



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE AGENDA
JULY 28, 2020
110 EAST MAIN STREET
LOS GATOS, CA
5:00 PM**

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

IMPORTANT NOTICE REGARDING THE JULY 28, 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=LOSGATOS&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/UCFh35XRBWer1DPx-F7vvhcg>.

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar at <https://losgatosca.gov.zoom.us/j/92877407007>. Passcode: 701694
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@losgatosca.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.

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JULY 28, 2020
110 EAST MAIN STREET
LOS GATOS, CA
5:00 PM**

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 the January 28, 2020 Policy Committee Meeting Minutes.

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

ADJOURNMENT



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

MEETING DATE: 7/28/2020

ITEM NO: 1

**DRAFT
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.

PAGE 3 OF 3

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

DATE: July 24, 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



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

MEETING DATE: 7/28/2020

ITEM NO: 2

DATE: July 24, 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.

RECOMMENDATION:

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

BACKGROUND:

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

In response to the Council's direction from February 2, 2016, 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 unanimously approved the modifications to Section B. of Chapter II. of the HDS&G regarding the visibility analysis.

DISCUSSION:

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 in the elevation drawing for the purposes of the visibility analysis. At this meeting, the Town Council unanimously voted to refer an evaluation of Section B. of Chapter II. of the HDS&G, regarding the visibility

PREPARED BY: Joel Paulson
Community Development Director

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

DISCUSSION (continued):

analysis to the Policy Committee. Based on the discussion of the Town Council at the meeting, staff has presented the following topics for the Committee's discussion.

A. Chapter II. (Constraints Analysis) of the HDS&G

The HDS&G define a visible home as a single-family residence where 24.5 percent or more of an elevation can be seen from any of the Town's established viewing areas (Attachment 1). The HDS&G do not include written guidelines regarding what can be included in an elevation.

An architectural elevation is an orthographic drawing of the exterior of a residence from a horizontal point of view, wherein an exterior side is projected perpendicularly onto a drawing plane. Vertical planar surfaces of the exterior that are parallel to the drawing plane retain their true scale. Vertical planar surfaces of the exterior that are not parallel to the drawing surface are foreshortened. Depending on the dimensions of the drawing plane, vertical planar surfaces below the finished floor of the residence but above the grade as it steps down a slope, such as retaining walls, may be included in the drawing.

Staff is requesting input from the Committee on the following topic related to the visibility analysis:

1. Should an elevation be defined in the HDS&G, providing written guidelines as to what elements of an exterior can be included in an elevation for the purposes of the visibility analysis?

Chapter 9 (Fire Prevention and Protection) of the Town Code

On January 21, 2020, the Town Council adopted amendments to Chapter 9 (Fire Prevention and Protection) of the Town Code. The amendments require 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 2). In conformance with Santa Clara County Fire Department Guidelines, the 100 feet of defensible space is segregated into the following zones (Attachment 3):

- Zone 1: New construction must create a noncombustible area a minimum of five feet from structures.
- Zone 2: Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet of such buildings or structures. This includes removing all dead vegetation and dead or dry leaves, trimming trees regularly to keep branches a minimum of six feet from the grade, tree branches a minimum of ten feet from other trees, and ten feet away from a chimney.

DISCUSSION (continued):

- Zone 3: Maintain an additional reduced fuel zone of 70 feet from all buildings and structures with an emphasis on vertical and horizontal separation of fuels/vegetation. A distance beyond 70 feet may be required when the Fire Chief or his/her designee, determines that due to steepness of terrain or other conditions, a distance of 70 feet is insufficient. This includes creating horizontal and vertical spacing between shrubs and trees, removing dead plants, tree material, and vegetation adjacent to accessory structures within the area, and maintaining distances between canopy tops.

Staff is requesting input from the Committee on the following topics related to the visibility analysis:

1. Should existing trees or branches subject to clearing located within 30 feet (Zone 2) of a single-family residence not be included in a visibility analysis?
2. Should existing trees or branches subject to clearing located within an additional reduced fuel zone of 70 feet (Zone 3) of a single-family residence not be included in a visibility analysis?

Chapter 29 (Tree Protection) of the Town Code

On January 21, 2020, the Town Council adopted amendments to Chapter 29 (Tree Protection) of the Town Code, which added that the removal or maintenance of an existing tree as required by Chapter 9 of the Town Code, is exempt and may be removed or severely pruned without Town approval or issuance of a tree removal permit (Attachment 4):

29.10.0970. Exceptions.

- (1) A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).
- (2) Any of the following trees that are less than twenty-four (24) inches in diameter (seventy-five (75) inches in circumference):
 - (1) Black Acacia (*Acacia melanoxylon*)
 - (2) Tulip Tree (*Liriodendron tulipifera*)
 - (3) Tree of Heaven (*Ailanthus altissima*)
 - (4) Blue Gum Eucalyptus (*E. globulus*)
 - (5) Red Gum Eucalyptus (*E. camaldulensis*)
 - (6) Other Eucalyptus (*E. spp.*) - Hillsides only
 - (7) Palm (except *Phoenix canariensis*)
 - (8) Privet (*Ligustrum lucidum*)

DISCUSSION (continued):

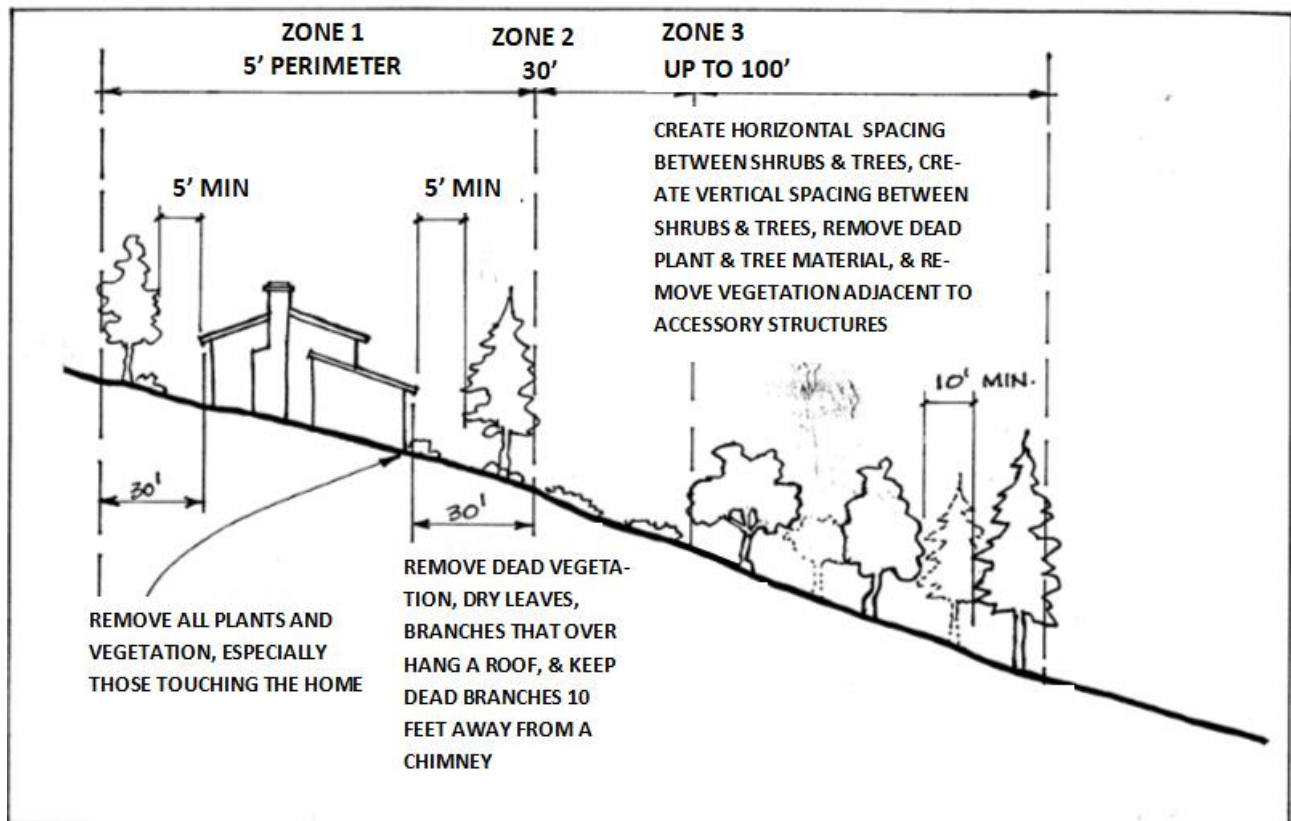
- (3) Any removal or maintenance of a tree to conform with the implementation and maintenance of Defensible Space per Chapter 9 – Fire Prevention and Protection with the exception of any tree listed in subcategories (3) and (10) of Sec.29.10.0960 – Scope of Protected Trees.

Staff is requesting input from the Committee on the following topic related to the visibility analysis:

1. Should all existing trees listed in Section 29.10.0970 of the Town Code that are proposed to remain as part of an application not be included in a visibility analysis?

B. Chapter III. (Site Planning) of the HDS&G

Based on the amendments made to Chapter 9 (Fire Prevention and Protection) and Chapter 29 (Tree Protection) of the Town Code, the following image on page 29, Section D. (Safety) of the HDS&G has been modified to be in compliance with the required defensible space zones and would replace the existing image (Attachment 5).



DISCUSSION (continued):

C. Chapter IX. (Project Review and Approval Process) of the HDS&G

A single-family home that meets the allowable floor area ratio and is not visible from any established viewing area may be approved by the Development Review Committee (DRC). Through completion of a visibility analysis, if a home is determined to be visible, the maximum allowable height is 18 feet. Currently, review by the Planning Commission is required for a visible single-family home (Attachment 6).

Staff is requesting input from the Committee on the following topic:

1. Should a visible home that meets the allowable floor area ratio with a maximum height of 18 feet be allowed to be approved by the DRC?

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 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)



II. CONSTRAINTS ANALYSIS AND SITE SELECTION

A. Prior to Selecting a Building Site.

1. Constraints analysis.

Each development application subject to the Hillside Development Standards and Guidelines shall be accompanied by a constraints analysis when it is deemed necessary by the Town to identify the most appropriate area or areas on the lot for locating buildings given the existing constraints of the lot. This is a critical step in the overall planning and design of projects in the hillsides. When all constrained areas have been identified and mapped, the remaining area(s) will be designated as the "LEAST RESTRICTIVE DEVELOPMENT AREA" (LRDA). These are the areas most appropriate for development.

To ensure that new development is sensitive to the goal and objectives of the Hillside Development Standards and Guidelines and respects the existing site constraints, the following elements shall be mapped by appropriate professionals and taken into consideration when determining a site's LRDA:

- Topography, with emphasis on slopes over 30%
- Vegetation such as individual trees, groupings of trees and shrubs, habitat types
- Drainage courses and riparian corridors
- Septic systems
- Geologic constraints including landslides and active fault traces
- Wildlife habitats and movement corridors
- Visibility from off site
- Areas of severe fire danger
- Solar orientation and prevailing wind patterns
- Significant Ridgelines



Many of the above topics are covered in more detail in Chapter II.B. and Chapter III. The accurate determination of the LRDA early in the planning process could avoid delays once an application has been submitted. Site specific studies such as geotechnical or other environmental evaluations, tree survey and/or topographic survey may be necessary to accurately determine the LRDA.



2. Consultation with Neighbors.

Before siting and designing the house and landscaping, the property owner, architect or builder should meet with neighbors to discuss any special concerns they might have. Resolution of issues early in the design process can save time and cost as well as reducing the processing time for applications. If a conflict occurs between a property owner's desire to develop their property and legitimate issues raised by a neighbor, a design solution will be sought that attempts to balance all issues or concerns that are raised by both parties.

3. Pre-application meeting/staff consultation/site visit.

Before designing a project, the property owner/architect/builder is strongly encouraged to meet with Town staff to consider a building location that best preserves the natural terrain and landscape of the lot and positively addresses the objectives of the Hillside Development Standards and Guidelines. On heavily wooded lots, or on lots where trees may be impacted by proposed development, an arborist's report shall be prepared which evaluates potential tree impacts. The report shall be prepared at the applicant's expense.

B. Visibility Analysis.

1. Viewing areas.

Each development project with the potential for being visible (see glossary for definition) from any established viewing area shall be subject to a visibility analysis. ("Potential" is defined as capable of being seen from a viewing area if trees or large shrubs are removed, significantly pruned, or impacted by construction.) The visibility analysis shall be conducted in compliance with established Town procedures using story poles that identify the building envelope. After installing the story poles, the applicant shall take photographs of the project from appropriate established viewing areas that clearly show the story poles and/or house and subject property. Visual aids such as photo simulations or three dimensional illustrations and/or a scale model may be required when it is deemed necessary to fully understand the impacts of a proposed project.

The following steps shall be taken in completing a visibility analysis:

- a. Install story poles per adopted policy.
- b. After the installation of story poles, photographs of the project shall be taken from the applicable viewing areas using 50 MM and 300 MM lenses. Other location(s) as deemed appropriate by the Community Development Director may be chosen in addition to the existing viewing areas.



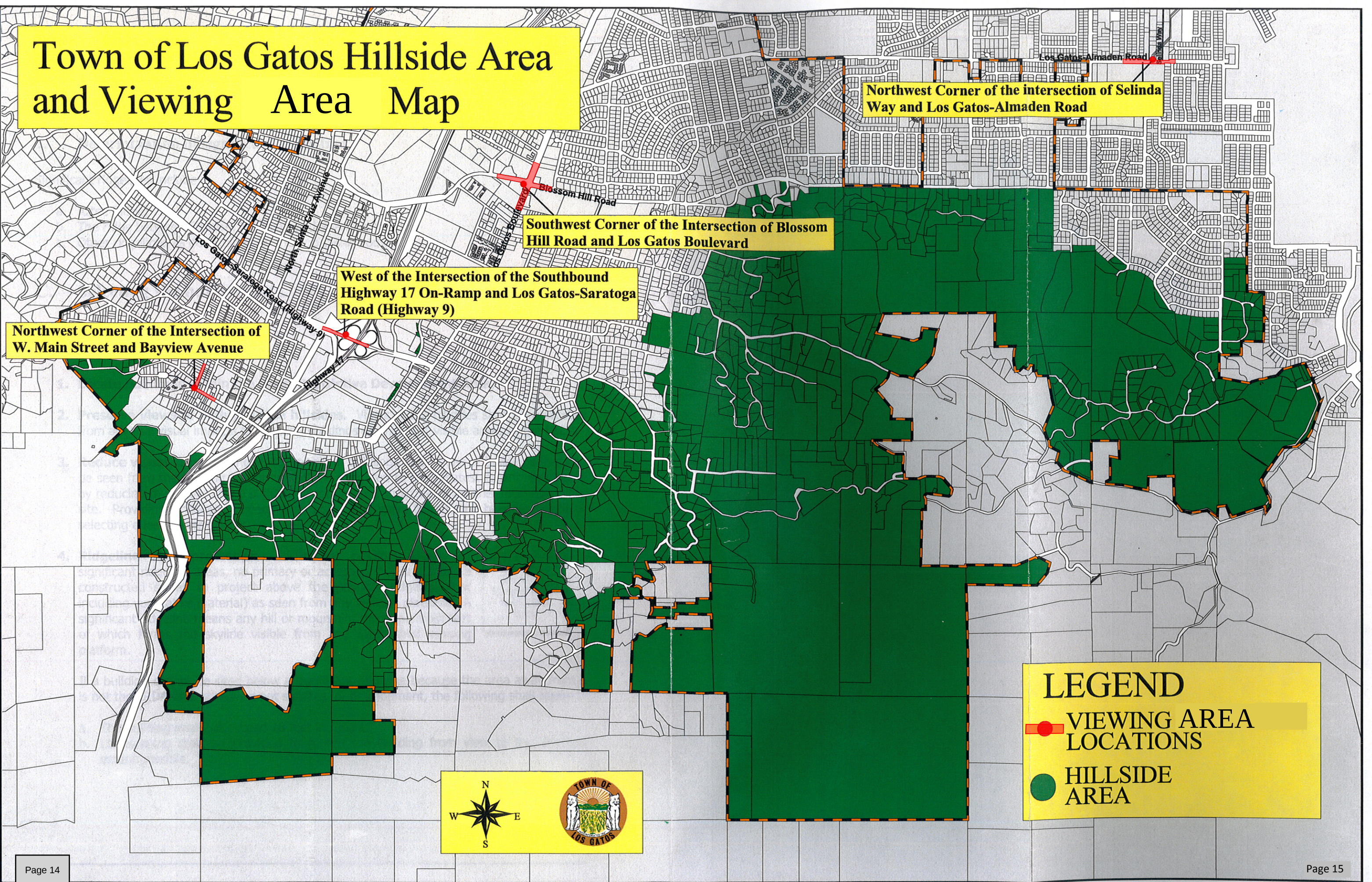
- c. A photograph with a 50 MM lens will represent the visibility of the proposed residence from the naked eye.
- d. A photograph with a 300 MM lens will represent an up-close perspective and help identify any visible story poles, netting, trees, and/or shrubbery.
- e. Existing vegetation and/or landscaping proposed to be removed entirely or partially shall not be included in the visibility analysis.
- f. If determined necessary by the Community Development Director, three dimensional illustrations or photo simulations of the structure may be required.
- g. A visible home is defined as a single-family residence where 24.5% or more of an elevation can be seen from any of the Town's established viewing areas, and/or determined by the Community Development Director. Percentages shall be rounded to the nearest whole number.
- h. A Deed Restriction shall be required that identifies the on-site trees that were used to provide screening in the visibility analysis and requires replacement screening pursuant to the Hillside Development Standards and Guidelines and/or the Tree Protection Ordinance, if these trees die or are removed.
- i. Trees with a poor health rating (less than 50 percent overall condition rating) shall not be included in the visibility analysis.
- j. The Community Development Director shall determine if the use of a third party consultant is required to peer review an applicant's visibility analysis.
- k. A five-year Maintenance Agreement shall be required for on-site trees that were used to provide screening in the visibility analysis and requires their preservation.

The locations of the viewing areas are shown on the map on the next page, and are as follows:

- 1. Blossom Hill Road/Los Gatos Boulevard
- 2. Los Gatos - Almaden Road/Selinda Way (across from Leigh High School)
- 3. Hwy 17 overcrossing/Los Gatos - Saratoga Road (Highway 9)
- 4. Main Street/Bayview Avenue
- 5. Other location(s) as deemed appropriate by the Community Development Director

Viewing area locations are intended to provide a general vicinity for the visibility analysis and photo locations. Where there are obstructions (buildings, signs, or foreground vegetation) that block a clear and unobstructed view of the site, the origination point shall be adjusted in consultation with staff to the nearest point that provides a clear and unobstructed view by moving away from the viewing area location along a public road up to 500 feet in any direction.

Town of Los Gatos Hillside Area and Viewing Area Map



Northwest Corner of the intersection of Selinda Way and Los Gatos-Almaden Road

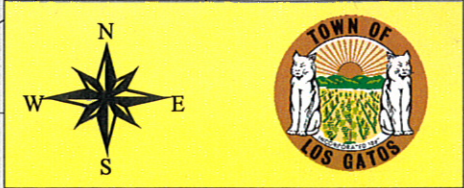
Southwest Corner of the Intersection of Blossom Hill Road and Los Gatos Boulevard

West of the Intersection of the Southbound Highway 17 On-Ramp and Los Gatos-Saratoga Road (Highway 9)

Northwest Corner of the Intersection of W. Main Street and Bayview Avenue

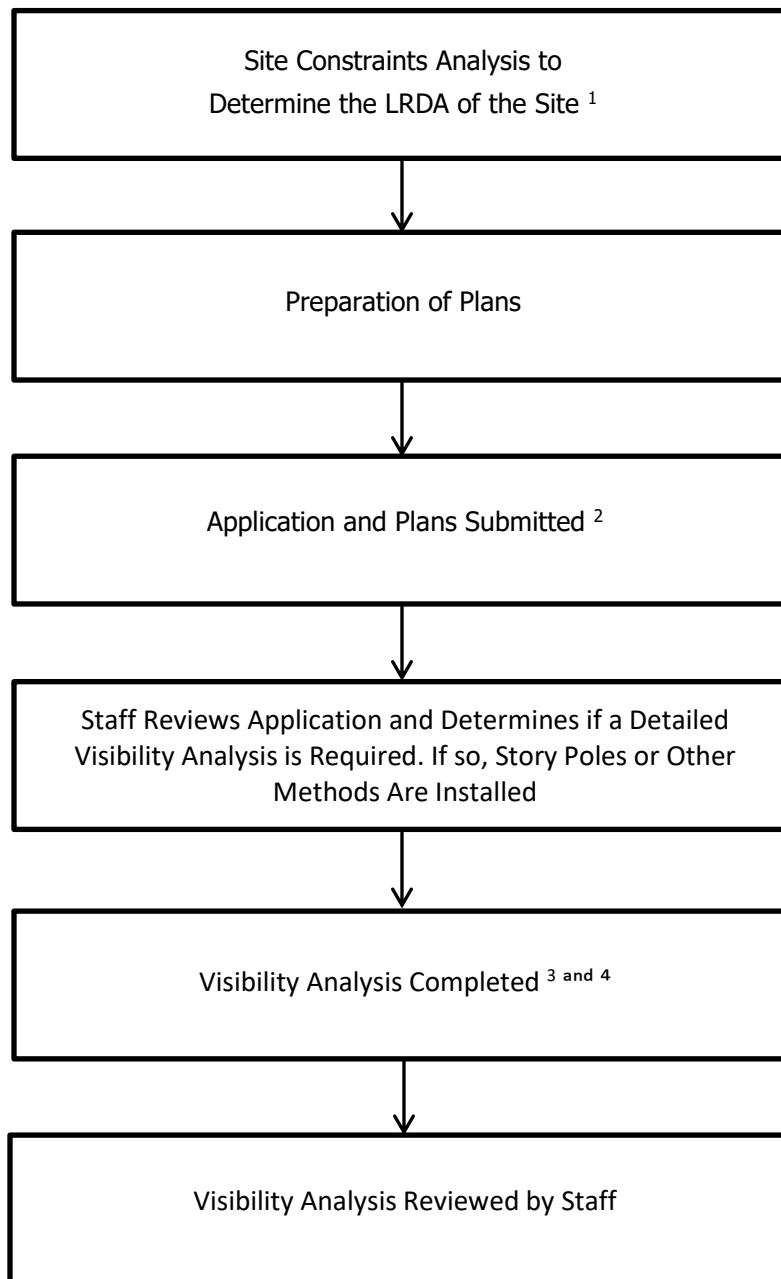
LEGEND

-  VIEWING AREA LOCATIONS
-  HILLSIDE AREA





2. Visibility Analysis Processing Flow Chart



¹ Page 12 and page 56 of the HDS&G <http://www.losgatosca.gov/DocumentCenter/View/168> and <http://www.losgatosca.gov/DocumentCenter/View/175>

² Page 63 of the HDS&G <http://www.losgatosca.gov/DocumentCenter/View/175>

³ Page 13 of the HDS&G <http://www.losgatosca.gov/DocumentCenter/View/168>

⁴ Division 2 – Tree Protection Ordinance https://library.municode.com/ca/los_gatos/codes/code_of_ordinances?nodeId=CO_CH29ZORE_ARTIINGE_DIV2TRPR



2. Determination of significant ridgelines.

Significant ridgelines include:

- a. Aztec Ridge;
- b. The ridge between Blossom Hill Road and Shannon Road;
- c. Other ridgelines as determined by the approving body

C. Selecting the building site.

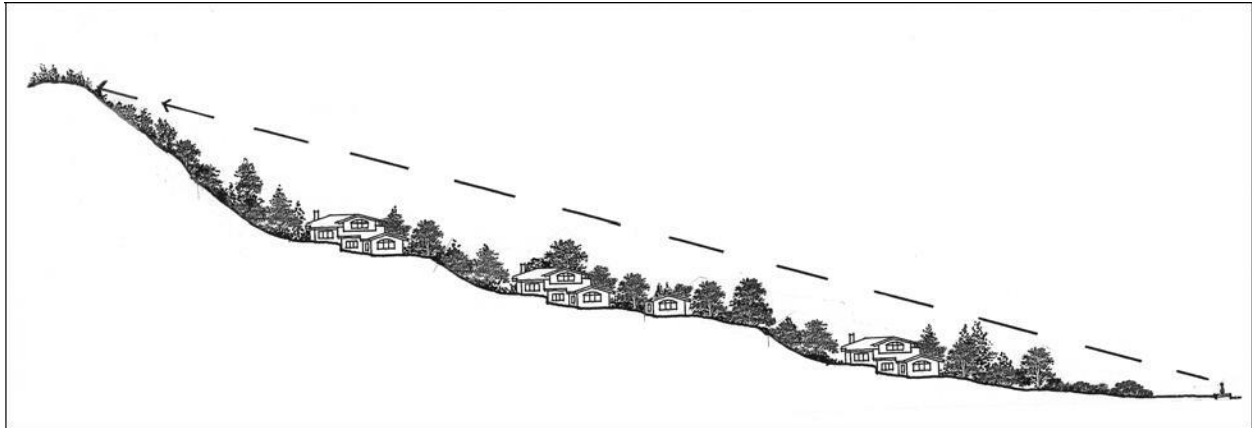
Standards:

1. **Locate buildings within the Least Restrictive Development Area.**
2. **Preserve views of highly visible hillsides.** Views of the hillsides shall be protected from adverse visual impacts by locating buildings on the least visible areas of the LRDA.
3. **Reduce visual impact.** The visual impact of buildings or portions of buildings that can be seen from the viewing areas shall be mitigated to the greatest extent reasonable by reducing the height of the building or moving the structure to another location on the site. Providing landscape screening is not an alternative to reducing building height or selecting a less visible site.
4. **Ridgeline view protection.** Whenever possible within the significant ridgeline areas, no primary or accessory building shall be constructed so as to project above the physical ridgeline (not including vegetative material) as seen from any viewing areas.

Refer to the
Blossom Hill
Comprehensive
Open Space
Study

If a building cannot be sited below a significant ridgeline because the area away from it is not the LRDA or is otherwise not suitable for development, the following shall apply:

- a. The building shall not exceed 18 feet in height.
- b. Landscaping shall be provided to screen the building from view to the greatest extent possible.



Houses do not project above significant ridgeline

- 5. Preserve natural features.** Existing natural features shall be retained to the greatest extent feasible and integrated into the development project. Site conditions such as existing topography, drainage courses, rock outcroppings, trees, significant vegetation, wildlife corridors, and important views will be considered as part of the site analysis and will be used to evaluate the proposed site design.
- 6. Avoid hazardous building sites.** Building in areas with more than 30 percent slope or areas containing liquefiable soil with poor bearing capacity, slide potential, fault rupture zones and other geotechnical or fire hazards shall be avoided unless no alternative building site is available.
- 7. Protect riparian corridors.** Building sites shall be set back an appropriate distance from riparian corridors to be determined on a site by site basis. Natural drainage courses should be preserved in as close to their natural location and appearance as possible.
- 8. Protect wildlife.** Existing wildlife usage of the site and in particular any existing wildlife corridors shall be identified and avoided to the maximum extent possible.

Guidelines:

- 1. Solar orientation.** Building sites should be selected to take maximum advantage of solar access.
- 2. Solar orientation.** Building sites should be selected to take maximum advantage of solar access.



- 3. Impact on adjacent properties.** Building sites should be located where they will have the least impact on adjacent properties and respect the privacy, natural ventilation and light, and views of neighboring homes.
- 4. Minimize grading.** The building site should be located to minimize grading.

ORDINANCE 2301

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 9 (FIRE PREVENTION AND PROTECTION) OF THE TOWN CODE REGARDING WEED ABATEMENT REGULATIONS

WHEREAS, the Town of Los Gatos; has traditionally adopted Chapter 49 of the California Fire Code (with amendments) which incorporates the legal requirements associated with State mandated defensible space;

WHEREAS, the State mandates 100 feet of defensible space around buildings and structures within Very High Fire Hazard Severity Zones;

WHEREAS, State law allows for jurisdictions to adopt additional defensible space standards based on severity of wildfire risk;

WHEREAS, the Los Gatos Wildland Urban Interface (WUI) planning area includes primarily Very High Fire Hazard Severity Zone (VHFHSZ) areas.

WHEREAS, the Town Council recognizes that in addition to the State mandated requirements the development and maintenance of defensible space is essential to reducing wildfire risk within the community;

WHEREAS, the proposed amendment changes will reduce the risk of wildfire and effectuate safer passage for first responders and residents in the event of a wildfire;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION II

CHAPTER 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Section 4902 Definitions of Town Code Chapter 9 are hereby added/amended to read as follows:

DEFENSIBLE SPACE. An area around the perimeter of a structure in which vegetation, debris, and other types of combustible fuels are treated, cleared, or reduced to slow the rate and intensity of potentially approaching wildfire or fire escaping from structure(s).

REDUCED FUEL ZONE. In this area of the defensible space, efforts are placed on ensuring fuels/vegetation are separated vertically and horizontally depending on the vegetation type.

Wildland-Urban Interface Fire Area. A geographical area identified by the state as a " Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. The Wildland-Urban Interface Fire Area is defined as all areas within the Town of Los Gatos as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data, and other information shown thereon are hereby adopted and made a part of this chapter. The map properly attested, shall be on file in the Office of the Town Clerk of the Town of Los Gatos.

Section 4906.2 Application of Town Code Chapter 9 are hereby amended to read as follows:

2. Land designated as a Very-high Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area by the Town of Los Gatos.

Section 4907.2 Defensible Space Fuel Modification are hereby added to read as follows:

4907.2 Defensible Space Fuel Modification.

Persons owning, leasing, controlling, operating, or maintaining buildings or structures, and/or lands in, upon, or adjoining the locally adopted Wildland-Urban Interface Fire Area, shall at all times comply with the following:

1. Maintain defensible space of 100 feet 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. The 100 feet of defensible space should be segregated into the following zones:
 - a. Maintain an effective defensible space by removing and clearing away flammable vegetation and other combustible materials from areas within 30 feet of such buildings or structures.

Exception: When approved by the Fire Chief or his/her designee, single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.
 - b. Maintain an additional reduced fuel zone of 70 feet from all buildings and structures with an emphasis on vertical and horizontal separation of fuels/vegetation. Distances beyond an additional 70 feet may be required when the Fire Chief or his/her designee, determines that due to steepness of terrain or other conditions, 70 additional feet is insufficient.

Exception: When approved by the Fire Chief or his/her designee grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

- c. New construction must create a noncombustible area a minimum of 5 feet from structures.
2. Remove portions of trees, which extend within 10 feet of the outlet of any chimney or stovepipe.
3. Maintain any tree, shrub, or other plant adjacent to or overhanging any building or structure free of dead limbs, branches or other combustible material.
4. Maintain the roof of any structure and roof gutters free of leaves, needles, or other combustible materials.
5. Maintain defensible space as determined by the Fire Chief or his/her designee around water tank structures, water supply pumps, and pump houses.
6. Remove flammable vegetation a minimum of 10 feet around liquefied petroleum gas tanks/containers.
7. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet.

Exception: Firewood and combustible materials not for consumption on the premises shall be stored as approved by the Fire Chief or his/her designee.

8. Clear areas within 10 feet of fire apparatus access roads and driveways of non-fire-resistant vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents, or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

Section 4907.3 Defensible Space Along Property Lines are hereby added to read as follows:

4907.3 Defensible space along property lines. Pursuant to Government Code Section 51182 and Public Resources Code Section 4291(a)(2):

1. When an occupied building is less than 100 feet from a property line and combustible vegetation on an adjacent parcel presents a fire hazard for the occupied building as determined by the Fire Chief or his/her designee then the owner of the adjacent parcel where the hazard exists shall be responsible for fuel management, including removal to the satisfaction of the Fire Chief or his/her designee.

Section 4907.4 Corrective Actions are hereby added to read as follows:

4907.4 Corrective actions. When the Fire Chief or his/her designee determines defensible space to be inadequate the Town Council is authorized to instruct the Fire Chief or his/her designee to give notice to the owner of the property upon which conditions regulated by Sections 4907.2 and 4907.3 exist to correct such conditions. If the owner fails to correct such conditions, the Town Council is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exist.

SECTION III

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. These Town Code amendments are not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

SECTION IV

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION V

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 21st day of January 2020 and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on 4th day of February 2020 and becomes effective 30 days after it is adopted.

In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES: Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Marcia Jensen
NAYS: None
ABSENT: None
ABSTAIN: None

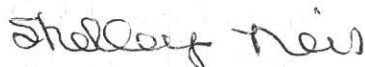
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 2/5/20

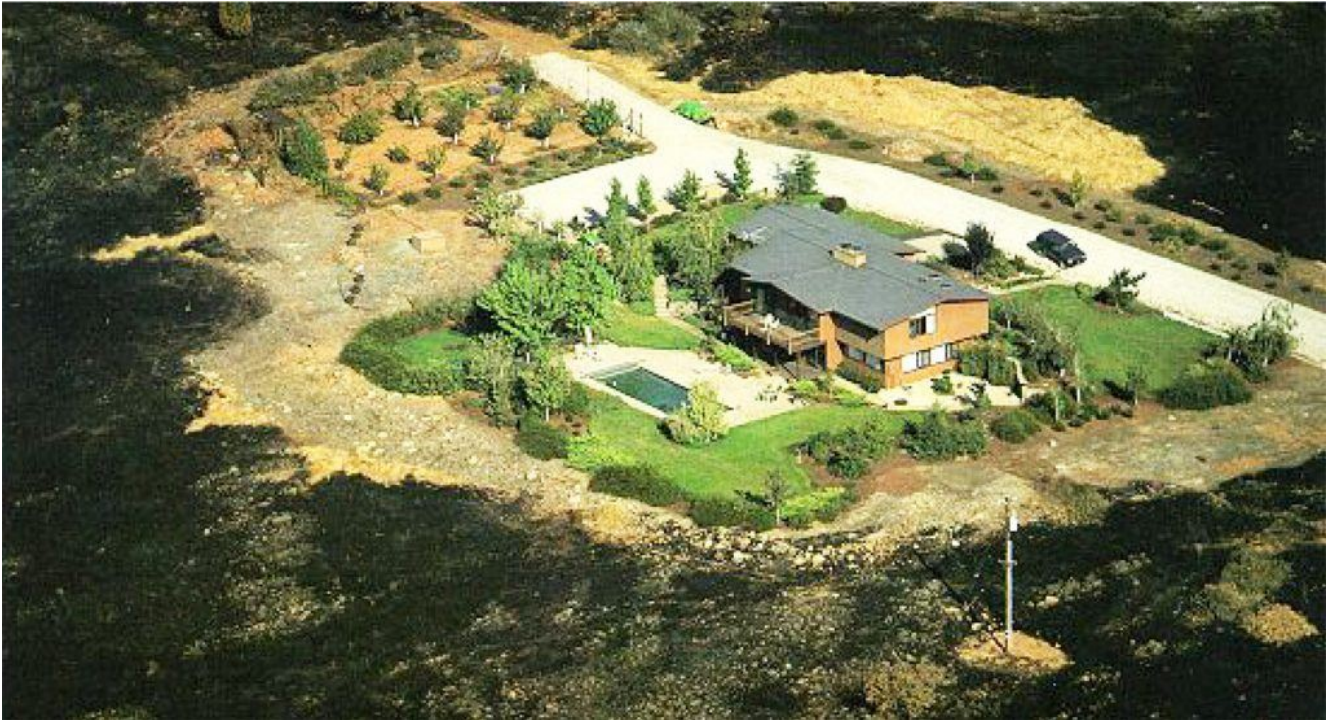
ATTEST:



TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 2/5/2020

Defensible Space Saves Lives



Did you know that actively maintaining defensible space around your home will dramatically increase your home's chance of surviving a wildfire? Defensible space is the buffer you create between a building on your property and the grass, trees, shrubs, or any wildland area that surround it. This space is needed to slow or stop the spread of wildfire and protect your home from catching fire. Defensible space is also an important protection for our firefighters and other emergency responders entrusted with defending our homes and neighborhoods.

Protecting Your Home

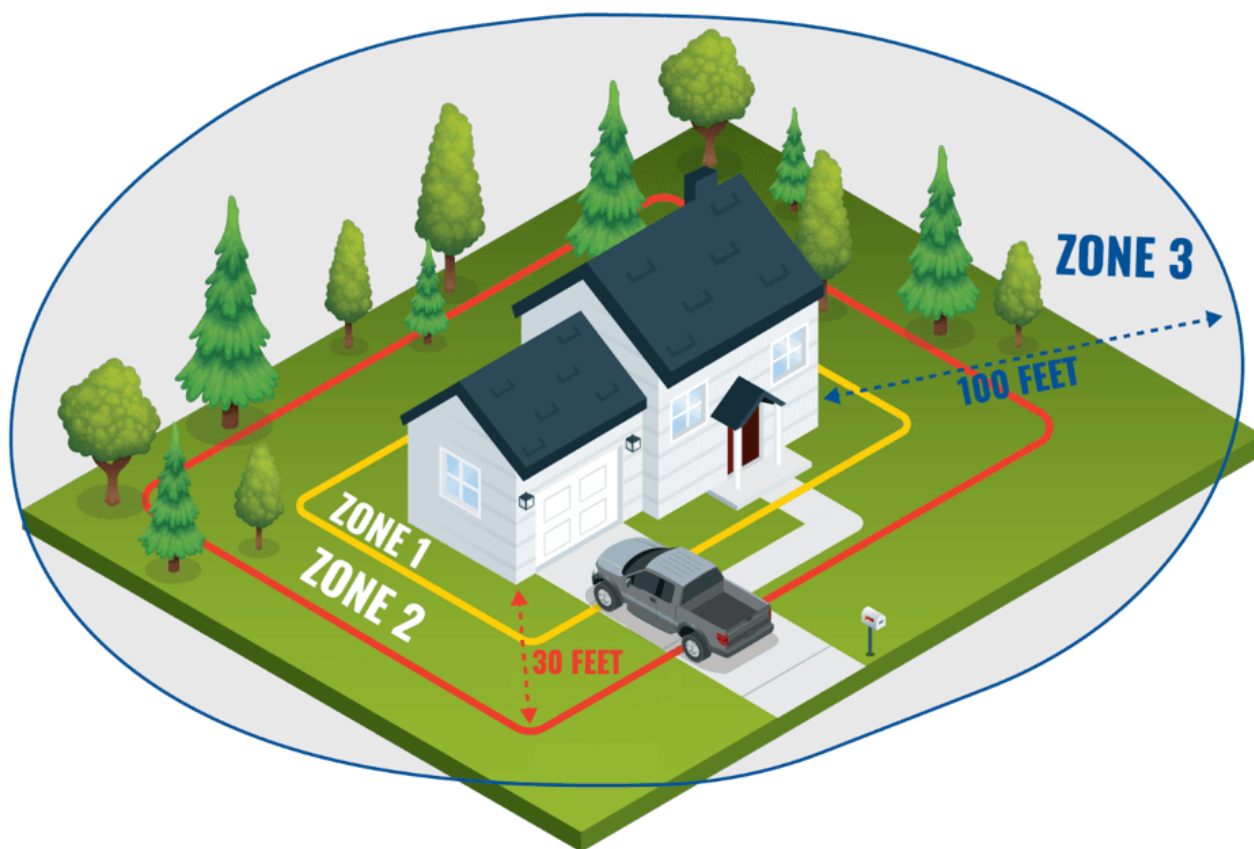
It's State law, that if you have property in a Very-high Fire Hazard Severity Zone or Wildland Urban Interface (WUI) Fire Area, you must have 100-feet of defensible space around any building or structure. If you are unsure whether or not you live in a mandatory defensible space zone, [click this link](#) to view a map of State and Town designated areas in Los Gatos.

In addition to State law, the Town of Los Gatos recently enacted several Municipal Codes amendments which enhance the safety of WUI residents. Specifically for new construction, there is a mandated 5-foot nonflammable zone and the Town enacted provisions that align with State law to recognize the importance of neighbors maintaining defensible space across property lines in certain instances. The new ordinances can be viewed through the links below:

[Ordinance 2301 - Amend Chapter 9 \(Fire Prevention & Protection\)](#)

Defensible Space Zones

Following are guidelines from Santa Clara County Fire Department on how to create and maintain effective defensible space zones:



Zone 1, extends 0 to 5 feet out: The Noncombustible Zone

- Remove all plants and vegetation, especially those touching your home.
- Clean roofs and gutters of dead leaves, debris and pine needles that could catch embers.
- Replace or repair any loose or missing shingles or roof tiles to prevent ember penetration.
- Reduce embers that could pass through vents in the eaves by installing 1/8 inch metal mesh screening.
- Clean debris from exterior attic vents and install 1/8 inch metal mesh screening to block embers.
- Repair or replace damaged or loose window screens and any broken windows.
- Screen or box-in areas below patios and decks with wire mesh to prevent debris and combustible materials from accumulating.
- Move any flammable material away from wall exteriors – mulch, flammable plants, leaves and needles, firewood piles – anything that can burn. Remove anything stored underneath decks or porches.
- Mandated for new construction

Zone 2, extends 30 feet out: The Clean and Green Zone

- Remove all dead plants, grass and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trim trees regularly to keep branches a minimum of 10 feet from other trees.
- Remove branches that hang over your roof and keep dead branches 10 feet away from your chimney.

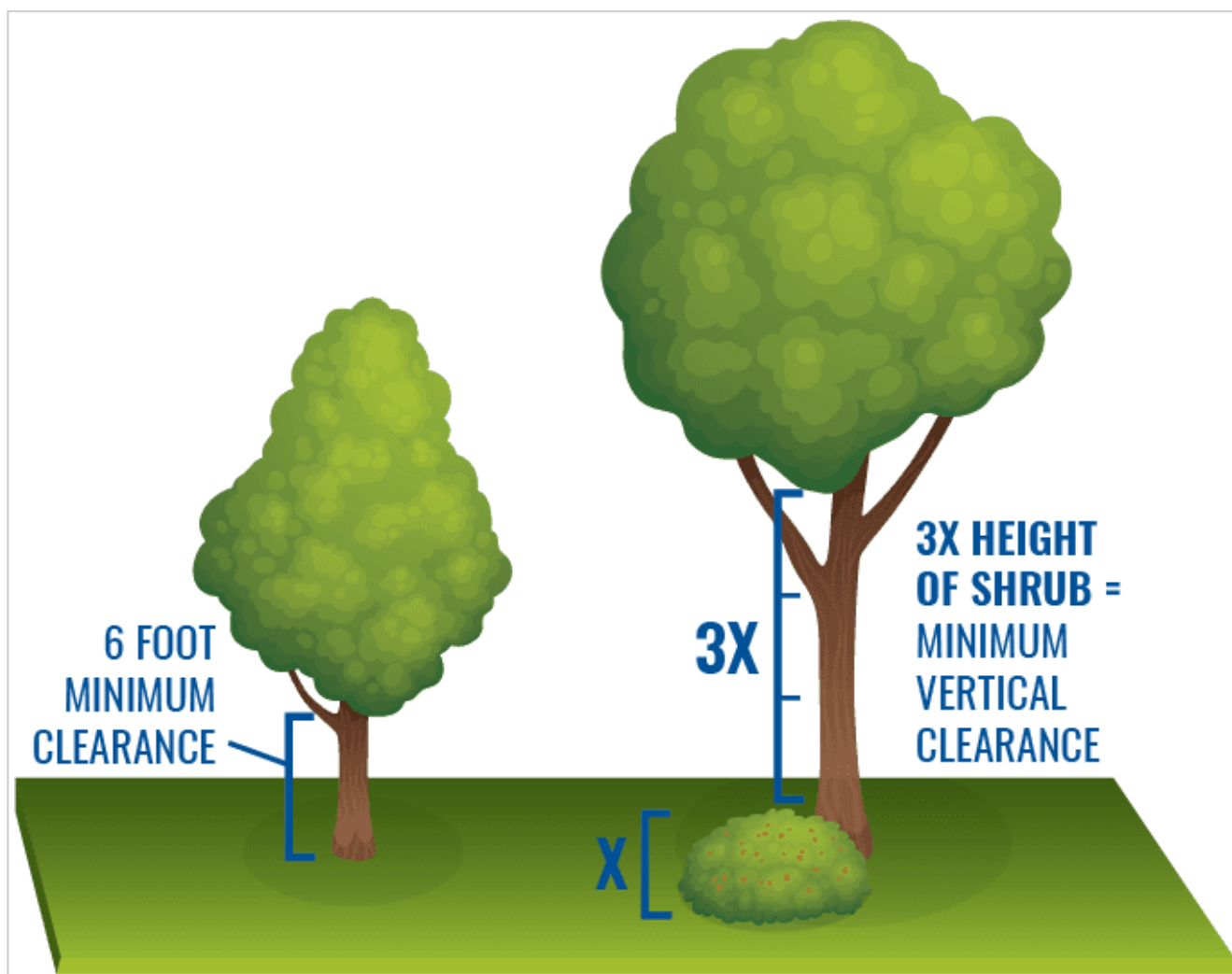
- Create a separation between trees, shrubs and items that could catch fire, such as patio furniture, wood piles, swing sets, etc.

Zone 3, extends 100 feet out: The Reduced Fuel Zone

- Create horizontal spacing between shrubs and trees. (See diagram below)
- Create vertical spacing between grass, shrubs and trees. (See diagram below)
- Dispose of heavy accumulations of ground litter/debris.
- Remove dead plant and tree material.
- Remove small conifers growing between mature trees.
- Remove vegetation adjacent to storage sheds or other outbuildings within this area.
- Trees 30 to 60 feet from the home should have at least 12 feet between canopy tops.
- Trees 60 to 100 feet from the home should have at least 6 feet between the canopy tops.

Plant and Tree Spacing

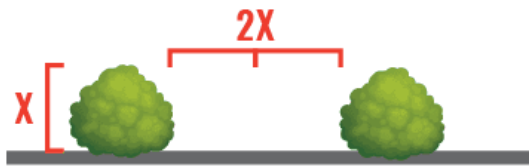
For vertical spacing remove all tree branches at least 6 feet from the ground. If there is a shrub near the tree, the branch clearance needs to be 3 times the height of the shrub. *Example: A 5-foot shrub is growing near a tree. $3 \times 5 = 15$ feet of clearance needed between the top of the shrub and the lowest tree branch.*



spacing between shrubs and trees depends on the slope of the land and the height of the shrubs or trees. Check the chart below to determine spacing distance.

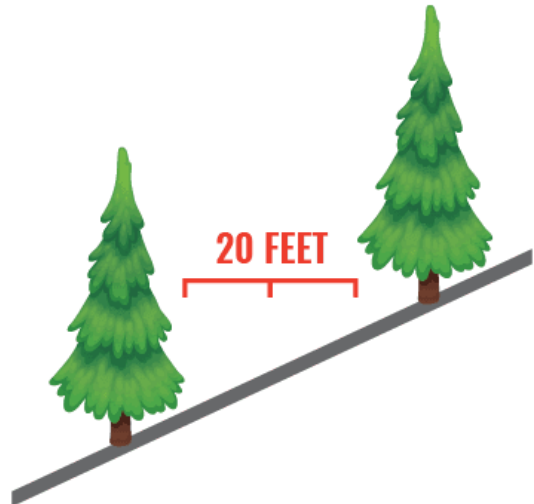
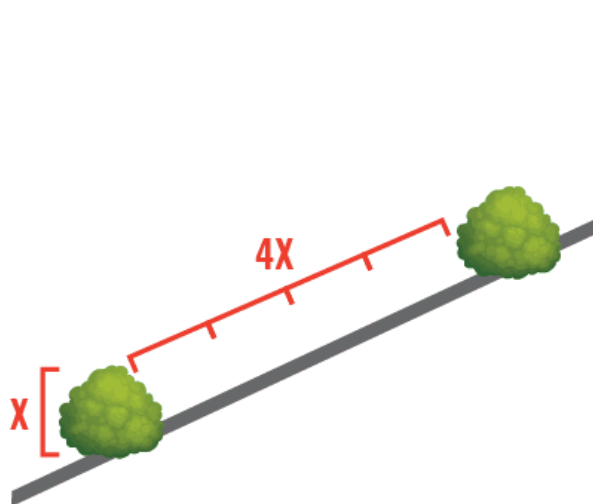
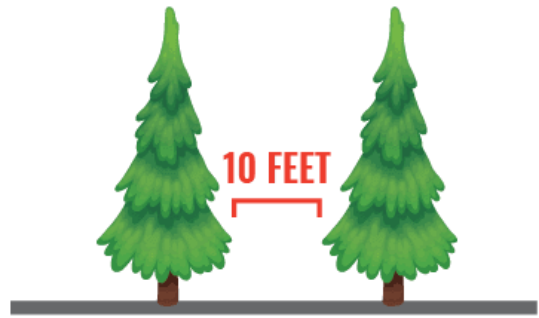
Need your property inspected?

SHRUBS

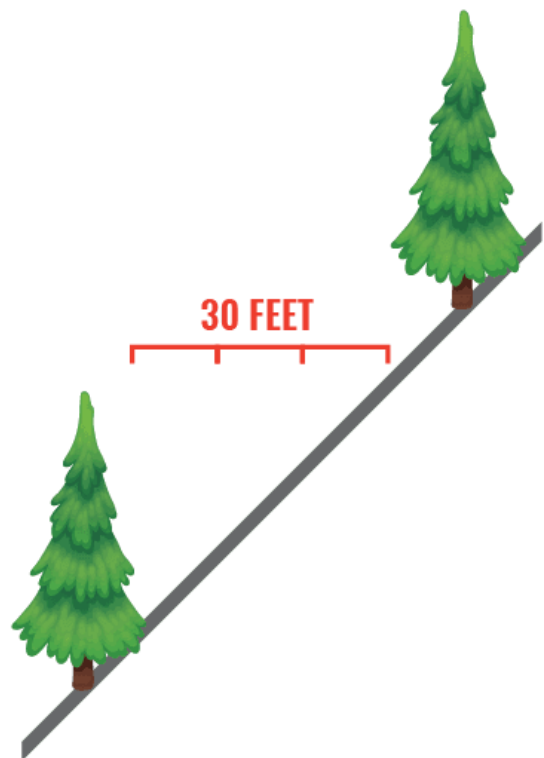
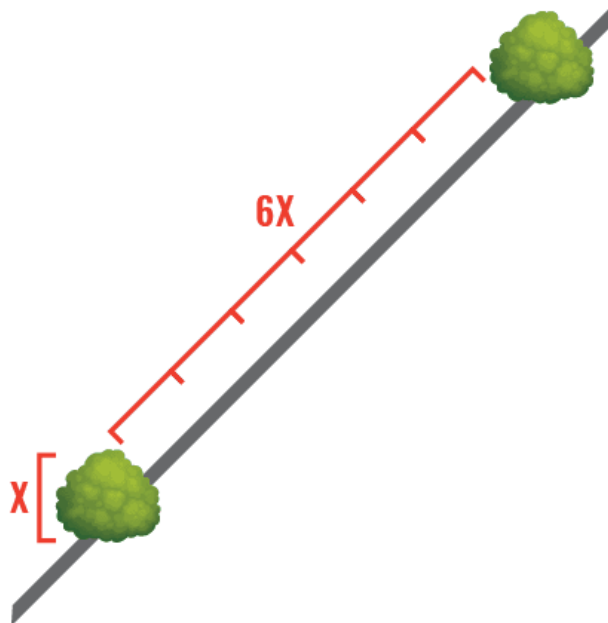


FLAT TO MILD SLOPE (LESS THAN 20%)

TREES



MILD TO MODERATE SLOPE (20%-40%)



MODERATE TO STEEP SLOPE (MORE THAN 40%)

like a free inspection review of your property, contact the Fire Prevention Division at (408) 378-4010.

Defensible Space Along Property Lines

Neighbors, neighborhoods, and communities are working together to help create unified defensible space.

Wildfire safety is a shared responsibility since fire doesn't respect property or political boundaries. Adequate defensible space is essential to ensuring that individual homes and neighborhoods are safeguarded from the devastation of wildfires. This includes working with your neighbors to protect both, your structures and the neighbor's building that may be close to parcel lines. Neighbors are encouraged to work together to help provide defensible space for their respective properties. The most effective solution is a cooperative approach.

In limited circumstances, neighbors are unable to reach a mutual agreement. The Fire Chief, or his/her designee, can assist in determining the risk one property's vegetation poses to another property's structure. If the risk exists, the property owner of the vegetation shall be responsible for fuel management. The Town adopted provisions in its Municipal Code consistent with California Government Code Section 51182(a)(2) which allows jurisdictions to require defensible space beyond property lines in certain circumstances. For an assessment of vegetation around your structures, call the Fire Prevention Division at (408) 378-4010.

Example: A structure is within 70-feet of its property line. The adjacent property poses a significant vegetation threat negating the ability to achieve 100-feet of defensible space around the structure. In the event the neighbors couldn't reach a mutual understanding, the Fire Department would assess if the adjacent property owner would need to assist its neighbor by completing fuel management on another 30 feet on their property.

Nonflammable Vegetation



Not all plants combust equally. There are many beautiful trees and plants to grow in your garden that will reduce your property's risk of being affected by a wildfire. Check out the list below, compiled by [University of California Master Gardeners Santa Clara County](#):

Trees: California live oaks, native redwoods, California bay laurel, maples, citrus, cherry, apple, strawberry tree, dogwood, ash, loquat, 'Little Gem' magnolia, toyon, white alder, weeping bottlebrush, redbud.

Large shrubs: Aloe, ceanothus, cotoneaster, escallonia, currant, pineapple guava, flowering quince, Island bush poppy, Pacific wax myrtle, photinia, pittosporum, mock orange, plumbago, podocarpus, laurel, viburnum.

Flowering plants: Azalea, camellia, hibiscus, lavender, monkey flower, California fuchsia, coral bells, society garlic, salvia, rhododendron.

Ground covers: Woolley yarrow, Ajuga reptans, purple rockrose, creeping coprosma, creeping thyme, ice plant, mock strawberry, wild strawberry, evergreen candytuft, lantana, Lamium, African daisy, wooly thyme, star jasmine, sedum.

Vines: Trumpet vine, potato vine, Cape honeysuckle.

Understanding Fire Weather

Red Flag Warnings are often preceded by a Fire Weather Watch, which is a National Weather Service (NWS) notice indicating that weather conditions in the next 12-72 hours may result in extreme fire behavior and trigger a Red Flag Warning. As of 2019, a Red Flag Warning may be accompanied by a Public Safety Power Outage, where PG&E shuts off power to power lines in areas at high risk of wildfire. NWS issues a Red Flag Warning when weather conditions in the next 24 hours may result in extreme fire behavior. These conditions may include: Low relative humidity, strong winds, dry fuels, and the possibility of dry lightning strikes.



**LOW RELATIVE
HUMIDITY**



STRONG WINDS



DRY FUELS



**POSSIBILITY OF DRY
LIGHTNING STRIKES**

Tips for Red Flag Warnings

1. Do not use lawnmowers or spark-producing equipment in or near dry vegetation. Follow local fire restrictions on powered equipment use.
2. Report unattended outdoor fires immediately to 911.
3. Avoid all outdoor burning.
4. Extinguish outdoor fires properly, never leave barbecues or cooking fires unattended. Always drown them with plenty of water.
5. Soak ashes and charcoal in water and dispose of them in a metal can. These materials can ignite days after a fire or BBQ is extinguished.
6. Be READY for wildfire by maintaining at least 100 feet of defensible space around your home.
7. Ensure access roads to your home are cleared and properly labeled.
8. Do not throw cigarettes or matches out of a vehicle. They can ignite dry vegetation on the side of the road and start a wildfire.
9. Do not pull your vehicle over in dry grass.
10. Ensure trailer chains do not drag on the ground.
11. Report any sign of smoke or fire immediately by dialing 9-1-1.

Stay Informed

Be aware of when a Red Flag Warning is issued by [registering for AlertSCC](#). AlertSCC is a free and easy way to get emergency alerts sent directly to your cell phone or mobile device, landline, or email. Alerts can include:

- Red Flag Warning
- Fire
- Earthquake
- Severe weather
- Crime incident that affects your neighborhood
- Instructions during a disaster
- Post-disaster information about shelters, transportation, or supplies

ORDINANCE 2303

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29 (TREE PROTECTION) OF THE TOWN CODE REGARDING WEED ABATEMENT REGULATIONS

WHEREAS, the Town of Los Gatos; recognizes that the community benefits from preserving the scenic beauty of the Town;

WHEREAS, the Town Council acknowledges that trees provide multiple benefits it also recognizes that a significant portion of the Town is located in a Very High Fire Hazard Severity Zone;

WHEREAS, the State mandates 100 feet of defensible space around buildings and structures within Very High Fire Hazard Severity Zones;

WHEREAS, the Town Council recognizes that the development and maintenance of defensible space is essential to reducing wildfire risk within the community;

WHEREAS, the proposed amendment changes will reduce the risk of wildfire and effectuate safer passage for first responders and residents in the event of a wildfire;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION II

DIVISION 2 – TREE PROTECTION

Section 29.10.0950. Intent of Town Code Chapter 29 are hereby amended to read as follows:

Sec. 29.10.0950. - Intent.

This division is adopted because the Town of Los Gatos is forested by many native and non-native trees and contains individual trees of great beauty. The community of the Town benefit from preserving the scenic beauty of the Town, preventing erosion of topsoil, providing protection against flood hazards and risk of landslides, counteracting pollutants in the air, maintaining climatic balance, and decreasing wind velocities. It is the intent of this division to regulate the removal of trees within the Town in order to retain as many trees as possible consistent with the purpose of this section and the reasonable use of private property. While trees provide multiple benefits, it is also the intent of this division to acknowledge that a

portion of the Town is located in a Very High Fire Hazard Severity Zone as defined by the California Department of Forestry and Fire Protection (CAL FIRE) and the associated wildfire threat that exists for the community. It is the intent of this division to preserve as many protected trees as possible throughout the Town through staff review and the development review process. Special provisions regarding hillsides are included in section 29.10.0987 of this division in recognition of the unique biological and environmental differences between the hillside and non-hillside areas of the Town. This section does not supersede the provisions of Chapter 26 of this Code.

Section 29.10.0955 Definitions of Town Code Chapter 29 are hereby added to read as follows:

Defensible Space means an area around the perimeter of a structure in which vegetation, debris, and other types of combustible fuels are treated, cleared, or reduced to slow the rate and intensity of potentially approaching wildfire or fire escaping from structures.

Section 29.10.0970 Exceptions are hereby amended to read as follows:

The following trees are excepted from the provisions of this division and may be removed or severely pruned without Town approval or issuance of a tree removal permit:

- (1) A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).
- (2) Any of the following trees that are less than twenty-four (24) inches in diameter (seventy-five (75) inches in circumference):
 - (1) Black Acacia (*Acacia melanoxylon*)
 - (2) Tulip Tree (*Liriodendron tulipifera*)
 - (3) Tree of Heaven (*Ailanthus altissima*)
 - (4) Blue Gum Eucalyptus (*E. globulus*)
 - (5) Red Gum Eucalyptus (*E. camaldulensis*)
 - (6) Other Eucalyptus (*E. spp.*)-Hillsides only
 - (7) Palm (except *Phoenix canariensis*)
 - (8) Privet (*Ligustrum lucidum*)
- (3) Any removal or maintenance of a tree to conform with the implementation and maintenance of Defensible Space per Chapter 9 – Fire Prevention and Protection with the exception of any tree listed in subcategories (3) and (10) of Sec.29.10.0960 – Scope of Protected Trees.

Section 29.10.0992 Required Findings are hereby added to read as follows:

The Director, Director's designee, or deciding body shall approve a protected tree removal permit, severe pruning permit, or pruning permit for Heritage trees or large protected trees only after making at least one (1) of the following findings:

- (1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.
- (2) The tree has a tree risk rating of Extreme or High on the ISA Tree Risk Rating Matrix as set forth in the ISA Tree Risk Assessment Best Management Practices, or successor publication.
- (3) The tree is crowding other protected trees to the extent that removal or severe pruning is necessary to ensure the long-term viability of adjacent and more significant trees.
- (4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.
- (5) The tree has, or will imminently, interfere with utility services where such interference cannot be controlled or remedied through reasonable modification, relocation or repair of the utility service or the pruning of the root or branch structure of the tree; or where removal or pruning is required by a public utility to comply with California Public Utility Commission (CPUC) or Federal Energy Regulatory Commission (FERC) rules or regulations.
- (6) The tree has caused or may imminently cause significant damage to an existing structure that cannot be controlled or remedied through reasonable modification of the root or branch structure of the tree.
- (7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.
- (8) The removal of the tree is unavoidable due to restricted access to the property.
- (9) The removal of the tree is necessary to repair a geologic hazard.
- (10) The removal of the tree and replacement with a more appropriate tree species will enhance the Town's urban forest.
- (11) The removal of the tree is necessary to conform with the implementation and maintenance of Defensible Space per Chapter 9 – Fire Prevention and Protection per direction by the Fire Chief or his/her designee.

SECTION III

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. These Town Code amendments are not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

SECTION IV

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION V

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 21st day of January 2020 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 4th day of February 2020 and becomes effective 30 days after it is adopted.

In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES: Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Marcia Jensen
NAYS: None
ABSENT: None
ABSTAIN: None

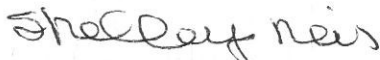
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 2/5/20

ATTEST:



TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 2/5/2020



III. SITE PLANNING

The intent of this section is to ensure that new development fits into the topography with minimum impacts to the site physically and visually.

Refer to the
Town's
Grading
Ordinance

A. Grading.

A grading permit shall be obtained as required by the Town's Grading Ordinance. Vegetation removal may qualify as grading.

Standards:

1. The following cut and fill criteria are intended to ensure that new construction retains the existing landform of the site and follows the natural contours.

Cuts and fills in excess of the following levels are considered excessive and contrary to the objectives of the Hillside Design Standards and Guidelines. Grade to the minimum amount necessary to accommodate buildings and to site structures consistent with slope contours. These are maximum numbers and may be reduced by the deciding body if the project does not meet other grading standards or is not consistent with the goals and objectives of the Hillside Development Standards and Guidelines.

Table 1
Maximum Graded Cuts and Fills

Site Element	Cut*	Fill*
House and attached garage	8'**	3'
Accessory Building*	4'	3'
Tennis Court*	4'	3'
Pool*	4'***	3'
Driveways*	4'	3'
Other (decks, yards) *	4'	3'

* Combined depths of cut plus fill for development other than the main residence shall be limited to 6 feet.

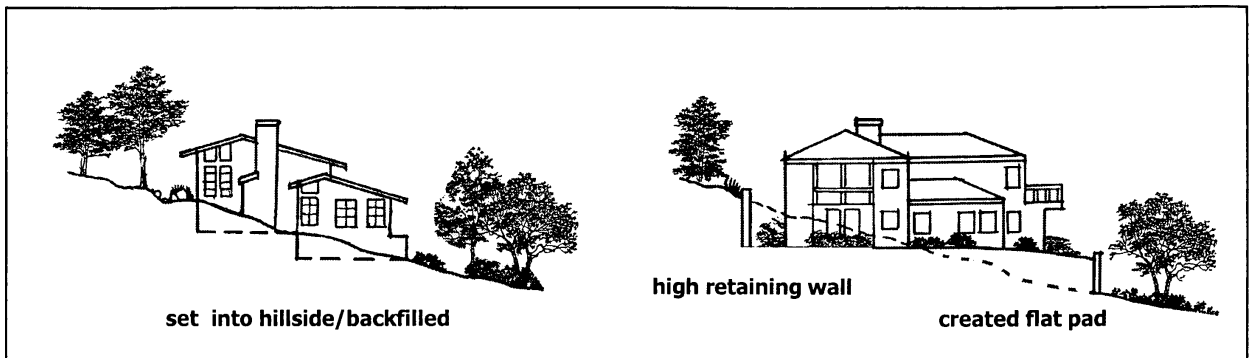
** Excludes below grade square footage pursuant to Section 29.40.072 of the Town Code.

*** Excludes excavation for pool.

2. Earthwork quantities (grading) shall be categorized as follows:
 - a. access: driveway, parking and fire turnaround, if applicable
 - b. house footprint
 - c. below grade square footage pursuant to Section 29.40.072 of the Town Code



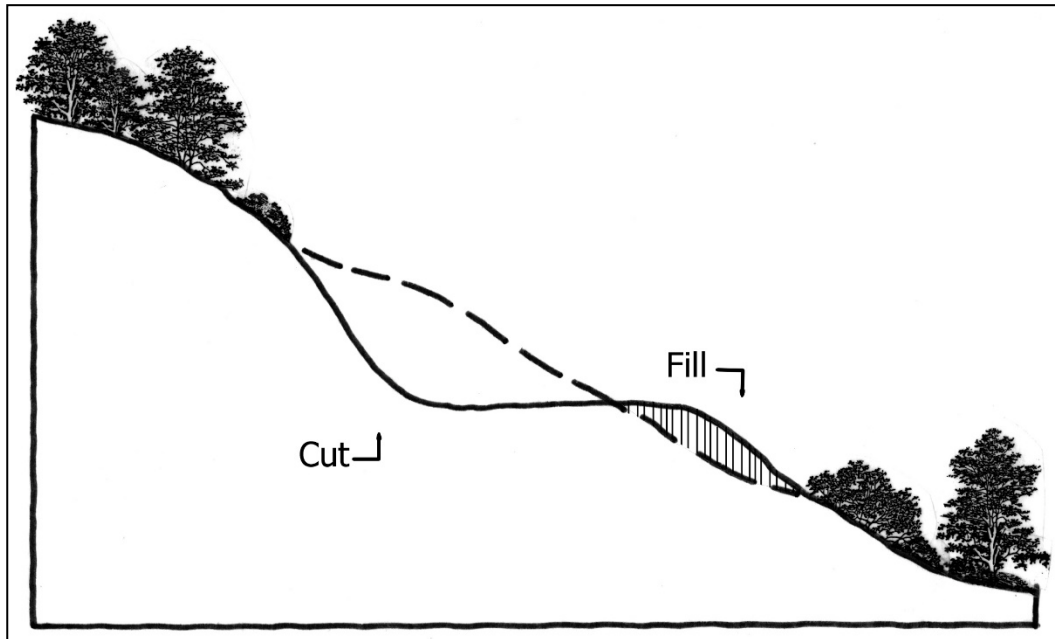
- d. other areas including landscaping, hardscape and outdoor spaces
 - e. total
3. Buildings shall be located in a manner that minimizes the need for grading and preserves natural features such as prominent knolls, ridgelines, ravines, natural drainage courses, vegetation, and wildlife habitats and corridors to the maximum extent possible.
 4. Unless specifically approved by the Town, strip grading for the purpose of clearing land of native vegetation is prohibited except for small areas adjacent to buildings, access drives, and parking areas.
 5. Graded areas shall not be larger than the area of the footprint of the house, plus that area necessary to accommodate access, guest parking, and turnaround areas.
 6. After placing development the site shall be restored as closely as possible to its original topography.



Do this

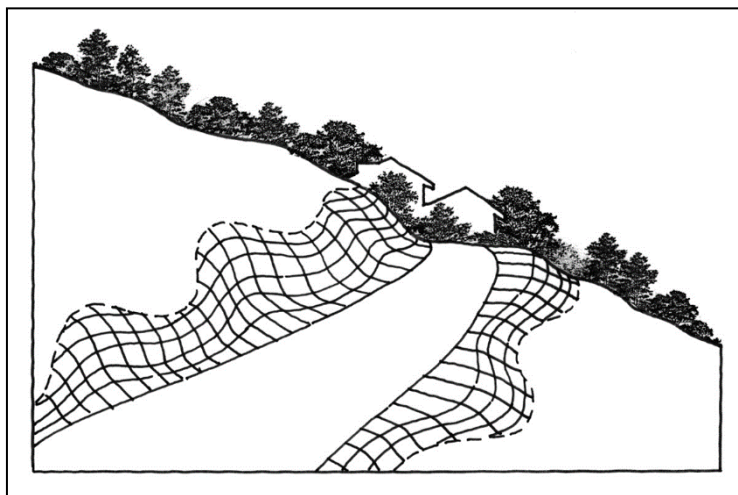
Don't do this

7. Contour grading techniques shall be used to provide a variety of both slope percentage and slope direction in a three-dimensional undulating pattern similar to existing, adjacent terrain. The following concepts shall be utilized:
 - a. Hard edges left by cut and fill operations shall be given a rounded appearance that closely resembles the natural contours of the land.



Rounded edges resemble natural slope

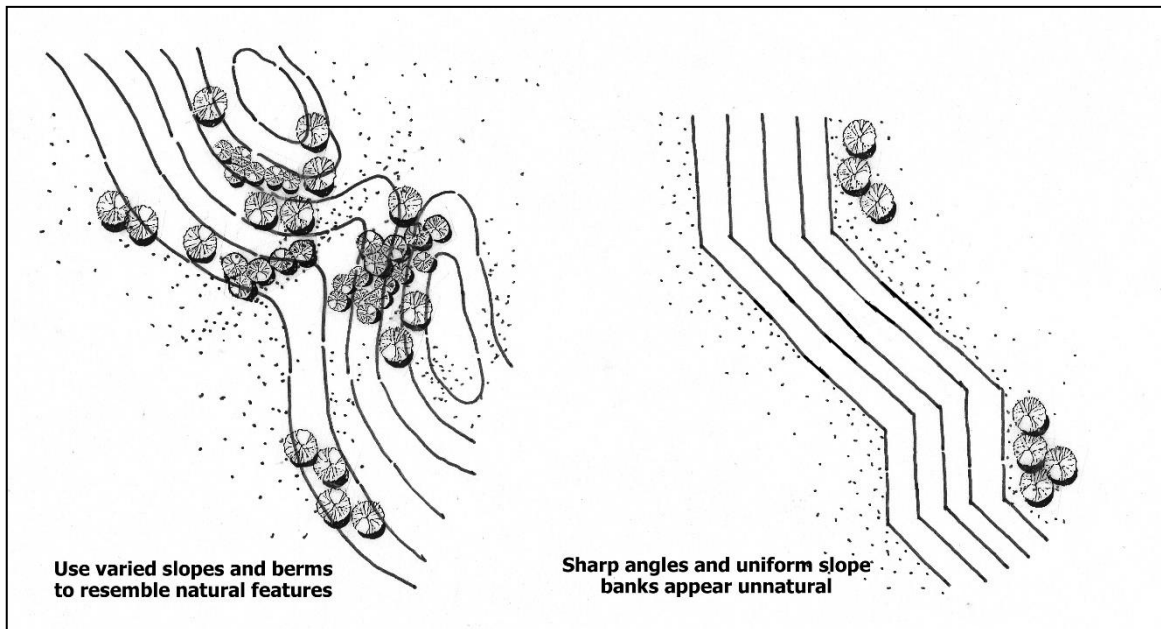
- b. Manufactured slopes adjacent to driveways and roadways shall be modulated by berming, regrading, and landscaping to create visually interesting and natural appearing streetscapes. However, preservation of trees and elimination of retaining walls is a priority.



Modulate manufactured slopes to appear natural



- c. Where cut and fill conditions are created, slopes shall be varied rather than left at a constant angle, which creates an unnatural, engineered appearance.



Do this

Don't do this

- d. The angle of any graded slope shall be gradually transitioned to the angle of the natural terrain. Creation of new grades slopes, significantly steeper than local natural slopes should be minimized.
8. Grading plans shall include provisions for restoration of vegetation on cuts and fills. All manufactured slopes shall be planted with native, fire-resistant, low water using plantings to control erosion.
9. An erosion/sedimentation control plan shall be included with all site plans and/or grading plans. The erosion/sedimentation control plan shall provide interim (during construction) and ultimate plans for control of erosion and sedimentation or describe in detail why this is not necessary.
10. Grading shall not occur during the rainy season (October 1 to April 1) unless approved by the Town Engineer. If grading is planned to occur between October 1 and April 1, interim provisions for erosion and sedimentation control shall be in place before grading begins.



Guidelines:

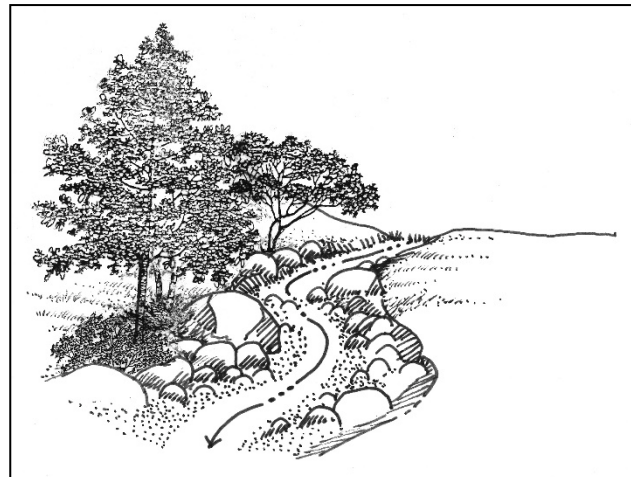
1. The creation of permanent flat pads, except for the house footprint and area needed for access, parking and turnaround, should be avoided

B. Drainage.

Standards:

1. Runoff shall be dispersed within the subject property to the greatest extent feasible. Runoff concentration that requires larger drainage facilities shall be avoided.
2. Upslope drainage shall not negatively impact downslope development.
3. Natural drainage courses shall be preserved with any native vegetation intact and shall be enhanced to the extent possible, and shall be incorporated as an integral part of the site design in order to preserve the natural character of the area.
4. Manmade drainage channels shall receive a naturalizing treatment such as rock and landscaping so that the structure appears as a natural part of the environment.

**Manufactured
drainage courses
shall simulate
natural drainage
courses**



Guidelines:

1. Manmade drainage channels should be placed in the least visible locations possible.
2. Lining of natural drainage courses is discouraged.



3. Dry Stream effects (manufactured drainage courses designed to simulate natural drainage courses) that move water over the property are preferred over channeling or underground methods.

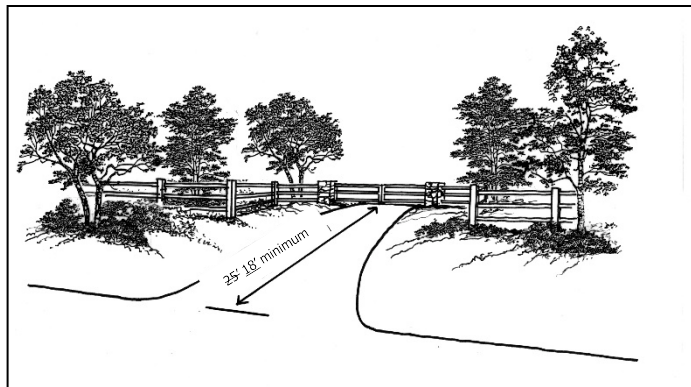
C. Driveways and parking.

It is recommended that the Fire Department be consulted early in the design process about water supply, accessibility and the need for emergency vehicle turnarounds, turnouts, etc.

Standards:

See
Chapter
VII.B.
Standard 2

1. Driveways shall be located so as to minimize the need for grading.
2. Driveways shall be paved in compliance with Town standards, and shall be installed prior to occupancy.
3. When a gated entrance is provided, the gates shall be set back a minimum of 18 feet from the right-of-way to allow vehicles to pull completely off the roadway while waiting for the gates to open. Gated entrances serving more than one house may be required to have a greater setback. Gates should open away from or parallel to the street.



**Entrance gates shall
be set back at least
18 feet from the
street**

4. Driveways shall have an all-weather surface in compliance with Fire Department weight loading requirements (40,000 pounds).
5. The maximum slope of a driveway shall not exceed 15 percent unless it can be demonstrated that a flatter driveway cannot be constructed without excessive grading (more than 4 feet of cut or 3 feet of fill). Driveway slopes in excess of 15 percent require approval by the Town Engineer and Santa Clara County Fire Department.



Guidelines:

1. Driveways serving one residence should have a 12-foot minimum width.
2. The maximum length of a driveway should be 300 feet unless the deciding body makes specific findings for deviation and places additional conditions such as turnouts and secondary accesses to reduce hazards. A turnaround area shall not have a grade that exceeds five (5) percent.
3. Driveway approaches should be located a safe distance from intersections. On adjoining properties, driveways should be spaced a minimum of 20 feet apart or located immediately adjacent to each other.
4. Shared driveways serving more than one lot are encouraged as a means of reducing grading and impervious surfaces.
5. Driveways should be located and maintained so as to ensure an adequate line of sight.

D. Safety.

Geologic hazards.

Potential geologic hazards, if not avoided or mitigated, can result in damage to the environment and structures and can place public safety at risk.

Standards:

1. Site specific geologic engineering investigations and reports are required of qualifying projects in State of California Seismic Hazard Zones (Liquifaction and Earthquake Induced Landslide Areas) and in areas believed to be geologically hazardous as determined by the Director of Community Development and /or Town Engineer. Refer to California Geological Survey Seismic Hazard Zones Map, Los Gatos Quadrangle, dated September 23, 2002.
2. Construction shall be avoided in areas with geologic hazards (e.g., slope instability, seismic hazards, etc.) as identified in the site specific geologic investigations and reports, unless adequate mitigation design measures are proposed to achieve a low level of risk.

Guidelines: None.



Fire hazards.

The hillsides above Los Gatos are areas of high fire hazard. House fires in the hillsides have the potential to become wildfires if not controlled quickly. A dependable, adequate water supply, automatic fire sprinklers, access for fire fighting equipment and fast response times are critical factors in gaining quick control over a structural fire. Factors that affect the speed at which a wildfire spreads include topography, available fuel, weather (wind, humidity) and availability of fire fighting resources. Lack of adequate circulation or evacuation routes can also impact public safety.

Development in the hillsides presents inherent conflicts between creating and maintaining a fire safe environment, preserving existing vegetation, and minimizing the visual impacts of new development. These conflicts can be minimized by incorporating the concept of fire defensible space into site planning and landscape design. The concept of defensible space involves reducing fuel load, designing structures and landscaping with fire safety in mind, and locating structures to minimize their exposure to wildfires.

Standards:

1. Building locations shall be selected and structures designed to minimize exposure to wildfires (also see Chapter V. Section I.).
2. A landscape plan shall be provided and will be reviewed by the Town's Landscape Consultant with input from the Fire Department. The landscape plan shall create defensible space around the home, and if there is a fire ladder on the property it shall be eliminated in an environmentally sensitive manner.
3. Development shall have adequate fire access (also see Chapter III section C. and Chapter VII section b.2.).
4. A dependable and adequate water supply for fire protection and suppression purposes, as required by the Santa Clara County Fire Department, shall be provided for all properties. If no public hydrant is available, there shall be an on-site water supply in a storage facility with an appropriate outlet valve in close proximity to an accessible hard road surface.
5. Water for fire suppression shall be available and labeled before any framing may begin.
6. Above ground water tanks shall not be located in required setback areas.



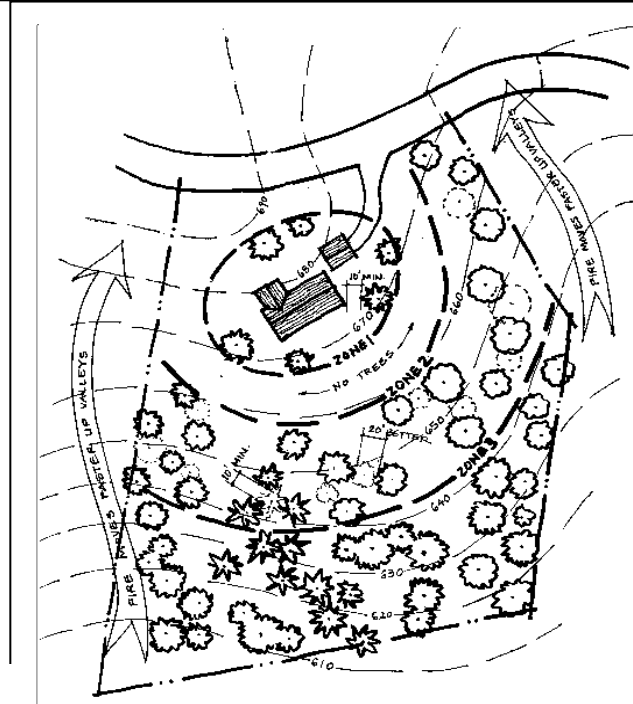
Guidelines:

1. Development should avoid areas subject to severe fire danger. In order to achieve this, development should:
 - a. Be set back from the crest of a hill
 - b. Not be located at the top of a canyon
 - c. Not be located on or adjacent to slopes greater than 30%
 - d. Not be located within densely wooded areas

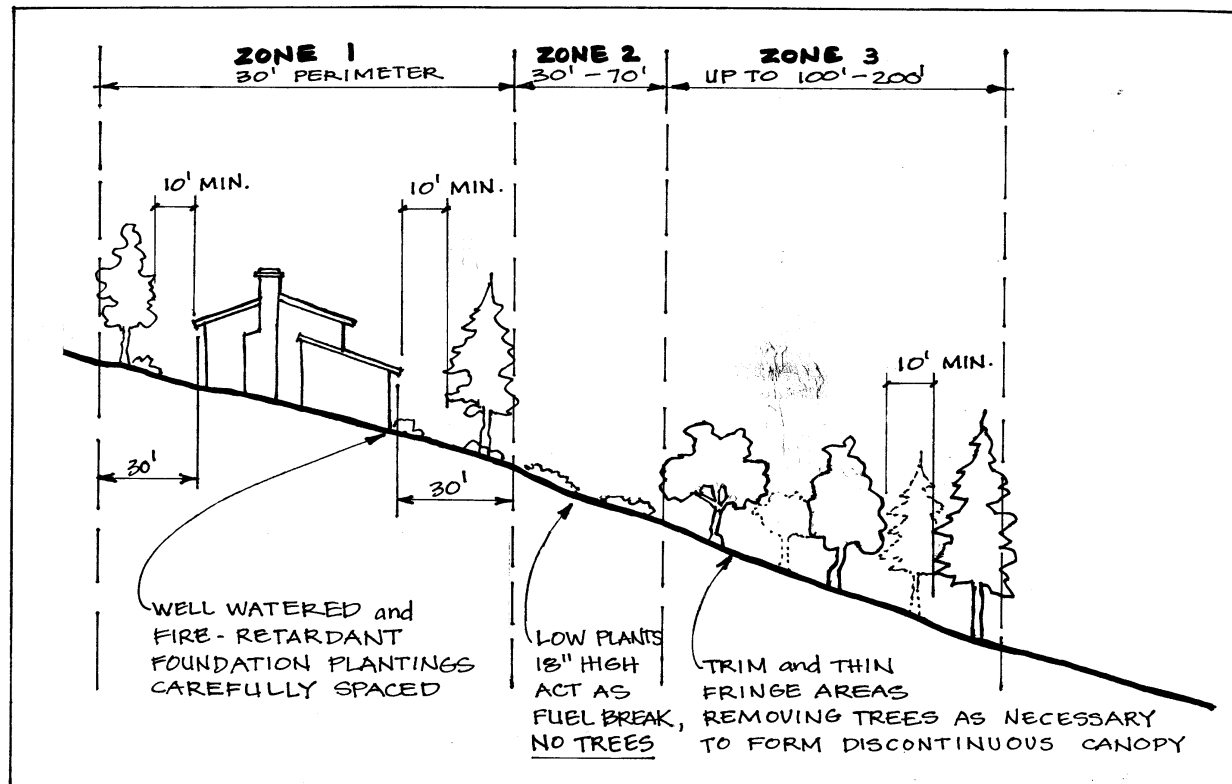
If this is not possible, measures designed to assure the highest degree of fire prevention, and fast effective means of evacuation and fire suppression shall be provided.

2. The fuel load within a defensible space should be minimized by use of selective pruning, thinning and clearing as follows:
 - Removal of flammable species and debris
 - Removal of dead, dying or hazardous trees
 - Mow dead grasses
 - Removal of dead wood from trees and shrubs
 - Thin tree crowns (maximum of 25%)
3. Discontinuous fuel sources should be created and maintained within a defensible space through use of the following techniques (see illustrations on page 27):
 - Thin vegetation to form discontinuous groupings of trees or shrubs
 - Limb trees up from the ground
 - Establish a separation between the lowest branches of a tree and any understory shrubs.
4. Landscaping within a defensible space should be designed with fire safety in mind. Landscaping in defensible space should be:
 - Fire resistant and drought tolerant
 - Predominantly low growing shrubs and groundcovers (limit shrubs to 30% coverage)
 - Limited near foundations (height and density)
5. Above ground tanks should not be located in areas of high visibility unless it can be demonstrated to the satisfaction of the decision making body that no other feasible locations are available.

Refer to
Appendix
A



**Defensible space
should be
maintained
around the home**





IX. PROJECT REVIEW AND APPROVAL PROCESS

A. Architecture and Site Approval

Architecture and site approval is required for all new construction including major additions and remodels in all areas of the Town shown on the Hillside Area Map on page 8. A subdivision or Planned Development application is required for any proposed land division.

The flow chart on page 66 outlines the steps an application for architecture and site approval will go through. The process begins with a meeting with the Community Development Department. It is highly recommended that applicants considering the design of a new home or remodel of an existing home discuss their ideas with Town staff **before** any plans are actually drawn and money and time are expended on a project that may not be entirely feasible.

An application for architecture and site approval or subdivision shall be accompanied by a written letter of justification that describes how the proposed project complies with the General Plan, Hillside Specific Plan and the Hillside Development Standards and Guidelines.

B. Project Approval Authority

Projects may be approved by the Planning Commission, Development Review Committee (DRC), or Director of Community Development (Director) depending on a project's potential impact on surrounding properties and the overall community.

The Planning Commission is the decision making body for projects that have the greatest potential impact, while the DRC and Director make decisions on projects with less impact, as described in Subsections below.



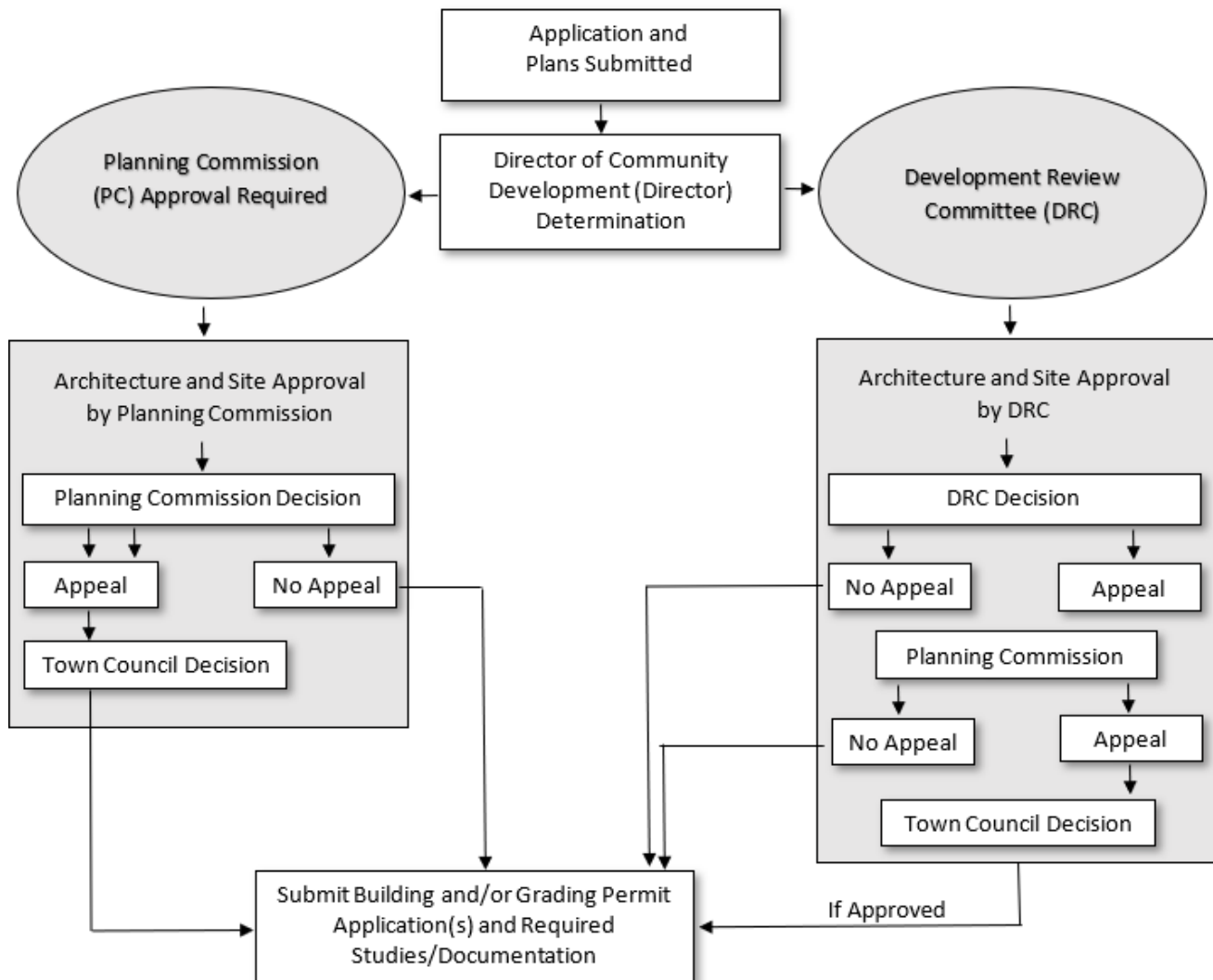
The subdivision and architecture and site approval processes are discretionary actions on the part of all decision making bodies. When reviewing projects, the decision making body may:

- (1) approve a project without imposing extra or special conditions;
- (2) approve a project and add special conditions to reduce the impact(s) of the project to an acceptable level and/or achieve compliance with these standards and guidelines; or
- (3) deny the project by stating specific reasons for its action.

The Director of Community Development may refer an application to the Planning Commission. The decisions of the Planning Commission, DRC, and Director are final unless appealed. Decisions of the Director and DRC may be appealed to the Planning Commission and decisions of the Planning Commission may be appealed to the Town Council. Appeal procedures are outlined in the Town's Zoning Regulations.



Architecture and Site Review Process





1. Projects That May be Approved by the Director of Community Development

The Director has the authority to review and approve the following types of projects provided they comply with all development standards and guidelines:

- a. Accessory dwelling units pursuant to Section 29.10.320 of the Town Code.
- b. Accessory buildings that have a combined gross floor area greater than 450, but less than 600 square feet may be approved with a Minor Residential Application pursuant to Section 29.20.480 of the Town Code.
- c. Swimming pools that do not require a grading permit.

2. Projects That May be Approved by the Development Review Committee

The (DRC) has the authority to review and approve the following types of projects provided they comply with all development standards and guidelines:

- a. New houses that meet the allowable floor area ratio and that are not visible from any established viewing area.
- b. Accessory buildings, that have a combined gross floor area of 600 square feet or more but do not exceed 1,000 square feet in combined gross floor area.
- c. Swimming pools and game courts requiring a grading permit and/or retaining walls.
- d. Grading permits.



3. Projects That Require Planning Commission Approval

The Planning Commission has the authority to approve all architecture and site projects that do not fall within the authority of the DRC and any projects referred to it by the Director. The Planning Commission approves standard subdivisions and makes recommendations to the Town Council on Planned Development applications.

C. Application Period of Validity

An approved architecture and site application shall be valid for the period of time specified in the Town's Zoning Regulations.

D. Required findings

In addition to the considerations for architecture and site approval provided in the Town's Zoning Regulations, the decision making body shall also find that the proposed project meets or exceeds the objectives and requirements of the Hillside Development Standards and Guidelines and shall provide supportive evidence to justify making such findings.

E. Exceptions

Exceptions from the standards in this document may only be granted after carefully considering the constraints of the site. Any deviation from the standards contained in this document shall include the rationale and evidence to support the deviation. The burden of proof shall be on the applicant to show that there are compelling reasons for granting the requested deviation.

Major exceptions may only be granted by the Town Council or Planning Commission. Major exceptions include the following:

- a. building height
- b. maximum floor area



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

MEETING DATE: 7/28/2020

ITEM NO: 3

DATE: July 24, 2020
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Provide Direction to Staff on Potential Outdoor Lighting Regulation Modifications.

RECOMMENDATION:

Discuss and provide direction to staff on potential outdoor lighting regulation modifications.

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, the Town Council Policy Committee discussed and provided direction on potential outdoor lighting regulation modifications, including the items addressed in this staff report.

On January 28, 2020, the Town Council Policy Committee discussed and provided direction on potential Town Code revisions provided in the staff report.

DISCUSSION:

Based on the discussion on January 28, 2020 and feedback from Committee members, revised modifications to the Town Code and Residential Design Guidelines are listed below. These modifications are shown below with additions underlined and deletions shown in ~~strikethrough~~.

PREPARED BY: Jennifer Armer, AICP
Senior Planner

Reviewed by: Town Manager, Assistant Town Manager, Community Development Director, and Town Attorney

DISCUSSION (continued):

A. Zoning Code

Revise the code to be consistent with the language in the Residential Design Guidelines. 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 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.

DISCUSSION (continued):

B. Residential Design Guidelines

Modify Residential Design Guideline 3.11.5. The following section 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 for ~~should be chosen rather than strictly utilitarian~~ security lighting fixtures.

Staff looks forward to the discussion with the Policy Committee and will be available to discuss options and related issues.

COORDINATION:

This report was prepared in coordination with the Town Manager's Office.

FISCAL IMPACT:

There is not a fiscal impact associated with this item.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.