



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE SPECIAL MEETING
AGENDA
DECEMBER 10, 2019
110 EAST MAIN STREET
TOWN COUNCIL CHAMBERS
LOS GATOS, CA
5:00 PM**

*Marcia Jenson, Mayor
Barbara Spector, Vice Mayor*

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 Committee or public may request to have an item removed from the Consent Items for comment and action. 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 Committee, staff, or a member of the public, it is requested that items under the Consent Items be acted on simultaneously.)*

1. [Approve](#) Council Policy Committee Special Meeting Minutes of November 25, 2019.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Committee on any matter that is not listed on the 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 speaker. In the event additional speakers 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 to each speaker on any of the following items.)*

2. [Discuss](#) and provide direction on potential modifications to the Hillside Development Standards and Guidelines regarding below grade square footage.

ADJOURNMENT

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



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

MEETING DATE: 12/10/2019

ITEM NO: 1

**DRAFT
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

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

DATE: December 10, 2019

- Eliminate vague language
- 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.

Holly Zappala, Management Analyst



TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 12/10/2019

ITEM NO: 2

DATE: December 6, 2019
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 below grade square footage.

RECOMMENDATION:

Discuss and provide direction on potential modifications to the Hillside Development Standards and Guidelines (HDS&G) regarding below grade square footage.

BACKGROUND:

On February 26, 2019 and May 28, 2019, the Policy Committee reviewed potential modifications to Chapter IV (Development Intensity) and Chapter IX (Project Review and Approval Process) of the HDS&G regarding certain project review processes. After discussion, the Committee recommended approval of the modifications to Chapter IV (Development Intensity) and Chapter IX (Project Review and Approval Process) of the HDS&G and provided direction to staff to modify language in all chapters of the HDS&G to be consistent with previous HDS&G amendments and recent amendments to the Zoning Ordinance.

On August 14, 2019, the Planning Commission considered the proposed modifications to the HDS&G and forwarded a recommendation of approval to the Town Council, with additional modifications.

On November 5, 2019, the Town Council considered the proposed modifications to the HDS&G and adopted Resolution 2019-055, approving the modifications as recommended by the Policy Committee. Additionally, a motion for the Policy Committee to consider the issue of below grade square footage was passed unanimously.

PREPARED BY: Joel Paulson
Community Development Director

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

DISCUSSION:

At the meeting of August 14, 2019, the Planning Commission recommended additional modifications to the HDS&G. One of the additional modifications was to Chapter IV (Development Intensity) to remove a significant below grade square footage element as a condition to approve a residential project in excess of the maximum floor area (Attachment 1, page 30). The Planning Commission also discussed adding language to Chapter V (Architectural Design) to encourage applicants to place additional square footage below grade to reduce the visual appearance of above grade bulk and mass (Attachment 2, page 38).

The following language shown in underline font was forwarded to the Town Council for its consideration to be added to Section F. Minimize building bulk and mass, Guideline 1., k. (Attachment 2, page 38):

- k. Excavate or use below-grade rooms to reduce effective bulk. The visual area of the building can be minimized through a combined use of grading and landscaping techniques. Utilize below-grade rooms for additional floor area to reduce the appearance of above grade bulk and mass.

The Town Code defines floor area as “the entire enclosed area of all floors that are more than four feet above the proposed grade, measured from the outer face of exterior walls or in the case of party walls from the centerline. Gross floor area also includes any part of exterior balconies or walkways above the ground floor required for ingress and egress. Ornamental balconies and outside unroofed corridors not required for ingress or egress are excluded. The area of elevator shafts and stairwells is also included except on the ground floor.” Below grade square footage that is less than four feet above the proposed grade is exempt and is not considered to be countable floor area.

Staff will be available at the meeting to answer questions and looks forward to receiving direction on potential modifications to the HDS&G.

COORDINATION:

The preparation of this report was coordinated with the Town Manager’s Office.

Attachments:

1. Chapter IV (Development Intensity) of the HDS&G (four pages)
2. Chapter V (Architectural Design) of the HDS&G (12 pages)



IV. DEVELOPMENT INTENSITY

A. Maximum Allowable Development

The Town of Los Gatos controls the amount of development that is allowed by limiting density and intensity of development - the minimum land area required for each house - and by limiting the maximum floor area of each house.

In Los Gatos, limiting the floor area or size of a house is important for several reasons:

- Large houses are more visible and therefore create greater adverse visual impacts.
- Large houses cover more land area, therefore requiring more disruption of the natural landscape and ecosystems.
- Large houses create more impervious surface area, which can increase runoff and cause drainage, landslide, and flooding problems.
- Large houses consume a greater amount of resources, both to construct and to maintain.

Maximum allowed gross floor area. The maximum allowable gross floor area for homes subject to the Hillside Development Standards and Guidelines is determined using a floor area ratio (FAR) adjusted for slope as provided in Table 1, below. However, achieving the maximum floor area allowed is not guaranteed due to individual site constraints. The priority is to comply with the standards and guidelines rather than designing to the FAR. The FAR is a numerical guide and achieving the allowable square footage is not a goal. Greater weight shall be given to issues, including but not limited to, height, building mass and scale, visual impacts, grading and compatibility.

Refer to the
Town's
Zoning
Regulations

TABLE 1
REDUCTION OF NET SITE AREA ON SLOPING LOTS

Average lot slope	Percent of net lot area to be deducted
10.01 - 20%	10% plus 2% for each 1% of slope over 10%
20.01 - 30%	30% plus 3% for each 1% of slope over 20%
Over 30%	60%



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HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

TABLE 2
MAXIMUM ALLOWED GROSS FLOOR AREA

Net Lot Area¹	Floor Area Ratio (%)	Allowable Floor Area³
11,000 sq. ft. and less	34.5	3800
up to 12,000 sq. ft.	32.5	3900
up to 13,000 sq. ft.	30.7	4000
up to 14,000 sq. ft.	29.3	4100
up to 15,000 sq. ft.	28.0	4200
up to 16,000 sq. ft.	26.9	4300
up to 17,000 sq. ft.	25.9	4400
up to 18,000 sq. ft.	25.0	4500
up to 19,000 sq. ft.	24.2	4600
up to 20,000 sq. ft.	23.5	4700
up to 21,000 sq. ft.	22.8	4800
up to 22,000 sq. ft.	22.3	4900
up to 23,000 sq. ft.	21.7	5000
up to 24,000 sq. ft.	21.3	5100
up to 25,000 sq. ft.	20.8	5200
up to 26,000 sq. ft.	20.4	5300
up to 27,000 sq. ft.	20.0	5400
up to 28,000 sq. ft.	19.6	5500
up to 29,000 sq. ft.	19.3	5600
up to 30,000 sq. ft.	19.0	5700
up to 31,000 sq. ft.	18.7	5800
up to 32,000 sq. ft.	18.5	5900
32,001 sq. ft. and above ²		6000

¹Net lot area as adjusted for slope – see Table 1

²For lots containing a net lot area of more than 32,000 square feet, the maximum gross floor area shall be 6,000 square feet unless an exception is granted by the Planning Commission in compliance with subsection c. (Exceptions to maximum floor area)

³Accessory buildings including garages larger than 400 sq. ft. are included in the maximum floor area.



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HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

B. Exclusions from allowed floor area.

The following items are not included in the calculation of a structure's allowed gross floor area.

1. Below grade square footage pursuant to Section 29.40.072 of the Town Code.
2. Garages up to 400 square feet in area.
3. Stables that are not fully enclosed.
4. Barns that do not exceed the applicable size shown in Table 3 below.
5. Additional floor area allowed pursuant to Section 29.10.320 of the Town Code for accessory dwelling units.

TABLE 3
MAXIMUM FLOOR AREA FOR BARNs AND STABLES*

Parcel Size (gross)	Maximum floor area of barns and stables
Up to one acre	500 sq. ft.
Up to 2.5 acres	1,000 sq. ft.
Up to 5 acres	2,000 sq. ft.
Over 5 acres	2,500 sq. ft.

*All other enclosed accessory buildings are included in FAR.

Note: Accessory buildings that do not contain floor area because they are not fully enclosed (e.g. gazebos, arbors, carports) will be carefully reviewed for potential impacts such as grading, trees, impervious coverage, visibility, etc.

C. Exceptions to maximum floor area.

The Town Council or Planning Commission *may* approve residential projects greater than the maximum allowed floor area (but it is not guaranteed) when all of the following conditions apply:

1. The development will not be visible from any of the established viewing areas (see glossary for definition of visible home).
2. There will be no significant impacts on protected trees, wildlife habitat or movement corridors.



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3. Any grading necessary to accommodate the building area that exceeds the allowed FAR or an accessory building will be minimized.
4. All standards and applicable guidelines are being met.
5. Compliance to Title 24 Energy Efficiency Standards are shown using computer methods. The compliance margin must be at least 10.0.
6. The house will be pre-wired for future photovoltaic (PV) installation.
7. A minimum of 25% of hardscape material is permeable (certain types of interlocking pavers, grasscrete, pervious concrete, etc.).
8. A significant below grade square footage element is included in the design, unless it conflicts with other standards.
9. There will not be a significant visual impact to neighboring properties.

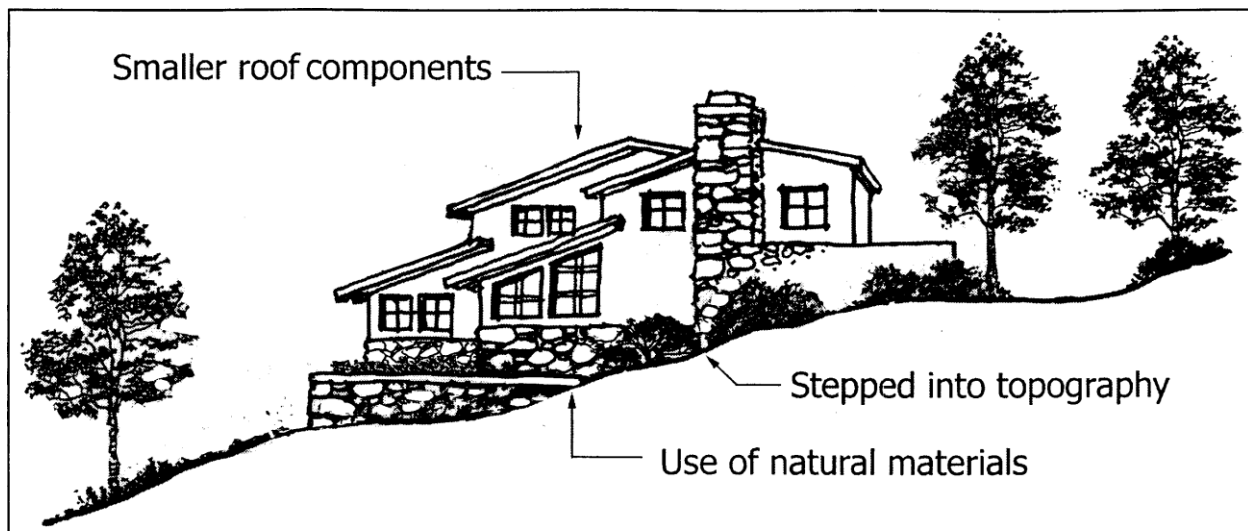


V. ARCHITECTURAL DESIGN

A. Design objectives.

The standards and guidelines in this section are intended to encourage architectural design that is:

1. in harmony and visually blends with the natural environment,
2. responsive to site constraints and opportunities,
3. compatible with the surrounding neighborhood and respectful of neighbors, and
4. respectful of the rural character of the hillsides.



Building form reflects hillside form/setting



B. Design to be neighbor friendly.

Protecting the privacy of neighboring homes is a high priority in the siting and design of a new house or addition. The following design standards shall be followed to the greatest extent feasible to ensure privacy to surrounding neighbors.

Standards:

1. Privacy impacts shall be addressed and resolved during the constraints analysis phase and initial design stage, not with mitigation measures imposed as an afterthought. Sight lines shall be studied so that windows and outdoor areas are placed to maintain privacy.

Guidelines:

1. The following design guidelines should be implemented to the greatest degree feasible where privacy impacts are of concern;
 - a. Minimize second-story windows facing close neighboring properties.
 - b. Orient upper floor windows, decks, and balconies to avoid impacting the privacy of neighbors.
 - c. Incorporate screening measures (e.g., solid railing walls, lattice work, or planters) to obscure lines of sight to neighboring properties.
 - d. Limit the size of decks and balconies to six feet in depth in areas where privacy is a concern. This will limit their use to passive activities.
 - e. Use landscaping to screen views to your neighbor's living areas most sensitive to privacy. Use evergreen trees and shrubs to provide year-round privacy.
 - f. Existing vegetation that protects privacy should not be removed.
 - g. Screen and control noise sources such as parking, outdoor activities, and mechanical equipment (e.g., air conditioning and pool equipment).
 - h. Locate outdoor activity areas adjacent to neighbor's outdoor activity areas rather than in close proximity to their quiet areas (bedrooms).



C. Design for sustainability.

Sustainability and the conservation of natural resources are important issues to Los Gatos residents. Sustainability refers to the use of natural resources in a manner that insures their continued availability to future generations.

The term "green building" is often used to relate sustainability to development. Green building addresses a broad range of techniques to reduce the consumption of natural resources during construction and over the lifetime of a home. These include designing structures to be energy water efficient, utilizing building materials that reduce resource consumption and improve indoor air quality, and taking maximum advantage of renewable energy resources. Refer to Appendix B for additional information on green building.

Appendix B, Green Building Strategies and Materials, contains design strategies that maximize the use of renewable energy resources for heating, cooling and lighting, additional strategies that conserve energy and water, a list of building materials that reduce the consumption of nonrenewable resources and improve air quality, and a list of various sources for "green building" information and their web sites.

The following design guidelines are aimed at maximizing energy efficiency and reducing consumption of resources.

Standards: None.

Guidelines:

1. The design of each house should show evidence to the satisfaction of the deciding body that a significant effort has been made towards incorporating energy-conservation and water saving techniques above and beyond the minimum requirements of Title 24.
2. All homes over 3,500 square feet should incorporate a variety of green building strategies and materials (see Appendix B). Homes less than 3,500 square feet are also encouraged to incorporate additional energy and resource saving features.
3. Homes should be designed and located to take maximum advantage of passive solar heating (space and water), natural cooling and lighting. Houses should be designed to maximize the benefits of sun and wind as follows:
 - a. Orient the house and arrange doors and windows to take advantage of prevailing summer winds for natural ventilation and cooling (also see Appendix B).
 - b. Orient the house and the most used living areas to take advantage of passive solar heating. Orient the house on an east-west access and locate the most used living areas and the majority of windows on the south side (also see appendix B).



- c. Landscaping should be used to control exposure to sun and wind (Refer to Chapter VI, Section B, Landscape Design Concepts for ways to meet this guideline.). Shading and solar access should be balanced when both heating and cooling is needed.
 - Where protection from summer sun is needed, tall spreading deciduous trees should be planted to the south, east and west sides of pavement and buildings. Trees should be placed so they do not block winter sun.
 - Where protection from winter wind is needed, plant dense evergreen trees and/or shrubs in random discontinuous groups. A distance of four to five times the ultimate height of the plants is recommended to allow light to penetrate into the home.
4. Selection of building materials that reduce the consumption of natural resources and are non-toxic is strongly encouraged. This includes, but is not limited to, salvaged or reused materials and products made from recycled materials (also see Appendix B).

D. Design for fire safety.

A home that is located, designed and maintained for fire safety will not only protect the individual homeowner, but will reduce the chance for a home fire to become a wildfire. Conversely, in the case of a wildfire, the home will have a better chance of surviving and may help limit a fires spread. See Chapter III, section D for guidance in choosing a building site to minimize exposure to potential wildfires. See Chapter VII, section A for guidance on how to landscape and maintain a site with fire safety in mind.

The following standards are intended to maximize protection from wildfires:

Refer to
Chapter II
section C

Standards:

1. Structures shall be designed to maximize protection from wildfires.
2. Roofs shall have a Class A covering or a Class A roof assembly.
3. Eaves and soffits shall be protected on the exposed underside with noncombustible material or by materials approved for a minimum one-hour rated fire resistive construction.
4. Gutters and downspouts shall be constructed of noncombustible material.
5. Exterior walls shall be constructed with noncombustible materials on the exterior side or materials approved for a minimum one-hour rated fire resistive construction.



6. Under floor areas and areas below decks shall be enclosed to the ground with noncombustible materials or with materials approved for a minimum one-hour rated fire resistive construction.
7. Attic and under floor vents shall be covered with corrosion-resistant mesh not to exceed 1/4-inch.
8. Automatic fire sprinklers shall be installed in accordance with National and Fire Department Standards.
9. Roof skylights shall be tempered or have multi-layered glazing.

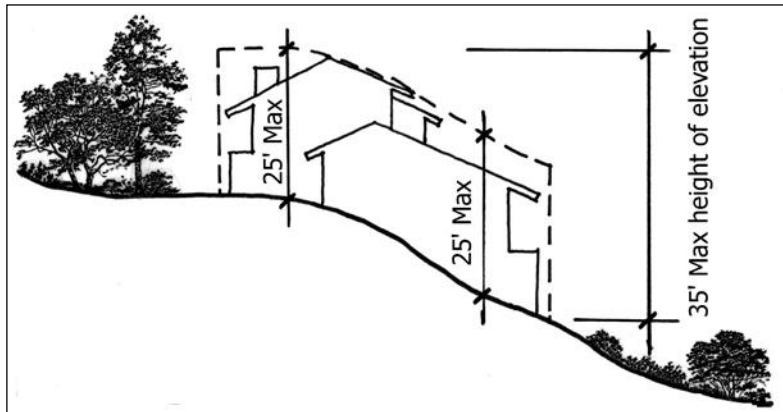
Guidelines:

1. Exterior windows should be tempered glass.
2. The size and number of windows on the side of the house that would likely be exposed to a fire approaching from the downhill side should be minimized.
3. Roof eaves should be designed with minimal overhang to prevent entrapment of heat and flames.

E. Building height.

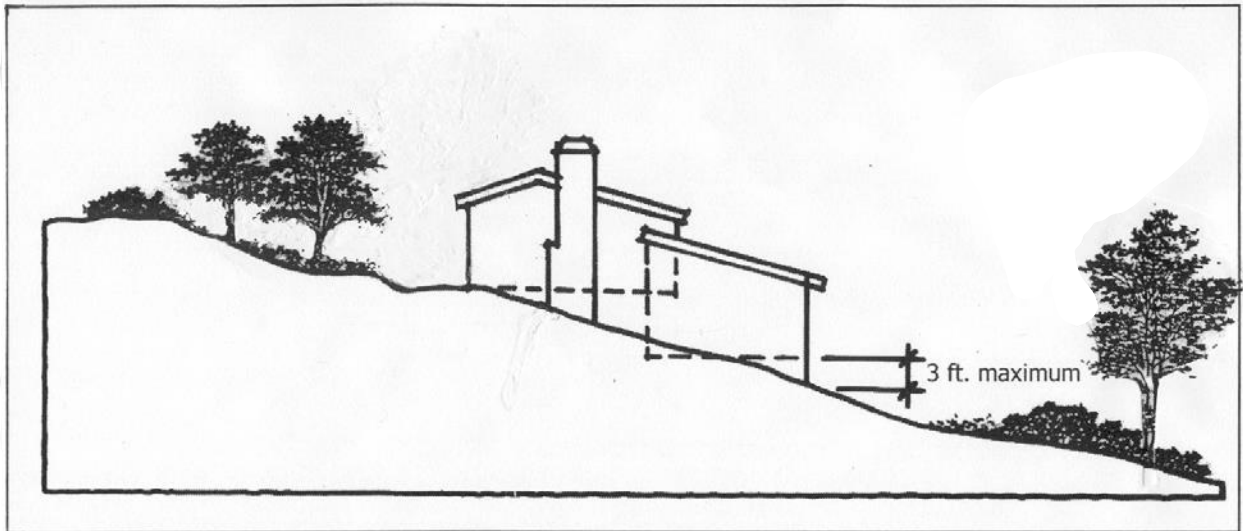
Standards:

1. The maximum allowed height for homes in hillside areas shall be 25 feet. Building height shall be measured in compliance with provisions of the Town's Zoning Ordinance.
2. The maximum height of a building's tallest elevation shall not exceed 35 feet measured from the lowest part of the building to the highest part, except buildings extending above a ridgeline or that are visible from a viewing area where the maximum height from the lowest to highest points shall not exceed 28 feet.





3. Ridgeline and visible homes shall not extend more than 18 feet above the existing grade.
4. The height of the lowest finished floor(s) of a structure, excluding below grade square footage pursuant to Section 29.40.072 of the Town Code, shall not be more than three feet above the existing grade to ensure that buildings follow slopes.



5. Three-story elevations are prohibited.

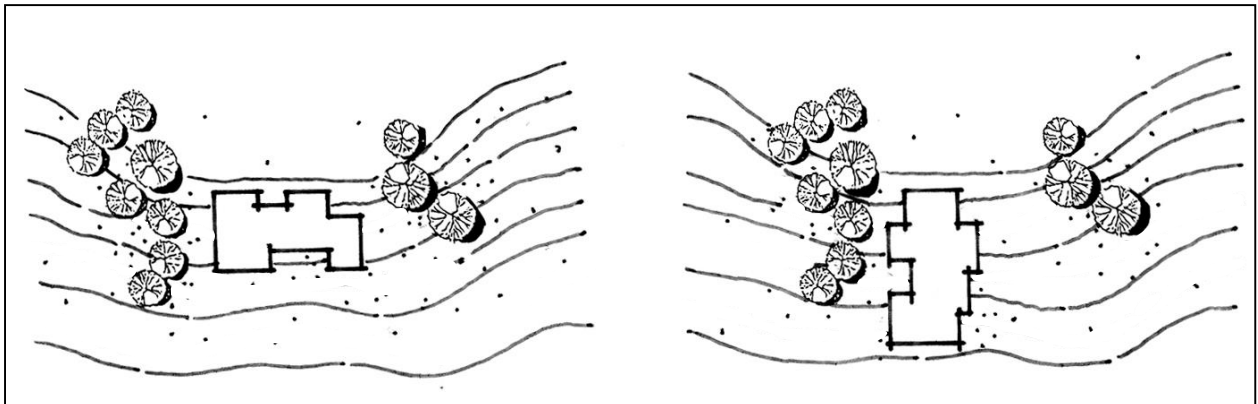
Guidelines: None.

F. Minimize building bulk and mass

One of the primary concerns of Los Gatos residents is that some new houses in the hillsides appear overly large and bulky, resulting in high visibility from surrounding properties and the valley floor. The design standards and guidelines in this section address this issue.

Standards:

1. Buildings shall be designed to minimize bulk, mass and volume so as not to be prominently visible from a distance or from surrounding properties.
2. Buildings shall be designed to conform to the natural topography of the site and run with the contours. Blending with the existing terrain reduces the appearance of bulk.



Do this

Building is parallel with the contours.

Don't do this

Building is perpendicular to the contours

Guidelines:

1. The building design should incorporate but not be limited to, the following techniques to effectively reduce the appearance of mass, bulk and volume:
 - a. Keep building forms simple.
 - b. Avoid architectural styles that are inherently viewed as massive and bulky.



Don't do this

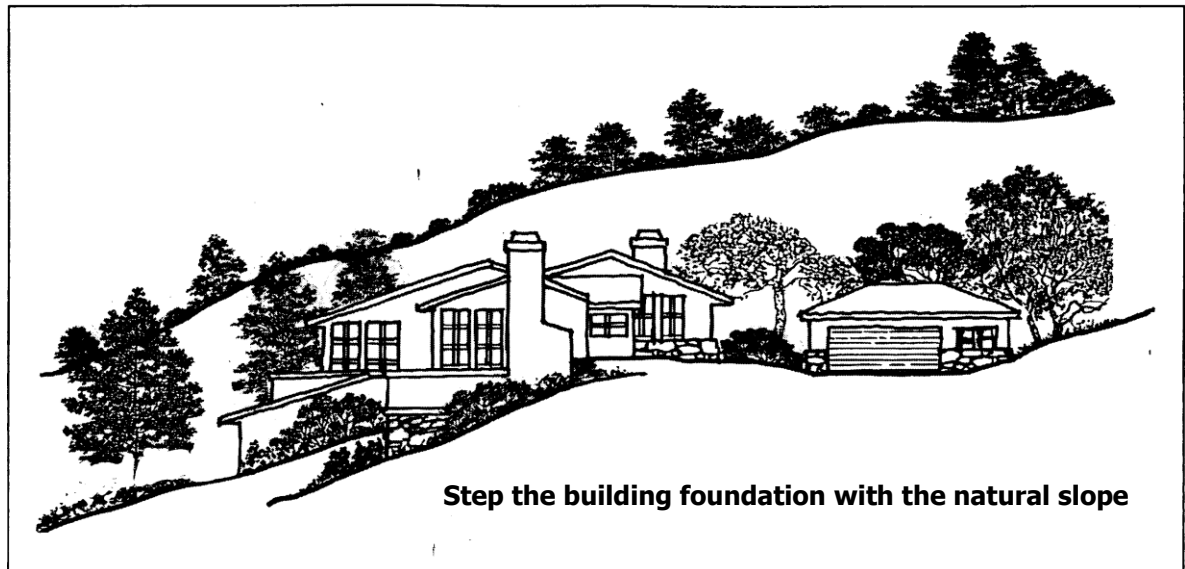


Don't do this

- c. Minimize square footage.
- d. Minimize volume; avoid large volume buildings.
- e. Avoid overhanging decks, large staircases and patios formed by retaining walls that make buildings appear more massive. Avoid use of balustrades and solid wall



railings that add to the mass of the design. *(Revised 2/22/05 by Council Resolution 2005-11)*



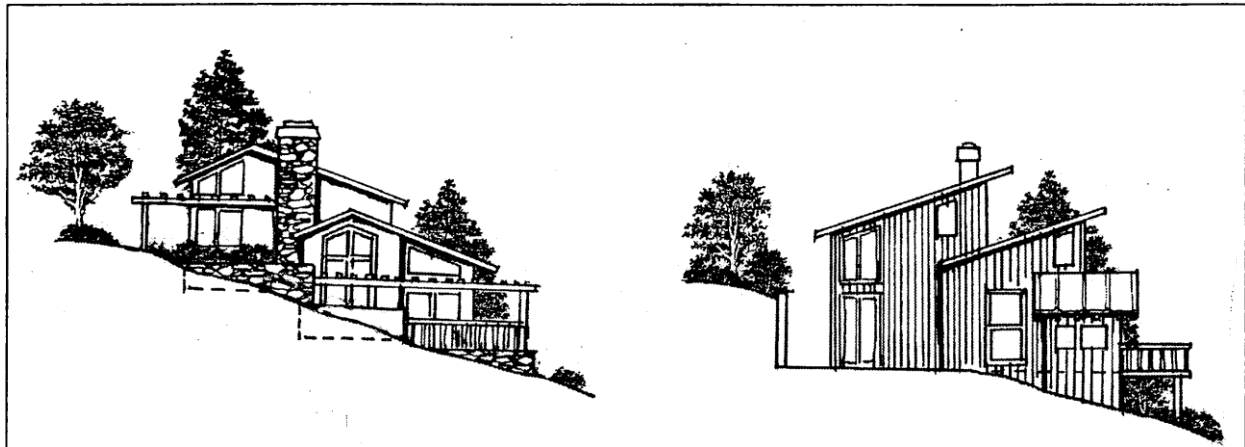
- f. Step the building foundation and roofs with the natural slope.
- g. Use horizontal and vertical building components to reduce bulk. Avoid two story wall planes.
- h. Create light and shadow by providing modest overhangs, projections, alcoves, and plane offsets, and varying elevations such as stepping second stories.
- i. Vary elevations, such as stepping back second stories, to conform with topography.
- k. Excavate or use below-grade rooms to reduce effective bulk. The visual area of the building can be minimized through a combined use of grading and landscaping techniques.
- l. Use vaulted ceilings rather than high walls and ceilings with attics above to achieve a feeling of volume.
- m. Second stories should be stepped back so the difference in wall planes is visible from a distance. *(Revised 2/22/05 by Council Resolution 2005-11)*



G. Roofs.

Standards:

1. Roof forms and rooflines shall be broken into smaller building components to reflect the irregular forms of surrounding natural features.
2. The slope of the main roof shall generally be oriented in the same direction as the natural slope of the terrain.

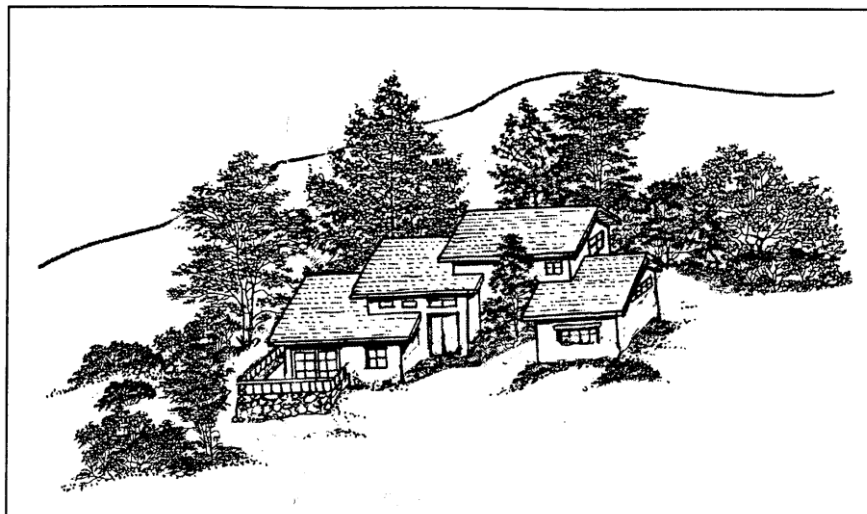


Do this

Don't do this

Guidelines:

1. Large gable ends on downhill elevations should be avoided.



Roof forms are kept small and reflect the surrounding topography



H. Architectural elements.

Standards:

1. Exterior structural supports and undersides of floors and decks not enclosed by walls are prohibited unless it is proven that no alternative type of construction is feasible and that fire safety and aesthetic considerations have been adequately addressed (also see Chapter III section D.2).

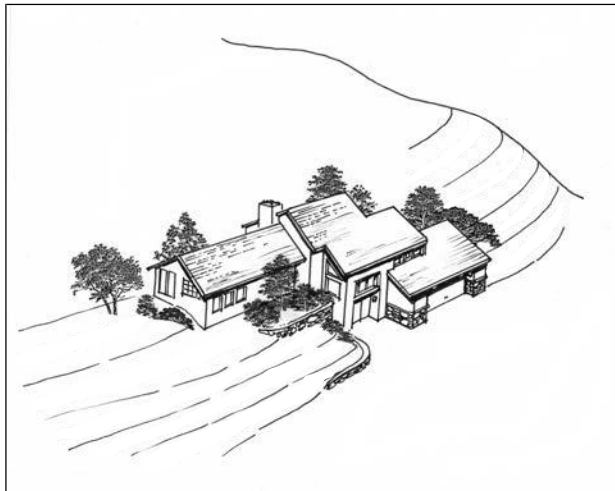


Don't do this

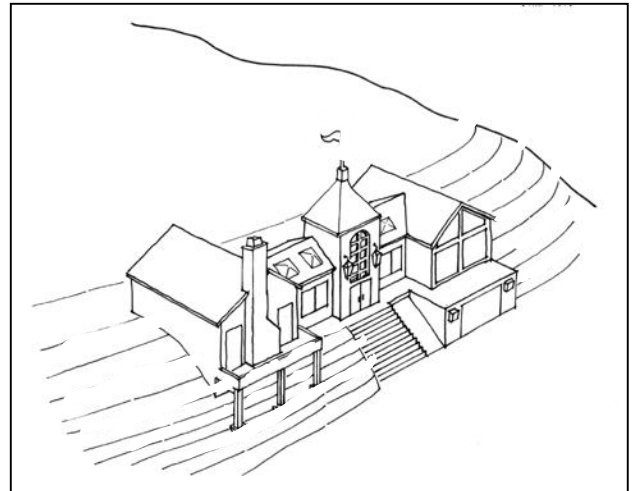
2. Skylight glazing material shall be selected to reduce glare at night. Large skylights with dome-style glazing should be avoided.
3. Architectural detailing shall be provided on all sides of the building. Elements of the architectural treatment used on the front facade shall be repeated on all sides of the building.

Guidelines:

1. The use of large windows and glass doors should be kept to the minimum to reduce the daytime glare and nighttime lighting emanating from large glazed areas, and to increase heating and cooling efficiency. Of particular concern is glare that impacts neighboring properties and is visible from the valley floor (also see Chapter V section I.).
2. The use of architectural features that increase visual prominence should be avoided. Massive, tall elements, such as two-story entries, turrets, and large chimneys should be avoided. Such elements on the downhill facade of the house is of particular concern.



Do this



Don't do this

I. Materials and colors.

Standards:

1. The contrast between manmade buildings and the environment shall be minimized. A buildings color and materials shall complement and blend with the predominant colors and values of the surrounding natural environment.
2. Exterior material colors for homes, with the exception of homes with any elevation that is more than 24.5% percent visible from the viewing area, may use color averaging of all exterior materials to meet the maximum light reflectivity value of 30 and shall blend with the natural vegetation. Roof materials shall be calculated separately and shall not exceed a light reflectivity value of 30
3. Roofs shall be a dark earth tone color with a variety of shades of that color that blend with the environment.
4. Exposed metal surfaces shall be painted to compliment adjacent materials, be anodized a dark color, or have the ability to develop a patina (e.g., copper).
5. Mirror-like window tinting is prohibited.
6. Contrasting color accents shall be kept to a minimum.



Guidelines:

1. A variety of materials, textures, and architectural details compatible with the design theme of the house should be used to add interest and to mitigate the visual impact of large wall areas. Natural materials such as wood and stone will help soften the appearance of stucco and blend it with the natural setting. *(Revised 2/22/05 by Council Resolution 2005-11)*