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

Los Gatos Planning Commissioners:	Steve Raspe, Chair Emily Thomas, Vice Chair Jeffrey Barnett Susan Burnett Adam Mayer
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
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1  
2 P R O C E E D I N G S:  
3

4 CHAIR RASPE: That takes us to the public portion  
5 of the hearing in which we have one item this evening, Item  
6 2. It is forwarding a recommendation to the Town Council on  
7 Amendments to Chapter 29, the Zoning Regulations, of the  
8 Town Code for Senate Bill 9, also known as SB 9, regarding  
9 a change to required second story step-backs and other  
10 clarifying revisions. The proposed amendments to the Town  
11 Code are not considered a project under Section 15378 of  
12 the California Environmental Quality Act, and in accordance  
13 with Government Code Section 66411.7(n) and 66452.21(g),  
14 Senate Bill 9 Ordinances are not a project subject to the  
15 California Environmental Quality Act. This is Town Code  
16 Amendment Application A-24-003.  
17

18 Commissioners, are there any disclosures on this  
19 item? Seeing none, Mr. Safty, I believe you're preparing  
20 our staff report for this?

21 RYAN SAFTY: Certainly, and thank you. Good  
22 evening, Commissioners.

23 Before you is an amendment to the SB 9 Ordinance  
24 within Chapter 29 of Town Code. Earlier this year the Town  
25 Council heard from a local architect requesting revisions

1 regarding the second story step-back rule for SB 9 two-unit  
2 developments. Town Council voted to include this request  
3 within the strategic priorities for the coming years and  
4 listed the change as the first priority for ordinance  
5 amendments. So here we are.

6           Current Town Code for SB 9 requires that the  
7 interior, side, and rear elevations of the second story of  
8 a two-story primary dwelling unit be recessed by 5' from  
9 the first story, and that's measured from wall-to-wall.  
10

11           The standard was included originally in an  
12 attempt to limit potential second story privacy impacts  
13 associated with an SB 9 development project since SB 9  
14 units can be placed as close as 4' from the side and rear  
15 property lines.

16           Additionally, the 5' step-back decreases the mass  
17 of a two-story SB 9 in accordance with the Town's  
18 Residential Design Guidelines since only objective  
19 standards can be used to review these SB 9 applications.

20           Based on the diagram from the architect, and  
21 that's provided in Exhibit 3 of your report, measuring the  
22 5' step-back from the structural post of a covered porch  
23 would meet the same intent and allow the design community  
24 more flexibility.  
25

1           The interior, side, and rear elevations of the  
2 second story would still have the increased 9' minimum side  
3 and rear setback, and the covered porch step-back would  
4 still help decrease the second floor massing.

5           In addition to the step-back modifications  
6 provided in Exhibit 4, Staff also recommends a handful of  
7 other minor clean up items. These are either to better  
8 align the Town's standards with State law or to clarify  
9 existing standards as identified by Staff over the past few  
10 years as we've been using the ordinance and reviewing  
11 applications.

12           The recommended ordinance modifications in  
13 Exhibit 4 would not be considered a project under CEQA and  
14 would be very minor changes to the existing process, hardly  
15 noticeable.

16           A Desk Item was provided today on Commissioner  
17 request to provide the City of San Mateo's Interim Building  
18 and Design Guidelines for consideration in adding  
19 additional objective standards within the Town's ordinance.

20           It is worth noting that the Town's existing SB 9  
21 Ordinance has actually been very effective, and the  
22 direction from Town Council was to make a single  
23 modification to an existing design standard. To date we  
24 have approved three two-unit housing development  
25

1 applications and 17 urban lot splits, and Staff on several  
2 occasions has received verbal praise from HCD regarding our  
3 SB 9 Ordinance.

4           Based on the discussion provided in the Staff  
5 Report Staff recommends that the Planning Commission review  
6 the information included within the report and forward a  
7 recommendation to the Town Council for approval of the  
8 amendments to Chapter 29 of the Town Code in Exhibit 4, and  
9 also make the required findings in Exhibit 1.

10           This concludes Staff's presentation and we are  
11 happy to answer any questions.

12           CHAIR RASPE: Thank you very much, Mr. Safty.  
13 Commissioners, any questions for Staff with respect to  
14 either the report they provided or the Desk Item that has  
15 been attached? Commissioner Barnett.

16           COMMISSIONER BARNETT: I'm going to ask an  
17 obvious question to which there is an obvious answer. The  
18 Town Attorney has reviewed each of these changes and  
19 approves them?

20           RYAN SAFTY: That is correct.

21           CHAIR RASPE: Thank you so much. Good question I  
22 was hoping someone would ask.

23           We now invite comments from members of the  
24 public. If you've not already turned in a speaker card to  
25

1 Staff, please do so at this time, or if you're on Zoom use  
2 the Raised Hand feature. When you are called to speak,  
3 please state your name and address for the record, adjust  
4 the microphone so that you may speak directly into it, and  
5 you will have three minutes.

6 I have a single card so far. Mr. Tony Jeans, if  
7 you'd like you can step forward if you wish to speak on the  
8 matter before the Commission, Agenda Item #2, and you have  
9 three minutes, sir. If you could begin by stating your name  
10 and address for the record.

11  
12 TONY JEANS: Tony Jeans, PO Box 1518, Los Gatos.  
13 Thank you for this opportunity.

14 I think the Town of Los Gatos SB 9 Ordinance is  
15 working very well. I'm comparing it with other ordinances,  
16 such as Saratoga and Monte Sereno, for example.

17 This is not really an ordinance issue, but it's  
18 more an issue and I'd like your help to make this happen: I  
19 would like the process to run more smoothly.

20 For example, I'm in the middle of one SB 9 lot  
21 split on Marchmont Avenue. Planning approved it, so we've  
22 done the lot split. The owner of the property who recently  
23 purchased it wants to move into the house that is going to  
24 be remodeled on the property, and then they're going to  
25

1 build another house that they'll sell, which will enable  
2 them to basically afford to move into Los Gatos.

3           The problem I'm having is in submitting the plans  
4 to the Town to remodel the existing house I got plan check  
5 comments back from Planning. Building is taking forever,  
6 but the plan check comments that I got back from  
7 Engineering was we can't give you any comments at this  
8 stage because you haven't recorded the Parcel Map.

9  
10           Now, the Parcel Map is part of the process of  
11 doing a lot split, but why can't they look at what we're  
12 trying to do with an existing house? Why throw back  
13 something saying we can't even review it? The reason it's  
14 taken so long to get the Parcel Map done is it has gone  
15 through three iterations with Engineering at four weeks per  
16 time to try to get the Parcel Map fine tuned.

17           I think if this can all be made a little more  
18 efficient it would really help. This is meant to be an  
19 efficient process.

20           As to words in the actual change, I want you to  
21 distinguish between a conservation easement, which is being  
22 added, and open space easement, which should not be  
23 restrictive. If there is an open space easement that is not  
24 a conservation easement, that should not restrict someone  
25

1 from doing an SB 9 lot split, and there is a distinction in  
2 the law. Thank you.

3 CHAIR RASPE: Thank you. Before you step away,  
4 Commissioners, any questions for Mr. Jeans? Vice Chair  
5 Thomas.

6 VICE CHAIR THOMAS: Thank you for your input. I  
7 know we always appreciate the public comments.

8 I just want to clarify about the conservation  
9 easement versus open space easement. You're requesting that  
10 it clarify that conservation easement does not include open  
11 space easement?  
12

13 TONY JEANS: Right. A conservation easement  
14 typically is something that you have to get a land trust  
15 involved. There's a tax break, it bestows certain benefits  
16 on the owner of the land, and an open space easement is  
17 different. Sometimes you might put an open space easement  
18 so that you can't build on a certain portion of the  
19 property, but it is nothing to do with a conservation  
20 easement. An open space easement might be placed along the  
21 edge of a creek, for example.

22 VICE CHAIR THOMAS: Are you asking that we would  
23 include a definition of conservation easement in the list  
24 of definitions?  
25



1           TONY JEANS: I am saying that there is a  
2 distinction between the two. Thank you.

3           VICE CHAIR THOMAS: Yes, perfect. Thank you.

4           CHAIR RASPE: Thank you. Any other questions for  
5 this speaker? No. Thank you again for your comments. I have  
6 no further yellow cards for any members of the public  
7 present. Mr. Paulson, do we have any members of the public  
8 on Zoom?

9           JOEL PAULSON: We do not.

10          CHAIR RASPE: Very good. We have no more public  
11 comment. I will close the public hearing portion of this  
12 matter. Commissioners, I invite you to ask questions, ask  
13 questions of Staff, or of each other.

14           I think the most efficient way to do it is we've  
15 been provided Exhibit 4, which is a redline document making  
16 changes to our existing policy with new changes. My hope  
17 and my desire is to go through this on a page-by-page  
18 basis, and if any Commissioners have any comments we'll do  
19 that as we go through, keeping in mind we also have  
20 Commissioner Barnett's additional comments and if we can  
21 introduce them as part of this discussion that would be  
22 great.  
23

24           Without further ado let's begin then with page 1  
25 of Exhibit 4. Again, minor definitional comments.

1 COMMISSIONER BARNETT: Can I ask one question of  
2 Staff before we move forward?

3 CHAIR RASPE: Please.

4 COMMISSIONER BARNETT: Does Staff have a response  
5 to Mr. Jeans' comments regarding the timing of the Parcel  
6 Map?

7 RYAN SAFTY: We do, thank you. This is actually  
8 something that we recommended an amendment to on page 2 of  
9 Exhibit 4, under 29.10.620, Item 2, on what constitutes a  
10 legal parcel. Previously we would say that you had to get  
11 your Parcel Map recorded before we're going to even accept  
12 the two-unit development application. Now we say when both  
13 urban lot split and two-unit housing development  
14 applications are submitted simultaneously no construction  
15 or building permits for new construction or grading  
16 activities may be issued until the new Parcel Map for the  
17 urban lot split has been approved and recorded. So we will  
18 take in the application, we will review a Building Permit;  
19 we're just not going to issue Construction Permits until  
20 the parcel is legal.  
21

22 COMMISSIONER BARNETT: Thank you for that.

23 CHAIR RASPE: Commissioner Mayer.

24 COMMISSIONER MAYER: I have a follow up question  
25 to that actually. The public comment was in regard to the

1 renovation of an existing structure on the property to be  
2 split. Is that covered here in that section? I'm only  
3 seeing it refer to a two-unit housing development  
4 application and not necessarily like a remodel application.

5 RYAN SAFTY: Thank you for the question. I would  
6 say I would need to know a little bit more about the  
7 individual case being referenced. I don't know why the  
8 Parks and Public Works Department cannot review an internal  
9 remodel.

10  
11 There is one minor point to clarify that if an  
12 urban lot split is going to modify or demolish a structure  
13 that has been used, say, as affordable housing or has been  
14 rented by somebody in the last three years, then you can't  
15 do anything on it. That's the only example I could think of  
16 why Engineering would not allow that permit to be issued.

17 JENNIFER ARMER: I'll just add that that language  
18 is directly from State law, so that is something that needs  
19 to be maintained. I think at this point we can follow up  
20 with the member of the public who commented and figure out  
21 which project it is and see if we can find out what the  
22 situation was there.

23 COMMISSIONER MAYER: If you could follow up with  
24 the Planning Commission after you guys have that  
25 conversation, because I'm curious. With more SB 9 projects

1 coming down the pipeline, there are going to be instances  
2 where a property owner is going to want to keep one of the  
3 existing structures on the site, perhaps to do a remodel or  
4 do an addition to it, and then add two units to the other  
5 parcel they split off.

6 SB 9 is still relatively new, so I think we're  
7 all learning as we go along and see more applications  
8 coming through, but in these sort of instances I'd like to  
9 see the process be more streamlined. Thanks.

10 CHAIR RASPE: Thank you. Any other questions for  
11 Staff? All right, then Exhibit 4, and we'll take this one  
12 page at a time.

13 Any Commissioners have any questions or comments  
14 with respect to page 1?

15 Okay, page 2. This includes the language we were  
16 just discussing. Mr. Safty just pointed to some other  
17 changes, including the historic property exclusion, and the  
18 very high fire hazard severity zone exclusion as well. Any  
19 comments?  
20

21 My only thought here is perhaps based upon Mr.  
22 Jeans' comments of in the definition portions should we  
23 include now an open space easement definition?  
24

25 RYAN SAFTY: I would like to jump in if I can on  
that one.

1 CHAIR RASPE: Please.

2 RYAN SAFTY: The specific conservation easement  
3 situation is something that is directly out of State law,  
4 and so in speaking with the Town Attorney previously the  
5 direction is that we keep it identical to State law. Our SB  
6 9 Ordinance does not say the words "open space easement,"  
7 however, there is a civil code that our Town Attorney has  
8 pointed in our direction that does say that an open space  
9 easement is a part of a conservation easement, and so we  
10 wanted to leave it that way so if the civil code changes  
11 our ordinance does not have to change; our ordinance is  
12 directly pulled from State law.  
13

14 CHAIR RASPE: Thank you. I appreciate those  
15 comments. Given that explanation, Commissioners, any  
16 further suggested changes or ideas on page 2? Seeing none.

17 Let's proceed to page 3. It might be a minor  
18 change on page 3. Any changes there? Seeing none.

19 Page 4. Seeing none.

20 Page 5. Again, these appear to be largely  
21 stylistic and/or grammatical changes. Vice Chair Thomas.

22 VICE CHAIR THOMAS: I did just notice that for G  
23 for cut and fill it wasn't in italics and all the other  
24 ones are.  
25

1 CHAIR RASPE: With that one change then, page 6.  
2 Vice Chair Thomas.

3 VICE CHAIR THOMAS: For R I noticed that it just  
4 starts with New Units, but all the others start with like,  
5 say, storm water management, period, and then the  
6 description. This one doesn't have a title that's in  
7 italics.

8 CHAIR RASPE: Thank you for those comments. Any  
9 other Commissioner comments on page 6?  
10

11 Page 7, and this is a single change here. This is  
12 the change which started the process of the revision of the  
13 section, that is, the second story step-back. Staff has  
14 included new language there on how that is to be measured  
15 when there is a covered porch. Commissioners, any changes  
16 or comments? Yes, Commissioner Mayer.

17 COMMISSIONER MAYER: I just want to say I support  
18 the changes that were proposed by Jay Plett.

19 CHAIR RASPE: Thank you. Any other comments?  
20 Seeing none.

21 Page 7. It looks like one single change. I see no  
22 comments.

23 Page 8. There is a single comment on the bottom.

24 Page 9 has no changes.  
25

1           Page 10, a single change in paragraph (e). Seeing  
2 no comments.

3           Page 11. It looks like some numbering and  
4 lettering changes, and again, a couple of minor clarifying  
5 comments. Any changes or comments? Seeing none.

6           Then, again, only minor changes on the final  
7 page.

8           So it sounds like our changes are only stylistic  
9 as to the language proposed by Staff.

10           I'd like to direct my Commissioners then to the  
11 item provided by Commissioner Barnett, which is San Mateo's  
12 Interim Objective Building and Design Standards for Two-  
13 Unit Development Overlay Districts. I invite discussion  
14 among our Commissioners—we haven't had much time to look at  
15 it—and your thoughts as to how you would like to take a  
16 look at these.

17           It could be the case that some or all of this is  
18 applicable to this discussion, or it may be the case that  
19 we simply wish to append this to our motion to Town Council  
20 and ask them if they wish to consider any of these  
21 additional thoughts or changes which are not currently  
22 incorporated into our changes. I'm open to ideas and  
23 discussions from my Commissioners.

24           Yes, Commissioner Barnett.

1 COMMISSIONER BARNETT: I'd like to ask a  
2 preliminary question of Staff. Although the time has been  
3 short, do you have a feeling about whether architectural  
4 standards of this nature would be consistent with the SB 9  
5 law?

6 RYAN SAFTY: Thank you. Actually I did have a  
7 chance to go through San Mateo's documents, I kind of went  
8 line-by-line, if you wanted to go that route, or I can also  
9 alternatively just let you know which ones I do not think  
10 are objective and would not stand up in court, and then  
11 there are some also I wanted to point out that we have  
12 standards that say this already.

14 So why don't I start with just letting you know  
15 which items I do not think are objective? This is based on  
16 my extensive work on the objective standards document and  
17 M-Group consultants, so I've got a pretty good idea.

18 Item (a), Architectural Style, is not defined.  
19 We've been directed previously from M-Group that that's not  
20 going to stand up. That's saying that you have to have the  
21 same architectural style.

22 Item (c) (2) Entrances and Entryways, "All primary  
23 entries to a dwelling unit," they don't define primary  
24 entries. It would be a simple fix, but they would have to  
25 define it.



1           Item (d) (1), Windows, it says windows type and  
2 style. Those two would not be enforceable. Recess depth and  
3 mullions would be enforceable, since we could definitively  
4 say that that's consistent on all sides.

5           Then the last one, (e) (1), Materials and Colors,  
6 "A building shall carry the same theme on all elevations."  
7 That one gives me the biggest pause.

8           COMMISSIONER BARNETT: Thank you very much.  
9 That's very helpful.

10           CHAIR RASPE: Commissioners, then what I propose  
11 is since we're going through this for the first time as a  
12 group, why don't we go through it as a group and let's  
13 address quickly those that are on here that we think would  
14 be considered objective standards and could be considered  
15 by the Town, and those we wish to pass along to Town  
16 Council.

17  
18           Commissioner Mayer.

19           COMMISSIONER MAYER: I have a question first  
20 before we dive into that.

21           CHAIR RASPE: Please.

22           COMMISSIONER MAYER: Probably for Staff. Does the  
23 SB 9 State Ordinance require that the Town create objective  
24 standards for a two-unit development?  
25

1 RYAN SAFTY: It requires that all standards in  
2 our SB 9 Ordinance are objective. It's worth noting that  
3 the terms we're using right now are easy to get confused.  
4 These are objective design standards. We have objective  
5 standards. It's also worth noting we also have objective  
6 design standards in our ordinance.

7 COMMISSIONER MAYER: That's what I'm referring  
8 to, the objective design standards.

9  
10 Second question follow up. The Town already has  
11 Residential Design Guidelines. That would not apply to a  
12 two-unit development?

13 RYAN SAFTY: That is correct. It's worth noting  
14 that when we were going through the SB 9 process we did go  
15 through the Residential Design Guidelines and tried to  
16 figure out which of those items, for example, the 5' step-  
17 back, we wanted to implement in the SB 9 Ordinance.

18 CHAIR RASPE: Yes, Commissioner Burnett.

19 COMMISSIONER BURNETT: Question for Staff, thank  
20 you. Which ones do we have presently that would be already  
21 addressed?

22 RYAN SAFTY: The items that are already  
23 addressed? Item (b)(1), Massing and Scale. There are two  
24 different ways of doing this. They're talking about a  
25 daylight plane. We have a 5' step-back, and we also have

1 reduced plate heights on the second story, so that helps  
2 with both the massing and the scale.

3 CHAIR RASPE: Vice Chair Thomas.

4 VICE CHAIR THOMAS: I just would like to  
5 interrupt with a question. The language that we currently  
6 have to address that is most similar to what is in our  
7 Residential Design Guidelines versus this language? They  
8 both address massing, but we probably want to be as  
9 consistent as possible with how we address massing across  
10 those two areas?  
11

12 RYAN SAFTY: That is correct that what we have in  
13 our current SB 9 Ordinance is much closer to the wording in  
14 the Residential Design Guidelines.

15 VICE CHAIR THOMAS: Okay, thank you.

16 CHAIR RASPE: Mr. Safty, you were going down a  
17 list of those items that we have addressed at least in some  
18 form or manner.

19 RYAN SAFTY: Thank you. Moving on, (c)(1),  
20 Entries and Entryways, "Individual entries shall be  
21 provided to each dwelling unit." That's a Building Code  
22 requirement; there is no need to put that in our SB 9  
23 Ordinance.

24 (d)(2), Windows, "Location and Privacy," we have  
25 that. We've got the requirement that any window closer than

1 10' of a side or rear property line has to be Clerestory,  
2 and additionally, we also have balcony requirements where  
3 we say you cannot have any balconies on the second story of  
4 that project, and if you are going to have them I think we  
5 say they have to be within the footprint of the side and  
6 rear elevations.

7 (e) Materials and Colors, (F), we've got light  
8 reflection values (LRV) requirements. We say if you're in  
9 the hillside you're subject to 30 LRV, which is, again,  
10 kind of repeating what's in our Hillside Design Guidelines.  
11

12 Then (g), Lighting, we have that almost identical  
13 in our ordinance.

14 CHAIR RASPE: Thank you so much. If I could  
15 recap, and please correct me if I'm wrong.

16 So those matters which remain, they are either  
17 neither subjective or we haven't already addressed them  
18 elsewhere. That would include (c)(3) and (4), is that  
19 correct?

20 RYAN SAFTY: Yes.

21 CHAIR RASPE: I think (e)(2), but excluding (F).

22 RYAN SAFTY: Yes.

23 CHAIR RASPE: (e)(2), that's sub (A) through sub  
24 (E), correct?

25 RYAN SAFTY: Correct.

1 CHAIR RASPE: And then all of sub (g) and sub  
2 (h)?

3 RYAN SAFTY: Correct.

4 CHAIR RASPE: So those are the ones,  
5 Commissioners, that we currently don't have addressed in  
6 our guidelines and could be permissible to be added to our  
7 guidelines. So if we were going to add any, those would be  
8 the ones I would proffer we should discuss this evening.  
9 Does that sound fair?  
10

11 COMMISSIONER BURNETT: Yes.

12 CHAIR RASPE: Vice Chair Thomas.

13 VICE CHAIR THOMAS: I do have a question about  
14 (h) Utilities and Mechanical Equipment. What is in our  
15 Residential Design Guidelines related to that?

16 RYAN SAFTY: We say we don't want to see them,  
17 and so normally Staff asks for them to be behind a fence.

18 VICE CHAIR THOMAS: So it's kind of like a  
19 request? I guess people probably don't want to see them in  
20 general either, so this is kind of a self-enforcing  
21 situation.

22 RYAN SAFTY: There's not generally much pushback  
23 on that, and I would argue the same thing with (c)(3),  
24 Entries and Entryways. Most people are going to put their  
25

1 entrance facing one of these streets, so it just happens  
2 naturally.

3 VICE CHAIR THOMAS: Okay, thank you.

4 CHAIR RASPE: Very good. Again, as a Commission  
5 if we want to proffer ideas or suggestions to include some  
6 of these comments. Let's just go through these one at a  
7 time then.

8 So (c) (3), "At least one principal entryway shall  
9 face the primary street frontage, primary right-of-way, or  
10 access corridor." As Mr. Safty has indicated, generally  
11 this happens as a matter of practicality, but do we want to  
12 as a Commission include this within our objective standards  
13 for SB 9 properties?  
14

15 Commissioner Mayer.

16 COMMISSIONER MAYER: I don't know.

17 CHAIR RASPE: Anyone have any strong feelings?

18 COMMISSIONER BARNETT: I'll speak up on that one.  
19 Even though it might be common practice, I think that it  
20 makes logical sense to have it as an objective; it's not  
21 going to hurt, and it could help.

22 COMMISSIONER BURNETT: I agree.

23 VICE CHAIR THOMAS: I am wondering if  
24 Commissioner Mayer could expand on, maybe from an  
25 architectural point of view, why this would be problematic?

1 COMMISSIONER MAYER: Sure. What SB 9 is doing is  
2 it's legalizing what is essentially like a four-plex unit  
3 on one property before it's split, and I just don't want to  
4 limit architecturally the entry sequence to the units.

5 Now, obviously for a single-family home it's  
6 pretty standard 99.9% of the time to have the entry facing  
7 the front right-of-way. I just don't want to limit  
8 necessarily future projects like four-plex projects.

9 It depends on the property itself, and I think it  
10 should be a case-by-case basis. For instance, if someone  
11 proposes an SB 9 project and they don't have the entry on  
12 the front and it looks totally out of place in the  
13 neighborhood, I think that's something that can be brought  
14 up either by the Commission or Staff or something, but I  
15 just think it's a bit restrictive to put that into  
16 objective standards at this point.

17  
18 CHAIR RASPE: Yes, Commissioner Burnett.

19 COMMISSIONER BURNETT: Just a comment. Can we say  
20 "preferably"?

21 JENNIFER ARMER: I'll jump in on that. Yes, it  
22 would need to be objective, and one cautionary thought on  
23 this is with Accessory Dwelling Units we did get direction  
24 from HCD that one of the regulations we had in place for  
25 them that the entry door for the ADU can't be visible from

1 the street, that was something that we were not allowed to  
2 prohibit.

3 This is a different character. I don't remember  
4 whether it was broader than that in terms of rules about  
5 the entryways, but it's the kind of thing that could  
6 potentially be a little risky.

7 CHAIR RASPE: Yes, Commissioner Barnett.

8 COMMISSIONER BARNETT: I just note that the  
9 requirement is for at least one door, and I was thinking  
10 about Commissioner Mayer's comment about perhaps there  
11 would be a U-shaped configuration, and in that case you  
12 would think that at least one unit at the bottom of the U  
13 would be able to have a front door so that there is not an  
14 appearance of it being a jail and enclosed complex.

15 CHAIR RASPE: Commissioner Mayer.

16 COMMISSIONER MAYER: I understand Commissioner  
17 Barnett's concern for sure. I think the fear is having this  
18 blank wall facing the public right-of-way, and I think  
19 that's understandable. I don't know if there's a way we can  
20 put language and like objective design standards to say  
21 that you're not allowed to have a blank wall, like maybe it  
22 needs to have some sort of façade articulation and some  
23 fenestration like some windows or something.  
24  
25



1 I'm still not convinced though that it needs to  
2 be like the front door, but I do understand that there is  
3 concern about how the front façade appears on the street  
4 and I'm willing to maybe explore that.

5 I just imagine like, for instance, you have four  
6 units. They could be off of one linear road or corridor  
7 along the side of the property rather than directly on the  
8 front. It depends again on a case-by-case basis on the  
9 individual site. I just don't want to put this restriction  
10 in.  
11

12 CHAIR RASPE: Yes, Commissioner Burnett.

13 COMMISSIONER BURNETT: Further conversation on  
14 this. The problem with objective guidelines here, you take  
15 so much away from any kind of subjective architectural  
16 design, so that if we were left with a frontage that has no  
17 door, no personality, I mean what we're trying to do is  
18 have some personality into the building and everything is  
19 objective, nothing is subjective, so I would think it's  
20 important to have something to break up a wall that if we  
21 leave that in place you're not having... I mean, there's  
22 really no personality, so I think this is a way we could  
23 have some kind of personality into the building without  
24 being subjective.  
25

CHAIR RASPE: Thank you. Vice Chair Thomas.

1           VICE CHAIR THOMAS: I agree with Commissioner  
2 Mayer for two reasons. One, I think that 99.9% of the time  
3 people are going to not want to just build a wall that  
4 faces the frontage street, because people inherently like  
5 things that look... If they're going to put money and energy  
6 and time, and money in Los Gatos, into building a unit it's  
7 probably going to look decent, because many family members  
8 I have are real estate agents, and what something looks  
9 like from the street makes a big difference, so that being  
10 said I think that, again, this is like a self-enforcing  
11 thing and I think that it only restricts. I'm not concerned  
12 that this is going to be happening all over town, so I  
13 agree with Commissioner Mayer.

15           I do have a question for Staff. In our  
16 Residential Design Guidelines do we require anything about  
17 having a window or a front door or anything that has to  
18 face the street? Because if we don't, then there's no  
19 reason that we should include it in here, I don't think.

20           RYAN SAFTY: I could confirm. I would be shocked  
21 if there wasn't at least something that talks about  
22 discouraging blank walls facing a street, but if you don't  
23 mind, let me get back to you on that.

24           CHAIR RASPE: Thank you so much, and while he's  
25 looking that up this is what I propose, Commissioners. We

1 have, I think, five individual matters on this from San  
2 Mateo that we are considering applying to ours, and my  
3 sense is we are not unanimous necessarily with respect to  
4 this first item.

5 I will put each item up to a vote among the  
6 Commissioners, and those that garner a majority of votes  
7 will be included then with our recommendation to Town  
8 Council with respect to the redline Exhibit 4, which was  
9 attached previously. Does that sound acceptable to all?  
10 Okay, very good.

11  
12 Yes, Mr. Safty.

13 RYAN SAFTY: Thank you. Coming back to that last  
14 topic, we do have a design guideline that says, "The front  
15 of the house should be oriented towards the street and the  
16 front entry clearly identified."

17 VICE CHAIR THOMAS: Okay, thank you.

18 CHAIR RASPE: Any other questions for Staff with  
19 respect to Item (c)(3), Entries and Entryways? If not, then  
20 let me ask for by a show of hands those Commissioners that  
21 wish to include (c)(3) as one of our recommendations to  
22 Town Council with respect to the SB 9 Ordinance. I see two.  
23 Those against? I see three, so the Commission will not  
24 recommend (c)(3) be included within our recommendations to  
25 Town Council.

1           Going to (c) (4), "When an exterior staircase is  
2 proposed for an upper-level primary dwelling unit it shall  
3 have a setback of at least 5' from the nearest lot line and  
4 shall have a landing limited to the minimum area required  
5 to allow ingress and egress as specified by the California  
6 Building Code." Commissioners, any comments or thoughts  
7 with respect to (c) (4) of Entries and Entryways?

8           Commissioner Barnett.

9           COMMISSIONER BARNETT: A comment was made at the  
10 outset of our discussion tonight about that issue being  
11 possibly addressed in the existing regulations or code?  
12

13           RYAN SAFTY: Thank you. I'm not sure if I was  
14 referring to this one specifically, but I'm glad you  
15 brought it up because we do require a 4' setback, so one  
16 foot less, and that's for any part of the structure, and  
17 that would include the staircase. And then the Building  
18 Code has landing requirements, so I would assume that would  
19 be covered by standard Building Code.

20           CHAIR RASPE: Yes, Commissioner Mayer.

21           COMMISSIONER MAYER: I'm okay with clarifying  
22 that exterior stairways need to be within this and follow  
23 the setback. It sounds like that's already addressed.  
24

1 CHAIR RASPE: Mr. Safty, including this language,  
2 would it be duplicative then of what we already have? Would  
3 it be a confusion?

4 RYAN SAFTY: It would allow one additional foot  
5 for the staircase. Honestly, it would create confusion,  
6 most likely. I apologize; it would require one additional  
7 foot. Sorry.

8 COMMISSIONER BARNETT: So if that were reduced to  
9 4' and was consistent with the existing standards, would  
10 you be agreeable with that?

11 RYAN SAFTY: With our current SB 9 Ordinance we  
12 are looking at staircases as a part of the structure, and  
13 so it's required to meet a 4' side yard setback, period,  
14 with no amendment to the ordinance.

15 COMMISSIONER BARNETT: Thank you for that.

16 CHAIR RASPE: Vice Chair Thomas.

17 VICE CHAIR THOMAS: I just want to confirm that  
18 any staircase, any permanent deck or porch type thing, any  
19 posts associated with a covering or anything like that, all  
20 of that is considered a part of the structure, so it would  
21 be required to comply with the setbacks?

22 RYAN SAFTY: Correct.

23 VICE CHAIR THOMAS: Okay, thank you.

1 CHAIR RASPE: Thank you. All right,  
2 Commissioners, given those explanations what are your  
3 feelings on adding (c)(4), Entries and Entryways, as part  
4 of a recommendation to Town Council with SB 9? It seems to  
5 me that it probably doesn't add much since we are currently  
6 covered with our existing language. Any difference of  
7 opinion? Okay, thank you. So we will not include (c)(4).

8 Commissioner Burnett.

9  
10 COMMISSIONER BURNETT: For Staff. I would like to  
11 go back to (c)(3) of Entries and Entryways. On (3), which  
12 would take precedence, what is already in our guidelines or  
13 this recommendation that would be coming from the Town  
14 Council by a 3-2 vote?

15 RYAN SAFTY: The recommendation failed 2-3, so we  
16 will not bringing that recommendation forward to Town  
17 Council.

18 COMMISSIONER BURNETT: Oh, I thought...

19 CHAIR RASPE: No. We won't recommend...

20 COMMISSIONER BURNETT: (Inaudible).

21 CHAIR RASPE: No, no. Just to confirm, yes, we're  
22 not recommending...

23 JOEL PAULSON: Through the Chair, just to  
24 Commissioner Burnett, we will be doing verbatim minutes, so  
25

1 the Council will have the ability to read it as well as it  
2 will be on video.

3 CHAIR RASPE: Thank you. Then moving on I will  
4 treat these as a group. (e)(2), Materials and Colors, and  
5 we'll go (A) through (E); apparently, again, (F) has  
6 already been dealt with elsewhere in our guidelines, so,  
7 "The following materials are prohibited on building  
8 exteriors: (A) Exterior Foam Molding, (B) Corrugated Metal,  
9 (C) Vinyl Siding, (D) Plywood, and (E) Exterior Insulation  
10 Finishing System (EIFS). Commissioners, any questions or  
11 thoughts, or questions for Staff, on these items?  
12

13 Commissioner Barnett.

14 COMMISSIONER BARNETT: I would submit that (B)  
15 and (C) and (D) are self-evident as being important.

16 That would leave (A), and I would open that to  
17 discussion by my fellow commissioners. The criticism I've  
18 heard of (A), foam moldings, is that one, they break down;  
19 and two, they look artificial; let me put it that way. They  
20 don't look like natural building materials.

21 And I'm not clear what (E), the exterior  
22 insulation finishing system, is. Thank you.

23 CHAIR RASPE: Thank you. Vice Chair Thomas.

24 VICE CHAIR THOMAS: I have a question for Staff  
25 about if any of these materials would be approved through

1 the Building Code? Are there building codes that exist that  
2 wouldn't allow some of these materials already to be used?

3 JENNIFER ARMER: Not that I'm aware of.

4 VICE CHAIR THOMAS: Okay, so it's just more of  
5 like, you know with fire code and things like that you have  
6 to have the fire barrier, that's all internal, not any  
7 external?

8 RYAN SAFTY: That's correct. It's also worth  
9 noting that we discourage foam molding in our Residential  
10 Design Guidelines.

11 CHAIR RASPE: Thank you. Commissioner Mayer.

12 COMMISSIONER MAYER: Regarding the comments about  
13 the foam molding, I would agree that it's not the best  
14 material to use for exterior applications. It doesn't look  
15 great, as Commissioner Barnett said; it breaks down easily  
16 and wears over time. There are also issues with fire with  
17 that material. They make foam that's sprayed with fire  
18 retardant, but generally I don't think it performs as well  
19 as other materials. I would be willing to maybe incorporate  
20 some of the language from the Residential Design Guidelines  
21 for this regarding that particular material.

22 The other materials, (E) Exterior Finishing  
23 system (EIFS), I see that more common on commercial  
24 projects and multi-family projects, not so much on single-  
25



1 family or like SB 9 small multi-family projects. Also,  
2 there are some concerns about fire with that too; it's also  
3 kind of a foam product.

4 (C) Vinyl Siding, and (D) Plywood, those are  
5 generally just kind of the cheaper options for siding, so  
6 they don't look as high-quality.

7 I don't know if it's within our authority to make  
8 a value judgment about aesthetics on that, but I would say  
9 that if the Commissioners and Staff want to promote nice  
10 looking exteriors they should discourage the use of those  
11 materials.

12 I think (B) Corrugated Metal, although it is  
13 often associated with more industrial type of buildings,  
14 I've seen it used in ways, especially in Europe, that look  
15 nice for residential buildings, so I wouldn't want to say  
16 no corrugated metal, but the other ones I'd have no problem  
17 saying that we want to discourage using those.

18 CHAIR RASPE: Thank you so much. Vice Chair  
19 Thomas.

20 VICE CHAIR THOMAS: I agree that (A) and (E) seem  
21 problematic for multiple reasons, like in addition to what  
22 was stated they are made with materials that are toxic and  
23 have forever chemicals, which the EPA literally released  
24 new guidelines on that yesterday, so I would say that those  
25

1 ones, especially if that's not going to be eliminating  
2 anything architecturally, should be included in something  
3 that can be prohibited.

4           However, the others I am concerned just because I  
5 know that there are some opportunities and options for  
6 these ready-made ADUs that get dropped in your backyard  
7 kind of thing, and I wouldn't want any of those to be  
8 restricted because they have some of these materials on the  
9 outside. They look nice and they might not even be  
10 necessarily viewable from the street in many of these  
11 situations. I'm not sure really what materials those types  
12 of things are made of, so that would be my only concern  
13 moving forward, and if Staff could comment on that and/or  
14 just maybe if this does move forward, taking it to Town  
15 Council, if that could be looked into before the final  
16 decision is made.

18           CHAIR RASPE: Great. Thank you. Commissioners,  
19 any other questions? Commissioner Burnett.

20           COMMISSIONER BURNETT: Again, going back to  
21 objective standards here, I would tend to agree that these  
22 building materials, I would not want to see any of them on  
23 any of our structures if we're trying to keep some kind of  
24 subjectivity, even though we're really not, and these  
25 materials to me lack a lot of personality, and they have a

1 lot of issues with them as far as from my experience and  
2 how I view them, so I wouldn't be for any of these.

3 CHAIR RASPE: Thank you for those comments.  
4 Commissioners, any others? All right, I tried to group  
5 these as a group, but again, I sense as a group we've made  
6 some distinctions among them, so what I will do is ask for  
7 (A) through (E) a show of hands, and the ask is those items  
8 that should be excluded, that is, they will be prohibited  
9 on building exteriors. If you believe that the materials  
10 should not be part of our acceptable building on SB 9  
11 buildings, then that's what will be the ask here.  
12

13 So, sub (A), Exterior Foam Molding, by show of  
14 hands, those that believe that exterior foam molding should  
15 not be part of our building exteriors, please, raise your  
16 hands. Okay.

17 Same question with respect to sub (B), Corrugated  
18 Metal. I show that's two in favor.

19 COMMISSIONER BURNETT: Two in favor?

20 CHAIR RASPE: One, two. You and Commissioner  
21 Barnett.

22 COMMISSIONER BURNETT: I'm not in favor.

23 JENNIFER ARMER: To clarify, two in favor of  
24 prohibiting that item.  
25

CHAIR RASPE: Prohibiting.

1 COMMISSIONER BURNETT: Okay, good. I need that  
2 word prohibited.

3 CHAIR RASPE: I'm sorry.

4 COMMISSIONER BURNETT: Okay, thank you.

5 CHAIR RASPE: Thanks for the clarification. So,  
6 again, corrugated metal, three are in favor of allowing it  
7 as a building material.

8 Sub (C), Vinyl Siding, those in favor of  
9 prohibiting it as a building material on SB 9 projects?  
10 Five to nothing.

11 Sub (D), Plywood, those in favor of having it as  
12 a prohibited material on the exteriors of... Again, five to  
13 nothing.

14 Sub (E), Exterior Insulation Finishing System  
15 (EIFS), those in favor? Five to nothing.

16 So to recap and to confirm, subs (A), (C), (D)  
17 and (E) will constitute the list of prohibited building  
18 exterior items for SB 9 projects. Thank you.

19 Vice Chair Thomas.

20 VICE CHAIR THOMAS: I'm sorry, I know that I'm  
21 asking us to backtrack, but I do want to say that these are  
22 things that we're trying to not change the ordinance in the  
23 future, and I do just have a question for my fellow  
24  
25

1 commissioners about vinyl siding, like mainly for  
2 Commissioner Mayer.

3 I know that vinyl flooring has changed  
4 dramatically over even just the past decade. Are there any  
5 possible materials... Do you think that that one could be  
6 limiting in a way, or do you really see that there is no  
7 movement in that direction for possible outside materials?

8 COMMISSIONER MAYER: Sure, I can answer that  
9 question, and you're correct that more recently the vinyl  
10 flooring products have gotten much better.

11 I honestly don't see vinyl that often being used  
12 as an exterior siding material, and I haven't really seen  
13 examples. Vinyl windows are one thing, but as far as the  
14 siding, I haven't really seen it that much used.

15 I know you brought up prefabricated ADUs before,  
16 and on those I haven't seen vinyl. Usually it's like a  
17 wood, like a lap siding, or some sort of fiber cement board  
18 is pretty popular these days, so I image a lot of SB 9  
19 projects are going to be using fiber cement board, which is  
20 not on the list of excluded materials.

21 CHAIR RASPE: Thank you. Does that answer your  
22 question?

23 VICE CHAIR THOMAS: Yes.

24 CHAIR RASPE: Mr. Safty, a follow up?

1 RYAN SAFTY: Thank you. I just wanted to clarify  
2 one thing. When we're talking about vinyl siding, do we  
3 also want to prohibit vinyl windows? Okay, no.

4 COMMISSIONER MAYER: Sorry, when I voted for  
5 prohibiting it I was assuming that it only referred to the  
6 cladding on...

7 VICE CHAIR THOMAS: (Inaudible).

8 COMMISSIONER MAYER: Yes, the cladding, not the  
9 windows.  
10

11 JENNIFER ARMER: Thank you for that  
12 clarification.

13 CHAIR RASPE: Thank you, and I'll actually ask  
14 all my Commissioners by a show of hands, those that agree  
15 that the vinyl siding includes siding, but not windows? By  
16 a show of hands that you're understanding?

17 COMMISSIONER BURNETT: (Inaudible).

18 VICE CHAIR THOMAS: So then should we make the  
19 recommendation that the following materials are prohibited  
20 with the exceptions to windows, not including windows?

21 CHAIR RASPE: Oh, yes, I see what it says here.

22 VICE CHAIR THOMAS: Yes, because it says,  
23 "Materials are prohibited on building exteriors."  
24

25 CHAIR RASPE: Correct.

VICE CHAIR THOMAS: So now we're getting into it.

1 RYAN SAFTY: Staff can take this recommendation  
2 and we can draft the ordinance to Town Council.

3 CHAIR RASPE: But you understand?

4 RYAN SAFTY: We understand the direction.

5 VICE CHAIR THOMAS: We don't want to be  
6 pigeonholing that.

7 JOEL PAULSON: Through the Chair, from Staff's  
8 perspective, and maybe I'll just speak for myself, siding  
9 and windows are two distinctly different components of a  
10 building.

11 CHAIR RASPE: Agreed.

12 VICE CHAIR THOMAS: It does say (inaudible).

13 CHAIR RASPE: Thank you, then let's move to sub  
14 (f), Lightwells. "Lightwells shall not be located along the  
15 primary front facade of a structure. All light wells shall  
16 be screened from public view." Commissioners, any comments  
17 or thoughts on this standard? Commissioner Mayer.

18 COMMISSIONER MAYER: This one is confusing to me.  
19 I don't understand. "Lightwells shall not be located..." Yes,  
20 I'm having a hard time visualizing what exactly this  
21 objective standard is trying to get at.

22 CHAIR RASPE: Staff, do you have any insight?

23 RYAN SAFTY: It's a good question. I had the same  
24 thought the first time I read it. I think what they're  
25

1 implying is the railing, everything you see above grade of  
2 these lightwells is what they're not going to want to see,  
3 and more importantly, I don't think they want the lightwell  
4 on the front elevation; I think the lightwells would be on  
5 the side and rear elevations based on the intent of this.

6 JENNIFER ARMER: And what could become  
7 complicated is if you do have a basement and you have a  
8 lightwell for required access along one side or the other;  
9 what constitutes screening from view is going to  
10 potentially be a question.

11 But we have seen some houses where they have a  
12 lightwell for access to the below-grade square footage, and  
13 that is along the front façade right in front of the front  
14 porch, so that is something we have seen before in just a  
15 regular house that's been proposed.

16 CHAIR RASPE: And that's currently permitted  
17 under our Town Code?

18 JENNIFER ARMER: Correct.

19 CHAIR RASPE: All right, thank you.  
20 Commissioners, any other questions or thoughts on sub (F)?  
21 Commissioner Barnett.

22 COMMISSIONER BARNETT: Just for clarification,  
23 you have a concern about what screening would mean, and it  
24 sounds like in the instance where you did allow a primary  
25



1 front façade to have a lightwell, I guess you didn't  
2 comment on whether that was something that was approved or  
3 approved with reservations. Thank you.

4           JOEL PAULSON: Thank you. Through the Chair, I'll  
5 jump in. I think from a screening perspective they're  
6 allowing these if they're screened. You could put a hedge  
7 around the front of the railing that the lightwell has, so  
8 I don't think it's an onerous requirement, so I think it's  
9 pretty easy for an applicant. If the Commission is  
10 interested in forwarding that, it is something that could  
11 be recommended to Town Council.

13           CHAIR RASPE: Thank you, and just to clarify, of  
14 these two, the first sentence, "Lightwells shall not be  
15 located along the primary front façade," that would be a  
16 change from our current design guidelines. The second would  
17 be a more minor but probably acceptable change, is that  
18 fair? Okay.

19           Commissioners, with that in mind, that would be  
20 my recommended change with respect to sub (F). Strike the  
21 first sentence, because lightwells are currently allowed  
22 along our primary façade, but we require that all  
23 lightwells shall be screened from public view. Vice Chair  
24 Thomas.

1           VICE CHAIR THOMAS: I'm sorry; do we currently  
2 require all lightwells to be screened from public view?  
3 Okay, so that's not part of our standard Residential Design  
4 Guidelines? I personally also struggled to understand what  
5 this said, and considering we have an architect and a  
6 planner here that also struggled first hand, I feel like  
7 I'm not really in favor of including it at this point.

8           CHAIR RASPE: Commissioner Mayer.

9           COMMISSIONER MAYER: Now I'm trying to visualize  
10 what Ms. Armer referred to, like a subterranean basement  
11 with the lightwell in front. You're not really going to see  
12 the lightwell anyway. There might be a railing around the  
13 perimeter of it, which already is sort of a screen, so I  
14 still don't quite understand what the intent of this is, so  
15 I don't want to recommend anything because it doesn't make  
16 any sense to me.

17           CHAIR RASPE: Very good. Other Commissioners?  
18 Commissioner Barnett.

19           COMMISSIONER BARNETT: I think there's an obvious  
20 answer to this one as well, but are any lightwells used as  
21 part of secondary access, or is that not allowed by code?

22           RYAN SAFTY: They are used for ingress and egress  
23 all the time. It's also worth noting that we have received  
24 direction from HCD in the past that making rules that are  
25

1 more restrictive than our current guidelines and code can  
2 be problematic.

3 CHAIR RASPE: Thank you, that's a helpful  
4 comment. Commissioners, any other questions on this one?  
5 Given Mr. Safty's final comments there and following up on  
6 Commissioner Mayer's, I think, learned comments, my  
7 proposal has modified. I would suggest not including sub  
8 (f), Lightwells, as part of our recommendation to Town  
9 Council.

10  
11 By a show of hands may I see those who are not  
12 inclined to include sub (f) as part of our recommendation?  
13 And it's unanimous it shall not be included.

14 Finally, sub (h), Utilities and Mechanical  
15 Equipment. I think Mr. Safty already commented on this  
16 earlier. "Ground-mounted utilities, mechanical equipment,  
17 generators, and AC units that directly serve the  
18 development shall be screened from view from adjacent  
19 properties and the public right-of-way by either an  
20 enclosure designed as part of the building and/or fencing."

21 Vice Chair Thomas.

22 VICE CHAIR THOMAS: With that being said, just  
23 about how our Residential Design Guidelines don't require  
24 this but we prefer it, I don't know if we should require  
25 this in this space, but perhaps our Residential Design

1 Guidelines should be updated if people feel strongly. Maybe  
2 that's not really a recommendation, not to make more work  
3 for everyone, but again, I don't know if that would be  
4 considered more restrictive.

5 CHAIR RASPE: Yes, Commissioner Mayer.

6 COMMISSIONER MAYER: This is an interesting one.  
7 I agree with the intent of it. Especially with SB 9 if  
8 you're going to end up with four units on a property, or  
9 two properties after the lot split, I think it makes sense  
10 aesthetically to try to minimize the visual impact of  
11 mechanical equipment. How to go about doing that without  
12 being too overly restrictive, I think, is a challenge.  
13

14 There are also requirements for HVAC equipment:  
15 that it can breath, that it can get fresh air around it,  
16 and we're moving a lot more toward mini-split heat pump  
17 systems, especially with these types of projects and ADU SB  
18 9 projects. The good news is that the equipment tends to be  
19 smaller, but you can still see it.

20 I wouldn't necessarily be opposed to having some  
21 sort of screening, but I think we need to be careful about  
22 what we require. For instance, if there is some sort of  
23 screening you would want to have like open louvers around  
24 it so that it can still breath in air rather than enclose  
25 it like in a plywood fence or something like that.

1 I agree with the intent of trying to minimize the  
2 visual impact of this, but I don't want to be overly  
3 prescriptive either, again, to either lessen the  
4 functionality of the equipment itself or take up too much  
5 space on a property.

6 CHAIR RASPE: Thank you for those comments. I'm  
7 going to lean into your expertise as an architect. I  
8 understand ground-mounted utilities, mechanical equipment,  
9 and generators, but AC units, as you note, the split  
10 systems, window units, all the rest of them, it seems to me  
11 that that's a different animal and could be much more  
12 difficult to screen. Would you agree with that?

13 COMMISSIONER MAYER: Yes, I think so. I don't  
14 think it's necessary. Again, not all these projects are  
15 going to use the heat pump system; they might have bigger  
16 equipment. I guess maybe we can talk piece-by-piece.  
17 Obviously a generator is going to be bigger than a heat  
18 pump. There might already be guidelines about screening  
19 generators. Mechanical equipment, that's kind of vague. I  
20 think you bring up a good point that not all mechanical  
21 equipment is created equally.

22 CHAIR RASPE: Thank you. First Commissioner  
23 Barnett and then Vice Chair Thomas.  
24  
25

1 COMMISSIONER BARNETT: Of Staff. If I recall  
2 correctly, the Commercial Design Guidelines require  
3 screening of mechanical equipment, is that correct?

4 RYAN SAFTY: That is correct in residential  
5 design.

6 CHAIR RASPE: Vice Chair Thomas.

7 VICE CHAIR THOMAS: I have a question for Staff  
8 about an AC unit. If this were implemented could a possible  
9 workaround be that you would just add an AC unit after you  
10 get your final Occupancy Permit? You could really drop in  
11 an AC unit and add that anywhere; there is no requirement  
12 right now. If I want to change my HVAC system at my house  
13 and put an AC unit in, I don't have to get a permit for  
14 that, correct?

16 RYAN SAFTY: I believe you do need a Building  
17 Permit.

18 VICE CHAIR THOMAS: Oh, I do? Well, I don't. I  
19 don't have the money to do that, because I'm a teacher, so  
20 my husband from England is just really grateful we're  
21 living in a one-story house, but there will be signs if we  
22 win the lottery; we will be getting an AC unit.

23 But you can build a structure with the HVAC and  
24 then literally just drop the AC in afterwards? Okay, thank  
25 you.

1 JENNIFER ARMER: It would require a Building  
2 Permit, but because it wasn't part of development of the  
3 two-unit development itself, it very well could be reviewed  
4 separately based on the regular code at that point.

5 VICE CHAIR THOMAS: And which wouldn't require it  
6 to be screened currently. I must say that as a person that  
7 did used to live in a place with air conditioning, my AC  
8 unit was right by my front door at my condo and it was  
9 really ugly and it drove me crazy and I wanted it screened  
10 myself. You want to hide those things, so I am hesitant  
11 still to include this, just because it seems like some of  
12 it could be more restrictive than our current Residential  
13 Design Guidelines, and I do think it's a self-enforcing  
14 situation, but I am interested to hear what my other  
15 Commissioners have to say.  
16

17 CHAIR RASPE: Before I forget, just one follow up  
18 question. You mentioned the Commercial Design Guidelines  
19 require shielding of these things. Commissioner Mayer  
20 mentioned some cause for concern that it could create  
21 issues with respect to overheating and causing maybe  
22 dangers. Do the Commercial Design Guidelines specify how  
23 those shieldings work? Are they (inaudible)?  
24

25 JOEL PAULSON: I'll jump in through the Chair.  
Typically we're talking about roof-mounted equipment for

1 commercial, so it's screening from the public right-of-way,  
2 and so that's generally the issue. I'm not sure if Ms.  
3 Armer or Mr. Safty have anything to add.

4 JENNIFER ARMER: No, thank you, that is exactly  
5 what I was going to say as well, that in general we're  
6 talking about roof-mounted units that would be screened,  
7 and so the screen often is not anywhere near the unit  
8 itself, just making sure that it won't be visible from the  
9 street.

10 CHAIR RASPE: Very good. Thanks.

11 Commissioner Mayer.

12 COMMISSIONER MAYER: I have a comment about that,  
13 but I'll say my first comment first. I would be okay with  
14 saying that mechanical equipment shouldn't be visible from  
15 the public right-of-way. That's doesn't necessarily mean  
16 you need to screen it, it just means it needs to be behind  
17 the buildings or behind a fence so you don't see it from  
18 the public right-of-way.

19 Also, from adjacent properties, generally there  
20 is a fence between properties, so that already takes care  
21 of itself, so I think that might be okay.

22 There might be instances where in SB 9  
23 developments an owner or builder chooses to put HVAC  
24  
25



1 equipment on a roof. I would be okay with saying that that  
2 needs to be screens if that ever happens.

3 CHAIR RASPE: Thank you. Vice Chair Thomas.

4 VICE CHAIR THOMAS: I agree with Commissioner  
5 Mayer's comments. Is there a definition of mechanical  
6 equipment? Now looking at this, obviously when it's  
7 combined with utilities I can image these things, but what  
8 if there is like a wheelchair ramp or something like that?  
9 I feel like that is not what we mean. I feel like  
10 mechanical equipment is not objective enough to be  
11 included, but I understand ground-mounted utilities,  
12 generators, and AC units. Does Staff agree that mechanical  
13 equipment is too vague?  
14

15 RYAN SAFTY: That is a great point. That's what  
16 my note said as well; we'd have to define what visible is  
17 and what the mechanical equipment is.

18 VICE CHAIR THOMAS: I think that, yes, mechanical  
19 equipment, even defining that seems like a big ask, so  
20 perhaps dropping that language, but I do agree that the  
21 most important thing is that it's not viewable from a  
22 public right-of-way.

23 The adjacent properties also kind of concerned  
24 me, because if we are doing a lot split—and this might be  
25 covered in the definition—would those now be considered

1 adjacent property? You might not be putting a fence down  
2 the middle, so I don't think that needs to be screened in  
3 that sense, but it should be perhaps not viewable from the  
4 public right-of-way.

5 CHAIR RASPE: Thank you for those comments.  
6 Commissioner Barnett.

7 COMMISSIONER BARNETT: To Staff, like there is an  
8 electrical code is there a mechanical code?

9 RYAN SAFTY: Yes, there is.

10 COMMISSIONER BARNETT: And there might be  
11 definitions in that code of what the equipment is that's  
12 covered?

13 JOEL PAULSON: There probably is. Generally HVAC  
14 is what covers all of that.

15 COMMISSIONER BARNETT: I'm not strongly invested  
16 in this, although I think Commissioner Mayer has made some  
17 excellent suggestions, but perhaps we could propose to the  
18 Town Council that they consider a definition in the  
19 Mechanical Code of mechanical equipment or some other  
20 objective definition.

21 CHAIR RASPE: Very good. Allow me to summarize  
22 what I think we are headed towards. I think generally we  
23 are in favor of some form of screening or protection from  
24 ground-mounted utilities, generators, and AC units at least  
25

1 from the public right-of-way, and perhaps if mechanical  
2 equipment were properly defined that could also be included  
3 in the grouping. Is that my sense of where this discussion  
4 has led? Yes, Vice Chair Thomas.

5 VICE CHAIR THOMAS: Yes, I agree. Maybe it's not  
6 specific enough, so this is where I would defer to Staff,  
7 but I think that screened from view or just not viewable  
8 from the public right-of-way, and maybe our Town Attorney  
9 needs to be the one to word this. I don't feel like we  
10 should require it to be enclosed. I am personally  
11 comfortable with having landscaping. I feel like that in  
12 some ways might be less weird looking in some cases, so  
13 defining how it has to be screened by building or fencing  
14 is important, but just whatever would be the most  
15 straightforward with regard to being objective and being  
16 able to interpret is what I would be in favor of.

18 CHAIR RASPE: Thank you. Again, to modify my  
19 earlier comments then, Commissioners, the ask seems to be  
20 that those ground-mounted utilities, generators, and AC  
21 units that directly serve the utility shall be screened  
22 from view, either by structure or landscaping, from the  
23 public right-of-way. Yes, Commissioner Mayer.

24 COMMISSIONER MAYER: I think that's confusing,  
25 because let's say you have an AC unit and it's in the

1 backyard. It's already not visible from the public right-  
2 of-way, so is that considered "screened," or are people  
3 going to interpret that as they have to add an additional  
4 screen around it?

5 CHAIR RASPE: How about we just say shall not be  
6 visible from the public right-of-way?

7 COMMISSIONER MAYER: Yes, that works. That  
8 implies that if it is visible from the public right-of-way  
9 it requires a screen.  
10

11 CHAIR RASPE: I would agree. I think that's  
12 implied in that discussion. Yes, Vice Chair Thomas.

13 VICE CHAIR THOMAS: I agree that it does and  
14 that's the spirit of what we mean, so however Staff feels  
15 most comfortable about wording that and checking with the  
16 Town Attorney on the interpretation of that I think is what  
17 we should propose to Town Council.

18 CHAIR RASPE: So if that's clear enough to the  
19 Commissioners sitting here, by a show of hands those who  
20 wish to include that as a recommendation to Town Council?  
21 Okay, four to one, so that carries.

22 Than according to my notes our recommendation  
23 will be the redline changes that were included within the  
24 Staff Report, and additionally from the San Mateo  
25

1 guidelines sub (e), (2), (A) (C) (D) and (E), and sub (h) as  
2 modified per this discussion. Yes, Ms. Armer.

3 JENNIFER ARMER: Through the Chair, I wanted to  
4 check to see whether the two changes identified by the Vice  
5 Chair, page 5, putting cut and fill in italics for G, and  
6 page 6, giving a title to R, shall be included?

7 CHAIR RASPE: Yes, sorry, I should have put that  
8 in. Commissioners, are those changes that the Vice Chair  
9 has previously noted acceptable? I'm sorry; I think the  
10 Vice Chair is going to add one more?

11 VICE CHAIR THOMAS: No, those two are the only  
12 ones.  
13

14 CHAIR RASPE: Very good. Commissioners, by a show  
15 of hands those are acceptable changes then. The changes are  
16 acceptable.

17 To Staff, do you need a motion, or are these  
18 recommendations adequate in their current form?

19 RYAN SAFTY: We need a motion. You've got to make  
20 the finding.

21 JENNIFER ARMER: And a recommendation of the  
22 ordinance to Town Council.

23 CHAIR RASPE: Very good. Commissioner Barnett.

24 COMMISSIONER BARNETT: I'm prepared to make the  
25 motion.

1 CHAIR RASPE: Please.

2 COMMISSIONER BARNETT: I'm going to try to  
3 simplify this, and then I'll ask Staff if it is sufficient.

4 I move to forward a recommendation to the Town  
5 Council for the amendments that are specified in the  
6 subject line of the Town Planning Commission report of  
7 April 5, 2024. I can make the findings in accordance with  
8 CEQA. I can make the finding that the amendments are  
9 consistent with the General Plan, and I'm open to any  
10 suggestions for further changes.  
11

12 CHAIR RASPE: Thank you. Ms. Armer.

13 JENNIFER ARMER: Through the Chair, I was going  
14 to suggest specific reference to the exhibits that were  
15 prepared. Exhibit 4 shows the draft changes, that that be  
16 also part of the motion.

17 COMMISSIONER BARNETT: I'm sorry; I meant to  
18 include that. The items upon which the majority of the  
19 Commission has voted tonight be included as part of the  
20 recommendations to the Town Council. Thank you.

21 CHAIR RASPE: And including Exhibit 4 with the  
22 Vice Chair's changes, correct?

23 COMMISSIONER BARNETT: Yes, let's make sure  
24 that's in it. Thank you.  
25

1 CHAIR RASPE: Thank you so much. Commissioners, a  
2 second on the motion? I'd be happy to. I'll second the  
3 motion. Comments, questions, Commissioners?

4 Then by a show of hands, can I see all those in  
5 favor of the motion? Motion carries unanimously. Thank you  
6 so much, Commissioners. That was an interesting a spirited  
7 discussion; I'm glad we went through it.

8 COMMISSIONER BURNETT: Question for the Chair. Do  
9 we have to find the required findings for SB 9?  
10

11 CHAIR RASPE: I think the required findings were  
12 made in the motion.

13 COMMISSIONER BURNETT: That was in the motion?

14 CHAIR RASPE: Yes.

15 COMMISSIONER BARNETT: I made the findings that  
16 were specified as necessary in the Commission report.

17 CHAIR RASPE: Thank you so much. And I assume  
18 there are no appeal rights given that this is a  
19 recommendation.

20 JENNIFER ARMER: Correct, it's a recommendation.

21 CHAIR RASPE: Great, thank you.

22 (END)  
23  
24  
25

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