding new Objective Design Standards for single- and two-family residential projects and second story additions.

1 A little background to why we're here. Back in
2 2021 Senate Bill 9 was first adopted, which required
3 administerial approval to two-unit housing developments and
4 urban lot splits on single-family zoned properties.

5 Previously, SB 9 allowed jurisdictions to adopt
6 Objective Design Standards specific to those SB 9
7 applications, so long as they would not preclude the
8 construction of two 800 square-foot units.

9 As SB 9 allowed reduced side and rear setbacks of
10 4' and no discretionary review, the Town previously had
11 adopted a fair amount of Objective Design Standards
12 specific to SB 9 units in an attempt to protect neighbor
13 privacy, to somewhat control neighborhood massing, and
14 enforce some of the Town's Design Guidelines.

15 However, in 2025, Senate Bill 450 was adopted,
16 which updated the allowances of SB 9. The most impactful is
17 that the Town is now prohibited from applying specific
18 Objective Design Standards for SB 9 projects that do not
19 already apply uniformly to the development in the
20 underlying zoning district for all application types.
21 Essentially, if that rule doesn't exist for an Architecture
22 and Site Application, it can't exist for an SB 9
23 application.
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1 As a result, many of the Town's existing SB 9
2 design standards are no longer enforceable, and I've
3 provided a strike-out of our current ordinance in Exhibit
4 2; you'll see essentially every design standard is gone
5 right now.

6 Based on research done on other neighboring
7 jurisdictions, along with some feedback from the design
8 community via a meeting we held, as well as the public just
9 during these last five years, Staff is recommending the
10 creation of new Objective Design Standards to be applicable
11 across the board for all new single-family and two-family
12 projects as well as second story additions.

13 The majority of these new design standards stem
14 from the Town's existing SB 9 Ordinance, as well as our
15 existing Design Guidelines. As noted in the Staff Report
16 and the Draft Ordinance in Exhibit 5, ministerial SB 9
17 applications would be required to comply with all these new
18 requirements with no exception process. So, essentially,
19 you meet everything listed here via SB 9, you can build via
20 SB 9. The applicants proposing a new house via Architecture
21 and Site Application can simply request an exception to any
22 of these new standards.
23

24 Essentially, the exception process would be tied
25 to...the findings to be made would be whether or not the

1 project is compatible with our Residential Design
2 Guidelines, so what we're used to seeing. Essentially, the
3 thought is not to really change the Architecture and Site
4 process.

5 As with any new ordinance, Town Council is
6 required. Tonight the Planning Commission is simply
7 reviewing and forwarding a recommendation on to the Town
8 Council.

9 This concludes Staff's presentation. I'm happy to
10 answer any questions. Let me know how I can help.

11 CHAIR BURCH: Thank you. Commissioner Stump.

12 COMMISSIONER STUMP: I just want to ask about
13 process. I realize we may be doing a page turn. I've got
14 some specific questions that dive back into the Staff
15 Report but may overlap into the page turn, so I just wanted
16 to ask you, Chair, how you would like to handle that?

17 CHAIR BURCH: Great question, thank you. My
18 intent had been, yes, questions of Staff now, Staff Report,
19 and if they overlap, they overlap, Commissioner Stump, and
20 then yes, I was going to just recommend that we go section-
21 by-section or page-by-page and see if there are some
22 specifics in here, but if you've got questions of the Staff
23 Report and they overlap, we'll just deal with it. Go ahead.
24
25

1 COMMISSIONER STUMP: First I just want to
2 compliment you on great work. This is very tedious, and yet
3 it's something that is really needed, and I realize it's
4 somewhat mandatory and we need to make sure that we're
5 clear with our Objective Standards and that we can stand
6 behind them.

7
8 On page 3 of the Staff Report it states that
9 Staff met with the local architect and the design community
10 to discuss changes to the State law. I'm just interested,
11 how much of their feedback—and it may be a difficult thing
12 for you to respond to, but obviously it's great that we
13 talked to them—what of their feedback made it into some of
14 these changes?

15 RYAN SAFTY: Thank you for that question. I will
16 admit this is probably going to be an evolving process. We
17 did actually get some public comment right after the cutoff
18 from one of the members of the architect community that we
19 met with.

20 Essentially, the feedback was, as you would
21 expect, don't create new standards. So, we can't not do
22 that, but then it was they're giving us kind of their
23 overview of how they've seen other jurisdictions work with
24 these standards, and it's that less is more.
25

1 The jurisdictions are trying to really limit
2 design, architectural style, porch depths, gable widths;
3 those are just really getting super tedious and it's really
4 challenging for the architects.

5 They also made it very clear that if there is
6 going to be a new standard, they love the options for
7 compliance versus the one standard. So, we did, on both of
8 the "new" standards we created that's really tied to the
9 second story windows and the decks; those both have
10 compliance options. We tried to at least give them those
11 options that they asked for, but like you mentioned, we
12 have a need to create some standards, so this felt like a
13 nice middle ground where, unlike some of the other
14 jurisdictions, we didn't go and recreate the wheel, but
15 we're still trying to protect privacy that the community
16 and Los Gatos is used to seeing.

18 COMMISSIONER STUMP: I have two more questions,
19 but feel free to cycle me in and cycle me out if others
20 have questions as well.

21 CHAIR BURCH: Does anyone else a question really
22 quick?

23 COMMISSIONER THOMAS: I just had a question about
24 process, and that was do we need to make a motion when
25

1 we're ready, just to clarify how we're going to move
2 forward with it.

3 ATTORNEY WHELAN: I recommend that the Commission
4 ask all its questions, and then once the questions have
5 been answered, then someone make a motion, and then
6 discussion can follow the motion.

7 CHAIR BURCH: I'll go Vice Chair, Commissioner
8 Sordi, and then back to Commissioner Stump.

9 VICE CHAIR BARNETT: I only had one question and
10 it relates to page 137, if I could trouble you to go there.
11 Section 29.40.095(1)(b) offers two options for screening,
12 which to me seemed inconsistent. So (b)(i) allows a 6'
13 solid or opaque privacy wall, but Item 2 requires a 6'
14 fence plus 1' lattice of 7' total, and landscaped
15 screening, including trees at least 6' high at the time of
16 planting and screening, and additional shrubs. My question
17 is why is it so onerous as an option, the second option?

18 RYAN SAFTY: Thank you for that question. The
19 first option, Option (i), is actually a... Imagine a railing
20 on the deck that's solid and 6' tall, while the other one
21 is a property line fence. Does that make sense? So, a
22 second story deck where you've got a 6' wall and there is
23 no way you can look through that neighbor's property. The
24 other one is down on the property line.
25

1 VICE CHAIR BARNETT: I see, okay. I didn't see
2 that distinction, but now it's clear. Thank you.

3 CHAIR BURCH: Commissioner Sordi.

4 COMMISSIONER SORDI: Back to general type
5 questions. I know our Residential Design Guidelines are a
6 little on the old side, and in many instances subjective,
7 and I guess my question is I understand this is a little
8 bit apples and oranges, because the design standards are an
9 ordinance, and the Design Guidelines are guidelines, but my
10 specific question is, is there any amendment or repeal or
11 anything happening to the Residential Design Guidelines? Is
12 it affected in any way for all practical purposes?

14 RYAN SAFTY: Not a part of this process, no. I am
15 not aware of any other reason to why we're amending these
16 Design Guidelines.

17 COMMISSIONER SORDI: And then a quick follow-up
18 on that. I noticed, if I read the Staff Report right, that
19 there are some Residential Design Guidelines, and maybe
20 even Hillside Standard Design Guidelines, that are being
21 copied into this ordinance. 311.2, 38.4, and 3.3.3 are the
22 ones I picked up on. Is that true, and is that because
23 they're just really good Objective Standards?

24 RYAN SAFTY: Currently, they're Design
25 Guidelines, and so currently they cannot be enforced on

1 these SB 9 projects unless they are objectified into Town
2 Code. There are two options. We could take our Design
3 Guidelines and put everything into Town Code, but that
4 didn't seem appropriate if you look at everything in our
5 Design Guidelines, so we took the ones that we felt were
6 important and that we wanted to apply to all of these
7 ministerial projects.

8 COMMISSIONER SORDI: Thank you.

9 CHAIR BURCH: Commissioner Stump.

10 COMMISSIONER STUMP: One page 4 there is a
11 discussion on neighborhood privacy, and boy, do we get a
12 lot of questions about privacy. My general question is
13 related to porches, patios, decks, and balconies, and there
14 were a couple of other items. In general, how will the new
15 Objective Design Standards better protect privacy? What are
16 we building in?

17 RYAN SAFTY: I'm almost hesitant to say this
18 right now, but to let you know what SB 9 currently allows
19 is a two-story building right at the 4' side and rear
20 property line with a deck as big as you want, with as many
21 windows as big as you want, and we've got neighbors coming
22 in crying foul, and we have to tell them sorry. So, this is
23 we need to get something in place to protect them. To
24
25

1 answer the question, there is nothing currently. This is
2 something.

3 COMMISSIONER STUMP: But what is being put into
4 the new ordinance will?

5 RYAN SAFTY: Yes, so the "something" that we're
6 proposing, all these new standards would be applicable to
7 SB 9 projects, yes.

8 COMMISSIONER STUMP: Thank you.

9 CHAIR BURCH: Commissioner Thomas.

10 COMMISSIONER THOMAS: Just to clarify, follow-up
11 with that, they're applicable to any project that is a
12 single-family?
13

14 RYAN SAFTY: Part of the challenge with SB 450 is
15 we can only make a rule for SB 9 if that rule applies to
16 everybody else, every application type, and that is why we
17 have that exception process, so that the current people
18 going through the Architecture and Site process aren't
19 having to change everything they're doing.

20 COMMISSIONER THOMAS: Right now, we do have these
21 guidelines, and just as an example right now, like earlier,
22 there was some zoning stuff too, but mainly it was about
23 Residential Design Guidelines with regard to privacy, so
24 this actually codifies some privacy for everyone, correct?
25

1 RYAN SAFTY: Correct, and again, we would still
2 use all the Residential Design Guidelines and all the
3 Hillside Design Guidelines for those discretionary
4 applications in addition to these codified Objective Design
5 Standards.

6 COMMISSIONER THOMAS: Just a question about
7 process. If someone has a current application that is being
8 processed, and changes are made to Town Code, is it when
9 they put in their application, or is it when... Where are
10 they locked in, I guess is my question?

11 ATTORNEY WHELAN: From my perspective, it depends
12 when they vested, and so it would depend on if they were an
13 SB 330 or if they were seeking a Vesting Tentative Map, and
14 if they haven't vested to existing standards, then they'll
15 be subject to new standards as they come online.

16 COMMISSIONER THOMAS: What about just generic or
17 (inaudible) applications?

18 ATTORNEY WHELAN: In my opinion, they haven't
19 vested until they've obtained a Building Permit and
20 performed substantial work and reliance on that Building
21 Permit.

22 COMMISSIONER THOMAS: So, then I want to make a
23 statement that knowing that some changes are likely to come
24 online in the middle of some of these projects, it might be
25

1 helpful to make sure that in the Staff Reports in the
2 process if people... I don't know if there's a way for us to
3 avoid all of a sudden triggering a bunch of new projects
4 coming to the Planning Commission just because of a couple
5 of exceptions if they're already so far in the process and
6 they've been processed with Staff.

7
8 RYAN SAFTY: Just to clarify one thing. Not all
9 Architecture and Site Applications come to the Planning
10 Commission. In fact, I think most go to the DRC, so Staff
11 is not anticipating an influx of Planning Commission Staff
12 Reports based on this.

13 DIRECTOR PAULSON: In addition, through the
14 Chair, we'll still have our standard Architecture and Site
15 process, so anyone who is in that process, we look at all
16 the Subjective Standards. They'll have these new Objective
17 Standards, but as was stated previously, there will be an
18 exception process, but they're already in the A&S process.
19 This is really going to be something we'll have to look at
20 with SB 9 applications that are submitted or in process
21 prior to any new code going into effect.

22 COMMISSIONER THOMAS: Thank you. I just didn't
23 want you guys to all of a sudden have to do a bunch of
24 additional Staff Reports and have a bunch of additional
25 meetings just because (inaudible), but if there is the

1 discretion to be able to push those along that are farther
2 in the process, it's good news.

3 CHAIR BURCH: Commissioner Sordi.

4 COMMISSIONER SORDI: Just another clarifying
5 question about process. It just occurred to me we never see
6 SB 9 applications, because they're ministerial. I guess my
7 first question is do they automatically go through the
8 same... Like, do they get sent out to Cannon Design Group or
9 comment letters or anything like that? They don't. They
10 don't go through that process at all.

11
12 So, the process is going to continue to be
13 different. For example, for single-family homes that make
14 it to us, we almost always see a letter from Cannon. Is
15 this changing that process in any way, or it would still be
16 the same?

17 RYAN SAFTY: It will continue happening. In fact,
18 you'd essentially rely more on Cannon's letter if the
19 findings for an exception are compliance with the
20 Residential Design Guidelines. There is no plan to change
21 what we do with our consultant for these discretionary
22 applications.

23 COMMISSIONER SORDI: So, the way we process the
24 single-family residence is not always going to be the exact
25 way we process SB 9, it just so happens that we're

1 tightening up the Objective Standards and that's it; the
2 process is still very different.

3 RYAN SAFTY: It really depends on the process the
4 Applicant chooses to go through.

5 DIRECTOR PAULSON: Through the Chair. Think about
6 it as SB 9s are basically a Building Permit, so we don't go
7 through Cannon, we don't go through all of the other
8 external stuff we do for Architecture and Site. We just
9 have a planning process before you go, because with many
10 other jurisdictions SB 9 just goes straight to Building
11 Permits, and so we're trying to build in some standards
12 that need to apply now to other single-family homes that
13 still have the option to go through discretionary review,
14 so SB 9 is kind of its own animal, and we're trying to
15 create some opportunity to address impacts that we're
16 hearing about often, such as privacy.

18 CHAIR BURCH: Commissioner Stump.

19 COMMISSIONER STUMP: Thank you. This is a follow-
20 up to Vice Chair Barnett's inquiry about Section 29.40.095
21 at the bottom of page 6 of the Staff Report. I knew exactly
22 what he was talking about. There is this solid or opaque
23 privacy wall of at least 6', and I understand that's
24 attached to a deck. Then the other is a 6' solid fence with
25 a 1' lattice on top. How does this apply in the hillside?

1 How does this particular portion of the code apply in the
2 hillside?

3 RYAN SAFTY: That is the thing with options at
4 the end of the day. Right now, all options are going to
5 work for every single project. Planning Manager, correct me
6 if I'm wrong, but yes, I don't believe every hillside
7 project would be able to meet this. There are rules on if
8 you're over an acre I believe you have to do wildlife-
9 friendly fencing, so then Option (ii) would work for you,
10 and you'd have to do the other option or you'd have to
11 submit an Architecture and Site Application.
12

13 COMMISSIONER STUMP: I would even say with
14 privacy screening, because you may live in a bloody forest
15 up on the hillside, and then they're being told now you
16 have to plant all these trees, and so I'm assuming there is
17 going to be some amount of just discretion used as it
18 relates to hillside.

19 SEAN MULLIN: You make the good point. The catch
20 here is if they choose to take advantage of the privileges
21 that the State has provided through SB 9, then they would
22 need to comply with the Town's objective code. If they were
23 vehemently against that, they can choose to go through the
24 Architecture and Site process. So, we're not saying no,
25 we're not putting up a barrier to anything, we're just

1 being consistent across the board. If they want the Town's
2 Staff and potentially hearing body to have the ability to
3 operate with some discretion and consider site-specific
4 unique situations where this doesn't make sense, then the
5 Architecture and Site process would allow them that
6 opportunity, whereas if you're taking advantage of SB 9,
7 you have to do this.

8 COMMISSIONER STUMP: By the way, that explanation
9 was very helpful. Thank you.
10

11 CHAIR BURCH: Any further questions of Staff?
12 Vice Chair Barnett.

13 VICE CHAIR BARNETT: Can you remind me what the
14 second-floor setback is? I thought I saw 8'.

15 RYAN SAFTY: We're proposing 8', correct, from
16 the side and rear.

17 VICE CHAIR BARNETT: And that would apply to
18 second stories on SB 9 units?

19 RYAN SAFTY: Across the board. That would mean if
20 you're trying to build a two-story SB 9 unit, you're either
21 kicking the whole building out 8' from the side and rear
22 property line, or you have that 4' substantial setback of
23 your second story.

24 VICE CHAIR BARNETT: Okay, I think I understand
25 that.

1 CHAIR BURCH: Any further questions of Staff? The
2 last time we went through an ordinance, I just went
3 section-by-section. I want to double check, knowing that
4 that's then internal discussion on this, does somebody need
5 to make a motion and then we launch into that?

6 DIRECTOR PAULSON: Through the Chair, before we
7 get that far, maybe we should see if anyone wants to speak
8 on the item.

9 CHAIR BURCH: I will. I just was organizing
10 myself here a little bit before we jump on into that. Am I
11 planning that accurately though?

12 ATTORNEY WHELAN: Yes. The motion could be to
13 recommend that the Town Council introduce the ordinance,
14 and then as you go through it, you may want to note changes
15 that you would recommend.

16 CHAIR BURCH: Okay. Making notes for myself as we
17 get there. All right, so opening the public portion of the
18 hearing, I do not have any speaker cards for this item. Is
19 there anyone on Zoom, Mr. Paulson?

20 DIRECTOR PAULSON: There is, but no hands are
21 raised.

22 CHAIR BURCH: To the person on Zoom, if you are
23 interested in speaking on this topic, could you please
24 raise your hand. They may just be listening. All right.

1 DIRECTOR PAULSON: Chair, we do have a hand
2 raised now.

3 CHAIR BURCH: Okay.

4 DIRECTOR PAULSON: Rebecca.

5 CHAIR BURCH: Rebecca. Thank you. Rebecca, can
6 you hear us?

7 REBECCA POLLARD: Yes, I can hear you. Thank you.
8 Rebecca Pollard here, representing Terry Martin Architects.
9 I just wanted to say I really appreciate the efforts that
10 Los Gatos and the Planning Department have gone to to loop
11 in the local design community. Obviously, I can't speak for
12 everyone, but I do feel very heard. The summary set of our
13 general objections and points was well made. I am very
14 interested to see how smoothly this transition goes, and I
15 wanted to thank you for going through this process and am
16 excited to see where it goes.

17 CHAIR BURCH: All right, thank you. Are there any
18 questions for the speaker? Seeing none, thank you. I do not
19 believe that there are any other speakers on this topic, so
20 I will close the public part of this particular item, and
21 if I understood properly, someone needs to venture a
22 motion. Commissioner Stump.

23 COMMISSIONER STUMP: I move that the Planning
24 Commission forward a recommendation to the Town Council on
25

1 an ordinance amending Chapter 29, Zoning Regulations, of
2 the Town Code regarding Objective Design Standards for
3 single-family and two-family residential dwelling units and
4 second story additions.

5 The proposed amendments to the Town Council are
6 not subject to CEQA pursuant to CEQA Section 15061(b)(3)
7 because it can be seen with certainty that they will not
8 significantly affect the physical environment in that they
9 make minor changes to the regulations and design review
10 process applicable to new single-family and two-family
11 residential dwelling units and second story additions.
12

13 Project location: Town wide. Applicant: Town of
14 Los Gatos.

15 Findings: I can make the required finding that
16 the proposed amendments are not subject to CEQA review
17 pursuant to CEQA Section 15061(b)(3) because it can be seen
18 with certainty that they will not significantly affect the
19 physical environment in that they make minor changes to the
20 regulations and design review process applicable to new
21 single-family and two-family residential dwelling units and
22 second story additions.
23

24 I can also make the required findings that the
25 amendments to Chapter 29 of the Town Code regarding these
new Objective Design Standards applicable to new single-

1 family and two-family residential dwelling units and second
2 story additions are consistent with the General Plan.

3 CHAIR BURCH: Thank you. Is there a second?
4 Commissioner Thomas, go ahead.

5 COMMISSIONER THOMAS: I'll second the motion.

6 CHAIR BURCH: All right, so let's move into
7 discussion. My intention, as I said earlier is to go
8 through this section-by-section, as we've done on previous
9 similar topics. I would ask, I guess, as we go into a
10 section, anyone who has comments or questions in that
11 section, raise your hand, and then I will just go down the
12 row. That way, I want to make this orderly for Staff,
13 unless there is a way that you would rather we do this.

14 RYAN SAFTY: Just to clarify, we're going through
15 Exhibit 5 or the Staff Report? Staff's preference would
16 probably be Exhibit 5, if you don't mind.

17 CHAIR BURCH: I was going through Exhibit 5, yes.
18 Sorry, I should have said that. I guess I was going to
19 quickly ask, obviously, there is a section that a number of
20 items have been lined out, as Mr. Safty had said before.
21 Are there any questions about *that* particular section in
22 Exhibit 4 before I jump into Exhibit 5? Okay, I didn't
23 think so. All right, so I will jump into Exhibit 5, Section
24
25

1 29.10.020: Definitions. Does anyone have any comments or
2 questions on this particular section? None.

3 All right, 29.40.070: Projections Allowed Into
4 Yards. Any questions or comments on this section? All
5 right.

6 29.40.170: Development Standards. Are there any
7 questions or comments on this section? All right.

8 SEAN MULLIN: Through the Chair, I think you
9 skipped a few sections. I think the next section would be
10 29.40.080: Objective Design Standards for New Single-Family
11 and Two-Family Residential Dwelling Units and Second Story
12 Additions.

13
14 CHAIR BURCH: Okay, then I'm going to take a
15 second, because I'm going to hope I didn't accidentally print
16 the wrong... You're right, so 29.40.080: Objective Design
17 Standards for New Single-Family and Two-Family Residential
18 Dwelling Units, and then in Subsection 29.40.085: Purpose
19 and Applicability. Are there any comments? Commissioner
20 Stump.

21 COMMISSIONER STUMP: Not a comment, but a
22 question, and maybe I was having a bad day, but under
23 Ministerial Applications I just did not understand this
24 section completely, especially when it says, "except to the
25 extent that State law requires minimum unit sizes of 800

1 square feet." I don't even know how to begin to ask my
2 question about not understanding it.

3 RYAN SAFTY: Why don't I offer to summarize what
4 the intent is and what it's saying? Again, it's stating
5 that for Ministerial applications you have to comply with
6 every single one of these standards. That second line of
7 the sentence, that caveat, is essentially just what SB 9
8 says, that if any of these standards are going to say you
9 can't build two 800 square-foot units, we have to make
10 exceptions to these standards just to make sure we comply
11 with SB 9.
12

13 COMMISSIONER STUMP: Thank you.

14 CHAIR BURCH: All right, 29.40.090: Objective
15 Design Standards-Site Planning and Architectural Details.
16 Are there any questions or comments on this section?
17 Commissioner Thomas.

18 COMMISSIONER THOMAS: Thank you. So, this is
19 applied to all new residential dwelling units and second
20 story additions, but... I'm sorry, I originally read it and I
21 thought it was only to like two-story things, the way it
22 was originally written, and I was very confused why it
23 would be that, but never mind.
24
25

1 CHAIR BURCH: I do have a quick question on the
2 mechanical equipment screening. Is there another section
3 somewhere that talks about what those materials would be?

4 RYAN SAFTY: There isn't, but that can be part of
5 your recommendation. Just for clarity, that's standard...
6 It's been in our ordinance for a little bit now. It came
7 out of a Town Council request.

8 CHAIR BURCH: I've brought it up before actually.

9 RYAN SAFTY: Yes, so if you wanted to recommend
10 some specifications, Staff is happy to take those.
11

12 CHAIR BURCH: Yes, I guess I would. I think we've
13 all seen where they've used like the green construction
14 fencing or something, a material like that, around
15 mechanical screens, which breaks down through weather and
16 wind. I would advise against a material that is subject to
17 that kind of breakdown through weather, and I would perhaps
18 write something that the materials used are sensitive to
19 the materials on the base building, because I've also seen
20 where somebody just put a sheet metal, bright, shiny thing
21 around it and called it a mechanical screen, and it was
22 worse than the equipment.

23 DIRECTOR PAULSON: Just for clarification, you're
24 looking at number (5) here?
25

CHAIR BURCH: Correct.

1 DIRECTOR PAULSON: It says it has to be either
2 out of view behind a building or with a solid fence. I
3 think it's also—and I don't think you're trying to mix up
4 the two—but we run into this issue more often on the
5 commercial side where we're talking about rooftops.
6 Typically, in the residential setting we're not seeing that
7 for single-family and two-family homes, so I'd be
8 interested...

9
10 CHAIR BURCH: I have. I guess I'm bringing it up
11 because I spend a lot of time working in a city on the East
12 Bay, and recently I saw a few things.

13 DIRECTOR PAULSON: Well, let's not bring those
14 ideas to the Town.

15 CHAIR BURCH: So, I don't know, I guess I was
16 just trying to put in like a safety guard that if you're
17 going to go an inexpensive way of adding a unit, sometimes
18 they do like a subset, like a sunken roof or something
19 that, we just make sure it's not a material that's going to
20 be materials broken down by weather. Commissioner Thomas.

21 COMMISSIONER THOMAS: I propose that because this
22 is specifically for residential that we just propose that
23 behind a building or solid fence of material already in on
24 that plane, I don't know, something more specific, but like
25 a material that is already being used on that property.

1 SEAN MULLIN: Through the Chair, the comment is
2 taken and we will take a look at what... We also have to be
3 careful about making sure that it is objective, so we'll
4 take a look at that and draft something appropriate.

5 CHAIR BURCH: Okay. Anything else on that
6 section? Then let's go to 29.40.095: Massing and Privacy.
7 Any questions? Commissioner Stump.

8 COMMISSIONER STUMP: I do have a question on
9 (1)b, and it talks about rear property line 10' from any
10 other property lines. I'm assuming, is that side setbacks
11 too, 10'?

12 RYAN SAFTY: Yes. It's going to be 20' from the
13 rear, 10' from any other. There are going to be certain
14 instances with SB 9 flag lots where you're front setback is
15 4', and so every time you see essentially a provision
16 saying in no case shall it be closer than 6' from a
17 property line, 10' from a property line, a lot of times
18 those are for these flag lots being created via SB 9.

19 COMMISSIONER STUMP: Do we expect to get more
20 exemptions requested because of this, particularly in R-
21 1:8? I mean, I'm thinking about Loma Alta, and they're
22 trying to build literally on the fenceline, just about,
23 with 4' setbacks and that sort of thing, so we're really
24
25

1 now going to say that's a 10' setback? I'm just looking for
2 the yes, no.

3 DIRECTOR PAULSON: This is specific to porches,
4 patios, decks, platforms and other.

5 COMMISSIONER STUMP: Oh, it still is. Okay, I'm
6 sorry.

7 DIRECTOR PAULSON: And this specific section is
8 when they're 4' or above, so it's not the actual house. The
9 house is going to be 4'.
10

11 COMMISSIONER STUMP: Got it. Great. Thank you.
12 Missed that one.

13 CHAIR BURCH: Are there any other questions or
14 comments for this section, Massing and Privacy? All right,
15 I will move to 29.40.100: Exceptions (Findings and
16 Considerations). Any questions or comments? Commissioner
17 Thomas.

18 COMMISSIONER THOMAS: I'm sorry, I missed the
19 last part, the two-story articulation. There is obviously
20 a-through-h, and not to put Commissioner Mayer on the spot,
21 but I feel like this is an architectural detail thing that
22 when I was reading through I was like... Do you feel like
23 this gets covered appropriately?
24

25 RYAN SAFTY: Just to clarify, it's verbatim from
the Residential Design Guidelines. Staff didn't make this

1 one up, but I'm still happy to hear what Commissioner Mayer
2 has to say.

3 COMMISSIONER MAYER: Yes.

4 COMMISSIONER THOMAS: Okay, perfect. Thank you.

5 COMMISSIONER MAYER: I'm glad you did pull from
6 the Residential Design Guidelines, because I think those
7 are effective and good for the Town. I know they've been
8 around a while, but they're more subjective, I guess, than
9 objective, and so trying to merge the two in some way I
10 know is a challenge, so it's good we're going through this
11 right now.

12
13 CHAIR BURCH: Agreed. Thank you. Anything else on
14 these sections? If not, I will go to 29.40.170: Development
15 Standards, Subsection (a), Height. Any questions or
16 comments on height? Commissioner Stump.

17 COMMISSIONER STUMP: Excuse me, were you taking
18 it for Division 2, Division 3, and Division 4 at the same
19 time?

20 CHAIR BURCH: No, actually. Thank you for
21 clarifying; I wasn't. I was going to go section-by-section
22 just in case, so 29.40.170. Right? Section 29,40.275:
23 Height. All right, Commissioner Stump.

24 COMMISSIONER STUMP: That would be me. The
25 question that I have, and again, it's just out of interest.

1 The height in the hillside has been reduced from 30' to
2 25', while in residential zoning areas I'm assuming it
3 remains at 30'. What's the reason for bringing it down to
4 25' in the hillside? I can guess, but what's the rationale?

5 RYAN SAFTY: The Hillside Design Guidelines
6 actually limit buildings in any property within that
7 purview to 25' in height. It's been a challenge for Staff
8 for some time to explain to somebody that even though the
9 zone says 30', you're limited to 25' and have to get an
10 exception for it. So, essentially everything in all of
11 these divisions is saying if you're in the Hillside
12 Overlay, you've still got to meet this visibility analysis
13 and these height restrictions, which is what we already do
14 to these properties. The problem is it's not objectified,
15 so SB 9 has been getting around it.

17 COMMISSIONER STUMP: So, this is somewhat
18 cleaning that up, cleaning an issue up?

19 RYAN SAFTY: Yes, this is more of a cleanup than
20 a new standard.

21 COMMISSIONER STUMP: Thank you.

22 DIRECTOR PAULSON: I'll just add that technically
23 it's a cleanup, because we're aligning the Hillside
24 Guidelines for the hillside area. It's been helpful in a
25 handful of cases where an existing home is 30' and they

1 want to do an addition, and so they come through for an
2 exception rather than now, with these changes, they are
3 likely to have to go through a variance application.

4 CHAIR BURCH: That's good to know. Section
5 29.40.410: Height, single-family residential zone. And the
6 last section is 29.40.745: Height, downtown zone. Are there
7 any questions or comments?

8 Are there any discussion points by anyone over
9 anything that we did not already touch on? All right, we
10 have a motion and a second on the table. Is there anyone
11 that wishes to make a second motion? All right, go ahead,
12 Commissioner Thomas.

13
14 COMMISSIONER THOMAS: I do just have a question
15 about for Division 3 and Division 4. It's repetitive a
16 little bit, or redundant, I guess I should say, but it's
17 worded the opposite. Is there a reason for that, or did
18 that just happen?

19 RYAN SAFTY: Every single HR property is in the
20 Hillside Design Guidelines. Not every single R-1 property
21 is in that hillside area, so that was why, so we had to say
22 in the properties like R-1 and R-1D, it's four properties
23 located in the hillside area, then you meet this. All RC
24 and HR properties are in the Hillside Design Guidelines, so
25

1 we didn't have to put that caveat of if you're in the
2 hillside area.

3 COMMISSIONER THOMAS: Thank you for that
4 clarification. I thought that the first one said that it's
5 25 unless you're...and then the other way was written the
6 other way, but it's not. Thank you.

7 CHAIR BURCH: Vice Chair Barnett.

8 VICE CHAIR BARNETT: I understand Staff has taken
9 note of the recommendation regarding the mechanical
10 equipment material being durable, but is that appropriate
11 for us to include in the motion?
12

13 SEAN MULLIN: Yes, I think you could amend the
14 motion just to recognize that was the one recommendation we
15 got out of this, and we would forward that to the Town
16 Council, and then Staff would suggest some language,
17 because something like "durable," that's where the caution
18 comes in; that's not objective. So, we'll come up with a
19 measure that addresses that.

20 CHAIR BURCH: Okay.

21 VICE CHAIR BARNETT: Okay, so I'd like to propose
22 that as an amendment.

23 CHAIR BURCH: Okay, the Maker of the Motion?

24 COMMISSIONER STUMP: That's certainly acceptable.
25

1 CHAIR BURCH: All right, and the Secunder of the
2 Motion?

3 COMMISSIONER THOMAS: Yes. I'm really sorry
4 though. I understand it's my first day of school, and thank
5 you for bearing with me. So, for the height for the second
6 one, it says in which case the height is 30', but should it
7 be 25', because those are properties within the hillside
8 area? Or am I really confused about this?

9
10 RYAN SAFTY: You're right. Thank you so much for
11 making that catch.

12 COMMISSIONER THOMAS: No problem. I thought I
13 was... Okay, thank you.

14 CHAIR BURCH: No, good catch. All right, is there
15 any further discussion?

16 COMMISSIONER THOMAS: The last one also says 30'
17 too, but it should be 25'.

18 CHAIR BURCH: I'll ask Staff to check the
19 numbers.

20 COMMISSIONER THOMAS: Okay, perfect.

21 RYAN SAFTY: We've got both those noted. Thank
22 you so much.

23 COMMISSIONER THOMAS: Thank you. And I obviously,
24 a friendly amendment, and then I second.
25

1 COMMISSIONER STUMP: And again, just to confirm,
2 Sections 29.40.410 and 29.40.745 are being changed from 30'
3 to 25' in both cases.

4 CHAIR BURCH: Correct.

5 COMMISSIONER STUMP: Thank you.

6 CHAIR BURCH: Anything else? Great. I'm going to
7 call the question. All in favor?

8 COMMISSIONER THOMAS: Sorry, I think that we
9 should make sure... Well, we're just forwarding a
10 recommendation?

11 CHAIR BURCH: Correct.

12 COMMISSIONER THOMAS: I was just going to say I
13 didn't know if we needed to go back to the findings and
14 make sure that they go with everything.

15 ATTORNEY WHELAN: The findings really only are
16 important for the quasi-adjudicatory decisions like the
17 appeals.

18 COMMISSIONER THOMAS: Okay. Thank you for
19 clarifying that.

20 CHAIR BURCH: Okay, perfect. So, I'm going to do
21 it again. I'm going to call the question. All in favor? All
22 right, passes unanimously. Thank you, and since this is a
23 recommendation, there are no appeals.

24 (END)