



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 10/20/2020

ITEM NO: 7

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DATE: October 13, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Consider Modifications to Chapter II. (Constraints Analysis), Chapter III. (Site Planning), and Chapter IX. (Project Review and Approval Process) of the Hillside Development Standards and Guidelines Regarding the Visibility Analysis, Town-Wide. Applicant: Town of Los Gatos.

**RECOMMENDATION:**

Consider modifications to Chapter II. (Constraints Analysis), Chapter III. (Site Planning), and Chapter IX. (Project Review and Approval Process) of the Hillside Development Standards and Guidelines (HDS&G) regarding the visibility analysis.

**BACKGROUND:**

On February 2, 2016, the Town Council adopted modifications to Chapter V. of the HDS&G regarding light reflectivity value (LRV) and directed modifications to Section B. of Chapter II. of the HDS&G regarding the visibility analysis to the Policy Committee.

In response to the Council's direction, the Policy Committee held five meetings on April 20, 2017, May 18, 2017, June 26, 2017, July 20, 2017, and December 14, 2017 to discuss modifications to the visibility analysis.

On December 19, 2017, the Town Council approved the modifications to Chapter II. (Constraints Analysis), Section B. of the HDS&G regarding the visibility analysis.

On March 3, 2020, the Town Council considered an appeal of an Architecture and Site application for the construction of a hillside home that was 24 percent visible. The appeal was based in part on the appellant's concern about the inclusion of retaining walls and exterior features of the home in the elevation drawing for the purposes of the visibility analysis. At this

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Associate Planner

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

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BACKGROUND (continued):

meeting, the Town Council voted to refer an evaluation of Chapter II. (Constraints Analysis), Section B. of the HDS&G, regarding the visibility analysis to the Policy Committee.

Based on the Council direction, staff proposed modifications regarding the visibility analysis to the Policy Committee on July 28, 2020. The Policy Committee continued discussion of the modifications to provide for additional public comment (Attachment 4, Exhibit 2).

On August 11, 2020, the Policy Committee reviewed five items regarding the visibility analysis. After discussion, the Committee recommended approval of modifications to Chapter II. (Constraints Analysis), Section B. and Chapter III. (Site Planning), Section D. of the HDS&G. The Committee had a split vote on the remaining items regarding modifications to Chapter II. (Constraints Analysis), Section B. related to recent amendments to Town Code Chapter 9 (Fire Prevention and Protection) and Chapter 29, Division 2 (Zoning Regulations), and modifications to Chapter IX. (Project Review and Approval Process) regarding the approval process (Attachment 4, Exhibit 4).

DISCUSSION:

A. Planning Commission

On September 23, 2020, the Planning Commission considered the modifications and continued the matter to a special meeting on September 28, 2020 due to technical errors with the teleconference meeting. On September 28, 2020, the Commission reviewed and recommended approval of the proposed modifications to the HDS&G from the Policy Committee (Attachment 4, Exhibits 2 through 5) that would:

- Provide written guidelines as to what elements of an exterior can be included in an elevation for purposes of the visibility analysis. An elevation would be defined as only pertaining to the visible building elevations of a home, not including exterior features such as walls, decks, and detached accessory structures; and
- Modify the image on Page 29, Section D. to be in compliance with the amended defensible space zones based on the amendments made to Chapter 9 (Fire Prevention and Protection) and Chapter 29, Division 2 (Tree Protection) of the Town Code.

The Planning Commission recommended modifications to the following three items of discussion that had a split vote by the Policy Committee and are included in the draft resolution (Attachment 8, Exhibits A through C):

- Chapter 9 of the Town Code requires that a defensible space of 100 feet be maintained from each side and from the front and rear of any building or structure, but not beyond the property line except as provided by law (Attachment 4, Exhibit 9). In conformance with Santa Clara County Fire Department Guidelines, the 100 feet of defensible space is

DISCUSSION (continued):

segregated into Zones 1, 2, and 3 (Attachment 4, Exhibit 11). The Planning Commission recommended that existing trees or branches subject to clearing in Zones 2 and 3 shall not be included in a visibility analysis;

- Town Code Section 29.10.0970 states that the removal or maintenance of an existing tree as required by Chapter 9 of the Town Code, is an exception and may be removed or severely pruned without Town approval or issuance of a tree removal permit (Attachment 4, Exhibit 10). The Planning Commission recommended that all (native and non-native) existing trees that meet the exceptions listed in Section 29.10.0970 of the Town Code that are proposed to remain as part of an application shall not be included in a visibility analysis and all trees which have a diameter of less than eight inches shall not be included in a visibility analysis; and
- Maintain the existing language in Chapter IX. (Project Review and Approval Process), which requires that the Planning Commission is the deciding body for a single-family home that meets the allowable floor area ratio and the maximum allowable height of 18 for a visible home (Attachment 8, Exhibit C).

The potential modifications shown in ~~strike through~~ and underline font as recommended by the Planning Commission are contained in Attachment 8, Exhibits A through C.

Attachments 3 and 6 contain the verbatim minutes.

B. Public Outreach

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

- An eighth-page public notice in the newspaper;
- 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, interested architects and members of 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).

CONCLUSION:

Staff recommends that the Town Council:

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)] (Attachment 7);
2. Make the required finding that the modifications to the HDS&G are consistent with the General Plan (Attachment 7); and
3. Adopt a resolution to modify Chapters II, III, and IX of the HDS&G (Attachment 8), with any specific changes identified and agreed upon by the majority of the Town Council.

ALTERNATIVES:

Alternatively, the Town Council may:

1. Continue this item to a date certain with specific direction to staff;
2. Refer the item back to the Planning Commission with specific direction; or
3. Take no action, leaving the HDS&G unchanged.

COORDINATION:

The evaluation of the proposed modifications was coordinated with the Town Attorney.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically 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 the proposed amendments to the Town Code will have a significant effect on the environment.

PUBLIC COMMENTS:

Public comments received between 11:01 a.m., September 28, 2020 and 11:00 a.m., October 15, 2020 are included in Attachment 9.

Attachments:

1. September 23, 2020 Planning Commission Staff Report with Exhibits 1 - 12
2. September 23, 2020 Planning Commission Addendum Report with Exhibit 13
3. September 23, 2020 Planning Commission Verbatim Minutes
4. September 28, 2020 Planning Commission Staff Report with Exhibits 1 - 12
5. September 28, 2020 Planning Commission Addendum Report with Exhibit 13
6. September 28, 2020 Planning Commission Verbatim Minutes

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SUBJECT: Hillside Development Standards and Guidelines Modifications

DATE: October 13, 2020

Attachments (continued):

7. Required Findings
8. Draft Resolution with Exhibits A through C
9. Public Comments received between 11:01 a.m., September 28, 2020 and 11:00 a.m. October 15, 2020