



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

MEETING DATE: 7/28/2020

ITEM NO:

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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

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

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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):

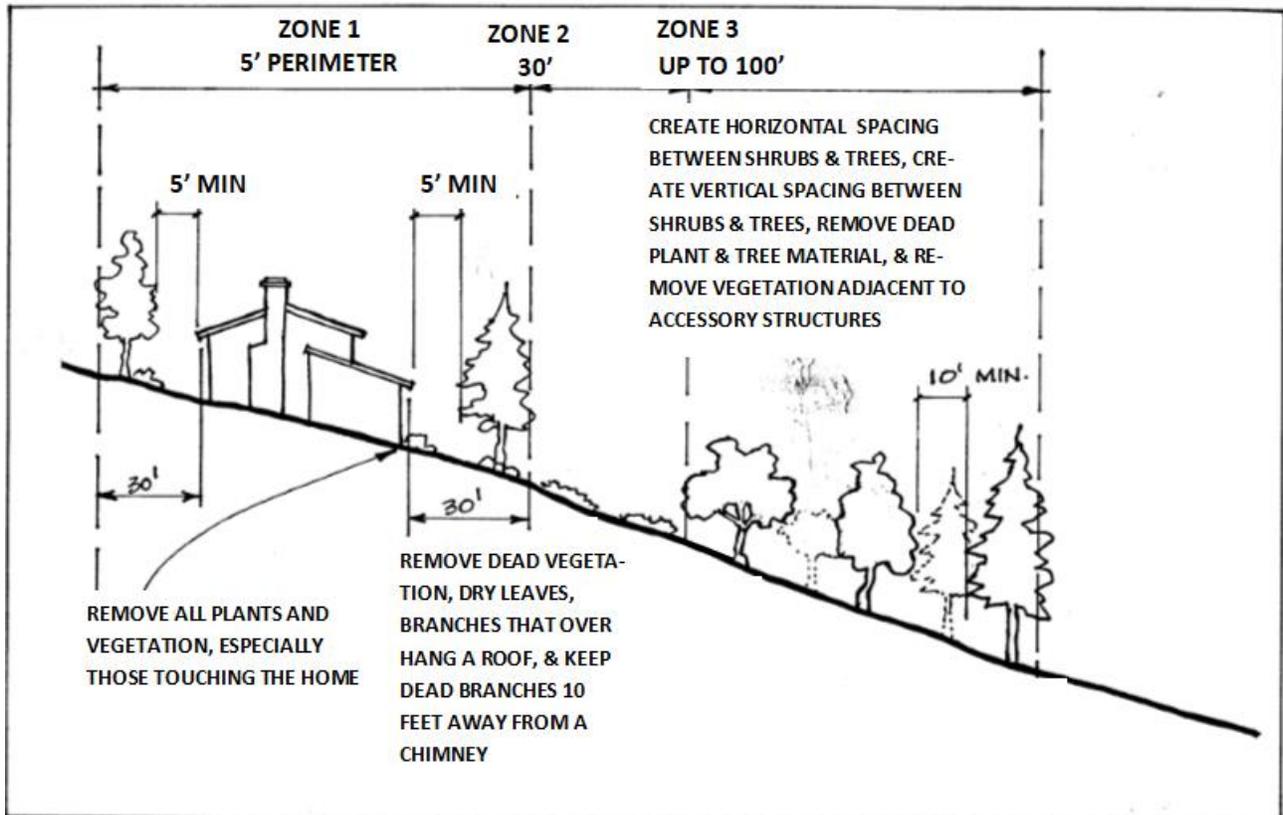
- (3) Any removal or maintenance of a tree to conform with the implementation and maintenance of Defensible Space per Chapter 9 – Fire Prevention and Protection with the exception of any tree listed in subcategories (3) and (10) of Sec.29.10.0960 – Scope of Protected Trees.

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)

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SUBJECT: Hillside Development Standards and Guidelines Modifications

DATE: July 24, 2020