



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/11/2019

ITEM NO: 2

DATE: September 6, 2019
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Town Code Amendment Application A-19-007. Project Location: **Town Wide**.
Applicant: Town of Los Gatos.
Consider Amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding demolition regulations.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding demolition regulations.

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Exempt, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

BACKGROUND:

On February 26, 2019, the Policy Committee reviewed an outline of possible streamlining opportunities that relate to the land use process and costs for businesses and residences. Following a brief discussion, the Policy Committee provided direction to bring back demolition regulations for further discussion.

PREPARED BY: Jennifer Armer, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

On June 4, 2019, Town Council considered recommendation from the Policy Committee, the Historic Preservation Committee, and the Planning Commission and introduced an Ordinance effecting amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding demolition regulations. These changes included removing the contiguity requirement from the demolition definition, and allowing an exception to the demolition requirements for repair of nonhistoric homes. These changes went into effect on July 18, 2019.

In addition to these specific recommended changes, the Planning Commission also expressed support for a reconsideration of larger concepts within the demolition definition, specifically whether structural elements (framing) alone might be considered in place of framing and wall covering when determining the retention of existing exterior walls for nonhistoric structures, as was mentioned during the public comment period of the hearing. On June 4, 2019, Town Council referred this topic to the Policy Committee for further discussion.

DISCUSSION:

On June 25, 2019, the Policy Committee discussed and agreed to forward a recommendation to the Planning Commission that structural elements (framing) alone should be considered in place of framing and wall covering when determining the retention of existing exterior walls for nonhistoric structures.

A. Public Outreach

Public input has been requested through the following media and social media resources:

- An eighth-page public notice in the newspaper;
- A poster at the Planning counter at Town Hall;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's NextDoor page.

In addition, the following organizations have been contacted regarding the amendments:

- American Institute of Architects (AIA) Silicon Valley;
- Santa Clara County Association of Realtors (SCCAR); and
- Silicon Valley Association of Realtors (SILVAR).

DISCUSSION (continued):

B. Existing Town Code

Existing Town Code Section 29.10.020 defines demolition for nonhistoric structures as:

Demolition (nonhistoric structures) means removal of more than fifty (50) percent of the exterior walls. The remaining exterior walls must retain either the existing interior or existing exterior wall covering. The following is exempt from this definition:

- a. Repair. The removal and replacement of in kind non-repairable exterior and/or interior wall covering resulting in no change to its exterior appearance or character if approved by the Community Development Director.

C. Proposed Town Code Amendments

Based on the concerns raised at the meetings mentioned above, as recommended by the Policy Committee, staff has a prepared potential Town Code amendments, (Exhibit 4) for Planning Commission's consideration. The potential amendments, shown in strike through, would make the following changes:

- Delete "The remaining exterior walls must retain either the existing interior or existing exterior wall covering"; and
- Revise the repair exception to remove reference to wall coverings.

It should be noted that these changes are not applicable to historic structures.

PUBLIC COMMENTS:

No written public comments have been received.

CONCLUSION:

A. Recommendation

Based on the direction of the Town Council Policy Committee, staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval. The Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

CONCLUSION (continued):

1. Make the finding 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);
2. Make the required finding that the amendments to the Town Code (Zoning Regulations) are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the proposed amendments to Chapter 29 of the Town Code (Exhibit 4).

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code with modifications; or
2. Forward a recommendation to the Town Council for denial of the proposed amendments to Chapter 29 of the Town Code; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Required Findings (one page)
2. Town Council Policy Committee Minutes, June 25, 2019 (three pages)
3. Town Council Policy Committee Report, June 25, 2019 (two pages)
4. Draft Amendments to Chapter 29 of the Town Code (one page)

PLANNING COMMISSION – September 11, 2019
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-19-007

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding demolition regulations.

FINDINGS

Required Findings for 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).

Required Findings for General Plan:

- The proposed amendments to Chapter 29 of the Town Code regarding demolition regulations are consistent with the General Plan.

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**TOWN OF LOS GATOS
TOWN COUNCIL
POLICY COMMITTEE**

MEETING DATE: 07/23/2019

**MINUTES OF THE TOWN COUNCIL REGULAR POLICY COMMITTEE MEETING
JUNE 25, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting on Tuesday, June 25, 2019, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:01 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Robert Schultz, Town Attorney; Joel Paulson, Community Development Director; Sally Zarnowitz, Planning Manager; Holly Zappala, Management Analyst.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the May 28, 2019 Council Policy Committee Minutes.

Approved.

Vice Mayor Jensen requested Item 3 be reviewed next, as it was the only item that had public comment.

3. Discuss and provide direction on demolition regulations.

Joel Paulson, Community Development Director, presented the staff report.

Tom Sloan, Architect

-Commented in favor of changing the existing demolition regulations. He said that the integrity of a building still exists without outside and inside wall coverings as long as the studs remain. He said that putting a new "skin" on the studs allows the building to be more structurally sound and last longer.

Jennifer Kretschmer, Architect

-Commented that the existing demolition policy creates a health and life safety issue because there may be cases when people allow mold to remain on their sheetrock in order to save the substantial cost and time delay of the Architecture and Site process required for a technical demolition. She also said that a time delay of a couple months with an open structure can lead to materials being destroyed by inclement weather and stated that removing interior/exterior finishes should not be considered a demolition.

Gary Kohlsaas, Architect

-Commented that it is difficult to match the siding on all sides of a house or cover up existing siding material without it being considered a technical demolition under the current regulations. He mentioned that technical demolitions require large additional expenses for homeowners, including putting in curbs and gutters and undergrounding utilities. He said that the building process is meant to go in a certain order for safety reasons and trying to avoid a technical demolition requires builders to go out of sequence.

Bess Wiersema, Architect

-Commented that the demolition policy should protect the mass of an existing house and the framing is what holds a house together as opposed to the inside and outside coverings. She said that removing the interior/exterior coverings allows construction to be done properly, better materials to be used, and the building to look better and last longer.

After discussion, the Committee agreed to forward a recommendation to the Planning Commission that interior wall structure (framing) should be considered in place of wall surface material when retaining existing walls. The Committee also requested that staff return to the Policy Committee with a review of the requirements for installing sidewalks/gutters and undergrounding utilities with the goal that both items should be considered together as a package by Town Council.

2. Discuss and provide direction on the land use appeal process.

Joel Paulson, Community Development Director, presented the staff report.

After discussion, the Committee agreed that the duty to make a finding should fall on the land use appellant and not the Town Council. The Policy Committee asked staff to return to the Committee with language reflecting two options for the land use appeal process:

- The Town Council may consider additional findings/information as part of the land use decision appeal; and
- Any new information would go back to the Planning Commission and the Town Council would not consider it as part of the land use decision appeal.

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SUBJECT: MINUTES OF THE REGULAR TOWN COUNCIL POLICY COMMITTEE MEETING OF
JUNE 25, 2019

DATE: JULY 23, 2019

4. Review proposed amendments and legal analysis to the Town Agenda Format and Rules Policy regarding time limits for applicant and appellant presentations and rebuttals.

Robert Schultz, Town Attorney, presented the staff report.

After discussion, the Committee agreed to forward a recommendation to the Town Council to modify the time limits in the Town Agenda Format and Rules Policy regarding time limits for applicant and appellant presentations and rebuttals to five minutes for each of the presentations and three minutes for each of the rebuttals.

ADJOURNMENT

The meeting adjourned at 6:15 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the June 25, 2019 meeting as approved by the Town Council Policy Committee.

/s/ Holly Zappala, Management Analyst

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**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 6/25/2019

ITEM NO: 3

DATE: JUNE 17, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: DISCUSS AND PROVIDE DIRECTION ON DEMOLITION REGULATIONS.

RECOMMENDATION:

Discuss and provide direction on demolition regulations.

BACKGROUND:

The Policy Committee last considered this matter on April 9, 2019. After discussion, the Committee's direction was to forward a recommendation to the Planning Commission to approve the following proposed modifications to the demolition regulations:

- Removal of the contiguity requirement; and
- To allow the repair exception for non-historic homes.

Their discussion also included support for one of the additional topics for consideration, which was to add existing chimneys as an exclusion from the existing wall area. Additionally, the Committee requested that the Historic Preservation Committee (HPC) be provided an opportunity to review the proposed modifications relating to historic structures.

On April 24, 2019, the HPC considered the potential changes as they would apply to historic structures. After discussing the matter, the HPC recommended approval of the changes as recommended by the Policy Committee.

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

BACKGROUND (continued):

On May 22, 2019, the Planning Commission reviewed the proposed Town Code amendments from the Policy Committee. The Planning Commission recommended approval of the amendments with modifications to the Policy Committee's draft ordinance language based on public comments and discussion at the hearing.

In addition to these specific recommended changes, the Planning Commission also expressed support for a reconsideration of larger concepts within the demolition definition, specifically whether interior wall structure (framing) might be considered in place of wall surface material when retaining existing walls, as was mentioned during the public comment period of the hearing.

DISCUSSION:

On June 4, 2019, the Town Council considered the Planning Commission recommendation and introduced an Ordinance effecting amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding demolition regulations. At that meeting, the Town Council also referred discussion of additional amendments to the Policy Committee for further discussion. The specific larger concept for the Policy Committee's consideration is:

- Whether interior wall structure (framing) might be considered in place of wall surface material when retaining existing walls.

Staff looks forward to the discussion and direction of the Policy Committee for next steps.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's and Town Attorney's Offices.

Excerpts from Los Gatos Town Code
Chapter 29
Section 29.10.020

...

Demolition (non historic structures) means removal of more than fifty (50) percent of the exterior walls. ~~The remaining exterior walls must retain either the existing interior or existing exterior wall covering.~~ The following is exempt from this definition:

- a. Repair. The removal and replacement of in kind non-repairable ~~exterior and/or interior wall covering~~ resulting in no change to its exterior appearance or character if approved by the Community Development Director.

...

Wall, exterior means one of the sides of a building connecting foundation and roof. An exterior wall encompasses the total height and width of the side of the building, ~~the exterior or interior wall covering~~ and the studs/structural elements used in the framing of the wall.

Wall covering, exterior means the finished surface of an exterior or interior wall.

Wall covering, interior means the finished surface of an interior wall.

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