



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/05/2019

ITEM NO: 13

ADDENDUM

DATE: November 4, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Project Location: **Town Wide**. Applicant: Town of Los Gatos.
Consider Modifications to Chapter III (Site Planning), Chapter IV (Development Intensity), Chapter V (Architectural Design), Chapter VI (Site Elements), Chapter VIII (Subdivision and Planned Development Projects), Chapter IX (Project Review and Approval Process), and Chapter X (Glossary) of the Hillside Development Standards and Guidelines

REMARKS:

Attachment 6 includes an additional public comment received between 11:01 a.m., Thursday, October 31, 2019 to 11:00 a.m., Monday, November 4, 2019.

Attachments previously received with the November 5, 2019 Staff Report:

1. August 14, 2019 Planning Commission Staff Report with Exhibits 1 - 12
2. August 14, 2019 Planning Commission Verbatim Minutes
3. Required Findings
4. Draft Resolution with Exhibits A through G
5. Public comments received by 11:00 a.m., Thursday, October 31, 2019

Attachment received with this Addendum:

6. Public comment received 11:01 a.m., Thursday, October 31, 2019 to 11:00 a.m., Monday, November 4, 2019

PREPARED BY: Jocelyn Shoopman
Associate Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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To: the Mayor and Town Council
From: Lee Quintana
Re: Proposed Amendments to the Hillside Development Standards and Guidelines

The following are my comments to the Town Council on the following::
Proposed Amendments to the HDS&G for Deciding Bodies
Proposed Fence Amendments to the HD&G
Below Grade Square Footage

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TOWN OF LOS GATOS
PLANNING DIVISION

Amendments to Deciding Bodies:

I Support the Planning Commission's recommendation to retain the Planning Commission as the deciding body for hillside projects less than 5,000 square feet for the following reasons:

- 1) The proposed change would result in a less open and transparent process and would limit the opportunity for public participation in the decision making process.
- 2) DRC hearing noticing is limited. Hearing notices are mailed to adjacent and nearby property owners and the notice contains limited information regarding the proposed application. In addition there is no written staff report available to the public.
- 3) Planning Commission hearings are more broadly noticed. In addition to mailed notices a notice is published in the local paper and a staff report is attached to the PC agenda.
- 4) I reviewed 28 +/- projects that came before the DRC since January 2019. The DRC's actions on all projects were **unanimous, no project were denied**. Public comments were heard during 5 of the 28 hearings. All were for residential projects.
 - a) Public comments were heard during the hearing on 5 applications, all were residential projects. All were approved unanimously. Four of the five were appealed to the Planning Commission
 - b) Three of four appealed projects were modified as a result of the appeal process. The fourth project was continued and has yet to come back to the Planning Commission. At least two of the four appeals were for projects subject to the HDS&G.

Does the original text for item 2.b, page 67 of Chapter IX need to be retained if the Town Council retains the current language for the deciding body for hillside development applications proposing over 5,000 square feet.?

Fence Amendments

I know that the Town Council would like to put to rest the discussion of the fence ordinance with respect to the hillside so I have narrowed my comments to two issues, wildlife friendly fences, and vehicular gate setbacks.

1) Wildlife friendly fencing:

Sec. 29.40.0315(a)(2)b. States: On properties one (1) acre or greater, perimeter fencing shall be a wildlife friendly fence.....” However, the proposed text amendments to the HDS&G do not reflect this section of the fence ordinance. (A. Fences and walls of Chapter VI pages 42 to 43.) . Without inclusion of such a standard I do not see have a finding canbe made that the proposed amendments to the HDS&G are consistent with either the Zoning Ordinance, the Town Code or the General Plan.

2) Vehicular gate setbacks.Street, edge of pavement and edge of right of way.

There is a conflict between the illustration on page 22 item below item 3. Driveway and Parking Standards and Standard item 3 which states: “Entrance gates shall be set back at least 18 feet *from the street*” while Standard item 3 states: “When a gated entrance is provided, the gates shall be set back a minimum of 18 feet from *the right of way*(emphasis added).”

It is also not clear whether “18 feet from the street “ means from the edge of the street as stated in B. Driveway entries item 2 under Standards on page 43 or it means from the edge of the right of way.

Standard item 3 on page 22 is also in conflict with B. Driveway entries item 2 under Standards on page 43, which states: Entry gates shall be set back *from the edge of the adjacent street* a minimum of 18 feet.... ”

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The above quotes are inconsistent with each other and with Sec. 29.40.00315. Height, materials and design and, and location. (2)(c) which states: “ Vehicle gates shall be set back from *the edge of the adjacent street* a minimum of eighteen (18) feet..... (emphasis added). “

Below Grade Square Footage (item 8, page 30 in Chapter IV)

I support the Planning Commission’s recommendation to delete the language of Item 8, page 30 of Chapter IV of the HDS&G.

The Planning Commission constantly grapples with the issues presented when walkout below grade areas are created on sloping land, but recognized that the currently proposed amendments to the HDS&G were not the right forum to address them.

Walk out below grade areas on sloping land effectively create three story elevations, which are prohibited by the HDS&G. In addition, the current tend is for proposed below grade space that goes beyond the intent of the HSD&G to use below grade spaces in lieu of visible mass above

ground and that does not steps the foundation with the existing topography to achieve minimal grading as defined in the HDS&G Glossary.

I request that the Council consider referring these issues back to the Planning Commission for discussion as an agenda item under Other Business for an in depth discussion and recommendations for potential amendments to the HDS&G that provide greater clarity to applicants, staff, Planning Commission and Town Council, that will enable staff and the various deciding bodies to make consistent, predictable decisions. Alternatively this could be referred to the Policy Committee.

Thank you for your consideration.

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