



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/26/2020

ITEM NO: 2

DATE: August 19, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council for Approval of Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Outdoor Lighting and Modifications to the Residential Design Guidelines.
Location: Town Wide. Town Code Amendment Application A-20-005.
Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding outdoor lighting and modifications to the Residential Design Guidelines.

CEQA:

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 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);
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan; and
- The modifications to the Residential Design Guidelines are consistent with the General Plan.

PREPARED BY: JENNIFER ARMER, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND:

On October 22, 2019, the Town Council Policy Committee discussed Town Code Section 29.10.09015, below, which limits outdoor lighting and prohibits “shoestring lights.” The Policy Committee motion was to temporarily suspend the prohibition of shoestring lighting while the Town considered new lighting regulations for different zones throughout Town.

On November 25, 2019, and January 28, 2020, the Town Council Policy Committee discussed and provided direction on potential outdoor lighting regulation modifications in order to better reflect the current interest in allowing decorative string lighting while limiting light impacts on neighbors.

DISCUSSION:

On July 28, 2020 the Town Council Policy Committee recommended the following modifications to the Town Code and Residential Design Guidelines. These modifications are shown below with additions underlined and deletions shown in strikethrough font.

A. Zoning Code

The following Section could be revised to read:

Sec. 29.10.09015. - ~~Control of~~ Residential outdoor lighting.

~~Outdoor lights must be shielded and directed to shine on improvements including plants on the zoning plot where the lights are located and not directly on other property or any public right-of-way. Shoestring lighting is not permitted.~~

All permanent exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes. Decorative lighting fixtures are preferred for security lighting fixtures.

Modify the sports court lighting to prohibit high-intensity lights. The following section could be revised to read:

Sec. 29.40.025. - Court game areas.

Tennis, volleyball, basketball, badminton and similar court game areas may be located anywhere on the lot except in the required front yard or side yard abutting the street. Fences over six (6) feet high are allowed to enclose court game areas, when approved through the Administrative Procedure for Minor Residential Projects. Lighting for court game areas is prohibited unless approved through the Administrative Procedure for

DISCUSSION (continued):

Minor Residential Projects and unless it is in compliance with the following standards to the satisfaction of the Planning Director:

- (1) Game court lighting shall incorporate cut-off fixtures and lighting shall be shielded and directed onto the court.
- (2) Lighting for game court areas shall not be used after 10:00 p.m.
- (3) High-intensity lights are not permitted.
- (4) Lighting in the hillside areas is prohibited. Hillside areas are defined by the hillside area map in the Hillside Development Standards and Guidelines.

B. Residential Design Guidelines

Residential Design Guideline 3.11.5 could be revised to read:

Minimize exterior lighting impacts on neighbors:

- All permanent exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes.
- Decorative residential light fixtures are preferred ~~should be chosen~~ rather than strictly utilitarian security lighting fixtures.

PUBLIC COMMENTS:

Public comments received by 11:00 a.m., Friday, August 21, 2020 are included as Exhibit 8.

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 of the amendments to Chapter 29 of the Town Code in the Draft Ordinance and the modifications proposed to the Residential Design Guidelines. The Commission should also include any comments or recommended changes in taking the following actions:

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);

CONCLUSION (continued):

2. Make the required finding that the amendments to Chapter 29 of the Town Code in the Draft Ordinance are consistent with the General Plan (Exhibit 1);
3. Make the required finding that the modifications to the Residential Design Guidelines are consistent with the General Plan (Exhibit 1);
4. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance (Exhibit 6); and
5. Forward a recommendation to the Town Council for approval of the proposed modifications to the Residential Design Guidelines (Exhibit 7).

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the Draft Ordinance and proposed modifications to the Residential Design Guidelines with modifications; or
2. Forward a recommendation to the Town Council for denial of the Draft Ordinance and proposed modifications to the Residential Design Guidelines; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Required Findings
2. Town Council Policy Committee Minutes, October 22, 2019
3. Town Council Policy Committee Minutes, November 25, 2019
4. Town Council Policy Committee Minutes, January 28, 2020
5. Town Council Policy Committee Minutes, July 28, 2020
6. Draft Ordinance
7. Draft Modifications to the Residential Design Guidelines
8. Public comments received by 11:00 a.m., Friday, August 21, 2020

PLANNING COMMISSION – August 24, 2020
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-20-005

Consider amendments to Chapter 29 of the Town Code regarding Outdoor Lighting and proposed modifications to the Residential Design Guidelines.

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 are consistent with the General Plan.
- The proposed modifications to the Residential Design Guidelines are consistent with the General Plan.

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**Minutes of the Regular Town Council Policy Committee Meeting
October 22, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting on Tuesday, October 22, 2019, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Joel Paulson, Community Development Director; Matt Morley, Parks and Public Works Director; Monica Renn, Economic Vitality Manager; Gitta Ungvari, Finance and Budget Manager; Holly Zappala, Management Analyst.

CONSENT ITEMS

1. Approve the Draft Minutes of September 24, 2019.

Approved.

VERBAL COMMUNICATIONS

Sarah Chaffin

- Commented regarding amending the Town's Below Market Price guidelines to allow teachers and other professions to be able to qualify.

The Committee requested that this item be placed on the agenda for the November Policy Committee meeting.

David Propach

- Commented regarding a policy change to allow a combined pottery shop and real estate office use on the ground floor in the Central Business District Commercial Zone.

OTHER BUSINESS

2. Discuss and Provide Direction of the Application of the Traffic Impact Policy and Associated Fees.

Monica Renn, Economic Vitality Manager, presented the staff report.

After discussion, the Committee agreed to forward a recommendation to the Town Council to modify the Traffic Impact Policy to be applied Town-wide to new square footage only. The Committee also requested that staff bring forward additional information in the Council report regarding (1) the loss of fees when a similar change was made for the downtown and (2) how the Traffic Impact Policy and fee would work if the Town switched from measuring vehicle trips based on the Institute of Transportation Engineers (ITE) standards to a vehicle miles traveled (VMT) approach.

3. Discuss Town Code Section 29.10.09015 regarding “shoestring lights,” and forward a recommendation to the Planning Commission and Town Council to remove the provision prohibiting them.

Monica Renn, Economic Vitality Manager, presented the staff report.

After discussion, the Committee agreed to forward a recommendation to the Town Council to revoke Section 29.10.09015 – Control of Outdoor Lighting of the Town Code and suspend the prohibition on shoestring lighting pending consideration of the new ordinance. The Committee requested that staff return with new draft ordinance language to regulate outdoor lighting by zone.

ADJOURNMENT

The meeting adjourned at 5:47 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 22, 2019 meeting as approved by the Town Council Policy Committee.

/s/ Holly Zappala, Management Analyst



**Minutes of the Special Town Council Policy Committee Meeting
November 25, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Monday, November 25, 2019, at 4:00 p.m.

MEETING CALLED TO ORDER AT 4:00 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

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

CONSENT ITEMS

1. Approve the Draft Minutes of October 22, 2019.

Approved.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

Mayor Jensen requested Item 3 be reviewed first.

3. **Discuss and Provide Direction on Potential Outdoor Lighting Regulation Modifications.**

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

After discussion, the Committee asked staff to return to the Committee with revised proposed lighting regulations, similar to the City of Campbell's Lighting Design Standards, including the following considerations:

- Regulate lighting by zone or district
- Distinguish between permanent and temporary lighting
- Eliminate vague language

SUBJECT: Minutes of the Regular Town Council Policy Committee Meeting of November 25, 2019

DATE: December 10, 2019

- Update terminology to include modern types of signs and eliminate obsolete references
- Maintain Hillside restrictions and adjust language to ensure enforceability
- Reduce restrictions on commercial signage
- Allow projected wall art as part of a Special Event Permit
- Consider allowing string lighting on private property on a permanent basis

2. Provide Direction on Potential Modifications to the Below Market Price Housing Program Regulations.

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

Sarah Chaffin

-Commented that the Town's Below Market Price Housing Guidelines should allow eligibility for households who earn up to 120% or 150% of the Area Median Income (AMI) to accommodate people in households unable to afford housing in Los Gatos at market rate, but with incomes too high to qualify at the current 80% AMI eligibility limit (the "missing middle").

After discussion, the Committee asked staff to return to the Committee with revised proposed Below Market Price Housing Program Guidelines, including increasing the eligibility limit to 120% AMI, adjusting the requirements for purchases and rentals to correspond with each other, and making other revisions as identified by Committee members.

ADJOURNMENT

The meeting adjourned at 5:04 p.m.

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

/s/ Holly Zappala, Management Analyst



**Minutes of the Town Council Policy Committee Regular Meeting
January 28, 2020**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting on Tuesday, January 28, 2020, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Joel Paulson, Community Development Director; Sally Zarnowitz, Planning Manager; Monica Renn, Economic Vitality Manager; Jennifer Armer, Senior Planner; Holly Zappala, Management Analyst.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

- 1. Approve the Draft Minutes of December 10, 2019.**
- 2. Approve the Town Council Policy Committee Meeting Schedule for 2020.**

Approved.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

- 3. Discuss and Provide Direction on Potential Modifications to the Below Market Price Housing Program Regulations.**

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

After discussion, the Committee asked staff to return to the Committee with revised proposed Town Code amendments and Below Market Price Housing (BMP) Guidelines, including increasing the household income requirement for BMP ownership to 120% of the Median Family Income to match the BMP rental requirement. The Committee requested clarification on questions regarding requiring BMPs in continuum care facilities and assigning preferences to applicants. The Committee agreed that the Town should modify

the Code and BMP Guidelines, while the Town's BMP housing provider, currently Hello Housing, may contribute an administrative appendix to the Guidelines.

4. Discuss and Provide Direction on Potential Outdoor Lighting Regulation Modifications.

Jennifer Armer, Senior Planner, was present to address questions.

After discussion, the Committee asked staff to send the Committee via email revised language, including consistent wording in the proposed Ordinance and the Residential Design Guidelines, and removal of the distinction of "holiday" or "patio" lights. Upon approval of the emailed language, the Committee agreed to forward a recommendation to the Planning Commission to approve the proposed modifications.

5. Discuss the Town's Interpretation of "Used Vehicles" in the Town Code and Determine if an Exemption for Indoor Showrooms is Appropriate.

Monica Renn, Economic Vitality Manager, presented the staff report.

Rodney Butterfield

-Commented that his company sells used cars, and they are high-end, restored vintage and sports racing cars. His customer base is collectors. He said that his showrooms look more like an antique art gallery as opposed to a used car lot.

John Eichinger

-Commented that he believes the addition of Mr. Butterfield's business would be an enhancement to downtown Los Gatos.

After discussion, the Committee agreed to forward a recommendation to the Planning Commission to amend Town Code Section 29.20.185, Table of Conditional Uses Section 7 to eliminate the word "new" from section (a) and entirely eliminate section (b) requiring used vehicle sales and rentals to be incidental to new vehicle sales.

6. Identify Future Work Plan Items for the Council Policy Committee.

Holly Zappala, Management Analyst, presented the staff report.

David Weissman

-Commented that the Town should revise its defensible space requirements in conjunction with the Hillside Development Standards and Guidelines Visibility Analysis as the two are tied together in practice.

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SUBJECT: Minutes of the Regular Town Council Policy Committee Meeting of January 28,
2020

DATE: July 28, 2020

After discussion, the Committee agreed that the potential items for 2020 recommended by staff be added to the work plan for the Policy Committee in 2020 and each item be examined as it aligns with the Town's Strategic Priorities.

ADJOURNMENT

The meeting adjourned at 6:07 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the January 28, 2020 meeting as approved by the Town Council Policy Committee.

Holly Zappala, Management Analyst

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**Minutes of the Town Council Policy Committee Regular Meeting
July 28, 2020**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting on Tuesday, July 28, 2020, at 5:00 p.m. via teleconference.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Joel Paulson, Community Development Director; Jennifer Armer, Senior Planner; Jocelyn Shoopman, Associate Planner; Holly Zappala, Management Analyst.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve the Draft Minutes of January 28, 2020.

Approved.

VERBAL COMMUNICATIONS

David Weissman

- Commented that Item #2 was placed on the Policy Committee agenda as a result of comments he had made at a prior Town Council meeting. He requested that when items are placed on an agenda that have been prompted by a comment from a speaker at a public meeting that the speaker be given advance notice of the item's placement on the agenda.

OTHER BUSINESS

2. Discuss and Provide Direction on Potential Modifications to the Hillside Development Standards and Guidelines Regarding Visibility.

In light of Mr. Weissman's comment, the Committee requested that this item be continued to the August Policy Committee meeting to allow sufficient time for review. The Committee also requested that Mr. Weissman be notified of the date and time of the August meeting once determined.

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SUBJECT: Minutes of the Regular Town Council Policy Committee Meeting of July 28, 2020

DATE: August 11, 2020

3. Discuss and Provide Direction to Staff on Potential Outdoor Lighting Regulation Modifications.

Jennifer Armer, Senior Planner, presented the staff report.

After discussion, the Committee agreed to forward a recommendation to the Planning Commission to approve the proposed modifications.

ADJOURNMENT

The meeting adjourned at 5:18 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the July 28, 2020 meeting as approved by the Town Council Policy Committee.

Holly Zappala, Management Analyst

CHAPTER 29. – ZONING REGULATIONS

ARTICLE I. – IN GENERAL

DIVISION 1. - MISCELLANEOUS

Sec. 29.10.09015. - ~~Control of~~ Residential outdoor lighting.

~~Outdoor lights must be shielded and directed to shine on improvements including plants on the zoning plot where the lights are located and not directly on other property or any public right-of-way. Shoestring lighting is not permitted.~~

All permanent exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes. Decorative lighting fixtures are preferred for security lighting fixtures.

(Ord. No. 1316, § 3.47.010, 6-7-76; Ord. No. 1335, 10-4-76)

ARTICLE IV. – RESIDENTIAL ZONES

DIVISION 1. - GENERALLY

Sec. 29.40.025. - Court game areas.

Tennis, volleyball, basketball, badminton and similar court game areas may be located anywhere on the lot except in the required front yard or side yard abutting the street. Fences over six (6) feet high are allowed to enclose court game areas, when approved through the Administrative Procedure for Minor Residential Projects. Lighting for court game areas is prohibited unless approved through the Administrative Procedure for Minor Residential Projects and unless it is in compliance with the following standards to the satisfaction of the Planning Director:

- (1) Game court lighting shall incorporate cut-off fixtures and lighting shall be shielded and directed onto the court.
- (2) Lighting for game court areas shall not be used after 10:00 p.m.
- (3) High-intensity lights are not permitted.
- ~~(3)~~(4) Lighting in the hillside areas is prohibited. Hillside areas are defined by the hillside area map in the Hillside Development Standards and Guidelines.

(Ord. No. 1316, § 4.10.015, 6-7-76; Ord. No. 1335, 10-4-76; Ord. No. 1950, § I, 7-19-93; Ord. No. 2100, § I, 7-1-02)

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RESIDENTIAL DESIGN GUIDELINES

3.11.5 Minimize exterior lighting impacts on neighbors

- All permanent exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes.
- Decorative residential light fixtures are preferred ~~should be chosen~~ rather than strictly utilitarian security lighting fixtures.

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Jennifer Armer

From: Lee Fagot <leefagot@gmail.com>
Sent: Tuesday, July 28, 2020 5:30 PM
To: Joel Paulson; Jennifer Armer
Cc: Laurel Prevetti; Marcia Jensen; Barbara Spector
Subject: Policy Meeting Item 3 - New Lighting ordinance

I had raised my hand to speak on item 3 at today's Policy Meeting, but apparently missed the Mayor's attention. My comment was to be focused on how to be able to objectively enforce the lighting impact on neighbors. Is it possible to measure lumens of light at a specific distance from the source to determine if TOO bright? This is similar to the method of measuring noise from sources that could impact adjoining properties or neighborhoods?

Perhaps this could be included in the wording of the proposal that will come to this committee or the Council at their next meeting?

Take care and be safe, folks.

Lee Fagot
845 Lilac Way
408 828 7080 cell

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