



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/05/2019

ITEM NO: 11

DESK ITEM

DATE: November 5, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Town Code Application Amendment A-19-009. Project Location: **Town Wide**. Consider an ordinance repealing and replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the New 2019 California Building and Fire Codes, as amended.

REMARKS:

Attachment 4 includes public comments received between 11:01 a.m., Monday, November 4, 2019 to 11:00 a.m., Tuesday, November 5, 2019.

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

1. Ordinance adopting new Building and Fire Codes
2. Resolution making Findings for modifying California Codes

Previously received with the November 4, 2019 Addendum Report:

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

Received with this Desk Item Report:

4. Public comments received between 11:01 a.m., Monday, November 4, 2019 to 11:00 a.m., Tuesday, November 5, 2019.

PREPARED BY: Robert Gray
Building Official

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

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Robert Gray

Subject: Agenda Item 11 - November 5 Council Meeting - Section 4907 Defensible Space

From: Phil Koen <pkoen@monteropartners.com>
Sent: Monday, November 04, 2019 9:32 AM
To: Laurel Prevetti <LPrevetti@losgatosca.gov>
Cc: Robert Schultz <RSchultz@losgatosca.gov>

Subject: Agenda Item 11 - November 5 Council Meeting - Section 4907 Defensible Space

Dear Laurel,

As you know the vast majority of lots in the Los Gatos Wildland-Urban Interface Fire Area are also in a VHFHSZ (LRA). On page 151 of the Council package there is a markup of proposed changes to article 4907.1 of the Town Code.

In reading the markup, it isn't clear to me that adjacent lots, whether improved or not improved located in the VHFHSZ (LRA), will be subject to the proposed changes which will require an additional 30 to 100 foot clearance so as to fully implement a 100 foot defensible zone from any structures.

From reading the markup, it appears that lots in the VHFHSZ (LRA) are governed by Government Code 51175 - 51189. This code does not require adjacent lots to maintain an additional defensible space located 30 to 100 feet from any structure on an adjacent lot. Furthermore there doesn't appear to be a local ordinance requiring this.

Can you please clarify the requirements for adjacent lots in the VHFHSZ (LRA) to fully comply with an additional 30 - 100 foot clearance from any structures.

Thank you.

Phil Koen

The Campaign for Fossil Free Buildings in Silicon Valley



350 Silicon Valley, Acterra, Carbon Free Silicon Valley, Carbon Free Palo Alto, Carbon Free Mountain View, Citizens' Climate Lobby San Mateo County, Citizens Environmental Council of Burlingame, Clean Coalition, Climate Reality Santa Clara County, Coltura, Fossil Free Mid-Peninsula, Menlo Spark, Menlo Together, Mothers Out Front South Bay, Pacifica Climate Committee, Peninsula Interfaith Climate Action, Project Green Home, SIDCO Homes, San Carlos Green, Sierra Club Loma Prieta Chapter, Sustainable San Mateo County, Sustainable Silicon Valley, Sunnyvale Cool, Silicon Valley Youth Climate Action, and Silicon Valley Youth Climate Strike.

November 4th, 2019

Mayor Steve Leonardis
Vice Mayor Marcia Jensen
Council Member Barbara Spector
Council Member Rob Rennie
Council Member Marico Sayoc

Los Gatos Town Council
110 E. Main Street
Los Gatos, CA 95030

Via email: sleonardis@losgatosca.gov, mjensen@losgatosca.gov, bspector@losgatosca.gov,
rrennie@losgatosca.gov, msayoc@losgatosca.gov

RE: Please put Reach Codes on the Town Council Agenda

Dear Mayor Leonardis and Los Gatos Town Council:

On behalf of the Fossil Free Buildings Campaign of Silicon Valley, we are writing to ask you to put Reach Codes on the Town Council agenda this year to improve the resilience, health, and safety of Los Gatos.

The Campaign for Fossil Free Buildings in Silicon Valley is comprised of the organizations listed above, working together to support an accelerated phase out of fossil fuels in buildings. A swift transition away from fossil fuel use is necessary to avoid the very worst and irreversible impacts of climate change. Preventing the use of fossil fuels, including natural gas, in new construction will create more affordable, cleaner, healthier, and more resilient housing and buildings for communities throughout Milpitas.

We are living in a climate crisis. 2018 was the deadliest wildfire season ever recorded in California. Conditions will continue to worsen unless we take decisive and rapid action to reduce greenhouse gas emissions.

Contact IdaRose Sylvester, IdaRose@menlospark.org; and find info at www.FossilFreeBuildings.org

Many local cities are taking swift action to prevent new uses of natural gas, a fossil fuel. Menlo Park adopted a nearly all-electric Reach Code in September, and Mountain View adopted an all-electric Reach Code two weeks ago to prohibit gas in all but a few specific building types (such as laboratories), while Morgan Hill recently passed a prohibition on gas in all new buildings. On October 29, the City of San José, the tenth largest in the nation, banned gas in new ADUs, single family home construction, low-rise residential construction, and municipal buildings. Cities are recognizing how important a fossil-free future is to our community's health, safety, climate, and future. Momentum is on your side to act now.

Reach Codes are a significant local action that we can take to fight climate change. **All-electric buildings improve public health and safety, reduce greenhouse gas emissions, and reduce construction costs.** Natural gas in buildings is a significant contributor to climate change: According to the California Air Resources Board (CARB), the building sector is the second largest source of greenhouse gas (GHG) emissions in California. (source: <https://ww2.arb.ca.gov/research/research-green-buildings>)

There are a variety of benefits to building all-electric:

All-Electric Buildings Improve Air Quality: We deserve to live in healthy homes! The combustion of gas in our homes produces harmful indoor air pollution: (Nitrogen Dioxide, Carbon Monoxide, Nitric Oxide, Formaldehyde, Acetaldehyde, and Ultrafine Particles). This indoor pollution can cause serious respiratory diseases as well as serious long term conditions.

All-Electric Buildings Reduce Building Costs: All electric buildings will reduce construction costs and allow for California to address its serious housing crisis. All-electric buildings eliminate the need to install costly gas hookups. Cost analyses of all-electric vs mixed fuel consistently show all-electric as being cheaper to build. (Sources: https://rmi.org/wp-content/uploads/2018/06/RMI_Economics_of_Electrifying_Buildings_2018.pdf and https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf)

All-Electric Buildings Are More Resilient Than Gas: Gas pipelines are vulnerable to methane leakage, over-pressurization, and earthquakes. Some recent major pipeline explosions: Aliso Canyon (2015 and 2016), Carmel (2014), San Bruno (2010), and Rancho Cordova (2008). This does not even mention the extremely common leaks in natural gas pipes that often go completely undetected.

Reach Codes are an important first step we can take to promote all-electric development in Los Gatos. Every new gas line that we build is a huge financial liability to our community, as gas rates continue to rise as the cost of gas maintenance increases for the declining number of gas users. The constant methane leaks from gas lines are devastating to our climate while indoor gas use pollutes our homes, causing serious health impacts. The unfortunate reality about gas lines is that once they are installed, it will be difficult and expensive to retrofit them out.

Contact IdaRose Sylvester, IdaRose@menlospark.org; and find info at www.FossilFreeBuildings.org

It is time for Los Gatos to join the over 50 cities that have committed to pursuing Reach Codes for the benefit of their citizens.

Sincerely,

IdaRose Sylvester, Fossil Free Buildings Silicon Valley Campaign

Hoi Poon, co-chair, environmental committee, Silicon Valley Democratic club, co-founder,
Silicon Valley Youth Climate Action

Lauren Weston, Acterra

Janet Walworth, Peninsula Interfaith Climate Action

Diane Bailey, Menlo Spark

Terry Nagel, Sustainable San Mateo County and former Mayor, Burlingame

Hoai-An Truong, Mothers Out Front South Bay and Silicon Valley Youth Climate Action

Bruce Naegel, Carbon Free Mountain View and Carbon Free Silicon Valley

Bruce Hodge, Carbon Free Palo Alto

Dashiell Leeds, Conservation Assistant, Sierra Club Loma Prieta Chapter

Cc: Clerk@LosGatosCA.gov

Robert Gray

Subject: The planet needs you!

From: Jessica Williams <jessica.williams2007@gmail.com>

Sent: Monday, November 04, 2019 11:22 PM

To: Council <Council@losgatosca.gov>

Subject: The planet needs you!

Dear Los Gatos Town Council Members,

I am writing you to ask that the Town of Los Gatos take a leadership role in the fight against climate change. Buildings are a significant source of greenhouse gas emissions in the Bay Area, and we have the opportunity to significantly reduce these emissions through adopting as strong a Reach Code as possible.

We absolutely cannot afford to put new gas infrastructure into our homes and into the ground. Any new gas lines that we build are an expensive mistake that we will pay for down the road.

We should be building all-electric new construction. All-electric buildings are cheaper to build, healthier and safer to live in, and will greatly reduce greenhouse gas emissions. 100% clean electricity is already available to Los Gatos homes and businesses through Silicon Valley Clean Energy.

The science is clear and the engineering is ready. All we need now is political willpower. I hope you act now to protect our future generations.

Sincerely,

Jessica Williams

Sent from my iPhone

Robert Gray

Subject: Agenda item 11 - Please watch this short video

From: Phil Koen <pkoen@monteropartners.com>
Sent: Tuesday, November 05, 2019 8:46 AM
To: Steven Leonardis <SLeonardis@losgatosca.gov>; Marico Sayoc <maricosayoc@gmail.com>; Marcia Jensen <MJensen@losgatosca.gov>; BSpector <BSpector@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>
Cc: Laurel Prevetti <LPrevetti@losgatosca.gov>; <RSchultz@losgatosca.gov>
Subject: Agenda item 11 - Please watch this short video

Dear Honorable Mayor and Council Members,

I strongly recommend that you watch this documentary on the Paradise Fire. As you know Los Gatos has a higher fire risk score than Paradise. The threat from fire is real.

We need 100 foot defensible zone ordinance across property lines for all structures in Los Gatos.

Thank you,

Phil Koen

Check out "Fire in Paradise" on Netflix

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.netflix.com%2Ftitle%2F81050375%3Fs%3Di%26trkid%3D13752289&data=01%7C01%7Clprevetti%40losgatosca.gov%7C355e94c893be4f257cd408d7620faaba%7C6d38cb6747eb4d139e7c523cd7cceed5%7C1&sdata=WB3N9enLaKGoHU5ZDuNirAseolmYdzOTOPyhtlm%2B6ik%3D&reserved=0>

Robert Gray

Subject: adopt strong Reach Codes for Los Gatos

From: Cynthia Fan <cynthiafan247@gmail.com>

Sent: Tuesday, November 05, 2019 10:55 AM

To: Steven Leonardis <SLeonardis@losgatosca.gov>; Marcia Jensen <MJensen@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>; BSpector <BSpector@losgatosca.gov>; Council <Council@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>

Subject: adopt strong Reach Codes for Los Gatos

Dear Los Gatos Town Council Members,

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We should be building all-electric new construction. All-electric buildings are cheaper to build, healthier and safer to live in, and will greatly reduce greenhouse gas emissions. 100% clean electricity is already available to Los Gatos homes and businesses through Silicon Valley Clean Energy.

The science is clear and the engineering is ready. All we need now is political willpower. I hope you act now to protect our future generations.

Sincerely,
Cynthia Fan
116 Ohlone Court
Los Gatos, CA 95032

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