



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 09/11/2019

ITEM NO: 2

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

**RECOMMENDATION:**

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

**CEQA:**

The project is 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); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

**BACKGROUND:**

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

**PREPARED BY:** Jennifer Armer, AICP  
Senior Planner

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Reviewed by: Planning Manager and Community Development Director

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BACKGROUND (continued):

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

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

DISCUSSION:

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

A. Public Outreach

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

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

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

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

DISCUSSION (continued):

B. Existing Town Code

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

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

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

C. Proposed Town Code Amendments

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

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

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

PUBLIC COMMENTS:

No written public comments have been received.

CONCLUSION:

A. Recommendation

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

CONCLUSION (continued):

1. Make the finding that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b) (3)] (Exhibit 1);
2. Make the required finding that the amendments to the Town Code (Zoning Regulations) are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the proposed amendments to Chapter 29 of the Town Code (Exhibit 4).

B. Alternatives

Alternatively, the Commission can:

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

EXHIBITS:

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