



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE AGENDA
AUGUST 11, 2020
110 EAST MAIN STREET
LOS GATOS, CA
5:00 PM**

*Marcia Jensen, Vice Mayor
Barbara Spector, Council Member*

**IMPORTANT NOTICE REGARDING THE AUGUST 11, 2020
COUNCIL POLICY COMMITTEE MEETING**

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29- 20 dated March 17, 2020, regarding the COVID- 19 pandemic. The live stream of the meeting may be viewed on television and/or online at <https://meetings.municode.com/PublishPage/index?cid=LOGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>. **In accordance with Executive Order N-29- 20, the public may only view the meeting on television and/or online and not in the Council Chamber.**

PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at <https://www.youtube.com/channel/UCFh35XRBBWer1DPx-F7vvhcg>.

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar at <https://logatosca-gov.zoom.us/j/95489855859>. Password: 498022.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may email to PublicComment@logatosca.gov with the subject line “Public Comment Item #___” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. The Mayor has the option to modify this action on items based on comments received.

REMOTE LOCATION PARTICIPANTS

The following Committee Members are listed to permit them to appear electronically or telephonically at the Policy Committee meeting: MAYOR MARCIA JENSEN, VICE MAYOR BARBARA SPECTOR. All votes during the teleconferencing session will be conducted by roll call vote.

MEETING CALLED TO ORDER

ROLL CALL

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine and may be approved by one motion. Any member of the Policy Committee or public may request to have an item removed from the Consent Items for comment and action. A member of the public may request to pull an item from Consent by following the Participation instructions contained on page 2 of this agenda. If an item is pulled, the Chair has the sole discretion to determine when the item will be heard. Unless there are separate discussions and/or actions requested by the Policy Committee, staff, or a member of the public, it is requested that items under the Consent Items be acted on simultaneously.)*

1. Approve Minutes of the July 28, 2020 Town Council Policy Committee.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Policy Committee on any matter that is not listed on the agenda consistent with the Participation instructions contained on page 2 of this agenda. To ensure all agenda items are heard and unless additional time is authorized by the Chair, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per comment. In the event additional comments were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

OTHER BUSINESS *(Up to three minutes may be allotted for each comment on any of the following items consistent with the Participation Instructions contained on page 2 of this agenda.)*

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

ADJOURNMENT



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

MEETING DATE: 8/11/2020

ITEM NO: 1

**DRAFT
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: Draft 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



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

MEETING DATE: 8/11/2020

ITEM NO: 2

DATE: August 6, 2020
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Provide Direction on Potential Modifications to the Hillside Development Standards and Guidelines Regarding Visibility.

REMARKS:

On July 28, 2020, the Council Policy Committee continued this item to allow for public comments to be provided. Attachment 7 contains public comments received by 11:00 a.m., Friday, August 7, 2020.

Attachments:

Previously received with July 28, 2020 Staff Report:

1. Chapter II. (Constraints Analysis) of the HDS&G (eight pages)
2. Ordinance 2301 Chapter 9 (Fire Prevention and Protection) of the Town Code (five pages)
3. Town of Los Gatos, 2020, *Be Wildfire Ready*, <<https://www.losgatosca.gov/2581/Be-Wildfire-Ready>> (eight pages)
4. Ordinance 2303, Chapter 29 (Tree Protection) of the Town Code (five pages)
5. Chapter III. (Site Planning) of the HDS&G (ten pages)
6. Chapter IX. (Project Review and Approval Process) of the HDS&G (five pages)

Received with this Staff Report:

7. Public comments received by 11:00 a.m., Friday, August 7, 2020

PREPARED BY: Joel Paulson
Community Development Director

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

To: Policy Committee

Re: Meeting of 8/11/2020, Visibility and HDS&G.

From: Dave Weissman 8/6/2020

Staff is asking The Committee for input on 4 areas of Town policy.

Area 1: Should “elevation” be defined in the HDS&G? I believe the fact that staff needs to ask this question, and that its meaning was the subject of contention at the Town Council meeting in early March, 2020, are legitimate reasons to justify defining this term. Also, elevation is the key word in determining visibility of a proposed hillside house. But if anyone had a question as to the meaning of “elevation” then Wikipedia can be a good source of information:

So, elevation is simply a 2-dimensional representation of the vertical surfaces of a 3-dimensional building. And a building is generally understood to refer to an enclosure within which activities can be carried out.

And in Town codes (29.10.020), when calculating the gross floor area of a proposed structure, measurements are made from the outer face of the exterior walls starting 4 feet above the proposed grade. Non-vertical elements such as decks, retaining walls, barbeque pits, hot tubs, AC units, pool sheds, swimming pools, etc., permanently open to the sky, are not counted as part of a building or of the gross floor area. And they should not be included when calculating the square footage of the elevation. In the particular A&S application considered at the TC appeal in early March, 2020, such open-to-the-sky elements totaled 890 square feet, and all were located below the finished floor grade, according to the architect. While the staff report only mentions that I was concerned about retaining walls being included in the elevation, such walls were only 10% of the 890 square feet the applicant claimed as part of the elevation. Most of the remaining 800 square feet was the cement deck area with its stairs, as the applicant himself noted, and as I had emphasized.

The visibility analysis in the Hillside Guidelines is all about what would be visible from the valley floor viewing areas. In general, the above-mentioned elements are never visible from the valley floor, especially when they are on a below grade sloping area as they frequently are in the hillsides, and in my appealed project. And if such elements are not on a sloping area, then

they would simply be part of the projected 2-dimensional elevation and not add any significant square footage to the elevation.

Area 2: Should existing trees or branches, subject to mandatory clearing in Zone 2, be included in the visibility analysis? Clearly “no”, since safety issues are paramount to environment issues. If Town codes require certain trees and/or branches to be removed for fire protection and prevention, then they should not be counted as providing screening in the visibility analysis.

Area 3: Should existing trees or branches, subject to clearing in Zone 3, be included in the visibility analysis? Again, clearly “no” under the same reasoning as Area 2.

Area 4: Should all existing trees listed in Sec. 29.10.0970, that is those trees that can be removed without a tree removal permit, and not require replacement, be included in a visibility analysis? Again, clearly “no.” All of those trees listed are non-native and several are extremely flammable. When we revised our Tree Protection Ordinance, Sec. 29.10.0970 was included to encourage the removal of non-native hillside trees by streamlining the removal permitting process. Recent revisions to Sec. 29.10.0970 and Sec. 29.10.0992 now require the removal or maintenance of such trees for Defensible Space requirements, and such trees should not be counted as providing screening in any visibility analyses.

Additionally, page 14, paragraph h. of the HDS&G, currently requires a Deed Restriction for trees used in the visibility analysis. This section of the HDS&G should be modified to conform to new Defensible Space requirements.